

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, JUNE 22, 2022**

PRESENT: Michael Wiskind, Chair
Mort David
Serge Del Grosso

1) Call to Order

The Chair called the regular meeting to order at 8:03 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, July 27, 2022, at 8:00 pm.

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 23, 2022.

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

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

3) **Public Hearing**

Application for Variances from Village Code Requirements

Ravpreet Kohli

29 Plainview Avenue, Ardsley, New York

Section 6.80, Block 64, Lot 10, in an R-3 One Family Residential District

For Proposed Second-Story and Rear Deck Additions, where Existing and Proposed Side Yard Widths are less than the Fifteen Feet Minimum Required (Village Code § 200-26B)

Present: Michael Wiskind, Chair
Mort David
Serge Del Grosso

Also Present: Ravpreet Kohli, applicant
Dipti Shah, architect
Jeffrey Wilson, 26 Grandview Avenue, Ardsley, NY

The Chair read the Legal Notice.

Open Public Hearing

The Chair asked if applicant had the green cards, and Ms. Shah reported that the green cards had previously been delivered to Ms. Macedo at the Village offices.

Ms. Shah reminded the Board that it had approved this project in January 2021, but that because of the pandemic, it was put on hold. Ms. Shah stated that due to the lapse of more than one year, applicant now again seeks a variance for the proposed additions, which have a few minor modifications to the original design. Ms. Shah explained that the changes from the original design are that the kitchen is being moved to the rear and the second floor no longer extends to the full extent of the existing non-conformity on the West side, where the existing first story is ten feet from the property line and the second story as originally proposed would have been ten feet from the property line, while the second story as currently proposed will be twelve feet from the property line.

Mr. David asked what is on the other side of the kitchen that is being pushed six feet West, and Ms. Shah replied that the deck is on the other side. Mr. David asked if the kitchen would have a door to the deck, and Ms. Shah said that it will.

The Chair asked if there had been a building or land coverage issue on the prior application. Ms. Shah explained that because this lot is more than thirty percent larger

than is required [10,800 square feet instead of the 7,500 square feet], applicant will need to receive a Special Permit for land coverage from the Planning Board. Ms. Shah asked if the Zoning Board can provide a waiver of that requirement. The Chair explained that the Planning Board and the Zoning Board each have their own jurisdiction.

The Chair asked if the issues about building height calculations had been resolved. Ms. Shah reported that the issue had been about the height of the building relative to the grade around the property and that the new version of the proposal includes a planter that extends about six feet around one side, and that the planter changes the average grade such that the proposed building height now is within the limits of building height relative to the average grade. The Chair asked if this had been reviewed with Mr. Tomasso, and Ms. Shah advised that Mr. Tomasso had been satisfied with the plans when he saw them in May.

The Chair pointed out that the variance sought here is very much the same as before except that the jog in the second story on the Western side eliminates a minor extension of the nonconformity.

Mr. David asked if the Board of Architectural Review will also need to review the proposal again. Ms. Shah reported that they had never gone to the Board of Architectural Review, as they had not gotten to that point by the time the project was paused. The Chair advised that Mr. Tomasso will explain to applicant what other boards need to review the proposal.

Mr. Del Grosso asked if the house will still have the same footprint, and the Chair stated that it will have the same footprint but not a full volume addition going up. Mr. Del Grosso asked if the house encroaches on the deck. Ms. Shah advised that the deck is a new deck, and that it is smaller than in the original proposal, to accommodate the distance they are pushing the kitchen. Ms. Shah added that the deck will extend only to the setback, and the Chair explained that this is required as the deck is considered new construction.

Mr. Del Grosso asked if the current variance still concerns four [sic: five] feet on one side and two and a half feet on the second floor on that side. The Chair pointed out that the house was constructed when setback requirements were lower and that it is an existing [legal] nonconformity on the first floor, as it was conforming when built.

The Chair asked if any members of the public were present and wished to speak in support of or in opposition to the application. Mr. Wilson reviewed maps with the Chair and Ms. Shah to determine that his property is directly behind applicant's property. Mr.

