

**MINUTES  
VILLAGE of ARDSLEY  
ZONING BOARD of APPEALS  
REGULAR MEETING (VIA ZOOM)  
WEDNESDAY, NOVEMBER 25, 2020**

**PRESENT:** Michael Wiskind, Chair  
Jacob Amir  
Mort David  
Serge Del Grosso

**ALSO PRESENT:** Larry Tomasso  
Dr. June Archer

**1) Call to Order**

The Chair called the regular meeting to order at 8:03 pm.

The Chair congratulated Mr. Craig Weitz, outgoing member of the Zoning Board of Appeals, on his election to the Board of Trustees. The Chair stated that Dr. June Archer will be sworn in prior to, and be a member of the Zoning Board of Appeals, at the December meeting.

The Chair stated that the meeting was being held remotely via the web-based conferencing platform, Zoom, and that Larry Tomasso, Village Building Inspector, would be moderating and recording the meeting.

**2) Announcements and Approval of Minutes**

**Announcements**

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, December 23, 2020 at 8:00 pm.

**Approval of Minutes**

Mr. Amir moved, and Mr. David seconded, the approval of the Minutes of the Zoning Board of Appeals meeting of October 28, 2020, as amended.

**Vote:** 3 in favor, none opposed, one abstention, as follows:

Michael Wiskind, Chair –	Aye
Jacob Amir –	Aye
Mort David –	Aye
Serge Del Grosso -	Abstain

### 3) **Public Hearing**

#### **Application for Variances from Village Code Requirements**

**The Thorpe-McCartney Family Limited Partnership**

**730 Saw Mill River Road, Ardsley, New York.**

**(by Musa Eljamal, Food & Gas of Ardsley, Inc., Lessee)**

**Section 6.50, Block 18, Lot 21, in the B-1 General Business District.**

**For Proposed Modification of Existing Non-conforming Freestanding Sign (Code § 200-82C(2) and Code § 200-82C(5)).**

**Present:** Michael Wiskind, Chair  
Jacob Amir  
Mort David  
Serge Del Grosso

**Also Present:** Bryan Orser, General Manager, Food & Gas of Ardsley, Inc.  
Larry Tomasso, Building Inspector  
Dr. June Archer

The Chair read the Legal Notice.

#### **Open Public Hearing**

The Chair asked if applicant had the green cards in response to the Legal Notice made. Mr. Orser advised that they had received six green cards back, and that they had sent them to Tasha along with the information about all that had been mailed out.

Mr. Orser stated that the existing price sign has been there from when the building was built, that it is out of compliance with Shell's updated branding standards, and that the columns need to be repainted and refaced. The Chair asked if there were proposed changes to existing columns in height. Mr. Orser stated that the proposal had no change to the height of the columns, only to the color, and explained that the proposal is for the Shell panel on the top to be replaced with a new Shell panel. Mr. Orser added that the existing

panels have price information and that the proposal price signs are digital, and that both sides of the sign would be identical. Mr. Orser noted that the existing signs are backlit and are partially self-illuminated, and that in the new sign the letters will be visible in the dark. The Chair asked if any other lighting was proposed to be added to the columns or anywhere else, and Mr. Orser replied that no additional lighting was proposed.

Mr. David asked why the applicant is The Thorpe-McCartney Family Limited Partnership (hereinafter “Thorpe-McCartney”) while all the paperwork was submitted by Mr. Eljamal. Mr. Tomasso advised that if a variance were granted, it would be granted to Food & Gas of Ardsley, Inc. (hereinafter “Food & Gas”) and would be valid for the life of the sign. Mr. David pointed out that the variance was applied for by Thorpe-McCartney, and Mr. Tomasso explained that Thorpe-McCartney is the property owner. Mr. Amir pointed out that the Legal Notice says that the applicant is Food & Gas as Lessee of Owner. Mr. Tomasso assured the Board that they were on solid legal ground.

Mr. Amir asked if these proposed changes were at the impetus of Shell. Mr. Orser replied that they are required to upgrade to Shell's Retail Visual Identity Evolution (RVIE). Mr. Amir asked if applicant must change the signs to meet Shell's branding requirement, and Mr. Orser replied in the affirmative.

Mr. Del Grosso asked if this was about the same sign that Food & Gas sought a variance for eleven years ago, and Mr. Orser replied that it is. The Chair explained that because the existing sign is non-conforming, if more than fifty percent of it is to be changed, a new variance is required. Mr. Tomasso pointed out that a new variance is required when fifty percent of the sign or its value is to be changed, and added that even for just the price sign, the fifty percent rule would have kicked in. Mr. Del Grosso asked if the existing sign would remain with no change other than that already described, and Mr. Orser replied that this was correct.

The Chair asked if the lighting is turned off when the station is closed, and Mr. Orser advised that the station is open twenty-four hours a day.

The Chair asked if any member of the public wished to speak in support of or in opposition to the application, and no one present so wished.

Mr. Del Grosso moved, and Mr. David seconded, to close the Public Hearing.

