

**MINUTES  
VILLAGE of ARDSLEY  
ZONING BOARD of APPEALS  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 22, 2023**

**PRESENT:** Michael Wiskind, Chair  
Jacob Amir  
Dr. June Archer

**1) Call to Order**

The Chair called the regular meeting to order at 7:58 pm.

**2) Announcements and Approval of Minutes**

**Announcements**

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, March 22, 2023, at 8:00 pm.

**Approval of Minutes**

Dr. Archer moved, and Mr. Amir seconded, the approval of the Minutes of the Zoning Board of Appeals meeting of December 28, 2022.

**Vote:** 3 in favor, 0 opposed, 0 abstaining, as follows:

Michael Wiskind, Chair –	Aye
Mr. Jacob Amir –	Aye
Dr. June Archer –	Aye

**3) Continuation of Public Hearing on Variance Application**

**NJ Energy Realty LLC**

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

**Section 6.10, Block 1, Lot 3, in a B-2 Special Business District**

**For Proposed Installation of New Double-Sided Signs in the front yard of the premises, where Freestanding Signs are not permitted in the non-residential zone.**

**(Village Code § 200-82C)**

The Chair announced that this matter is being adjourned.

**4) Public Hearing**

**Application for Variance from Village Code Requirements**

**Amanda Sarah Keil and Michael Youngho Jo**

**14 Taft Lane, Ardsley, New York**

**Section 6.110, Block 100, Lot 11, in an R-3 One-Family Residential District**

**For Construction of a Proposed Second Story Addition, where the North Side Yard Width is less than the Fifteen Feet Minimum required in the zone.**

**(Village Code § 200-26B)**

**Present:** Michael Wiskind, Chair  
Mr. Jacob Amir  
Dr. June Archer

**Also Present:** Michael Youngho Jo, applicant  
Howard Albert, architect  
Ms. Valerie Levine, 65 Prospect Avenue, Ardsley, NY  
Mr. Chris McKenna, 21 Taft Lane, Ardsley, NY

The Chair read the Legal Notice.

**Open Public Hearing**

The Chair noted that Mr. Albert had delivered the green cards to the recording secretary, and Mr. Albert stated that all twenty-seven green cards had been returned.

Mr. Albert showed the survey of the property and the site plan of the residence. Mr. Albert pointed out the setback lines and the portion of the house that is existing non-conforming as to the setback lines. Mr. Albert stated that the proposal is to add a piece in

the front and in the back of the second floor, which would allow them to take the home from its current cape style to a full two-story home.

Mr. Albert showed the roof plan and a plan of the existing second floor, pointing out the areas on the roof plan that are a cape roof, and the area that is a shed roof with the stairs and the bathroom. Mr. Albert noted that the first floor and basement are not changing, and showed diagrams of those floors and their layouts, including the dining room, living room, office, kitchen and bathroom, and the family room over the lower-level garage. Mr. Albert stated that this is a typical layout for this block and this neighborhood.

Mr. Albert showed the existing area and the relevant setback lines, along with the existing front, rear, North and South side elevations. Mr. Albert stated that the proposal is to build out the second floor for ninety-two square feet in one portion and forty square feet in another area, both in areas over the setback line where the first floor is existing non-conforming. Mr. Albert explained that in the front, there would be a peak roof with a projection for a porch in front, and that on either side are shed dormers and that above the new bedroom window would be a peak roof to mimic the other peak. Mr. Albert also showed front, South, North and rear elevations as proposed.

Mr. Albert then showed photographs of the existing front, rear, South side and North side elevations. Mr. Albert also showed photographs of the adjacent homes, #12 to the North and #16 to the South, and mentioned that they have spoken to the owners of 12 Taft Lane and 16 Taft Lane and that neither has any objection to the project proposed here.

