

**VILLAGE OF ARDSLEY
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, APRIL 22, 2015**

PRESENT: Michael Wiskind, Acting Chairman
Jacob Amir
Ellen Slipp
Mort David

ABSENT: Patricia Hoffman

Call to Order

Mr. Wiskind called to order the regular meeting at 8:00 p.m.

Announcements

Mr. Wiskind announced the next Zoning Board of Appeals meeting is scheduled for Wednesday, May 20, 2015 @ 8:00 P.M.

Approval of Minutes – March 25, 2015

Minutes were approved and passed unanimously

Respectfully submitted,

Donna Fusco
Recording Secretary

Continuation of Public Hearing – Application for Gross Land Coverage Variance (Village Code §200-83C)

Rachael Methal & Sterling S. Smith, 11 McKinley Place, Ardsley, New York. Section 6.110, Block 102, Lot 9, in an R-3 One-Family Residential District.

For proposed driveway widening with gross land coverage exceeding the maximum permitted.

Present: Michael Wiskind, Acting Chairman, Jacob Amir, Ellen Slipp, Mort David.

Absent: Patricia Hoffman

Attendees: Sterling S. Smith, Applicant, John J. Annunziata, P.E.

Mr. Annunziata explained to the Board that the Planning Board had some recommendations to Applicant which was to demonstrate to the Zoning Board the difficulty of getting into the garage for Rachael's father..

Mr. Smith presented the drawings to the Board and explained that there are physical challenges that are faced and that is why he was asking for reconsideration. Mr. Smith stated that he and his wife are struggling and would appreciate this Board approving five feet on the right side of the driveway and he is not seeking anything additional just the minimal five feet ADA Compliancy. Mr. Smith further explained how his father-in-law enters the garage and that is why the garage needs a vacant spot.

The Board reviewed and discussed the photos with Mr. Annunziata and Mr. Smith in detail.

Ms. Slipp asked Mr. Smith if the cars could be moved to get his father-in-law more access to the house. She stated that there are four cars in the driveway. Mr. Smith stated that his wife is gone all the time and he cannot leave his job to move cars from Point A to Point B. Ms. Slipp stated that she understands the circumstance that Applicant is surrounded with but this is not a Zoning Board issue. Mr. Smith stated that the Planning Board advised him to come back with photographs.

Mr. Amir requested that the form of the tile be explained to the Board. Mr. Annunziata stated that they will be permeable tile and that they matched the appearance of the existing tile.

Ms. Slipp asked Mr. Smith if anyone else on his block has four parking spots plus two in the garage. Mr. Smith stated that he does not look in other's people's garages and that he does not assess other people's driveways.

Mr. Amir explained that the reason for the question is because one of the elements for an area variance is whether it changes the character of the neighborhood so if all the other houses on the block had a single driveway and Mr. Smith has a four car driveway, that may change the character of the neighborhood. Mr. Amir stated that the role of the Zoning Board is to decide whether or not to grant an area variance based upon what the law allows and the Board is bound by the law. Mr. Amir further stated the Board is sympathetic but there are elements in an area variance that the Board has to follow. One of those elements is whether there is a substantial change in the character of the neighborhood which is why the question posed was is this driveway remarkably and materially different than the other driveways on the block.

Mr. David stated that he has a smaller driveway than Mr. Smith does and Mr. David further stated that when his kids were in high school, they had five cars in their driveway and they jockeyed and they moved the cars. Mr. David said his question is "is it necessary or is it convenience?" Mr. David stated that street parking is available up to 2:00 on Mr. Smith's street.

Mr. Amir stated that they have used the driveway "as is" and it is an issue of convenience.

Mr. Annunziata made a suggestion by asking if Applicant was to go five feet to the right side and use the stone, it would not be visible but it will allow a car to drive over it and they will be able to maneuver a car over it and allow a car to get through and when the need is no longer there, the stuff can be taken up and they can re-sod the lawn and put a covenant in the granting of this additional five feet.

Ms. Slipp asked why four cars in the driveway. Mr. Annunziata explained there is a babysitter's car, his wife's car, his car and his in-law's car.

Mr. Amir suggested that Mr. Smith check with the Police Department to see if Mr. Smith can get overnight parking and stated that this may obviate what is an uphill battle.

Mr. Wiskind stated that the Zoning Board and the Planning Board are not in support of this Application.

Mr. Wiskind advised the Applicant that he can ask the Zoning Board to take a vote or the Applicant can ask the Zoning Board to adjourn it and check with the Police Department for a permit.

Motion to adjourn.

