

**MINUTES  
VILLAGE of ARDSLEY  
ZONING BOARD of APPEALS  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 29, 2023**

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

**1) Call to Order**

The Chair called the regular meeting to order at 8:01 pm.

**2) Announcements and Approval of Minutes**

**Announcements**

The Chair announced that the next meeting of the Zoning Board of Appeals is presently scheduled for Wednesday, December 27, 2023, at 8:00 pm. The Chair noted that this was during the Christmas vacation week and inquired about Board members' availability. Mr. Amir stated that he will not be available on that date. The Chair asked the other Board members to advise him as soon as possible should they find themselves unavailable. The Chair noted that should a meeting need to be rescheduled to assure quorum, that meeting would need to take place later than the original rescheduled date to ensure sufficient time for the requisite Notice.

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

**Approval of Minutes**

The Chair noted that the proposed October minutes now before the Board include an addition to clarify the change in date from the fourth Wednesday to the fifth Wednesday for this meeting, and include a revision to the Resolution approved on October 25, 2023, to reflect that it was a single variance, and not multiple variances, that was sought by and granted to Marc and Jillian Weinman.

Mr. Amir moved, and Dr. Archer seconded, that the Zoning Board of Appeals approve the minutes of the meeting of October 25, 2023, as amended, including the Amended Resolution.<sup>1</sup>

**Vote:** 5 in favor, 0 opposed, 0 abstaining, as follows:

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

### 3) **Public Hearing**

#### **Application for Renewal of Special Use Permit**

**Ni Nu, Inc., by Shah Yafi, KSSY Auto Body Inc. Lessee,  
d/b/a Bucci's Irvington Auto Body.**

**646 Saw Mill River Road, Ardsley, New York**

**Section 6.70 , Block 42, Lots 3 and 5, in a B-2 Special Business District**

**For renewal of Special Use Permit, to continue operation of autobody repair shop  
(Code § 200-74B)**

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

**Also Present:** Mr. Shah Yafi  
Kyle Satti, Secretary of the Corporation

The Chair read the Legal Notice.

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<sup>1</sup> The Amended Resolution can be found after the conclusion of these Minutes, but should be considered part hereof.

## **Open Public Hearing**

The Chair asked if applicant had “green cards,” and Mr. Satti provided seven green cards received in response to twenty-one mailed, together with the receipts of mailing and an Affidavit of mailing.

The Chair noted that applicants have been in ownership for almost two years, and pointed out that applicant’s predecessor went through the process of continuing the special use permit every two years and likely passed along information about the process to the current owner, and applicant indicated their understanding. The Chair asked if there have been any violations, environmental permits, or anything else. Mr. Yafi said that there have been no violations. The Chair asked if the applicant was in good standing with the State of New York, and Mr. Yafi said that they are.

The Chair stated that the Village has the current insurance certificate, which is valid through the end of this calendar year. The Chair asked the applicant to provide the updated insurance certificate to the Village when it is received in January.

Mr. Amir asked if there have been any changes in the use of the property, any extensions to the property, or any changes to the dimensions of the property. Mr. Yafi said there have been no changes. The Chair asked if there have been any changes to the nature of the business or if they are doing anything that had not previously been done, and Mr. Yafi replied that there have been no changes to the nature of the business or to the work done.

Mr. David stated that there are apartments above one of the buildings and asked if those are currently in use. Mr. Yafi stated that they are not aware of any tenants upstairs but believes that it is being used as a gym or training facility. Mr. Yafi added that they are separate tenants. The Chair noted that this would not fall under the permitted use as an auto body shop.

Mr. David pointed out that of all the non-conforming businesses in the Village, including, he believes, the car wash across the street from this business, only Bucci comes before the Zoning Board every two years, and asks why they are required to extend their permit. The Chair stated that he believes that the need for this business to seek a continuing Special Use Permit arose when there was an addition to the building fifty or sixty years ago, but suggested that this would be a good question to ask the Building Inspector as a matter of general interest.

Mr. Del Grosso pointed out that under prior extensions, the certificate of liability insurance had not been current, and asked what accounted for the change. The Chair advised that the

insurance is under a different term with these new owners, that the term now runs through December [and a bit beyond] and they have the paper certificate for the current term, whereas meetings for the Special Use Permit renewals by the prior owners took place too soon into the new term of the liability insurance, when the owners had not yet received the paper certificate demonstrating the then current term of the policy.

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

Dr. Archer moved, and Mr. Amir seconded, to close the Public Hearing.

**Vote:** 5 in favor, 0 opposed, 0 abstaining, as follows:

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

#### **Close Public Hearing**

The Chair polled the Board members for their views on extending the special use permit, and the support was unanimous.

The Chair advised applicant that they did not need to seek an extension of the area variance until 2025, but reminded them that they would need to submit the updated Certificate of Insurance annually.

The Chair stated that the Board will draft a Resolution to be voted on at the next meeting. Dr. Archer offered to draft the Resolution.

