

The meeting was opened at 8:00 p.m., Wednesday, March 23, 2011

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

**Board Member Absent:** Nancy Kaboolian

**Announcements – Next Meeting**

The April meeting is scheduled for 8:00 p.m., Wednesday, April 27, 2011.

**Approval of Minutes:**

A motion was made by Mr. Wiskind to approve the minutes of February 23, 2011, as amended, seconded by Ms. Hoffman and passed with Chairman Goodfarb abstaining since he was not present at the February 23, 2011 meeting.

Respectfully submitted,

Lorraine McSpedon

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

**Board Member Absent:** Nancy Kaboolian

**ARDSLEY WATERWHEEL PARTNERS, LLC  
867 SAW MILL RIVER ROAD  
ARDSLEY, NY  
(CONTINUATION)  
SECTION 16, SHEET 1A, B1.0000 LOTS P-4 ET. AL.,  
IN R-4A WORKFORCE/AFFORDABLE HOUSING  
OVERLAY DISTRICT**

For proposed multi-family housing development consisting of four buildings, including:

- (1) Three buildings with building heights exceeding 2 stories and 30 ft. (Code Subsection 200-29.1(B)(2)); and
- (2) Two buildings with gross floor areas exceeding 8,000 sq. ft. (Subsection 200-29.1(B)(4)).

The hearing was opened in October, 2010, continued to December, 2010 and was stayed pending the SEQRA findings from the Board of Trustees, which have now been approved and received from the Board and Trustees.

Input from residents from the October minutes have been recorded in the minutes.

Chairman Goodfarb reminded the applicant that one Board member was absent, therefore three out of four votes would be needed for approval.

Mr. Conrad Roncati, applicant, presented himself to the Board with a new site plan, dated October 27, 2011, which has been reviewed by the BAR and the Planning Board, however, it does not address any of the requests currently before the Zoning Board.

Mr. Roncati stated that he has appeared before the BAR and Planning Boards and several changes are addressed in the new site plan. None of these changes affect the variances which are being requested this evening. The changes were mainly aesthetic in nature.

A motion was made by Ms. Hoffman to close the public hearing, seconded by Mr. Wiskind and passed by a vote of 3-0 with Mr. Amir abstaining.

**RESOLUTION –**  
**READ BY MS. HOFFMAN**

**WHEREAS**, Ardsley Waterwheel Partners, LLC (the “Applicant”), 190 East Post Road, Suite 402, White Plains, NY, applied tot the Zoning Board of Appeals of the Village of Ardsley (this “Board”) for 1) a variance from the requirements of Section 200-29.1 (B)(2) of the Zoning Ordinance of the Village of Ardsley (the “Zoning Ordinance”) entitled “Maximum Building Height” to permit an increase in height from two stories and thirty feet to three stories and thirty-one feet (for three of the four proposed buildings), and 2) a variance from the requirements of Section 200-29 .1(B)(4) of the Zoning Ordinance entitled “Maximum Building Size” to permit an increase in maximum building size form 8,000 square feet of gross floor area to 8,348 square feet (for two of the four proposed buildings), for the development of a proposed 22-unit affordable and workforce housing project on the property in the R-4A zoning district located at Saw Mill River Road and Revolutionary Way, known and designated on the tax assessment map of the Village of Ardsley as Section 16, Sheet 1A, Block 0000, Lot P4; and,

**WHEREAS**, a public hearing was opened on this application by the Board at the Municipal Building at 507 Ashford Avenue on October 27, 2010, after due notice by publication and was continued to December, 23, 2010 and hearing was adjourned until March 23, 2011 also after due notice by publication; and,

**WHEREAS**, at said hearing Mr. Conrad Roncati, Mr. Alec Roberts, and Mr. Mark Weingarten appeared in favor of the application, Mr. Adam Damascus, Mr. Bob Mollicone, Ms. Ronnie Jerry, and Ms. Cheryl Mathew, residents of the Village of Ardsley, appeared in connection with the application, and all those who desired to be heard were heard and their testimony so recorded; and,

**WHREAS**, the Board of Trustees of the Village of Ardsley (The “Village Board”) has completed the SEQRA process, adopting a Negative Declaration and Notice of Determination of Non-Significance after coordinated review and consultation with the various boards of the Village of Ardsley, including this Board.