Mr. Albert also showed photographs of homes across the street, of 11 Taft Lane and 15 Taft Lane, and noted that 15 Taft was also a non-conforming structure because one side is too close to the property line and that a variance had been granted for this home a while ago. Mr. Albert added that setbacks have become greater, so most homes that have done any expansion on the closer side have gotten variances over the years, including 24 Taft Lane at the end of the block, and mentioned that he had gotten a variance to expand his own house on Taft Lane as well.

Mr. Albert also showed photographs of other houses in the immediate neighborhood that have received variances, including 27 McKinley, and showed them on the map. Mr. Albert noted that the homes at 5 McKinley, around the corner from the subject property, and at 11 McKinley have similar elevations to what is proposed here, and pointed out that that kind of roof brings down the scale of the project. Mr. Albert stated that neither of these houses needed variances because those lots are large, but that both 16 McKinley and 12 McKinley needed variances because those homes are closer to the property line.

Dr. Archer asked if 5 McKinley was fairly new, and Mr. Albert replied that it was completed about a year ago. Dr. Archer noted that the trend seems to be to add to these homes, and that it keeps with the aesthetic of the neighborhood.

Mr. Amir asked to see the existing and proposed North side elevations and asked how the interior would change. Mr. Albert showed where the proposed addition would fill in two areas over the existing floor, showed the existing layout of two bedrooms, one of which is the master bedroom, and a hall bath, and showed how the approximately ninety square feet expansion makes room for a second family bedroom. The Chair asked if the new layout will still have one bathroom, and Mr. Albert said that it will still have one bathroom, and showed that the proposed addition of approximately forty square feet in the rear will for now be a closet, which in the future can be converted into a second bathroom for the master bedroom when funds become available. Mr. Amir asked about the size of the expansions, and Mr. Albert stated that in one area it is forty-two square feet and in another area it is ninety square feet, for a total of 132 square feet, and that all areas of the proposed expansion are over the existing non-conforming structure.

Dr. Archer asked the applicant when they purchased the home, and Mr. Jo stated in 2016. Dr. Archer asked the age of applicants' children, and Mr. Jo replied that they are four and ten.

Mr. Amir asked if they considered alternative ways to achieve their goals. Mr. Albert stated that the current proposal is the best way to utilize the space and get two family bedrooms upstairs. Mr. Albert added that applicants may contemplate an expansion in another area later, but that would depend on future funds and whether there would be additional children. Mr. Amir asked if that additional work would require a variance, and Mr. Albert said that it would.

Mr. Albert pointed out that without the additional foot that creates the need for a variance, the second family bedroom would be very narrow because these garages are very narrow. The Chair pointed out that without a variance, the second story would have to step back from the existing house, which would be aesthetically challenging. Mr. Albert agreed, and added that there is a structural benefit of wall over wall. Mr. Amir asked what is between the two bedrooms now, and Mr. Albert showed there is a closet for each bedroom and a linen closet for the upstairs bathroom. Mr. Amir asked if an alternative to expanding was to remove the closet, and Mr. Albert showed that they would still need a closet elsewhere. The Chair asked about the dimensions of the bedrooms. Mr. Albert replied that the new bedroom would be eleven feet six inches wide by approximately twelve feet long, and that the existing bedroom is eleven feet four inches wide by eleven feet four inches long.

Mr. Amir asked how many bedrooms there are in other homes on McKinley and Taft as compared to this house. Mr. Albert stated that some of the homes have three bedrooms, that his own house has four, three on the top and one on the bottom, and he identified several other homes, three of which have four, one of which has five, and two others of which he was not sure about the number of bedrooms. Mr. Amir asked if any have two bedrooms, and Mr. Albert said that none have two, but that this was typical with old capes, where you come up the stairs and it splits. The Chair pointed out that there is not much ceiling height in either existing bedroom. Mr. Albert concurred, stating that the ceiling slopes, as is common on the second floor of capes.

Dr. Archer asked the applicant how satisfied he is with the proposal. Mr. Jo stated that he likes the house as it is and that he loves it as Mr. Albert has it in the plans. Dr. Archer said, "he likes Ardsley." Mr. Jo added that his wife was born and raised in Ardsley, on Euclid, and that one of her parents had served on the Library Board here.