#### **4) Public Hearing**

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

**Vincent Russo and Arisa Katerina Proko**

**20 Grandview Avenue, Ardsley, New York**

**Section 6.80, Block 64, Corner Lot 5, in an R-3 One-Family Residential District**

**For an Area Variance, to construct a Front Addition with Proposed and Existing Setbacks, from Grandview Avenue and Eastern Drive, of less than the Twenty-Foot Minimum Requirement**

**(Code § 200-26; Code § 200-89)**

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

**Also Present:** Vincent Russo  
Arisa Katerina Proko<sup>2</sup>  
Nicholas Faustini, architect  
Patrice Corwin, 22 Eastern Road, Ardsley, NY  
Yuval Dekel, 31 Plainview Avenue, Ardsley, NY  
Hillel Landman, 19 Grandview Avenue, Ardsley, NY

The Chair read the Legal Notice.

### **Open Public Hearing**

Mr. Russo provided the thirty-two receipts of certified mailing, together with an Affidavit of Mailing, and the single “green card” received thus far in response to the mailing of November 17, 2023.

Mr. Faustini outlined the proposal for a ten-foot by twenty-five-foot front yard addition that would add a primary bath and a small bedroom and provide a small extension of the living room and a covered porch, and noted that the roof of the covered porch is measured from the column. Mr. Faustini added that the current house is non-conforming, and that because the property is a corner lot, it has two front yard setbacks and thus requires two variances. Mr. Faustini pointed out that the property line pulls away from the house, and that the addition contemplates continuing the line of the house.

The Chair asked if the front line of the proposed addition is closer to the property line than is the garage. Mr. Faustini stated that it yes, and that this is to accommodate a new bedroom that is nine-and-a-half feet wide in the interior.

Mr. Amir asked how many bedrooms and baths there are now and what the proposal extends it to. Mr. Faustini said that there currently are three bedrooms and two baths in the house, but that one of the existing bedrooms and one of the existing baths is in the basement. Mr. Faustini explained that they propose adding one bedroom and one bathroom on the main level to accommodate their growing family. Mr. Amir asked if the basement

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<sup>2</sup> Ms. Proko joined after the Public Hearing opened, as she was arriving directly from work.

would stay as it is currently configured. Mr. Faustini explained that the proposed addition will be over a crawl space, and that there will be no expansion of the basement.

Mr. Del Grosso asked if the addition is in the front of the house. Mr. Faustini said that there would be a bump-out of ten feet toward Grandview Avenue. Mr. Faustini added that the elevation of Grandview Avenue is seven feet higher than the elevation of this home, so that the addition should not feel like it is encroaching on Grandview Avenue. Mr. Faustini added that there is an eleven-foot right-of-way between this property and the street, so that although the distance from the addition to the property line would be fifteen-and-a-half feet, it would be twenty-six-and-a-half feet to the street.

The Chair asked if the difference in elevation is similar on the driveway, and Mr. Faustini said that the driveway is a twenty percent slope, and he showed a diagram of the driveway as seen from the left side.

The Chair asked if there are any problems with drainage. Mr. Russo said that they have not experienced any thus far. Dr. Archer asked if there is a drain in front of the garage door. Mr. Russo stated that after the storm last spring, the Village added storm drain pipes all the way down Eastern Road. Mr. Russo added that a neighbor behind him had had some flooding in his driveway, but that the neighbor has not had any problems since the Village added those drain pipes.

Mr. Del Grosso asked if the house is the old Lombardo house on the corner of Grandview and Eastern, and Mr. Russo said that it is.

Mr. Faustini showed photos of neighboring homes to demonstrate that not every home in the area meets the twenty-foot setback rules.

The Chair noted that applicants often seek a second-story addition where the first floor is already encroaching, and asked if this had been considered. Mr. Faustini said that it had been considered, but that this was determined to be the most cost-effective solution. Mr. Faustini explained that the area planned for the addition is not often used, and that adding anywhere else would require ripping out a patio or a roof, or would take away from the yard space for children to play. The Chair pointed out that the side opposite the side they are proposing seems to have more room to the setback. Mr. Faustini acknowledged that it does, but pointed out that adding there would require removing the deck and taking away from the play area.

Mr. David asked if the addition would include a basement, and Mr. Faustini replied that it will not, that the addition would be built over a crawl space.

Mr. Amir asked when the house was purchased by the applicants, and Mr. Russo replied that they bought the house in September of 2019. Mr. Amir asked if there had been any alterations since the purchase, and Mr. Russo stated that this would be the first.

The Chair asked who lives in the house. Mr. Russo stated that he, his wife, and their son live there, and added that they are now expecting their second child. Mr. Amir asked if anyone works from home. Mr. Russo said that he sometimes does, that his wife does not, as she owns a salon in the city, and that his mother-in-law takes care of the son during the day, as he has only begun Nursery School a couple of days a week.

Dr. Archer asked Mr. Russo if they like the proposed layout, and Mr. Russo said that they do and that they are very excited.

Mr. Amir asked to what extent the area of the slope on the Grandview side is usable, and asked how often applicants use that area. Mr. Russo stated that, because of the change of elevation, there is a retaining wall, so it is a good area to kick around a soccer ball. Mr. Russo added that they mostly use the side yard, but that they wanted to keep some of that front space usable because they do use it a little.