**NOW, THEREFORE, BE IT RESOLVED**, that this Board after carefully considering all of the testimony and information on the application, finds the following:

- 1) An undesirable change will not be produced in the character of the neighborhood nor will a detriment to nearby properties be created by granting the area variances. The project is a permitted use in, and furthers the objectives of, the R-4A district of the Village and will help satisfy a demonstrated demand for workforce and affordable housing in the community.
- 2) The benefit sought by the Applicant could not be achieved by some method feasible for the Applicant to pursue, other than area variances.

- 3) The requested area variances are not substantial. The height variance for Buildings 1, 2 & 3 is only one foot and the house size variance for Buildings 1 & 2 is a total of 348 square feet, which is less than five percent.
- 4) The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The project will have appositve impact on the community since it will provide affordable and workforce housing opportunities for the residents of the Village.
- 5) The need for the area variances is not self created, but rather results from the topography of the property.

**BE IT FURTHER RESOLVED**, that based on the above factors, this Board finds that the benefit to the Applicant if the variances are granted outweighs any potential detriment to the health, safety, and welfare of the neighborhood or community, and in fact the area as a whole will be enhanced by the project.

**BE IT FURTHER RESOLVED**, that the area variances for Buildings 1, 2 & 3 as herein specifically requested by the Ardsley Waterwheel Partners, LLC are hereby granted. The applicant may proceed to the Planning Board and Board of Architectural Review.

Seconded by Mr. Wiskind and passed by a vote of 3-0 with Mr. Amir abstaining.

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

**Board Member Absent:** Nancy Kaboolian

**ASTORIA FEDERAL SAVINGS & LOAN ASSN.  
731 SAW MILL RIVER ROAD  
ARDSLEY, NEW YORK  
SECTION 17, SHEET 4, BLOCK 0000/0, LOT P19A  
IN B-1 GENERAL BUSINESS DISTRICT  
(CONTINUATION)**

For installation of proposed freestanding sign of lessee Captain's Wine & Spirits (Subsection 200-82C(2)(a)[1]).

Ms. Linda S. Cutroni, proprietor, presented herself to the Board and passed out photos of her store location and frontage sign. Ms. Cutroni stated that she met with Mr. Tomasso who suggested she try to show her situation as being unique to that of other businesses in the Village in order to justify her request for a freestanding sign.

Ms. Cutroni also presented the Board with a copy of a letter which began her liquor license application. This letter was presented to the State Liquor Authority in June, 2008 which indicated that her liquor store was going to be a customer convenience as well as public means and advantage. Ms. Cutroni explained that the public convenience and advantage is due to her proximity to DeCicco's supermarket and that was one of the determining factors considered by the State Liquor Authority in having a liquor license granted to her.

Chairman Goodfarb questioned whether customers stopped in randomly or planned to shop in her store in advance. Ms. Cutroni stated that many potential customers do not know she is present in the shopping center since she is not visible from the entrances or the exits.

Mr. Wiskind questioned the type of signage displayed by the liquor store which occupied the space prior to Captain Video. Ms. Cutroni did not recall, since it was many years ago but did state that the owners went out of business.

Ms. Cutroni explained that the proposed sign would be located in the pylon in front of Astoria Bank and would be taken in at night. Eventually, Ms. Cutroni explained, she would prefer a real pylon, however, her landlord will not assist with defraying the costs, therefore, she will need to wait to do this.

Mr. Amir questioned why the two handicapped parking spaces were located in front of her store. Ms. Cutroni explained that she spoke to her landlord and Larry regarding this and requested one be moved, however, this location makes for easy access to the door to the upstairs mall.

Ms. Hoffman questioned why Ms. Cutroni felt that the handicapped spaces were a detriment to the business. Ms. Cutroni explained that on Thursday, Friday and Saturday the spaces are used primarily by the beauty parlor which has a long turn around time. Ms. Cutroni stated that the beauty parlor has been known to give clients handicapped stickers in order to park in the spaces. Ms. Hoffman suggested a call be placed to the police department. Ms. Cutroni confirmed that she has called the police. Ms. Cutroni also stated the handicapped parkers tend to block the front of her store and she cannot be seen from the parking lot.

Ms. Cutroni explained that potential new customers are being lost as a result of not being able to view her premises from the parking lot.

