

The meeting was opened at 8:11 p.m., Wednesday, May 23, 2012.

Board Members Present: Chairman Goodfarb, Patricia Hoffman, Nancy Kaboolian, Jacob Amir, Michael Wiskind

Announcement – Next Meeting

The June meeting is scheduled for 8:00 p.m., Wednesday, June 27, 2012.

Approval of Minutes:

A motion was made by Jacob Amir to accept the April, 2012 minutes, as amended, seconded by Patricia Hoffman and passed unanimously.

Respectfully submitted,

Lorraine McSpedon

**ELIZABETH TAMPONE
50 HEATHERDELL ROAD
ARDSLEY, NEW YORK
(CONTINUATION)
SECTION 6.50, BLOCK 20, LOTS 6 & 7,
IN AN R-3 ONE-FAMILY
RESIDENTIAL DISTRICT**

Application for area variances, for a proposed subdivision into three building lots with proposed: (1) street frontages of less than 60 feet and (2) a distance of less than 15 feet between an existing swimming pool and a proposed side boundary (Code Subsection 200-24,-28B).

Mr. Petretti could not attend this evening's meeting as he was out of town.

Ms. Hoffman reviewed the questions which were raised at the prior ZBA meeting. One of the questions was the authority of the Planning Board to propose a subdivision which would create non-conforming lots which would require variances. The Planning Board does have the authority. They are the Board which has jurisdiction over the building lots in the village and based on their determination, has the ability to create a proposed lot requiring variances. Therefore, the proposal in front of the Board is well within the jurisdiction of the Planning Board.

Ms. Hoffman spoke with the village attorney and Mr. Tomasso to confirm the above. The Zoning Board can not move forward with the plan, as submitted.

Ms. Hoffman went on to note that the Planning Board also has the authority to reject plans based on the criteria as to whether or not it is within the character of the neighborhood. There is a substitute plan which had been presented which required a cul-de-sac. The cul-de-sac plan would not require any variances at all, however, the Planning Board rejected that plan in its place has proposed this plan which is now in front of the Zoning Board seeking a front yard variance to allow this plan to be approved.

The proposed plan requires two driveways. One driveway will be used by two of the lots and the other driveway will be used by one lot. It is a three-lot subdivision and it will remain a three-lot subdivision.

This evening, the Zoning Board must determine whether or not to grant the variance for the front yard. It must be determined that there is not other means by which this can be done and the five necessary criteria for granting such a variance are met.

Mr. Amir questioned whether the variance can be granted conditionally.

Ms. Tampone offered to move the lot line five feet to eliminate the variance for the pool.

Ms. Hoffman suggested that should the lot line not be moved, the Board would consider tabling the second request for a variance.

Discussion ensued regarding whether or not the pool was going to be removed.

Ms. Hoffman made a motion to close the public participation. Seconded by Mr. Wiskind and passed unanimously.

Discussion took place regarding the need for variances for the driveways. The Board phoned Mr. Tomasso at home to clarify the need for either one or two driveway variances. Mr. Tomasso explained that one variance should be issued for the two non-conforming lots. This will allow the Planning Board to subdivide the property.

Ms. Hoffman suggested adjourning the variance for the pool until a determination is made by the applicant as to whether or not the pool remains. Mr. Tomasso did not think this could be done procedurally, since that particular part of the application is not really a valid request at this point, since the lot does not yet exist.

Mr. Amir suggested tabling the pool variance for a later date. Mr. Tomasso explained that, procedurally, the variance will have to happen down the road once the lots are created. This will have to be a separate application.

Mr. Tomasso assured the Board of the Planning Board's authority in terms of changing the site plan which was presented to the Zoning Board.

RESOLUTION

READ BY MS. HOFFMAN

WHEREAS, Elizabeth Tampone, 50 Heatherdell Road, Ardsley, NY has applied to this Board for a variance from the requirements of Section 200-24 of the Zoning Board of Appeals, a variance to allow street frontage less than 60 feet in the R-3 Zone for proposed Lot A, 20 feet, and proposed Lot B, 30 feet, and

WHEREAS, this application is made under the authority of Section 200-97 Subdivision B of the Zoning Ordinance of the Village of Ardsley, affecting premises known as 50 Heatherdell Road, Ardsley, NY and designated as Section 006.050, Block 20, Lot 7 & 8 on the tax map of the Village of Ardsley, and

WHEREAS, a public hearing on this application was held by the Ardsley Zoning Board of Appeals in the Municipal Building, 507 Ashford Avenue, Ardsley, NY on April 25, 2012 and continued on May 23, 2012 after due notice by publication and,

WHEREAS, as said hearing Mr. Carolyn Frye Dash and Mr. Joseph Rittola appeared in support of the application and no one appeared in opposition to the application and all those who desired to be heard were heard and their testimony recorded, and

WHEREAS, this Board, after carefully considering all testimony in the application, finds the following:

The Board has investigated the authority of the Planning Board of the Village of Ardsley and has determined that it is within the Planning Board's purview to subdivide property and building lots within the Village of Ardsley and has the right to create lots that are or will be non-conforming.

That, pursuant to the Board's review, we find that this subdivision and the request for a variance of non-conforming driveways at the end of this property is in conforming with the neighborhood. Although it is a substantial variance, we feel that the property cannot be subdivided in any other manner that would fit with the character of the neighborhood and that would conform to the Planning Board's authority to make said subdivision.

The proposed area variance will not have an adverse effect of impact on physical or environmental conditions of the neighborhood; that the location of the driveways is probably the safest area given the location of the lot and the difficulty was not self-created.

The Board has reviewed the facts of this matter and grants this application under the following conditions:

- 1) That this application will be returned to the Planning Board with the plans which were provided and the recommendation from the Planning Board under Alternate C;
- 2) That this will be a three-lot subdivision and that the variance on this frontage will apply to both proposed created lots (one will be a 30 foot frontage and the other will be a 20 foot frontage). Lot C does not require a variance.

Additionally, attached to the record will be e-mails concerning conversations had between the Planning Board members, the Building Department, the attorney for the Village as well as the Chairman of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, the application of Elizabeth Tampone is granted with respect to the frontage. **Seconded by Ms. Kaboolian and passed unanimously.**

With respect to this application, there is a second variance requested for a swimming pool that would be located on the proposed Lot A. At this time, we are unable to determine whether or not the swimming pool will, in fact, require a variance or not. Although, the applicant has been denied a building permit regarding this variance, the Board will table this variance for the time being.

At the applicant's request, we will adjourn this application on a month-to-month basis until the determination is made whether or not this variance is required and, if so, the applicant can return to the Zoning Board of Appeals. **Seconded by Mr. Amir and passed unanimously.**

**ARDSLEY MALL, INC,
(BY ARDSLEY RESTAURANT GROUP, INC.)
925 SAW MILL RIVER ROAD
ARDSLEY, NY
SECTION 16, SHEET 1, BLOCK 0000/0, LOT P13K
(901-935 SAW MILL RIVER ROAD)
IN B-3 SHOPPING CENTER
BUSINESS DISTRICT**

For a use variance to permit live entertainment at Pumpnickel Restaurant (Subsection 200-80.1A)

This application was adjourned until next month.

The meeting concluded at 9:10 p.m.

Respectfully submitted,

Lorraine McSpedon
Recording Secretary

VILLAGE OF ARDSLEY

**ZONING BOARD OF APPEALS
MAY 23, 2012**