

**VILLAGE OF PORT CHESTER  
ZONING BOARD OF APPEALS  
AGENDA**

**May 19, 2022 / 7:00PM**

**Justice Court**

**350 North Main Street, Port Chester, NY 10573**

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**FINDINGS**

**1. Case # 2022-0212**

SJA Reconstruction LLC  
435 Pleasantville Road  
Briarcliff Manor, NY 10510

Aldo Vitagliano, Esq.  
150 Purchase Street  
Rye, NY 10510

On the premises **no # at this time Sylvan Road** in the CD-3.R7 Zoning District, being **Section: 135.44, Block: 2, Lot(s): 8** on the assessment map of the Town of Rye, New York the applicant is requesting an interpretation that proposed access to applicant's property via a driveway onto Sylvan Road constitutes a street; that such a street need not be located entirely within the Village of Port Chester as a pre-condition to receipt of a Building permit; and further than the dedication of Sylvan Road by the Town of Rye constitutes a determination that same has been suitable improved to the satisfaction of the Planning Board.

**PUBLIC HEARINGS**

**2. Case # 2022-0211**

Port Chester OZ Fund III  
181 Westchester Avenue  
Port Chester, NY 10573

Anthony Gioffre III, Esq.  
Cuddy & Feder, LLP  
445 Hamilton Avenue  
White Plains, NY 10601

On the premises **140-150 Westchester Avenue** in the CD-6 Zoning District, being **Section: 142.30, Block: 2, Lot(s): 17 & 65** on the assessment map of the Town of Rye, New York the applicant is requesting area variance relief from the following provisions of the Village of Port Chester Character Based Code:

Section 345.405.N.1.v "Lots shall be limited to one curb cut per lot" The applicant is proposing 3 curb cuts

Section 345.405.N.2d "Any gates, arms, or booths must be set back at least 20 feet from the Frontage" The applicant proposes to locate its security grills within 20 feet of the Frontage

**3. Case # 2022-0213**

Edison Criollo  
98 Birch Street  
Port Chester, NY 10573

On the premises **98 Birch Street**, located in the CD-3.R5 Zoning District, being **Section: 136.63, Block: 1, Lot: 27** on the assessment map of the Town of Rye, New York the applicant is requesting a Use Variance to construct a 12 x 22 rear deck with stairs on an existing legal non-conforming two family dwelling.

Village of Port Chester Zoning Code Section 345-901D (2) Extension of Non-Conforming Uses states “Any such Non-Conforming Use may be extended throughout any parts of the structure that were manifestly arranged or designed for such use of the effective date of this chapter, any amendment of this chapter or any amendment to the Zoning Map”

**4. Case #2022-0214**

44 Broad Street Owner, LLC  
Stephen Matri  
271 Madison Avenue  
New York, NY 10016

On the premises **44 Broad Street**, located in the CD-6T Zoning District, being **Section: 142.22, Block: 2, Lot(s): 69, 70, 71, 72, 73, 74, 75** on the assessment map of the Town of Rye, New York the applicant is requesting three area variances relating to the location of curb cuts and a loading area. Specifically, in order to increase pedestrian safety and the convenience of vehicular ingress/egress to the Property, the Applicant is seeking to maintain: (i) two curb cuts on a single lot (one curb cut per lot is the maximum (§ 345.405.N-4); (ii) a driveway width of 26 feet (24 feet is the maximum) (§ 345.405.A-9); and (iii) a loading area rolling gate set back 1 foot 4 inches from the lot line (20 feet is the minimum) (§ 345.405.N-4(2)(d)).

**5. Case # 2022-0215**

130 Midland Owner LLC  
130 Midland Avenue  
Port Chester, NY 10573

On the premises **130 Midland Avenue**, in the CD-4 Zoning District, being **Section: 142.53, Block: 1, Lot(s): 5**, on the assessment map of The Town of Rye, New York the applicant seeks 7 area variances : (i) maintain the existing driveway width of 52' at the curb, with a slight expansion internally to 57'-6" (whereas 24' is the maximum allowed) (§345.405.A-5); (ii)

continue parking in the 2nd lot layer (whereas parking is limited to the 3rd layer in the CD-4 District) (§345.405.A-5); (iii) provide less facade void areas on Floor and Decor building (whereas 20% is required / 2% proposed) (§345.405.A-5); (iv) provide less facade glazing on the Floor and Decor Building (20% of total facade area minimum / 1% proposed) (§345.405.A-5); (v) maintain 86% impervious surfaces on the Property in order to comply with contamination "capping" remediation measures (whereas 80% is the maximum) (§345.405.A-5); (vi) maintain no buildings along the Property's Frontage (whereas a minimum of 60% must be built out in the CD-4 District) (§345.405.A-5); and (vii) allow Floor and Decor to use its standard 8' tall logo on the building (whereas a 3' maximum for signs is imposed) (§345.701.B-3).

**ADJOURN MEETING**

**NEXT MEETING:**

**June 16, 2022**

***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***