Ms. Cutroni pleaded with the Board to allow her to have a temporary sign for six months, after which time, a pylon will be purchased.

Mr. Wiskind suggested that the applicant could work with the landlord toward gaining approval for a directory sign listing multiple tenants at the American Legion Drive entrance to the shopping center.

Chairman Goodfarb stated that he purchases his liquor at a familiar destination. Ms. Cutroni stated that she is trying to change people's minds about where they shop. Chairman Goodfarb stated his concern for setting a precedent for freestanding signs.

Ms. Cutroni argued that her pylon sign is currently surrounded by trees, she has a disadvantage with the handicapped parking and her store front is invisible.

Ms. Cutroni presented a booklet to the Board which outlines the necessity behind obtaining a liquor license is to enhance customer convenience which she stated is a result of customers shopping at DeCicco's. Ms. Hoffman questioned how this tied into DeCicco's Supermarket and Ms. Cutroni explained that wine and liquor cannot be bought in a grocery store in NY State, therefore, liquor stores pair themselves up with supermarkets. Ms. Hoffman did not understand why a liquor store needed to be close to a supermarket. Ms. Cutroni explained that the liquor store was granted a license in order for customers to achieve an advantage and realize a convenience.

Mr. Wiskind mentioned several liquor stores which do not have supermarkets nearby. Ms. Hoffman again stated that she did not see where the liquor store was contingent upon a supermarket being nearby. Ms. Cutroni stated that there are only three factors required for obtaining a license and she had to prove that a convenience would be realized by her customers.

Mr. Amir stated his concern that the large trucks leaving DeCicco's would impact the island. Ms. Hoffman stated she did not like the idea of temporary pylons being used to house a sign. This one is designed to eliminate trucks from hitting the light. She stated she did not believe it was an appropriate location for a sign.

Ms. Cutroni mentioned that she believes the laws which have been put in place over the last 10 years are too restrictive for merchants.

Chairman Goodfarb stated his concern regarding the setting of a precedent if the sign were approved.

Mr. Amir questioned the properness of a six month sign and felt an extension may be requested. Ms. Cutroni assured him that would not happen.

Ms. Hoffman stated that since Ms. Cutroni was in business as Captain Video for 13 years, she was well aware of the visibility issue, the parking issue and the handicapped parking spaces. Ms. Cutroni explained that when Captain Video was in business there were five parking spaces in addition to the two handicapped spaces. Ms. Cutroni also mentioned that she had no idea that Captain Video was going to close.

The issue of the handicapped spots was addressed by the Board and the conclusion was drawn that the fact that whether they are handicapped or not, there is no difference with accessibility or recognition of the liquor store. Ms. Hoffman rejected the argument that the handicapped spots are a deterrent to the business.

Ms. Cutroni admitted that she missed the fact that her store is invisible from American Legion Drive.

Ms. Hoffman suggested advertising in the neighboring merchants' stores. Ms. Cutroni stated that they will not allow it.

Ms. Hoffman explained that this proposed sign would represent a second freestanding sign. She also stated the pylon in question is not designed for a sign and the issue of precedence was a concern.

Ms. Hoffman mentioned several businesses which are located off of the road in Ardsley with similar issues.

Mr. Amir mentioned that he saw the sign on Route 9A regardless of the trees and agreed with Ms. Hoffman regarding the notion of a temporary sign.

Mr. Wiskind also stated his concern for a precedent being set and did not like the proposed location.

Ms. Hoffman suggested the applicant withdraw the application and request the landlord consider a sign being placed on American Legion Drive.

The applicant agreed and the application was withdrawn.

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

**Board Member Absent:** Nancy Kaboolian

**ARDSLEY MALL, INC.  
(by Ardsley Restaurant Group, Inc.)  
925 SAW MILL RIVER ROAD  
ARDSLEY, NEW YORK  
SECTION 16, SHEET 1, BLOCK 0000/0, LOT P13K  
(901-935 SAW MILL RIVER ROAD)  
IN A B-3 SHOPPING CENTER  
BUSINESS DISTRICT  
(CONTINUATION)**

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

The application was adjourned until next month.

A motion was made by Ms. Hoffman to adjourn the meeting, seconded by Mr. Wiskind and passed unanimously at 9:00 p.m.

Respectfully submitted,

Lorraine McSpedon