Mr. Amir asked to be reminded what the existing rooms are on the Grandview side. Mr. Russo said that there is an existing bedroom to which they are adding a complimentary bathroom, and that they are adding another bedroom.

The Chair asked if any member of the public wished to speak in support of or in opposition to the application, or wished to ask questions on this matter.

Mr. Landman stated that he is in favor of proposal.

Mr. Dekel stated that he received the letter, that he is familiar with the property, that the project makes total sense to him, and that he believes that the East side of the property is the best location for the project.

Ms. Corwin stated that she is in favor of the project. Ms. Corwin asked if the time construction could begin in the morning was eight o'clock. The Chair replied that he thinks that is so, but stated that Mr. Tomasso could best answer that question.

The Chair noted that the Board had received an email from Sean Kiernan, of 9 Plainview Avenue, Ardsley, New York, which does not abut the property, but which is within the 200 feet requiring Notice. The Chair stated that Mr. Kiernan's email was not specific, but raised some concerns.

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

**Vote:** 5 in favor, 0 opposed, 0 abstaining, as follows:

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

### **Close Public Hearing**

The Chair polled the Board members. The support for granting a variance was unanimous.

The Chair stated that the Board will draft a Resolution to be voted on at the next meeting.  
Mr. Del Grosso will draft the Resolution.

## **5) Public Hearing**

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

**YC Ardsley Deli LLC, by Craig Weitz**

**472 Ashford Avenue, Ardsley, New York**

**Section 6.50, Block 18, Lot 2, in the B-1 General Business District**

**For Sign Variances, to install proposed:**

**(A) Projecting, Double-sided, Side Wall Signs, Exceeding Maximum Permitted Overall:**

**(i) Sign Area, (ii) Sign Height, (iii) Projection of Sign from Building, (iv) Sign Lettering Height, and (v) Internal Sign Illumination; and**

**(B) Two Principal Front Wall Signs, Exceeding Maximum Permitted Overall:**

**(i) Sign Height, (ii) Sign Width, (iii) Sign Lettering Height, and (iv) Number of Signs per Street Façade**

**(Village Code § 200-82)**

<b>Present:</b>	Michael Wiskind, Chair
	Jacob Amir
	Dr. June Archer
	Mort David
	Serge Del Grosso
<b>Also Present:</b>	Craig Weitz



Yuval Dekel<sup>3</sup>

The Chair read the Legal Notice.

**Open Public Hearing**

Mr. Weitz provided six “green cards” received in response to the fifteen Notices he said he had mailed.

Mr. David asked the applicants if they have registered with the New York State Department of Agriculture and Markets (“DAM”), and Mr. Dekel said that they have. Mr. David asked if they had received the certification, and Mr. Dekel said that they had not yet received it. Mr. David asked when they had applied for it, and Mr. Dekel replied that they had applied two or three months ago. Mr. Weitz mentioned that he has confirmation that DAM has received the application. Mr. David explained that he asks about this because the word “Kosher” is in the sign, and New York State law may require that an establishment that holds itself out as Kosher or Halal must be registered with DAM.

Mr. Amir asked if registration is required for each business or for each premises of the business. Mr. Dekel pointed out that this location of Liebman’s is under a separate legal entity. Mr. Dekel added that their application stated that he has another entity, and that the application stated that he has a certificate for the other location, but he will follow up. The Chair reiterated that it is a different legal entity. Mr. Amir commented that the applicants could check if it might be retroactively permissible.

Mr. Dekel pointed out that you are allowed to hang a sign without the certificate, but that you may not open for business without the requisite certificate. Mr. Dekel added that the certificate states that that they are self-supervised, that there is no certification of Kashrut by New York State.

The Chair invited applicants to discuss the requested variances, and suggested that they address the two types of signs separately, beginning with the wall signs. Mr. Weitz stated that they have a unique location, in that it occupies two former stores, and that the challenge is that centered between the two stores are stairs to the apartment building, as seen on page ten of their application materials. Mr. Weitz explained that they could have one wall sign centered over the two storefronts, but he thinks that this would appear to be advertising the apartment building. Mr. Weitz continued that they could eliminate the need for a variance for two separate signs by joining the two proposed signs with white space to connect the

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<sup>3</sup> Mr. Dekel left prior to the end of the Public Hearing for personal reasons.

in-between, but that the additional cost would be in the thousands of dollars, because, though it seems simple, there would be a lot of construction, and that is why they propose two separate signs.

Mr. Amir asked if they have one or two leases. Mr. Weitz stated that they have two separate leases, each with a separate address. Mr. Weitz added that they plan to use 472 Saw Mill River Road for Google and Waze, but that the addresses are actually 470a Saw Mill River Road and 472a Saw Mill River Road, and noted that the apartments have another different address.

