

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, AUGUST 23, 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 8:03 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, September 27, 2023, at 8:00 pm.

Approval of Minutes

Mr. David moved, and Dr. Archer seconded, that the Zoning Board of Appeals approve the minutes of the meeting of June 28, 2023, as amended.

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

Dr. Archer moved, and Mr. Del Grosso seconded, that the Zoning Board of Appeals approve the minutes of the meeting of July 26, 2023, as amended.

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) Continuation of Public Hearing on

Application for Variance from Village Code Requirements

**1007-11 Yonkers Avenue, LLC, by Lessee, YC Ardsley Deli, LLC,
d/b/a Liebman's Deli**

468-472 Ashford Avenue, Ardsley, New York

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

For Proposed Conversion of Two Vacant Storefronts at 472 Ashford Avenue, Addyman Square (previously a deli and a pizzeria) into One Deli Restaurant with 39 Indoor Dining Seats, requiring a minimum of 13 Off-street Parking Spaces. (Village Code § 200-71C).

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

Also Present:	Craig Weitz
	Yuval Dekel

The Chair announced that this is a continuation of a Public Hearing that was opened at the July meeting, at which the architect had made a presentation. The Chair noted that the Board had asked about the seating that was essentially “grandfathered in” from the restaurants that had most recently occupied the two spaces that applicants plan to combine into one space.

Messrs. Dekel and Weitz introduced themselves as, respectively, the ‘Y’ and ‘C’ of “YC Ardsley Deli, LLC.” Mr. Weitz stated that both he and Mr. Dekel had been unable to attend the meeting last month, but that they have spoken with the architect and the building department since, they have some answers, and can now further present their

reasons for and solutions to the request [to grant a variance for the lack of] the additional two [sic: three] parking spaces that they are required to have.

Mr. Weitz conveyed his understanding that the prior two restaurants combined had approximately thirty seats, adding that there is no exact copy in the building department, but that [Building Inspector Larry] Tomasso had said that each restaurant had seating of about fifteen. Mr. David asked where the fifteen seats were, and Mr. Weitz said [an equal number] on each side. Mr. David asked where the seating had been on each side, and Mr. Weitz described that the pizza establishment had tables down its left side as well as in the front and to the right, and that the deli had a 4-top on the left and seating down the right wall. Mr. Weitz added that neither restaurant in either space has been in business for at least three years. Mr. Amir asked how that number [of prior seats] had been determined, and Mr. Weitz said that it was his and Mr. Tomasso's recollection. The Chair said that he had a similar recollection as to the pizza place. The Chair asked if any furniture had been left in the two defunct restaurants, and Mr. Weitz said that everything was gone and that they will build the entire restaurant from scratch.

The Chair advised that restaurant seating for 39 would require 13 parking spaces instead of what they presumed were 5 and 5 (for each of the two restaurants that had been in that location), which is an increase of 3 parking spaces over the number previously required. Mr. Weitz stated that his calculation with Mr. Tomasso was 12 parking spaces. The Chair referred to the application which states 13.

Mr. Weitz stated that they are seeking this variance because they think they need 39 seats to succeed in this location. Mr. Weitz stated that there are approximately 21 parking spaces in Addyman Square, and that there are 12 parking spaces across the street on Legion, including those currently reserved for the Fire Department and ASVAC but which reservation is under consideration for removal because those spaces are unused most of the time. Mr. Weitz continued that between those spots [on Legion] and the 2-hour parking limit in Addyman Square they believe that there will be sufficient parking. Mr. Weitz added that he believes that the Village just hired someone to do parking enforcement, as Addyman Square was not supposed to be for long-term parking. Mr. Amir asked where the parking "across the street" is, and Mr. Weitz replied that it is on Legion where the bus stop is.

Mr. Weitz stated that they see the success of this restaurant not as a place to dine for two hours, but as a place patrons will visit for 45 minutes to an hour. Mr. Weitz added that although they will have beer and wine and some liquor, that is not the type of establishment that they are creating, and that because of the duration of the stay, they believe that there will be sufficient parking in Addyman Square itself.

The Chair asked if the prior discussion of additional parking availability at Mr. Weitz's construction company was that the parking there was intended to be used for employee or patron parking or both. Mr. Weitz replied that his business at 506 Ashford would be used for employee parking. Mr. Weitz suggested that one issue in Addyman Square is that employees of businesses there park in Addyman Square and leave their vehicles there for extended periods of time, which takes away parking spaces from patrons of all the businesses there. The Chair asked what the parking hours are that the Village might enforce, and Mr. Weitz advised that the parking regulation applies from 9 am until 8 pm, and the Chair asked if that was seven days a week, and Mr. Weitz replied not on Sundays.