VOTE 4-0

1 ABSENCE

Respectfully submitted,

Donna Fusco
Recording Secretary

Public Hearing – Application for Permit for Lot Divided by District Boundary Line (§200-86A)

Arthur C. Stucklen Revoc. Trust (by BRB Development LLC), 630 Saw Mill River Rd, Ardsley, NY. Section 6.70, block 42, Lot 1, in B-2 Special Business District & R-1 One-Family Residential District.

To extend a proposed new use and structure from a B-2 zone to the more restricted R-1 zone, for a proposed addition to a self-storage facility approved for construction at 642 Saw Mill River Road.

Present: Michael Wiskind, Acting Chairman, Jacob Amir, Ellen Slipp, Mort David

Absent: Patricia Hoffman

Vote 3-0

2 – ABSTENTIONS (1 Recused, 1 Absent)

Respectfully submitted,

Donna Fusco
Recording Secretary

Public Hearing – Application for Parking Variance for Proposed Change of Use (§200-71C)

CHANCC, LLC (by Fratfam Restaurant Corp d/b/a L’Inizio Restaurant), 698 Saw Mill River Rd, Ardsley, NY. Section 6.50, Block 18, Lots 14 & 16 in a B-1 General Business District

For a proposed restaurant expansion, requiring a minimum of two additional off-street parking spaces.

Present: Michael Wiskind, Acting Chairman, Jacob Amir, Ellen Slipp, Mort David.

Absent: Patricia Hoffman

Attendees: Frank S. Costa, R.A., A.I.A. and Scott Fratangelo, Applicant

Acting Chairman read the Legal Notice into the record.

Open Public Hearing at 8:40 P.M.

Mr. Fratangelo stated he received 15 green cards back from 20 sent. He handed in the certified mailings. Mr. Costa presented the Principal Points to the Board and reviewed all Points one by one for the record.

It was stated that the restaurant hours of operation are from 5:00 P.M. TO 11:00 P.M.

The Owner, Mr. Lee Love from Stars Bagels and Evergreen Cleaners appeared and stated that he was notified to appear and stated that people from the restaurant are parking on his property and the property is private property and is concerned that there is no permission and there is a liability.

Motion to close public hearing.

Close Public Hearing at 9:25 P.M.

Motion to grant variance.

VOTE 4-0 in favor of application.

RESOLUTION

WHEREAS, CHANCC, LLC by its Lessee Fratfam Restaurant Corp. d/b/a L’Inizio Restaurant applied to this Board for a parking variance from the requirements of Section 200-71C of the Zoning Code of the Village of Ardsley for permission for a variance from strict Application of the minimum off-street parking requirements of Section 200-71C requiring two additional parking spaces for a proposed expansion and change of use from an existing real-estate business.

WHEREAS, this application is made under the authority of Section 200-97B of the Zoning Ordinance of the Village of Ardsley, affecting premises known as 698 Saw Mill River Road, Ardsley, New York, and designated in the B-1 General Business District, as Section 6.50, Block 18, Lots 14 and 16 on the tax maps of the Village of Ardsley, and

WHEREAS, a public hearing on this application was held by the Ardsley Zoning Board of Appeals at the Municipal Building, 507 Ashford Avenue, Ardsley, New York on April 22, 2015 after due notice by publication and it was granted with the promise that the Application will be appropriately signed, notarized, and submitted, and

WHEREAS, at the hearing Scott Fratangelo, President of Fratfam Restaurant Corp. and Frank S. Costa, Architect appeared in support of the application and Mr. Lee Love also appeared and commented at the hearing and all those who desired to be heard were heard and their testimony recorded, and

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

That the application submitted will not create an undesirable change in the character of the neighborhood or detriment to the nearby and adjacent properties; and

WHEREAS, it has been showing that the Applicant could not achieve with desired or some more feasible method where the requested variance is not a substantial need and the Application for the variance will not have an adverse effect on the physical or environmental conditions of the neighborhood and where it was shown that the difficulty suffered by the Applicant is not self-created.

THEREFORE, the Board finds in the tests outlined for an area variance as set forth herein, the Application is granted.

NOW THEREFORE, be it resolved that the Application of CHANCC, LLC by Lessee, Fratfam Restaurant Corp. is granted.

Motion made by Jacob Amir, Seconded by Michael Wiskind, four votes in favor, motion carried, application granted.

Respectfully submitted,

Donna Fusco
Recording Secretary

The session ended at 9:30 p.m.

Adjournment

There being no other business the meeting was adjourned.

On motion of Mr. Amir, seconded by Mr. Wiskind, the meeting was adjourned at 9:30 p.m.
Motion passed unanimously.

Respectfully submitted,

Donna Fusco
Recording Secretary