

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING (VIA ZOOM)
WEDNESDAY, APRIL 28, 2021**

PRESENT: Michael Wiskind, Chair
Dr. June Archer
Mort David
Serge Del Grosso

ALSO PRESENT: Larry Tomasso

1) Call to Order

The Chair called the regular meeting to order at 8:07 pm.

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, May 26, 2021 at 8:00 pm.

Approval of Minutes

The Chair announced that the approval of minutes would be taken out of order.

3) **Public Hearing**

Application for Variance from Village Code Requirements

Robert and Karen Capicchioni

2 Riverview Avenue, Ardsley, New York

Section 6.80, Block 78, Lot 16, in an R-3 One Family Residential District

For a proposed second story addition, where the East Side Yard (existing and proposed) ranges from 7.66 feet (Rear) to 7.76 feet (Front) and a Minimum of Fifteen Feet is Required (Code § 200-26B).

Present: Michael Wiskind, Chair
Dr. June Archer
Mort David
Serge Del Grosso

Also Present: Robert and Karen Capicchioni, applicants
Thomas Curro, architect
Larry Tomasso, Building Inspector

The Chair read the Legal Notice.

Open Public Hearing

The Chair asked that the project be described. Mr. Curro stated that the home had been purchased in 1983, that when the owners moved in, they had done a small enlargement, including providing a spiral staircase to the second floor, but the spiral staircase had proved impractical and no longer works with their lifestyle. Mr. Curro continued that the current proposal is for an enlargement to the existing second floor, which currently has two bedrooms and a bathroom, to allow for an additional bedroom and a hall bath and to allow replacing the spiral staircase with a full staircase and a hall bath. Mr. Curro added that the second floor is set back from first, which he opined does not fit with the character of the neighborhood. Mr. Curro stated that under the proposal the house will have a gable-type roof and that the façade thus will be more similar to other homes on the street. Mr. Curro added that they plan to use siding to match the existing shingles. Mr. Curro stated that the existing left side setback, for which a prior variance was granted, is not conforming. Mr. Curro asserted that it would not be practical to comply with the fifteen-foot side yard setback, as it would not be possible to have either a reasonably sized bedroom or a hall bath, and also would not allow them to replace the spiral staircase. Mr. Curro added that the proposed enlargement is within existing footprint and that everything would align with the existing side and front of the house.

The Chair noted that the mailing to neighbors had contained the meeting notice but not the actual Legal Notice, and suggested that this had given neighbors sufficient notice. The Chair asked about the return receipt cards for the mailing, and Mr. Curry stated that Mr.

Capicchioni had received them all. Mr. Tomasso advised Mr. Curry to have Mr. Capicchioni drop them off at the Village offices.

Mr. David pointed out that the owner's last name and complete address had been omitted from the variance application, and Mr. Tomasso and the Chair pointed out that they are on the permit application.

Mr. David stated that it appears that the lot coverage exceeds what is permissible and questioned if this should be referred to the Planning Board. Mr. Tomasso stated that it is usual to refer excess lot coverage matters to the Planning Board, but pointed out that this matter does not involve an addition to land coverage and that the application is only for a variance to the setback requirements. Mr. Curry confirmed that there is no proposed change to land coverage, and explained that they will be using only the existing footprint with no overhanging structure. The Chair pointed out that documents state that the land coverage is increasing from 13.7 to 16.5. Mr. Curry suggested that this must be a typographical error, as his records show that lot coverage is 22% existing and 22% proposed, with no change to land coverage. Mr. David referred to documents that have 4,002 square feet as existing, where 3,092 is the basic permitted and 3,658 is the maximum allowed. Mr. Curry stated that his records show 1,672 square feet existing and proposed land coverage. Mr. Tomasso confirmed that 1,672 square feet is the existing and proposed square footage, comprising 22% building coverage. Mr. Tomasso added that the house size FAR will increase from 2,160 square feet to 2,175 square feet, but noted that the basic permitted FAR is 3,051 square feet. Mr. Curry acknowledged that he may not have screen shared the most recent, amended zoning worksheet, and Mr. Tomasso concurred that there has been a revised plan after the version Mr. Curry had screen shared. Dr. Archer stated that he had been looking at a form dated March 2, and Mr. David stated that he had been looking at a form dated March 18. The Chair stated that some references in the plans are not correct, and advised Mr. Curry to provide the Village with updated plans. The Chair asked Mr. Tomasso to confirm that all aspects of the proposal require no variances other than for the setback, and Mr. Tomasso so confirmed.