Mr. Amir asked if there would be one or two entrances. Mr. Weitz said that there would be one entrance, as the second entrance would be an emergency exit. The Chair asked if everyone will be coming in through one entrance. Mr. Weitz said that everyone will be coming in through the entrance on the left, as the one on the right will be for emergency egress only. Mr. Amir asked if the entering and exiting will be through the same entrance, and Mr. Weitz replied in the affirmative. Mr. Amir asked if deliveries would come in through the entrance on the right. Mr. Weitz said that they would not, that the entrance on the right would be for emergencies only. Mr. Weitz added that, as the cashier will be on the left side and the dining room will be on the right side, having the entrance on the right side used only for emergency exits will preclude the possibility patrons leaving the restaurant without paying. Mr. Weitz pointed out that the staircase goes up in the middle of the building, and that the opening connecting the two sides of the restaurant is behind the staircase, and is about twenty-five feet back from the storefront entrance. Mr. Amir asked if the restaurant is a “U” shape, and Mr. Weitz said that it is.

Mr. Weitz stated that the reason they seek a variance for letter height is that both storefronts are hidden by the tree and the clock, and referred to photos 3 through 5, to show that there is no clear view to the street. The Chair reminded applicants that they chose this location. Mr. Weitz stated that they also request the letter height variance because the logo takes bigger lettering.

Mr. Amir asked when the sign or signs would be illuminated, and Mr. Weitz replied, “from sundown until closing.” The Chair asked if the wall signs over the doors are also internally illuminated, and Mr. Weitz replied in the affirmative.

The Chair suggested that not wanting people to use the door on the right would seem to be a strong argument for not putting a sign over it. Mr. Weitz disagreed, stating that the two signs let people know that they are in both places. The Chair stated that they seem to be directing people to where you do not want them to go. Mr. Weitz disagreed, stating that they are not saying “enter here,” but rather are advertising for the location. Mr. Weitz

reiterated that if one sign were centered over the two stores, it would look and feel as though they are advertising part of the residential apartment building, which is not their intent. Mr. Weitz stated that they are limited in where they can place the sign that makes sense for the space they occupy. Mr. Weitz stated that if the door to the apartments were not in the middle, they would place one sign centered over the two storefronts, as that would make sense whether we were directing people into one door or not. The Chair suggested centering a longer sign, with room to say all that applicants want, over the door on the left that they want people to use. The Chair added that there are windows, so people will see that there is a restaurant there. Mr. Weitz suggested that a longer sign there would protrude into the area over the entry to the apartments. The Chair pointed out that it would be easy for the landlord to place a sign that said, “restaurant that way.” The Chair said that he did not know the opinions of the other board members, but that he is not in favor of two signs.

Mr. David asked if the apartments above the restaurant are occupied, and Mr. Weitz said that they are. Mr. David expressed concern that, especially at this time of year, when the sign will go on at 5:00pm, the illuminated signs will negatively impact the people residing above the restaurant. Mr. Weitz stated that all the other signs there are illuminated. Mr. David doubted that all of them are illuminated and asked Mr. Weitz which ones are illuminated. Mr. Weitz stated that they all have some kind of illumination, that Fiesta has illumination within its awning, that the bar has gooseneck lights, and that all the stores from the Indian restaurant to McCartney have internally illuminated signs. Mr. David asked if the internally illuminated signs were on the interior or exterior, and Mr. Weitz stated that they all are on the brick.

Mr. Amir stated that he understands the rationale to have one sign that says Liebman’s and another that says “delicatessen, restaurant, caterers,” because although we know what Liebman’s is, others may not. Mr. Amir continued that, despite this rationale, he agrees with the Chair in that he is not sure that putting a sign over the delicatessen side of the restaurant serves the intended function. Mr. Amir suggested that no one will not know that the deli is there, because the sign Liebman’s will be there, the windows will be there and they will see people in the window. Mr. Amir further suggested that if people are confused, they will see the Liebman’s sign and then will know to go in there. Mr. Amir asked applicants to provide a rendering with the signs more together or toward the left side, so that the Board could see how other options might look. The Chair added that with one sign, applicants would have much more length with which to work.

Mr. Amir stated that to be granted a variance, an applicant needs to meet some level of burden. Mr. Weitz stated that because there are two separate stores, each with a separate lease, they could at any time vacate one and not the other, which would leave them with the challenges of replacing the sign and changing its placement. Mr. Weitz acknowledged

that there would be balance with one sign, but stated that they had not liked that rendering, so if they did one sign, they would like to have one sign end-to-end, and might have to come up with something to fill the gap between the doors. Mr. Amir asked if they might have one sign that accomplishes the advertising or promotion they seek. Mr. Weitz said, “if we wanted to have one sign.”

Dr. Archer asked what is now where the delicatessen sign would be. Mr. Weitz stated that both areas are blank. Dr. Archer stated that he likes balance, and that he thinks two signs promote both spaces. Dr. Archer opined that parts of the Village look dingy and that it is not inviting in Addyman Square, and he suggested that this might make the building look better by dressing it up a touch and making it balanced. Mr. Weitz said that making it look better had been one of their goals, that they spent \$15,000 painting the building gray, instead of yellow, including painting the rear of the building, the chimneys, and the railings going alongside the building. Mr. Weitz stated that the same owner owns the building next door, and suggested that the disrepair of the next-door building is a noticeable contrast. Mr. Weitz stated that they thought the proposed signs looked better than their other options, and added that there is a large cost to doing it this way, but that it would also add value.

