

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, NOVEMBER 20, 2019**

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

1) Call to Order

The Chair called the regular meeting to order at 8:09 pm.

2) Announcements

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, December 19, 2019 at 8:00 pm.

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

3) Public Hearing

Application for Renewal of Special Use Permit

Ni Nu Inc., d/b/a Bucci's Irvington Auto Body

646 Saw Mill River Road, Ardsley, New York

Section 6.70, Block 42, Lots 3 & 5, in the B-2 Special Business District

For renewal of special use permit, to continue operation of autobody repair shop (Village Code § 200-74B).

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

Also Present: Nino and Anna Bucci, applicants

The Chair read the Legal Notice.

Open Public Hearing

Ms. Bucci produced the seven green cards that had been received in response to the fifteen notices that had been mailed, and noted that one had been returned as undeliverable.

The Chair asked if any violations had been received since the most recent variance approval, and Ms. Bucci replied that there have been none.

The Chair noted that the current Certificate of Insurance, dated October 26, 2019, had been included with the application materials. The Chair reminded applicant to provide to the Village the new Certificate of Insurance when it renews on October 26, 2020.

Mr. Amir asked if applicants were maintaining the business in the same way since the most recent approval, and Mr. and Mrs. Bucci each replied in the affirmative.

Mr. David stated that he has used Bucci Irvington Autobody for car repairs, that it has been strictly a customer service arrangement, and that he believes there is no conflict of interest. The Chair stated that the same is true for him.

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 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. David seconded, the following Resolution:

WHEREAS, Ni Nu Inc., d/b/a Bucci Irvington Auto Body, 646 Saw Mill River Road, Ardsley, New York, has applied to this Board for a renewal of a special use permit to continue to operate an auto body repair shop at the premises known as and located at 646 Saw Mill River Road, Ardsley, New York, a variance from the requirements of Section 200-74, Subdivision B of the Zoning Ordinance of the Village of Ardsley; 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 646 Saw Mill River Road, Ardsley, New York, and designated as Section 6.70, Block 42, Lots 3 and 5 in the B-2 Business District on the tax maps of the Village of Ardsley; and

WHEREAS, a public hearing on this application was held by the Ardsley Zoning Board of Appeals at the Municipal Building, 507 Ashford Avenue, Ardsley, New York on November 20, 2019, after due notice by publication; and

WHEREAS, at the hearing, Anna Bucci and Nino Bucci appeared in support of the application, and no one appeared in opposition to the application; and

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

- (1) that all requirements for continuing the special use permit have been met;
- (2) that applicant provided a Certificate of Liability Insurance for the premises with an effective date of October 26, 2019 through October 26, 2020; and
- (3) that there are no current violations, as represented by Anna and Nino Bucci;

NOW THEREFORE, be it resolved that the Zoning Board of Appeals grants the application for renewal of the special use permit to operate an auto body repair shop for an additional twenty-four months until November 2021, on the same terms and conditions set forth by the Board after public hearing on June 26, 1996, and continued on July 24, 1996, and renewed annually for some period thereafter, and now being renewed biannually.

PROPOSED BY: Mr. Serge Del Grosso

SECONDED BY: Mr. Mort David

VOTE: 4 in favor, 0 opposed, 0 abstentions, as follows:

Michael Wiskind –	AYE
Jacob Amir, Esq. –	AYE
Mort David –	AYE
Serge Del Grosso. –	AYE

4) **Approval of Minutes**

Mr. David moved, and Mr. Del Grosso seconded, the approval of the Minutes of the Zoning Board of Appeals meeting of March 27, 2019, as amended.

Vote: 2 in favor, none opposed, 2 abstaining, as follows:

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

5) Closure of Public Hearing – Variance Application Considered Withdrawn

XXII Five, LLC (by Altin Batska)

12 Center Street, Ardsley, NY

Section 6.50, Block 34, Lot 6, in the B-1 General Business District

For Proposed Third-Story East side and Three-Story West side additions, with

(1) Three-Story Building Height, where Two Stories is Maximum Permitted (Village Code § 200-67);

(2) Half Foot East side yard, where 0 or 6 Feet Minimum is Required (Village Code §§ 200-70B and 200-100B);

(3) 7.4 Foot Front yard depth, where Ten Foot Minimum is Required (Village Code § 200-70A); and

(4) Three off-street parking spaces, where Eighteen is Minimum Required (Village Code § 200-71)

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

The Chair stated that the Board had had issues with several of the variance requests and had asked applicant to return with alternatives, but applicant has put off appearing several times. The Chair stated that the Building Inspector has advised the Board that the applicant is reworking the project. As there is no definitive time frame for a revised project proposal, and it is unknown what variances might be sought for a revised project, the Chair believes it appropriate to close this Public Hearing and take it up again if and when any new project that requires variances is proposed.

Mr. David asked that Ms. Stecich's request be made a part of the record. The Chair stated that the Board is in receipt of a letter from Marianne Stecich, Esq., attorney for HMH Management, dated March 28, 2019, requesting that the comments that she made at that March 27 meeting be shared with the Board members who were not present at the meeting.

Mr. David and Mr. Del Grosso, the two Board members not present at the March 27 meeting, both confirmed having received and reviewed Ms. Stecich's comments¹.

Mr. Amir 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

6) **Adjournment**

Mr. Del Grosso moved, and Mr. David seconded, to adjourn the November 20, 2019 meeting of the Ardsley Zoning Board of Appeals at 8:25 PM.

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

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

Respectfully submitted,
Judith Calder, Recording Secretary

¹ Mr. David and Mr. Del Grosso have received transcriptions of all who spoke on this matter.