

**VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, JUNE 24, 2015**

PRESENT: Patricia Hoffman, Chair
Jacob Amir
Mort David
Ellen Slipp
Michael Wiskind

1) Call to Order

Ms. Hoffman called the regular meeting to order at 8:00 pm.

2) Announcements

Ms. Hoffman announced the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, July 22, 2015 at 8:00 pm.

3) Approval of Minutes

Approval of Proposed Minutes of Meeting of April 22, 2015

Ms. Hoffman noted that the proposed minutes of the April meeting had been received prior to the May meeting with some detail missing, and that the proposed minutes of that meeting still lack the requested detail. She suggested that the proposed minutes be sent back one more time so that the missing detail can be added to create an accurate record.

Mr. David requested two changes to the proposed minutes of the April meeting:

(1) On the last page of the proposed minutes, the motion about overnight parking was incorrectly attributed to Mr. Amir. Instead, the proposed minutes should reflect that Mr. David made the motion, and that Mr. Amir seconded the motion.

(2) The last sentence of the last paragraph on the first page, refers to the time “2:00” in the discussion of overnight parking. Mr. David requested that “AM” be added to the time reference. The Board concurred that whether or not the phrase “AM” had been stated at the meeting, it certainly had been implied, as the topic was overnight parking, and therefore will insert “AM” to the time reference.

Mr. Wiskind also noted that the Resolution regarding the Italian restaurant was incomplete, and Mr. Amir stated that he had not provided the former Recording Secretary with the detail sought by Mr. Wiskind. Mr. Wiskind suggested that the Resolution be found on the tape of the meeting to insert the missing detail.

[Tape was shut off momentarily, while new Recording Secretary inquired of her responsibilities to correct prior minutes.]

Motion by Mr. David, seconded by Mr. Wiskind, to adjourn the approval of minutes of the meeting of April 22, 2015 for correction. Vote: four in favor, none opposed, one abstention (Chair abstained as she had not been present at the April 22nd meeting).

Approval of Proposed Minutes of Meeting of May 27, 2015

The Chair has a material correction to the proposed minutes:

On the first page of the public hearing, four sentences from the bottom, the proposed minutes now state “we go through that section of the code, Section 286-a, which goes through reason why...”

That beginning should be deleted, and instead the minutes should state: “Applicant is seeking the Board’s permission to extend...”

Motion by Mr. Wiskind, seconded by Mr. David, to accept the minutes of the meeting of May 27, 2015, with the correction proposed by Ms. Hoffman. Vote: (Mr. Amir abstained as he had not been present at the May 27th meeting).

4) 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 proposed gross land coverage of 4,658 s.f.,
exceeding the 3,911 s.f. maximum permitted.
Subject to Planning Board special permit approval.**

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

Attendees: Applicants were unable to attend.

Applicants had requested an adjournment to next month’s meeting. The Chair noted that this item has been on the agenda five or six times, and has been repeatedly adjourned at the applicants’ request. Ms. Hoffman stated that she has advised Ms. Berardi that if this is the only

item for the July meeting, this should be put over to the August meeting, so as not to have a special meeting for this item.

Motion by Ms. Slipp, seconded by Mr. David, to adjourn this item, in accordance with the stipulation already given to Ms. Berardi. Vote: 5 in favor, none opposed, no abstentions.

5) Public Hearing – Variance Application for Freestanding Business Name Signage (Code § 200-82C)

**Chance LLC, by Grand Lux Realty-Cerrone, Inc.,
706 Saw Mill River Rd, Ardsley, New York,
Section 6.50, Block 18, Lot 17, in the B-1 General Business District.
For proposed replacement of existing non-conforming pole sign.**

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

Attendees: Michael Levy, co-owner of Grand Lux Realty-Cerrone, Inc., applicant.

The Chair read the Legal Notice into the record.

Open Public Hearing at 8:05 P.M.

The Chair stated that the application is to replace the existing pole sign on the property. She noted that the type of zone is B-1, that the width of the lot is 80', that the length of the street frontage is 80', that the size of the building is 900 sf on each of two stories, that is a commercial retail and residence, and that the building was erected in about 1900. Ms. Hoffman also noted that there have been previous applications, one in 1967 and one in 1976.

Mr. Amir noted that the Legal Notice stated "signs" in the plural, and asked if this was indeed about one sign. Ms. Hoffman said that this is about one sign, clarifying that there are two signs on the pole, but that this application is to replace only one of those signs, which she noted is two-sided.

Mr. Levy introduced himself. He stated that he is the Principal Broker of Grand Lux Realty, that he became partners with Andy and Valerie Cerrone in July 2014 (at which time the Cerrones left Century 21), and that Grand Lux Realty also has offices in Armonk and Mamaroneck.

The Chair asked if Mr. Levy had a complete application, noting that the Board does not have the second page of the two-sided document. Mr. Levy provided an Affidavit of Mailing, which was notarized on the 13th of June, so the Chair determined that the Board now has a signed full application.