The Chair stated that he would like to see alternative proposals, and in particular a proposal that stays within the code, which is a maximum width of twenty feet, a maximum height of two feet, with a maximum letter height of eighteen inches. Mr. Weitz asked if this would be only over the left side. The Chair replied that the proposed wall signs are approximately eleven feet long, but that there is room for one of them to be much longer and still within the code maximum of twenty feet. Mr. Weitz said that they would not be interested if the sign went over the apartment doors, which is why they do not want to have a sign centered on the building. The Chair pointed out that extending a sign from the corner or near the corner of the building to the first brick pillar between the door on the left and the apartment staircase would afford at least five feet more. Mr. Weitz said that the Chair’s suggestion would not accomplish very much for them.

The Chair asked why they want to put a sign over a door that they do not want people to use. Mr. Weitz replied that they want it because it includes everything that their logo incorporates. Mr. Weitz stated his opinion that the signs are not providing direction, but rather are advertising that they occupy both spaces. Mr. Weitz explained that what they hope to accomplish is that even people eating in the left side will know that they occupy the right side too. Mr. Weitz added that if the door [on the right] were not there, one might understand that there is another part of the establishment, but that the door is already there and makes it unclear.

Dr. Archer stated that he likes the balance [of two signs], but asked Mr. Weitz if one sign had to be eliminated, would the objective be accomplished by incorporating the arrow at the bottom of the sign. Mr. Weitz replied that it would not fit, and pointed out that the sign above the Riverdale store is larger. The Chair asked if Mr. Weitz was referring to the size of the sign or of the restaurant, and Mr. Weitz replied that the sign itself is bigger and higher. The Chair asked if the width of the Riverdale sign is fourteen feet, and Mr. Weitz replied that it is between twelve and fourteen feet. The Chair pointed out that here the sign can be up to twenty feet wide. Mr. Weitz acknowledged that, but stated that that would put the sign over the apartment entrance, which they do not want.

Mr. Del Grosso asked if there would also be signage in the window, as there is in the Bronx. Mr. Weitz replied that the window will have an LED sign. Mr. Del Grosso asked if the sign would be on both sides. Mr. Weitz replied that one side cannot have a sign because it has four different windows. Mr. Del Grosso asked if they would be able to divide a sign across the windows, and Mr. Weitz replied, “no.”

Mr. Amir asked if other businesses in the Village have two signs. Mr. Weitz stated that he does not know of any other business that has this situation, and pointed out that Fiesta Mexico has a double storefront, but has no apartment door between its two storefronts, and that [their request for two signs] would be moot if [the apartment door] were part of their space. Mr. Amir stated that he is wrestling with the request for a variance for two signs because he believes that, even with one sign, people would not confuse the apartment door with the business door, that it would be evident what door they should enter through, and that therefore he does not think that the apartment door is an impediment.

Mr. Weitz stated that the current proposal is for two signs, each of which is twelve feet, and asked if the Board’s suggestion is to combine the two signs so that they meet up at the words “delicatessen” and “since 1983”, centered over the middle of the building, in which the air conditioner in the center of the window would now be the center of their sign. The Chair replied that it is a [not the] suggestion, and Mr. Weitz acknowledge that it is a suggestion that would allow them to have one sign over their space. The Chair added that the current proposal creates four Code issues – total sign length, two signs instead of one, sign height, and lettering height – and that this suggestion takes care of the first two issues.

Mr. Del Grosso asked if the internal illumination was also a Code issue, and Mr. Weitz said that that the issue of internal illumination applied to the arm sign, whereas that internal illumination is permissible here.

The Chair stated that the Board is not trying to dictate what they do, but is asking for alternatives to the current proposal. Mr. Weitz said that they would like two signs because

of their unique situation, without considering for the moment the issues of the height of the sign and of the lettering. Mr. Weitz said that he would think about it, but that without two signs, he might have a sign only on the left because he thinks it does not strike the right balance to have one sign centered, and he feels that that would be akin to giving a sign to the building. Mr. Weitz said that it is not about having an advertisement for the business, because he believes that people would come whatever kind of sign[s] they have, but that it is about uniformity for their unique location, and therefore if the current proposal does not work, he might choose to have one sign only on left, and to eliminate the words “delicatessen, restaurant and caterers.”

Dr. Archer asked Mr. Weitz if he would be opposed to combining the two signs and centering one sign between the edge of the building and immediately before the doorway. Mr. Weitz replied that it does not achieve balance and that it does not make sense to spend the money to put it over the apartment door. The Chair explained that Dr. Archer was not suggesting that the sign should go that far, but that one sign [placed on the left side] could be extended by a foot or two on either side to provide more horizontal space. Mr. Weitz replied that it could, but that they would need to see what the cost would be. Dr. Archer suggested that there would be balance, to which Mr. Weitz replied that they would then lose [the second sign] and add only a foot on either side [of one sign]. The Chair pointed out that how much they add depends on how far they want to go. Mr. Weitz said that they want to have balance so that it does not look as awkward, and suggested that doing the other sign “here” [pointing], we accomplish that goal, and that they will need to determine their commitment to the words “delicatessen, restaurant and caterers,” because that’s what they would be trying to squeeze into this.

