

**VILLAGE OF PORT CHESTER  
ZONING BOARD OF APPEALS AGENDA  
January 19, 2017**

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**Findings**

**1. Case #2016-0129 – Findings**

**Joseph Devita  
1 Shore Drive  
Port Chester, NY 10573**

on the premises No. **1 Shore Drive**, being **Section 142.63, Block No 1, Lot No. 4** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **alter the existing driveway with a second curb cut creating a “horse shoe driveway” in the front yard.**

1 Shore Drive is located in the Residential R7 zone. A review of the site plan reveals that an second curb cut creating a “horse shoe drive way” in the front yard on Shore Drive.

Village of Port Chester Zoning Regulation of 1975 section 345-6 D. requires access driveways to be paved, site plan indicates gravel and 345-14 H. one- and/or two-family are limited to one curb cut per lot.

**Section 345-6 D.** “Access driveways and accessory off-street parking areas shall be paved in accordance with Village specifications.”

**Section 345-14 H.** “Lots containing or restricted to one- and/or two-family dwellings shall be limited to one curb cut per lot.”

**Findings**

**2. Case No. 2016-0142 – Findings**

**Anthony Salvatore  
29 Tower Hill Drive  
Port Chester, NY 10573**

on the premises No. **29 Tower Hill Road**, being **Section 136.38, Block No 2, Lot No. 13** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct three decks and install an Above Ground Pool in the rear yard**

A review of the survey reveals that the proposed Above Ground Pool with a metal deck is located 8.45 feet from the rear yard property line.

29 Tower Hill Road is located in the R7 Zone and Village of Port Chester Zoning Law Section 345-41 R5 Zone, Schedule 1B, requires the rear yard setback to be 30 feet.

A review of the construction plans submitted do not show sufficient information to permit a determination that the plans for the three decks and the above ground pool are in compliance with the Residential Code of New York State. The Title Box does not accurately describe the scope of work, see DWG. TITLE: Basement Framing Plan.

### **Findings**

#### **3. Case No. 2016-0145 - Findings**

**Peter Rosenberger  
86 Halstead Avenue  
Port Chester, NY 10573**

on the premises No. **86 Halstead Avenue**, being **Section 136.47, Block No 2, Lot No. 54** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct a deck on the front of the dwelling**

A Building Permit Application was received on October 24, 2016 to construct a deck on the front of the dwelling which included the following information;

- Application for Building Permit
- A plan with a site plan prepared by Michiel A. Boender, R.A. revised 10/24/16
- A copy of a survey prepared by Donald R. Stedge, P.L.S. Dated August 18, 2016.

86 Halstead Avenue is located in the R7 Zone. The Village of Port Chester Zoning Law Section 345-41 R5 Zone, Schedule 1B, requires the minimum front yard dimension to be 30 feet. A review of the plan and the copy of the survey reveal that the proposed front yard dimension to the deck is 23'3".

Please be advised that your Building Permit application for the alteration of the front deck is hereby **DENIED** for non-compliance with Zoning Section 345-41, R5 Zone, Schedule 1B, which requires a minimum front yard dimension of 30 feet and where a review of the plans and copy of the survey reveals that the proposed front yard dimension to the deck is 23'3"

**Findings**

**4. Case No. 2016-0146**

**Robert M. Campbell  
53 Hobart Avenue  
Port Chester, NY 10573**

on the premises No. **53 Hobart Avenue Avenue**, being **Section 136.54, Block No 1, Lot No. 42** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to: **construct a deck in the rear yard**

A Building Permit Application was received on October 7, 2016 to construct a deck in the rear yard and included the following information;

- Application for Building Permit
- Plan prepared by Edgewater Group-Architects revised 7/11/16
- Survey prepared by Richard J. Domato dated June 5, 2016

53 Hobart Avenue is located in the R7 Zone. The Village of Port Chester Zoning Law Section 345-41 R7 Zone, Schedule 1B, requires the minimum rear side yard dimension to be 8 feet. A review of the plan and the copy of the survey reveal that the proposed rear yard dimension to the deck is 3.90 feet.