The Chair also asked Mr. Levy if he had the green cards that come back from the Post Office. Mr. Levy stated that he does not have anything that came back from the Post Office, that he only has the receipt for the certified mailing. Mr. David asked if a Return Receipt was requested from the Post Office, and Mr. Levy stated that he did not know, as the mailing part of the application had been done by Valerie Cerrone. Ms. Hoffman read an email from the Post Office which stated that the certified mail had been delivered on June 15th, and which contained photocopies of the signature cards. Ms. Hoffman stated that they had what appears to be documentation from the Post Office, on Post Office letterhead, and that the letter has the original certified mail receipt attached to it. (Ms. Hoffman will ask Ms. Berardi to see if there has been a change in the policy of the Post Office, if they are no longer returning the green cards or if all that information is now available on line.)

Mr. Levy explained that since the name of the company was changed, from Century 21 Cerrone to Grand Lux Realty Cerrone, Century 21 no longer allows its name to be up, and that is why Grand Lux Realty Cerrone put up vinyl banners to cover the sign with the company's former name.

Mr. Levy stated that it is not the sign that is changing, just the acrylic facing on both sides of the sign. He explained that the piece of plastic or acrylic with the name of the old company will be popped out of the sign, and that a piece of plastic or acrylic with the name of the new company will be popped in to replace it.

The Chair showed the members of the Board and Mr. Levy a photocopy of a mock-up of the proposed new sign. She asked about the ways this sign differed from the sign that was there before – in color and in size of the letters. Mr. Levy stated that the former sign was brownish, and that he did not know the size of the letters of the former sign. Ms. Hoffman asked, and Mr. Levy confirmed, that the overall size of the sign is identical to what is up there now.

The Chair noted that this proposed sign has been to the Board of Architectural Review (BAR), and that the BAR has approved it, subject to the Zoning Board of Appeals granting a variance.

There is no change to the pole to which the sign is attached. There is lighting inside the sign, and Mr. Levy has never seen it lit and he is not sure that the lighting works. The sign for Ardsley Tires is below it on the pole.

Grand Lux Realty Cerrone will be moving to the store currently occupied by the florist, and the pole is in front of the current realty office. There will be a new awning, in Ardsley green, over the store that is now the florist. Both "properties" (the store currently occupied by the florist and the store currently occupied by Grand Lux Realty Cerrone) are owned by Chance, LLC.

Mr. Levy did not have the answers to Ms. Hoffman's two questions: one, how large were the letters on the former sign as compared to the 16" letters of the proposed new sign; and two, will the new sign be lit. Mr. Levy asked if Ms. Hoffman was asking about the size of the letters

“GLR,” and Mr. Amir stated that the Board would want to know the size of all the letters on the sign.

Mr. Levy was afforded a few minutes to try to reach the Cerrones to obtain the needed information. Mr. Levy reported that he spoke with Valerie Cerrone, who informed him that on the current sign, “Century 21” is on the first line, with the “C” being much larger than the other letters, and “Cerrone” is on the bottom line. The sign is lit, it is on a timer which goes on about dusk.

Ms. Slipp expressed that the change in company name presented an opportunity to make it more appealing.

Ms. Hoffman asked if Grand Lux Realty is a franchise, and Mr. Levy replied that it is not, that each office is separately owned and operated. Mr. Amir asked if the Grand Lux Realty logo is trademarked, and Mr. Levy replied that he does not think it is. Mr. Amir asked if this proposed sign is the same as the signs at the other Grand Lux locations, and Ms. Slipp asked what material the other signs were made of. Mr. Levy replied that at the Grand Lux Mamaroneck office, there is a black and yellow awning over the office, and at the Armonk office, where Armonk wants all signs to be in black and white, there is a black and white plastic or cork foam sign over the office. Mr. Levy stated that neither of the other offices has a freestanding sign, and there wouldn’t be one in Ardsley either, had the sign not already been there.

Ms. Hoffman expressed concern that the bright yellow of the proposed sign would be blazingly bright at night when lit. Mr. Levy expressed willingness to tone down the yellow.

Mr. Amir asked what other signage that would be at the office’s new location. Mr. Levy said that the Ardsley green awning would have white letters. Also, the company’s logo and address would be etched into the glass window.

Ms. Hoffman expressed concern about a black and yellow sign just a few feet away from a green and white awning. Ms. Slipp stated that she would prefer a black and white sign. Mr. David said that he would prefer a green and white sign, to go with the awning. Mr. Levy said that he would be willing to tone down the gold, or go with either of the other proposed color choices, but pointed out that it would not match the logo on the company’s business cards or “for sale” signs.

Ms. Hoffman reminded the Board that another Board (the BAR) has already approved the sign.