The Chair asked if any member of the public wished to speak in support of or in opposition to the application, or had any other questions or comments.

Mr. McKenna stated that he lives at 21 Taft Lane, that they have one child now, and may have a second in the future, so came to the meeting to learn about the process.

Ms. Levine stated that she lives right behind the subject property, and that she wondered how it will turn out because she realized that it will come up in front of her deck and her office window and will obstruct her view. The Chair acknowledged the Board's receipt of Ms. Levine's letter, and made sure that all the Board members were clear on where Ms. Levine's property is. Mr. Albert asked Ms. Levine if her home is actually behind the McGlynns' home [at 16 Taft Lane], and Ms. Levine replied that her property is behind two properties.

Mr. Amir asked Ms. Levine where her office is, and Ms. Levine stated that it is in the corner and that next to it is a deck that is off her bedroom. The Chair pointed out that the area where the applicants want to build is on the far side of their house from Ms. Levine, and not on the side closest to her, and Mr. Albert showed Ms. Levine where they propose building on the map. Ms. Levine said that she wanted to make sure that she understands what she will be seeing from her house, and asked Mr. Albert to show her the rear elevation, which is on the side of her house, as existing and as proposed. The Chair stated that the South side is more relevant. Mr. Albert showed Ms. Levine an elevation of the house as it is now, showed her where on the North side is the area in which they want to build and for which they are seeking a variance. Ms. Levine asked about the

other area in which they want to build, and Mr. Albert advised that that addition is “as of right.” The Chair explained that no variance is required for him to build there because it does not go outside the building envelope and stays within the setback.

Mr. Amir asked about the view from Ms. Levine’s house from the corner looking toward 14 Taft Lane. Ms. Levine stated that she sees all the roofs from my house, and that is why one worry she has is that the addition will block her view.

Ms. Levine continued that her second concern is that this is very close to her property, and, as she is unsure how far away it is, asked if the Board or Mr. Albert had that information. The Chair advised that the back corner of applicants’ house is forty-two feet from the property line and suggested that on the diagonal it is probably a little farther. Mr. Amir asked Mr. Albert to estimate the distance between Ms. Levine’s house and her property line, and Mr. Albert calculated that it is approximately one hundred feet.

Ms. Levine shared that her third concern is that she works from home as an interior designer and that she needs to speak to her clients on the telephone and create drawings on her computer. Mr. Amir asked Mr. Albert to estimate how long the project would take, and Mr. Albert stated that he always advises clients to plan on four months from start to finish. Mr. Amir asked if the project will entail using any heavy machinery. Mr. Albert advised that no heavy machinery will be needed as there will be no foundation work, and that they will be removing the existing roof and leaving the wall there. Ms. Levine said, “but it’s still work.” The Chair noted that there will be no excavation, drilling, or concrete breaking. Mr. Albert advised that demolition is usually pretty quick for something like this. Ms. Levine replied that that means months when she will not be able to work. Dr. Archer suggested that construction is not so loud as to have been a problem for him, that he works from home on broadcast television, and that what Ms. Levine does is important as well. Mr. Albert advised that most of the work to be done is inside the house, and that the contractor tries to get the roof and walls up as quickly as possible to protect the downstairs, and then works inside the house. The Chair added that the inside work will involve utilities, sheet rock and painting. Ms. Levine stated that when her clients need to understand what she is saying she speaks with them on the telephone. The Chair pointed out that there is often noise from mowing, leaf blowing, and ripping up the streets for the gas lines, to which Ms. Levine joined “don’t I know that.” Mr. Amir asked if either of the applicants works from home, and Mr. Jo said that he works from home two days a week. Mr. Amir asked Mr. Jo if he will continue to work from home during construction, and Mr. Jo replied that he will, and he explained his work for the Attorney General and his need to communicate with large companies and federal agencies. The Chair pointed out that construction is a temporary inconvenience and that it is also in Mr. Jo’s interest for the work to be done as quickly as possible. Ms.

