

1. 7:00 P.M. September 15, 2022  
Zoning Board of Appeals Regular Meeting Materials

Documents:

[09-15-2022 ZBA AGENDA.PDF](#)

No new meeting materials submitted for September

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

**September 15, 2022 / 7:00PM**

**Justice Court**

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

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**ADOPTION OF ZBA RULES AND PROCEDURE**

**CONTINUED PUBLIC HEARING**

**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 Decision of Zoning Compliance officer that the proposed lots for the subject parcel lack minimum street or highway frontage is in error as application located on a paper street has rights of ingress and egress - the standard of which is governed by NYS Village Law 7-736. An appeal of his determination is allowed under NYS Village Law Section 7-736-3 as well as the Village Code. Section 7-736 (2) requires that "No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan, or if there be no official map or plan, unless such street or highway is (a) an existing state, county, town or village highway, or (b) a street shown upon a plat approved by the planning board as provided under the provisions of this article, as in effect at the time such plat was approved, or (c) a street on a plat duly filed and recorded in the office of the county clerk or register prior to the appointment of such planning board and the grant to such board of the power to approve plats." Sylvan Road satisfies this provision. Section 7-736(2) give authority to the Planning Board to determine that the street has been suitably Improved to their satisfaction. The decision of the Zoning Compliance officer requires a plat demonstrating compliance with the cited section or this appeal.

## **FINDINGS**

### **1. Case #2022-0216**

Damion Barrett  
463 Pelham Road  
New Rochelle, NY 10575

Estate of Jennie Mary Prescott by Deborah Prescott

On the premises **245 Mortimer Street**, located in the CD-3.R5 Zoning District, being **Section: 136.63, Block: 1, Lot(s): 63.2** on the assessment map of the Town of Rye, New York, the applicant is requesting two area variances related to construction of a new Single Family Dwelling.

**Attachment “A”** - Village of Port Chester Zoning Table 345-405.A-4, CD-3.R5 District Standards requires a minimum of 20 feet of Street/Highway Frontage. *The construction plans propose 0 feet.*

**Attachment “B”** - NYS Village Law section 7-736 requires access from the structure to a street or highway duly placed on the Official Map (Public Street). *The site plan proposes an easement access to Mortimer Street a Public Street.*

## **CONTINUED 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 #2022-0214**

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)).

**ADJOURN MEETING**

**NEXT MEETING:**

**October 20, 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***