Dr. Archer said that he does not love this suggestion because he does not think it advertises the business. The Chair replied that the sign would have the name. Mr. Weitz referred to the sign on the Bronx location. The Chair pointed out that the Bronx sign does not have “since 1953” on it. Mr. Weitz acknowledged that it does not, but pointed out that it has the words “Kosher” and “Delicatessen” on it. Dr. Archer stated that he prefers the balance, but suggested that in this compromise, people will gravitate toward that space anyway.

Mr. Weitz asked the Board to put aside the issue of two signs and look at the other variance issues of the wall signage, and directed the Board’s attention to photos 5, 6 and 7. Mr. Weitz contended that there is no great way to achieve sign visibility from the street. The Chair noted that he had spoken about this with the Building Inspector, who confirmed that many businesses in the Village have no individual sign [with street visibility], and that a common sign for multiple business tenants would require permission from the Village, and that the multiple landlords would have to chip in to pay for it. Mr. Weitz added, “and for the illumination,” and stated that [a common sign] was unlikely to happen, and that all

would need to agree about the colors, design, etc. Mr. Weitz stated that another challenge of the space is that the walkway to get off the street into here leads to this store and you cannot walk to this store.

The Chair summarized that the Board would like to see one or more alternatives that reduce the number of variances sought. The Chair suggested that these alternatives might include having one sign instead of two, which could also address the sign width issue, and rewording the sign to meet the permitted letter height. The Chair opined that the Board may be more amenable to signage that requires fewer variances. The Chair hastened to caution that signage must receive approval from the Board of Architectural Review (“BAR”), and that indeed the Building Inspector had specified that whatever approvals this Board may grant must be conditioned on approval by the BAR.

Mr. Weitz asked for confirmation of the various Code limits on signs. Mr. Del Grosso asked for the measurements of the proposed signage. Mr. Weitz replied that the sign height is thirty-two inches, but not the lettering height. Mr. Weitz said that he will consider what a sign without variances would look like, because if they had only one sign, he might not seek any variances, because he does not like the look any other way. Mr. Del Grosso asked Mr. Weitz if he meant that he might create a sign that completely conforms to the Code. Mr. Weitz confirmed that he might, and explained that their primary focus had been on the two signs, and if the Board were to say, for example, “ok to two signs but conform them as to letter height,” they would do that, but that if there will not be two signs, they may go back to the drawing board to see if they can make one sign work. The Chair confirmed that applicants will see what else they can come up with, and added that if they want to do one version that is completely within Code limits requiring no variances as well as another version with few variances needed, such as increasing the height of the sign or of the lettering, the Board could look at those various options when considering the application.

Mr. Weitz said that they will see what difference it would make to visibility, and that if it is *de minimis*, they may stay within the Code, but that they will go back to the drawing board to consider options. Mr. Weitz also stated that they have invested about one million dollars in what is probably a \$3.2 Million property, because that is what was needed to be able to occupy the space in the one-hundred-year-old property, and that the cost of putting up these [wall and arm] signs together is about \$37,000. Mr. Weitz stated that they need to focus on their piece above the storefront and not on giving more to the property, so that they may decide to have one sign on the left and seek a variance for the height of the lettering or of the sign.

The Chair asked that they now focus on the issues with the projecting “arm” sign, and Mr. Weitz advised that slide 11 is a rendering of the proposed sign and that slide 2 is its detail. The Chair said that the proposed sign would need five variances.

The Chair stated that there are not many of these signs, the type that project from a building, in the Village. The Chair noted that L’Inizio has one, as does Charles Strick. Mr. Weitz mentioned that he also has one for his “Orange” business, but that his is not illuminated. The Chair stated that L’Inizio’s and Strick’s are small, and Mr. Weitz said that his also is small.

The Chair enumerated the five variances sought: for the sign area, the sign height, the projection from the building, the height of the letters, noting that lettering height is a “different animal” on a vertical sign, and last, the illumination of the sign.

Mr. Weitz stated that the design of this proposed sign is similar to the thought of the New York City deli, Katz’s.

Mr. Weitz pointed out that this building previously had a sign. The Chair noted that the prior sign was horizontal at the top of the side of the building.

Mr. Weitz said that he lives here, and that he believes that the Village could benefit from something that identifies that there is a building here, that gives a little visibility to the town, and from something reflective of a Jewish delicatessen in New York City, where there is a history of a lot of this type of wall-protruding signs.

Mr. Weitz stated that this sign would provide them visibility from Ashford Avenue as it crosses [Eastbound from Dobbs Ferry], and would provide them additional visibility from 9A Southbound. The Chair agreed that it would provide good visibility from 9A Southbound, but said that the visibility would be less from Northbound on 9A, and none at all from Ashford Avenue Westbound. Mr. Weitz contended that one would see the sign fairly well Northbound on 9A when the trees have no leaves, and conceded that in the summer months, there would be minimal exposure to it, but that it would then be more for the look and feel of it, when it would change the look of Addyman Square and of their business.

Mr. Weitz stated that appearing before the Board on the wall signs gave them the opportunity to also feel out the Board on a protruding sign as well.