Wilson stated that he attended to understand, not object to, the proposal. Mr. David asked Mr. Wilson if he had any concerns, and Mr. Wilson said that he did not have any concerns as his house sits much higher than the subject property and that his wall and hedge separates his property from the subject property. Mr. Wilson said that the proposal looks nice and asked if the work will require the use of heavy equipment. Mr. Kohli said, “not much.”

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

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

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

Close Public Hearing

The Chair suggested that, although the Zoning Board’s new procedure is to draft a Resolution after the meeting and to vote on it at the next month’s meeting, it might be sensible to draft and vote on a Resolution immediately, as since the variance requested is a bit less than that which had previously been granted. All Board members agreed.

The Chair proposed, and Mr. David seconded, the following Resolution.

WHEREAS, Ravpreet K. Kohli, of 29 Plainview Avenue, Ardsley, New York, 10502, has applied to this Board for a variance from strict application of the requirements of Section 200-26 Subdivision B of the Zoning Ordinance of the Village of Ardsley, which requires a minimum side yard setback of Fifteen Feet, for permission to construct a proposed second story addition to the legal non-conforming one-family dwelling, after having previously applied to and having received a variance from this Board on January 27, 2021 for a similar, slightly larger second story addition, which variance has since lapsed; 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 29 Plainview Avenue, Ardsley, New York, and designated on local tax maps as Section 6.60, Block 64, Lot 10, in an R-1 One-Family Residential District; and

WHEREAS, a Public Hearing on this application was held by the Zoning Board of Appeals on June 22, 2022, after due notice by publication; and

WHEREAS, at the Hearing, applicant Ravpreet Kohli and architect Dipti Shah appeared in support of this application, and neighbor Jeffrey Wilson appeared without objection to this application, and no one appeared in opposition to this application, and 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, finds the following:

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

- (1) neither an undesirable change in the character of the neighborhood nor a detriment to nearby properties will be created by the granting of the variance, as this house's encroachment into the setback only arose due to changes in the Village Code after the house was built, and as approval of the variance will extend the existing legal non-conformity vertically on the West side of the house where the existing house is ten feet from the property line and the proposed second story addition will be approximately twelve feet from the property line, and as it will extend the existing legal non-conformity vertically on the front portion of the East side of the house where the house is currently approximately fourteen feet from the property line and the proposed addition will be approximately fourteen feet from the property line;
- (2) the benefits sought by the applicant cannot be feasibly achieved other than by the requested variance, as an extension behind the house was previously considered and rejected because it would not have permitted a desirable interior layout, would have been too costly, and would have created excess land coverage to an unacceptable degree;
- (3) the requested variance is not substantial because the addition will not change the footprint of the house and will only extend the existing legal non-conforming setback vertically on the East side and will only extend part of the legal non-conforming setback vertically on the West side, and thus will not change the width of the encroachments into the side yards;

- (4) the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district in that by maintaining the existing footprint it will not change the topography and will not add substantially or at all to the impervious surface; and
- (5) the circumstance requiring the variance was not self-created in that the house was purchased in its current configuration and in that the house was built prior to the code requirement of a fifteen-foot side yard setback.

NOW THEREFORE, be it resolved that the application of Ravpreet K. Kohli is granted.

PROPOSED BY: Mr. Michael Wiskind, Chair

SECONDED BY: Mr. Mort David

VOTE: 3 in favor, none opposed, none abstaining, as follows:

MICHAEL WISKIND, CHAIR – AYE

JACOB AMIR – ABSENT

DR. JUNE ARCHER – ABSENT

MORT DAVID – AYE

SERGE DEL GROSSO – AYE

4) **Adjournment**

Mr. Del Grosso moved, and Mr. David seconded, that the Zoning Board of Appeals adjourn its meeting at 8:34 PM.

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

Michael Wiskind, Chair – Aye

Mort David – Aye

Serge Del Grosso – Aye

Respectfully submitted,
Judith Calder, Recording Secretary