Levine stated that while it is in the interest of each of her clients that the project be completed in two days, she knows the reality of what is entailed.

Ms. Levine stated that the Board must make the right decision for the [Village], but that they also must hear her concerns. The Chair stated that the Board appreciates both her letter and her attendance. Ms. Levine concluded that “impairing my view, it will, impairing my ability to work for a few months, hopefully four, just four.”

Ms. Levine stated that all the houses she sees from her house are more or less the same height, and she asked how much this one will “stick out.” Mr. Amir asked Mr. Albert if the top of this Taft house is going up, and Mr. Albert stated that it will go up a little, as it is becoming a true two-story house rather than a cape. Mr. Albert specified that the house as existing is 23.26 feet high, and that as proposed would be 28.25 feet high. The Chair noted that this is compared to the thirty-foot allowable height. Mr. Albert confirmed that the house as proposed is below what is allowable. Ms. Levine asked about the height of the other houses. Mr. Albert began to describe the height of other houses on the street, beginning with one across the street, and Ms. Levine said that she is asking about homes on the same side as the subject home. Mr. Albert suggested that those houses are likely to eventually look like what this house will look like, and pointed out that both 22 Taft Lane and 24 Taft Lane have the same sort of elevation as this house. Mr. Amir asked if the variances that were obtained for those houses were side yard variances, and not height variances, and Mr. Albert replied that that was correct. Mr. Amir asked if they all are within the allowable height, and Mr. Albert replied that they are. The Chair asked if the flanking houses at 12 Taft Lane and 16 Taft Lane are still capes, and Mr. Albert replied that they are. Mr. Albert stated that he has done a number of the houses here and pointed out five such houses, and added that this is what people are doing in the neighborhood. The Chair pointed out that one of those houses is 15 Taft Lane, which is right across the street from the subject house. Ms. Levine pointed out that the landscape is sloping, and that that is why she is asking for a comparison with houses on the same side of the street, and that for 14 Taft Lane, she wants to compare it with 12 Taft Lane and 16 Taft Lane, and not what is across the street. The Chair advised that the neighborhood is more than just the flanking houses.

Mr. McKenna asked if there are Village rules about start and end times for construction, and the Chair advised that there are. Mr. Albert stated that he is not sure of the exact hours, that he believes that work may not begin earlier than 8:00AM, but that the Building Inspector, Larry Tomasso, knows the exact hours. Mr. Amir stated that there are time restrictions, and they may be from 8:00AM to 5:00PM. Ms. Levine stated that she works from 9:00AM to 5:00PM and that she can speak with people only during their office hours.

The Chair thanked both members of the public for their comments and questions.

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

**Vote:** 3 in favor, 0 opposed, 0 abstaining, as follows:

Michael Wiskind, Chair –	Aye
Mr. Jacob Amir –	Aye
Dr. June Archer –	Aye

### **Close Public Hearing**

The Chair announced that, as he had explained to applicants' architect earlier, the Board's new procedure is to poll the board, and that if the Board agrees to grant a variance, the Board drafts a Resolution to be voted on at the next meeting. The Chair added that because a majority of the full Board needs to agree to grant a variance, and because only three of the five Board members are present, unanimity of those present would be required.

The Chair polled the Board members present, and all were in favor of granting the requested variance. The Chair noted that it has been the Board's practice to look favorably upon vertical extensions of an existing non-conformity.

## **5) Adjournment**

Dr. Archer moved, and Mr. Amir seconded, that the Zoning Board of Appeals adjourn its meeting at 8:37 PM.

**Vote:** 3 in favor, 0 opposed, 0 abstaining, as follows:

Michael Wiskind, Chair –	Aye
Mr. Jacob Amir –	Aye
Dr. June Archer –	Aye

Respectfully submitted,  
Judith Calder,  
Recording Secretary