Mr. Weitz noted that this sign would need to be illuminated internally, and that it could not be done with gooseneck lights, as there would need to be too many lights coming off the



side of the building to illuminate the entire sign. Mr. Weitz stated that it would need to be more similar to a gas station sign, in that it has the backlit to it, that it just hangs to the building. Mr. Weitz added that it also emits the “old school” feel that the deli has.

Mr. David asked if the sign protrudes into the park, and Mr. Weitz replied that it does not, and added that there is a small walkway that is part of the building’s property. The Chair asked if this [pointing to one of the photos] is a fire exit, Mr. Weitz stated that it is not, that it is an exit that leads toward the swampland in the back but that actually goes nowhere.

Mr. Amir asked if there would be lettering on both sides, front and back, Mr. Weitz replied that there would be lettering on all sides. Mr. Amir asked if it would be the same type of lettering, and Mr. Weitz said that it would.

Dr. Archer said that he likes it, that it has a little personality. Mr. Weitz expressed surprise, saying that he had not anticipated any positive reaction to this arm sign, and thought of this as more of a dream than having the two signs over the two storefronts.

The Chair asked whether applicants would be interested in a horizontal sign at the top of the building, like the sign that used to be there, though he acknowledged that that would not have the same “retro” feel. Mr. Weitz said that the visibility would be only from Ashford Avenue, which would not justify the cost, and added that if that sign were limited to eighteen-inch-high letters, it would be throwing away money. Mr. Amir asked where the previous sign had been, and Mr. Weitz said that the bracket from which it hung is still visible. Mr. Amir asked what the previous sign said, and Mr. Weitz said they he did not know, as that sign goes back about twenty years. The Chair asked if the previous sign had been painted on the façade. Mr. Weitz said that there are some clips there that indicate that the sign had been hung from the building.

Mr. Del Grosso noted that the Thai House restaurant had had a large sign facing the back, and the Chair added, “facing Ashford Avenue.”

Mr. Amir asked if applicant’s lease permits the requested signage, and Mr. Weitz replied, “she’s ok with it.” Mr. Amir asked if the landlord is ok with it. Mr. Weitz said that they had not thought that the Board would be amenable to this (and added that even if this Board approved, they know that would not mean that the BAR will agree). Mr. Amir explained that he asked about the lease because his experience with commercial leases is that they have sign provisions and restrictions. Mr. Weitz advised that Sandra, the landlord’s representative, is okay with it, because she is happy that we cleaned and invested in the building.

Mr. Weitz said that they could go either way on the arm sign, and that the other signs were more crucial to them.

The Chair stated that applicants put money into painting the building, and if painting the exterior a la Riviera, to give an idea what's going on inside would be of interest [in lieu of an arm sign]. Mr. Weitz said that they could paint only their area, and asked if the Chair was suggesting that they paint their logo. The Chair replied that this might involve painting the actual name, and he does not know if the Village would count that as another sign. The Chair pointed out that the painting on the bakery does not have the business name, it has pictures of baked goods. Mr. Weitz said that he thinks that the bakery owns the building. Mr. Weitz added that he would be glad to facilitate an introduction between the Village and the landlord, to see if they are interested in doing a mural for the downtown area, which he thinks would be nice for the Village, but that he does not believe it would do anything for Liebman's. Mr. Amir agreed that this would not serve Liebman's purpose, and also noted that this is not before the Zoning Board.

Mr. Weitz said that he does not know where the Board stands on the illuminated arm sign, but he does know how we feel about the other [requests for wall signage].

The Chair said that five variances is a lot, and it is not as if the limit is two feet and you want to go two-and-a-half feet, but these are huge variances in all respects. The Chair added that though there are few arm signs, but those few have a completely different context. The Chair cited the example of L'Inizio's, where this small, classy restaurant on the sidewalk has a small, classy sign, visible to anyone walking by and for them to see it in that context. The Chair suggested that, in contrast, Liebman's is going for a retro feel. Mr. Weitz suggested that the arm sign was for the Village, to have something different so that when people come from elsewhere, their impression is, "oh, I know Ardsley, that's the place that has that deli with that sign that looks like Katz's." Mr. Weitz suggested that "you guys" [unclear if he meant the Board or the Village] may not be ready for that yet.

Mr. Amir said that it is not a matter of what the Board is ready for, it is a matter of a variance, and that five variances on one sign is a lot. Mr. Amir suggested that if they look at other options for the front sign[s], they might also consider if other variations might be workable for the requested arm sign that require fewer variances.

Mr. Del Grosso stated that the arm sign is a good idea, but it is a gross violation of the Village Code. Mr. Del Grosso asked that if the arm sign is "the dream," might there smaller or different versions that would accomplish the same thing. Mr. Weitz stated that they have not given it much thought because they paid the designer to create this, and designers are experts in what scale makes sense in light of the height of the building, the placement,

etc., and he imagines that if the design were shortened, it could get lost or look goofy, but he said that he will ask the designers. Mr. Amir suggested that they provide the designer with the Village Code and let them produce options. Mr. Del Grosso reiterated that five variances is a lot.

Dr. Archer said, “it was a hail Mary.” Dr. Archer said that he loves it, but that if it has to be smaller, can it be done so that it still has the impact of establishing identity, similar to barber shops.