**Vote:** 4 in favor, none opposed, none abstaining, as follows:

Michael Wiskind, Chair –	Aye
Jacob Amir –	Aye
Mort David –	Aye
Serge Del Grosso -	Aye

### **Close Public Hearing**

Mr. Del Grosso proposed, and Mr. Amir seconded, the following Resolution:

WHEREAS, “Food & Gas of Ardsley, Inc.,” lessee of property owned by “The Thorpe-McCartney Family Limited Partnership” located at 730 Saw Mill River Road, Ardsley, New York, 10502, has applied to this Board for a variance from strict application of the requirements of Section 200-82(C) of the Zoning Ordinance of the Village of Ardsley, which prohibits the installation or displaying of freestanding or canopy signs, and Section 200-82(C)5 of the Zoning Ordinance of the Village of Ardsley, which prohibits non-conforming signs replacing existing legal non-conforming signs to the extent of the lesser of fifty percent or more of the area of the sign or fifty percent or more of the replacement value of the sign; 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 730 Saw Mill River Road, Ardsley, New York, and designated on local tax maps as Section 6.50, Block 18, Lot 21, within the B-1 General Business District; and

WHEREAS, a Public Hearing on this application was held by the Zoning Board of Appeals via Zoom, on November 25, 2020, after due notice by publication; and

WHEREAS, at the Hearing, Bryan Orser, General Manager of Food & Gas of Ardsley, Inc. appeared on behalf of applicant Food & Gas of Ardsley, Inc. in support of this application, and no one appeared in opposition to this application, and all those desiring to be heard were heard and their testimony recorded; and

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

WHEREAS, this Board, in weighing both the potential benefit to the applicant and the potential detriment to the health, safety and welfare of the neighborhood if the variance is granted, has determined that:

- (1) neither an undesirable change in the character of the neighborhood nor a detriment to nearby properties will be created by the granting of the variance, as the property and its signs continue to be used for the same type of business for over a decade, and as the backlit replacement signs are of the same size, at the same height and in the same location as are the existing signs;
- (2) the benefits sought by the applicant cannot be feasibly achieved other than by variances, as the sign modifications are required by the applicant’s fuel supplier;

- (3) the requested variances are not substantial as the proposed freestanding sign will be in the same location at the same height and of the same height and width as the existing sign, and only the panels will be changed;
- (4) the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district in that this business operates in the B-1 General Business District where there are no residences, and although the signs will now be backlit, the signs will continue to be illuminated at the same hours at which existing signs currently are illuminated; and
- (5) the circumstance requiring the variances was not self-created in that the sign modifications are required by the branding regulations of the applicant's fuel supplier.

NOW THEREFORE, be it resolved that the application of Food & Gas of Ardsley, Inc. is granted.

PROPOSED BY:	Mr. Serge Del Grosso
SECONDED BY:	Mr. Jacob Amir
VOTE:	4 in favor, 0 opposed, 0 abstentions, as follows:
Michael Wiskind, Chair –	AYE
Jacob Amir –	AYE
Mort David –	AYE
Serge Del Grosso –	AYE

**4) Continuation of Public Hearing**  
**Application for Variances from Village Code Requirements**

**Robert & Stephanie Goodman**

**131 Heatherdell Road, Ardsley, New York.**

**Section 6.60, Block 38, Lot 73, in an R-1 One Family Residential District.**

**For proposed in-ground swimming pool, with a 15.1 Foot West Side Yard Setback, where Thirty Feet is the Minimum Required (Code § 200-12B); and with 6,234 Square Feet Gross Land Coverage, where 5,752 Square Feet is the Maximum Permitted Subject to Planning Board Special Permit approval (Code § 200-83C).**

<b>Present:</b>	Michael Wiskind, Chair
	Jacob Amir
	Mort David
	Serge Del Grosso

**Also Present:** Robert and Stephanie Goodman, applicants  
Larry Tomasso, Building Inspector  
Dr. June Archer

The Chair stated that this was a continuation of a Public Hearing that began in September and that was continued in October.

The Chair asked applicants if their architect was present and if they have new drawings to share with the Board. Mr. Goodman stated that their architect requested additional money for revised plans, that they paid that money to the architect, and that they have neither received new plans nor been able to reach the architect.

The Chair advised that as applicants are unable to provide the additional material requested by the Board, the Board is not able to do anything further at this time. The Chair reminded applicants that the Board would like to see a proposal with minimal incursion into the setback and with a calculation of the square feet of the proposed incursion into the setback.

Mr. Goodman stated that applicants paid the architect to reorient the pool and to calculate the overage. Mr. Amir asked if an updated plan had been emailed on Friday. The Chair advised that the plan that had been emailed was not a new plan.

Mr. Tomasso suggested that he might have greater success reaching the architect, and asked Mr. Goodman to remind him to attempt contact on Monday.

The Chair noted that no member of the public was present to speak in support of or in opposition to the application.

Mr. Amir moved, and Mr. David seconded, to continue the Public Hearing.

**Vote:** 4 in favor, none opposed, none abstaining, as follows:

Michael Wiskind, Chair –	Aye
Jacob Amir –	Aye
Mort David –	Aye
Serge Del Grosso –	Aye

5) **Continuation of Public Hearing**

**Application for Variances**

**Musa & Asma Eljamal**

**9 Cross Road, Ardsley, New York**

**Section 6.120, Block 103, Lot 10, in an R-3 One-Family Residential District**

**For Proposed Additions to Existing Driveway and One-Story Building, with a Proposed Six Foot Five and a Half Inch North Side Yard Setback, where a Fifteen-Foot Setback is the Minimum Required (Code § 200-26B); and with 12,829 square feet of Proposed Gross Land Coverage, where 9,688 square feet is the Maximum Permitted Subject to Planning Board Special Permit Approval (Code § 200-83C).**

This matter was adjourned.

6) **Adjournment**

There being no further business, the Zoning Board of Appeals adjourned the meeting at 8:30 pm.

Respectfully submitted,  
Judith Calder,  
Recording Secretary