Please be advised that your Building Permit application for the new rear deck is hereby **DENIED** for non-compliance with Zoning Section 345-41, R7 Zone, Schedule 1B, which requires a 8 foot side yard setback and where the plans shows the rear deck to be located 3.90 feet side yard setback

**Extension Request**

None

**Continued Public Hearing**

None

**New Public Hearing**

**5. Case No. 2017-0147**

**NOTICE OF HEARING ON APPLICATION**

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

**Rohr, Rohr, Rohr & Bennett  
(Michael & Aileen Rohr)  
422 North Main Street  
Port Chester, NY 10573**

on the premises No. **422 North Main Street**, being **Section 136.72, Block No 1, Lot No. 7** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to

**Obtain a change of use due to parking requirements**

A review of the records at the Village of Port Chester for 422 Main Street reveals that on April 13, 1989 a Notice of Violation was issued for two dwelling units in the cellar area of a multi-family building and on February 12, 2014 a Notice of Violation was issued for a commercial space in the same cellar area without a Building Permit.

The Village of Port Chester Zoning Law section 345-23 B. (l) (c) requires site plan approval for the change in use to a commercial space, as it requires off street parking, including a handicap accessible access and parking space, before a Building Permit can be issued.

**If YOU ARE AGRIEVED BY THIS DECISION** you may submit an application to the Zoning Board of Appeals, pursuant to the provisions of Article VI of the Code of the Village of Port Chester, to appeal from and review any order, requirement, decision or determination made by the Building Inspector within sixty (60) days of the date on this letter

and that a public hearing on said application will be held before said Board on the **19th** day of **January, 2017** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

**6. Case No. 2017-0148**

**NOTICE OF HEARING ON APPLICATION**

NOTICE IS HEREBY GIVEN that the undersigned has applied to the Zoning Board of Appeals of the Village of Port Chester, N.Y.

**Rohr, Rohr, Rohr & Bennett  
(Michael & Aileen Rohr  
422 North Main Street  
Port Chester, NY 10573**

on the premises No. **422 North Main Street**, being **Section 136.72, Block No 1, Lot No. 7** on the Assessment Map of the said Village, being a variance from the applicable Zoning Ordinance or Ordinances in the following respects:

Application is hereby made under the discretionary power vested in you by Section 345-29A, 345-13 or in the alternative 345.30 of the Zoning Ordinance of the Village of Port Chester for permission to

**Obtain an interpretation that the existing Motor Vehicle Sales use on the building is a lawful conforming use.**

PLEASE TAKE NOTICE that a review of the records at the Village of Port Chester for 422 North Main Street reveals that on September 17, 1924 a Building Permit# B-699 was issued to construct a garage 2-car and on October 15, 1926 a Building Permit# C-642 was issued for a garage addition and on September 9, 1927 a Building Permit# D-105 was issued to construct a garage and on July 13, 1948 a Building Permit #F-1870 was issued to convert storage space above the 4-car garage into two 3 room apartments.

PLEASE BE ADVISED that to date, no record, Building Permit or Certificates of Occupancy has established a lawful use of a motor vehicle sales lot and accessory repair shop in the two story building containing two dwelling units over a 4 car garage.

A letter dated March 16, 2016 was submitted with supporting documentation claiming motor vehicle sales lot located in the two story building containing two dwelling units over a 4 car garage, had lawfully existed prior to the April 21, 1975 adoption of the Village of Port Chester Zoning Law.

In keeping with the Village of Port Chester Zoning Law section 345-29 C., I am referring your letter and supporting documentation claiming the automobile dealership service center has "lawfully existed" to the Zoning Board of Appeals for review, interpretation and decision.

AN OFFICIAL REFERRAL IS BEING MADE to the Zoning Board of Appeals, pursuant to the provisions of Article VI of the Code of the Village of Port Chester, to review, interpreted and make a determination base on the evidence submitted by yourself and the Village of Port Chester.

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and that a public hearing on said application will be held before said Board on the **19th** day of **January, 2017** at **7:00 o'clock** in the evening at the Court Room, Police Headquarters Building, 350 North Main Street, Port Chester, New York.

**NEXT ZONING BOARD OF APPEALS MEETING WILL BE HELD ON:**

**February 16, 2017**

***THE ZONING BOARD OF APPEALS MEETING WILL BE HELD ON THE 3<sup>RD</sup> THURSDAY OF EVERY MONTH AT 7:00 O'CLOCK IN THE EVENING IN THE COURT ROOM, POLICE HEADQUARTERS BUILDING, AT 350 NORTH MAIN STREET, PORT CHESTER, NEW YORK 10573***