Mr. Wiskind pointed out that the pole went up in 1954 and the first sign went up in 1955, and that there have been a succession of signs there. He asked how the existence of a pole pre-code affect the requirement that the applicant obtain a variance. The Chair pointed out that the code requires that any time the change is more than fifty percent, it is considered a new application. Mr. Wiskind seeks clarification that the mandate of the Board of Zoning Appeals is the existence of the sign, and not the look of the sign. Mr. Wiskind would like to know how many of the signs

in the past have been for Ardsley Tire, the florist, or the business occupying Grand Lux Realty's former space. Mr. Wiskind asks because the location of the sign would not make sense for a business occupying the space presently occupied by the florist. The purpose of a sign would be to let people know where a business is located, which makes sense for Ardsley Tire, as it does not have its own storefront, but he doesn't think that a sign for Grand Lux Realty near the storefront it will occupy serves much of a purpose. Ms. Slipp added that probably ninety percent of real estate business is internet driven, so a sign to direct people to a business location would have little value in any location. Mr. Levy agreed that the sole purpose of this sign is exposure.

Mr. Amir is concerned about precedent of what this Board has done before, and he stressed the need for the Board to act consistently. Mr. David pointed out that the Chase sign, though not freestanding, and the sign in the mall were both precedent of the Board approving variances for signs. Mr. Wiskind pointed out that in all those cases, the business were set way back. Mr. David also referred to the sign in Village Green for DeCicco's and other businesses, and Mr. Wiskind again pointed out that they were set back.

Ms. Slipp asked if Mr. Levy and the Cerrones had discussed the possibility of simply removing the old sign. Mr. Levy said that that had never crossed their minds. Mr. Wiskind asked why Mr. Levy hadn't sought to do something similar at his other office locations, and Mr. Levy replied that he had not only because there was no pre-existing condition for it. Mr. Levy added that the alternative to changing the current sign is to leaving it as is, since there is no obligation to remove the sign, but that not only would it advertise the wrong company, it is old and dingy looking, so he thinks the proposed new sign is an improvement.

Mr. David is sympathetic to the aesthetic feelings of the Board, but says that aesthetics are not within the Zoning Board of Appeals' purview.

Ms. Hoffman recognizes that there is a pre-existing condition. Her concern is how brightly this proposed sign is backlit. She points out that the Century 21 sign in brown seemed like a low-lit "awareness" sign, whereas this looks like a "I'm here" sign. In response to Mr. Levy's offer to mute or change the colors, Ms. Hoffman stated that she is not prepared to create conditions on what the sign looks like, as that is the BAR's responsibility, but she does want to address the brightness that could keep the upstairs residents awake at night.

Ms. Hoffman would like to compare the current to proposed sign. The current sign is muted, will the new sign be markedly different, and thus not be consistent with the neighborhood, and a detriment. Mr. Levy said that they are not changing the lighting equipment inside the sign. Mr. David said that the issue is the lumens. Ms. Slip points out that the color of the plastic of the sign may also affect the brightness, not just the lumens. Mr. Levy said that the sign maker does the plastic part only and is not involved with the lighting, which would require an electrician.

Mr. Wiskind pointed out that the precedent for pole is for 698, and that there's never been a precedent for a pole sign for 706. Ms. Hoffman stated that the pole stays and the Ardsley Tire

sign stays. Mr. Wiskind would like a unified look between the sign, the awning, and the script in the window.

The Chair asked the Board to compile questions to which Mr. Levy could obtain information for the Board at its July meeting. Ms. Hoffman pointed out that the Zoning Board of Appeals (ZBA) does not have the final say over the color of the sign, or whether the sign and awning match, and that the ZBA must maintain adherence to zoning board issues. She suggested that the ZBA can make a request to the BAR, but may not deny a variance on non-zoning grounds. Mr. Levy suggested that the ZBA could ask him to make the sign as dim as possible, and that he would agree to that.

For that list:

- Ms. Slipp would like to see color choices for the sign.
- Mr. Amir would like to know the history of previous approvals.
- Ms. Hoffman would like to know how changes in sign color and type or number of lightbulbs affect the brightness.
- Ms. Hoffman also would like to compare the proposed sign to what the sign looked like before, and to have a comparison of what old and new look like when lit at night.
- Mr. Wiskind would like to see color swatches of the plastics that could be used, as he would like to see what the sign and awning will look like when only twenty feet apart.
- Mr. David would like to know the proposed lumens or wattage and type of bulb that would be used with the new sign as compared with the same of the old sign.

Motion of Mr. David, seconded by Mr. Wiskind, to adjourn the matter to the July 22nd meeting.
Vote: 5 in favor, none opposed, no abstentions.

6) **Adjournment**

There being no other business before the Zoning Board of Appeals,

on motion of Mr. Wiskind, seconded by Mr. Amir, which motion passed unanimously,

the meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Judith Calder
Recording Secretary