Mr. Weitz stated that they may return to the Board about this a year from now, because right now the goal is to open, and that they are just waiting for the Board of Health to give them the clearance.

Mr. Weitz asked if the Board would be open to two wall signs if they conformed to size limits for length, height and letter size. The Chair said that he would consider it, because one might consider it almost as one sign that is being placed on two panels and that is conforming in all the other ways. Mr. David and Mr. Del Grosso each stated that they would be open to considering it.

Mr. Weitz then asked what if the Board would be open to two walls signs of twelve feet each, because they were designed to make the verbiage work in the fourteen feet space that we have. The Chair replied that it would be much closer to being workable if the two signs together were a total of twenty feet maximum, but reiterated that the BAR would still have its say.

Mr. Weitz stated that they do not need to resolve this before Liebman’s opens, and asked how the Board would view it if they now did one sign that required no variances, and sought a variance for a second sign subsequently.

Mr. Amir opined that the Board cannot state that it would be open to something. Mr. Amir stated that applicant can proceed with its business plan and seek a variance from this Board later, but pointed out that the Board reviews applications only if and when received and not hypothetically or in advance.

Mr. Weitz asked if it will require a variance if they request a second sign later. The Chair gave the example that if the entire establishment of these two storefronts was a sit-down restaurant, and a year hence you decided to make part of it a bar, and that met all the requirements of permitted occupancy, parking, etc., and you wanted to change your sign to reflect that change, of course, that would be a new application of course.

There were no members of the public present to speak on this application.

This matter was adjourned and may be continued.

Mr. David asked that applicant bring the DAR Certification when they return, and the Chair added, “or an update on the status.”

**6) Adjournment**

Mr. David moved, and Dr. Archer seconded, that the Zoning Board of Appeals adjourn its meeting at 9:31 PM.

**Vote:** 5 in favor, 0 opposed, 0 abstaining, as follows:

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

**7) “Editor’s Note”: Amended Resolution**

As stated on page 2 above (in Item 2, “Approval of Minutes”), approval of the October 2023 Minutes includes approval of an Amended Resolution, the original Resolution having been adopted by the Board at its October 2023 meeting. The Amended Resolution is below, beginning on the next page.

Respectfully submitted,  
Judith Calder, Recording Secretary

**VILLAGE OF ARDSLEY  
ZONING BOARD OF APPEALS  
RESOLUTION OF OCTOBER 25, 2023  
AS AMENDED ON NOVEMBER 29, 2023  
GRANTING VARIANCE FOR AN ADDITION  
WHERE THE SIDE YARD SETBACK IS LESS THAN  
THE FIFTEEN FEET MINIMUM REQUIRED  
To: MARC A. and JILLIAN E. WEINMAN**

WHEREAS, Marc A. & Jillian E. Weinman, of 16 Western Drive, Ardsley, New York, 10502, have applied to this Board for a variance from Section 200-26B entitled “Yard Requirements” of the Zoning Code of the Village of Ardsley in order to construct a second-story addition to the existing, non-conforming, one-story dwelling where the south side yard width is 9.32 feet to the existing house, and 9.32 feet to the proposed addition; and, on the north side of the premises, the side yard width is 12.19 feet to the one-story garage of the existing dwelling, and 24.19 feet to the proposed second-story addition, and the applicants seek a variance from the strict application of the 15-foot minimum side yard width requirement; and

WHEREAS, this application is made under the authority of Section 200-26B, of the Zoning Ordinance of the Village of Ardsley, affecting the premises known as 16 Western Drive, Ardsley, New York and designated on local tax maps as Section 6.80, Block 56, Lot 32, which is within an R-3 One-Family Residential District; 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, NY on September 27, 2023 after due notice by publication; and

WHEREAS, at the hearing, 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, and 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) there will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties if the variance is granted, in that the proposed addition maintains the existing non-conformity of 9.32 feet on the south side of the premises, and does not increase the existing non-conformity on the north side;
- (2) the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue in their reasonable use and possession of the premises, as the existing structure, like many older homes in the surrounding neighborhood, and generally elsewhere in the Village, is non-conforming in terms of side-yard setbacks, and the applicants are creating a larger home on the existing premises versus purchasing a new dwelling recognizing the relatively high interest rates on new home mortgages in the current marketplace;
- (3) the requested variance is not substantial, in that the proposed addition does not extend the existing encroachment into the side-yard setback or create more than a

minimal increase in building coverage or land coverage, which both remain below the maximum permitted levels;

- (4) the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and therefore does not change the overall character of the premises relative to neighboring properties, and will not appear to meaningfully impact other property owners, if at all, since the portion of the neighboring property adjacent to the proposed second-story addition is that property's garage with no obstruction or reduction in visibility;

NOW THEREFORE, be it resolved that the application of Marc A. & Jillian E. Weinman, of 16 Western Drive, Ardsley, New York, is granted.

PROPOSED BY:	Mr. Serge Del Grosso	
SECONDED BY:	Mr. Mort David	
ROSTER:	Mr. Michael Wiskind, Chair –	AYE
	Mr. Jacob E. Amir –	AYE
	Dr. June Archer –	ABSENT
	Mr. Mort David –	AYE
	Mr. Serge Del Grosso –	AYE