Mr. Curry expanded his description of the proposal and noted that the enlargement will be to the front left side of the house. Mr. Curry pointed out that the basement will remain unchanged except for replacing the staircase to basement, along with replacing the first-floor spiral staircase. Mr. Curry explained that the existing second floor is set back from the front of the house, providing two bedrooms and one bath, with the bathroom accessible from only one of the bedrooms. Mr. Curry stated the currently the second floor goes straight across, and that by squaring off the roof area above the addition, the façade becomes a double gable roof which will architecturally blend in the neighborhood as the adjacent homes have gabled roofs. Mr. Curry reinforced that the driving force of this project is to have a more usable second floor, including a bathroom that is accessible to all the bedrooms and a full staircase on which furniture can be carried. Mr. Curry stated that there is no increase in non-conforming yards except vertically, and concluded that it is a small addition that is unnoticeable from the side and that enhances the front.

Mr. Del Grosso sought confirmation that the variance requested is for the same setback as the existing non-conformity, and that there are no other variances required for the modest addition within the existing footprint. The Chair confirmed that the proposal involved no increase horizontally, only increasing vertically on the existing side of the house.

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

The Chair polled the Board about their opinion, and all four Board members present were in favor of granting the requested variance. The Chair advised applicant that the Board would draft a Resolution to be voted on at the next meeting, and that the variance will not be officially granted until a vote on the Resolution is taken.

Mr. Curry was reminded to provide the Village updated worksheets and plans, and to have Mr. Capicchioni send or drop off the return receipts from the mailing.

This matter was adjourned to the next meeting, at which time the Public Hearing will be closed and a vote will be held on a proposed Resolution.

4) Public Hearing

Application for Variances from Village Code Requirements

Benito and Joanna Verrino

37 Captain Honeywells Road, Ardsley, NY

Section 6.50, Block 29, Lot 10 in an R-3 One-Family District

For Proposed Second-Story and Front Porch Additions where: the Proposed Building Coverage is 2,698 square feet (32.62% of the lot area) and the maximum permitted building coverage is 2,316 square feet (28% of the lot area) (Code § 200-25); and the Side Yards are 11.7 feet (West) and 6.1 feet (East) and Fifteen Feet is the minimum required on each side (Code § 200-26B).

Present: Michael Wiskind, Chair
Dr. June Archer
Mort David
Serge Del Grosso

Also Present: Allison Verrino, applicant
Benito and Joanna Verrino, owners
Ed Marron, Jr. architect
Larry Tomasso, Building Inspector

The Chair read the Legal Notice.

Open Public Hearing

The Chair pointed out that the tax records show the property owners as Benito and Joanna Verrino but that the application is from Allison Verrino, and asked if ownership had changed and not yet been registered. Mrs. (Joanna) Verrino stated that the house is in trust.

The Chair stated that the original documentation had flipped the numbers, and that the numbers in the Legal Notice are correct, to wit, the existing West side yard setback is 11.7 feet and the East side yard setback is 6.1 feet. The Chair also pointed out that plans E-2 and E-3 are of the existing house but are labeled as “proposed.”

Mr. Marron shared his screen and showed that the proposed two-story addition over the main body of house is just enough for three bedrooms, and noted that they propose enlarging one bedroom and removing one bedroom from the first floor. Mr. Marron added that over the garage they propose raising the height to less than seven feet six inches, so as not to constitute livable space, but to provide storage as the house has only a crawl space and no basement. Mr. Marron showed the front elevation and pointed out that they propose modernizing the windows and having new siding. Mr. Marron showed that over the garage, where they are not adding a floor, just providing storage, they made a significant effort to avoid massing to the side yard, and that they believe they accomplished that by sloping the roof in the way proposed. Mr. Marron stated that they are staying within the existing footprint, and that the proposal does not exceed the footprint beyond the existing non-conformity. Mr. Marron pointed out that they want to add a roof over the existing front porch, to cover and not to enclose it, and that this counts as building coverage and FAR, but that the increase in building coverage is minimal, the additional 48 square feet being entirely attributable to covering the porch.

Mr. David asked about the existing, proposed and maximum square feet for building coverage. Mr. Marron stated that the existing building coverage is 2,652 square feet and that 2,698 square feet is proposed. Mr. Tomasso explained that the proposed building coverage is increasing [from 32.06% to 32.62%] because of the 48 square feet for the roof over the existing porch.

Dr. Archer asked to hear more about the aesthetics of the proposal. Mr. Marron stated that the proposal softens the mass and bulk in front of the house, takes away the horizontal contemporary coldness, adds pitch to the roof, creating more definition from the street and giving the house a more traditional look. Dr. Archer asked about how it fits with the neighborhood. Mr. Marron stated that this is more compatible as the neighborhood is all colonial and converted ranches. Mr. Marron added that they did seven different drawings but that this one stood out because it was soft and met the neighborhood. The Chair stated that he likes that they are echoing the gable on the porch overhang.

Mr. Del Grosso asked if the proposed increase in height over the garage creates an obstructed view that would be detrimental to the neighborhood. Mr. Marron shared street views. Mr. Marron stated that the property has very mature trees, is well landscaped, and that the rear is very bucolic. Mr. Marron stated that on one side there are no views, on the other side they are all in line with each other, that the view from the backyard is not further inhibited as they have to look over the building to begin with, and added that the garage faces the neighbor's garage so that there is no view from that neighbor's house.

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

The Chair polled the Board about their opinion, and all four Board members present were in favor of granting the requested variance. The Chair advised applicant that the Board would draft a Resolution to be voted on at the next meeting, and that the variance will not be officially granted until a vote on the Resolution is taken.

This matter was adjourned to the next meeting, at which time the Public Hearing will be closed and a vote will be held on a proposed Resolution.

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) Approval of Minutes

The Chair brought to the Board's attention that the footnote in the revised proposed minutes had been added at the Chair's request, and reminded the Board members that at the March meeting, the Board had agreed that approval was contingent upon applicant providing return receipt cards. The Chair pointed out that applicants often receive much less than 100% of return cards, and that there are other occasional irregularities too, such as tonight,

where an applicant did not include the correct material in the mailing. Mr. Tomasso explained the thrust of the general requirement, saying that what matters is proof that they were mailed and that the appropriate people received Notice, not that we get the return receipt cards, and noting that an applicant cannot be responsible for ensuring that everyone returns their cards. Mr. Tomasso added that delivery issues due to Covid restrictions are more than excusable. Mr. Tomasso stated that mailing to co-owners is an issue only if they have different mailing addresses.

Dr. Archer moved, and Mr. David seconded, the approval of the Minutes of the Zoning Board of Appeals meeting of March 24, 2021, as amended.

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

Michael Wiskind, Chair –	Aye
Dr. June Archer –	Aye
Mort David –	Aye
Serge Del Grosso -	Aye

7) **New Resolution Procedure**

The Chair pointed out that in the past, the Board has created resolutions verbally at the meeting at which the matter was last heard and has voted on those resolution at the same meeting, after which the recording secretary types and distributes it to Board members for edits prior to filing within the five business days required by state law. The Chair continued that the Board has now agreed to draft resolutions after the last meeting at which the matter was heard, and wants everyone to understand how this new process will work.

Mr. Tomasso explained that the Public Hearing will remain open and that the Board will have to meet the following month, even if no other items are on the agenda, to vote on the resolution, and that the clock for the filing deadline would begin at that following month's meeting. Mr. Tomasso stated that as far as he is aware, Board members cannot vote by proxy and that approvals must be in the context of a meeting. Mr. Tomasso explained that if a Board member cannot attend the subsequent meeting, he or she will not be able to vote, but that a Board member present at the subsequent meeting may vote even if he or she had not attended the previous meeting, just like for minutes. Mr. Tomasso stated that any three Board members could approve a resolution, and that if enough Board members were present, a Board member who had not attended the previous meeting could elect to [abstain], and suggested that the record should reflect if a voting member had not been at the previous meeting. Mr. Tomasso stated that the applicant(s) would not be required to attend that subsequent meeting, and that the month lapse will not delay applicants, as they will be able to prepare final construction drawings and go to the Board of Architectural Review in the interim.

8) Adjournment

There being no further business, the Zoning Board of Appeals adjourned the meeting at 9:18 pm.

Respectfully submitted,
Judith Calder,
Recording Secretary