Mr. Weitz stated that there is additional parking within walking distance at "Village Green," where there are 33 parking spaces, 19 of which are for permit parking, and the remainder of which are for 2-hour parking. Mr. Amir asked if Village Green is within 500-feet of the proposed deli, and Mr. Weitz replied that it is "pretty close" and that they were not looking to be in a shopping center. Mr. Weitz explained that if you are in Manhattan, a lot of people will go to the restaurant they want to go to if they find a parking spot within three blocks of that restaurant, and that they believe the deli will attract patrons from beyond Ardsley and that those patrons coming to the deli as a destination will be willing to walk a block and a half. Mr. Amir explained that he had asked about the 500-feet because of the Village Code.

Mr. Weitz further stated that there are 22 additional spaces at "Bridge Street," and that the Village Manager had advised him that as of July 10th he would be turning those parking spaces into a combination of permit and meter parking. Mr. Weitz added that he had spoken with Altin Batska, who owns 12 Center Street, which has 6 parking spaces that are fairly vacant after business hours, and that Mr. Batska had said that they could discuss the possibility of the deli making use of those parking spaces.

Mr. David asked what the attraction is of the Addyman Square location. Mr. Weitz stated that he and Mr. Dekel do not see the deli as a strip mall kind of restaurant. Mr. Weitz continued that the feel of this location is a "city vibe," and that the architecture of the 1890s building is appropriate for a New York City institution, which has been in the Bronx since 1953, along with some other delis in the city and in the Catskills. Mr. Dekel echoed that they like the character of the building and of Addyman Square. Mr. Dekel added that the location provides visibility to promote the business because Ashford Avenue and Saw Mill River Road are major routes for local driving. Mr. Weitz mentioned that the location is central for easy delivery via the Saw Mill Parkway and Interstate 87.

The Chair asked if they plan to provide delivery themselves or through a third party, and Mr. Weitz replied, "both." The Chair asked where the delivery vehicle would park, and

Mr. Weitz replied, “506 Ashford Avenue.” Mr. Dekel stated that in Riverdale they use one delivery driver and that they would have one here too, and added that the delivery vehicle is always out.

Mr. Amir suggested that it is a food-centric location, and that it would offer another alternative in the same area as the Indian and Mexican restaurants. Mr. Dekel concurred, saying that delis are dying and that this is a unique situation where one is being developed. Mr. Dekel suggested that when Westchester customers who have gone to Leibman’s Riverdale location come here, it will promote other businesses as well. Mr. Dekel contended that every town has a pizzeria or an Italian restaurant, but that a deli is unique, which makes it a destination. Mr. Del Grosso suggested that it has the potential to become another Riviera Bakehouse, with people coming from all over. Mr. Weitz stated that they hope it will revitalize the downtown a little bit, adding that they chose this location because of the residents here and the proximity to almost all of Westchester County, and because very few villages offer the vibe that they were seeking.

Mr. David asked why this matter had gone to the Board of Trustees first. Mr. Weitz stated that they needed to ask the Village to be the lead agency for a change of use because even though there had been restaurants in this location, it constituted a change of use because it had been vacant for more than two years. Mr. Weitz added that because of their desired time line, they needed to move forward with several steps to get a building permit so that they could open in a year or less. Mr. Amir asked if that was to be grandfathered in. Mr. Weitz stated that when Szechuan City went where Golden Wok had been, it was not required to go to any boards because there was already a restaurant there [that had only recently ceased operations]. Mr. Amir asked Mr. Weitz if he said that this would be a two-year build out. Mr. Weitz said that no, he had said that it had been a more than two-year vacancy, and that they anticipate it taking about one year from lease inception to restaurant opening.

The Chair asked how they think the business will spread out between lunch and dinner. Mr. Dekel stated that he anticipates more lunch than dinner business for dining in, that in Riverdale, sixty to seventy percent of their business is during the day for lunch. Mr. Weitz added that they also will have their catering business and their take-out counter, where they sell food that is pre-packaged or by weight. Mr. Dekel clarified that the percentage he had given was for sit down business, and that their take-out business is steady throughout the day.

Mr. Amir asked how many employees they will have, and Mr. Dekel replied between ten and twelve. The Chair noted that their architect had offered a lower number, and acknowledged that Mr. Dekel has a better sense of what staff is needed. Mr. David asked how the ten to twelve employees break down, i.e., service, kitchen, etc. Mr. Dekel said

that in addition to himself as manager, there are porters, dishwashers, waiters, and counterpersons. Mr. David asked how many waiters they will have, and Mr. Dekel replied that they would have one waiter per day, and perhaps one-and-a-half shifts on the weekend. Mr. David asked if one person could handle all the tables. Mr. Dekel stated that that is what they have now, and pointed out that they assist each other in the restaurant such that if they are very busy, they pull a counter person to assist with waiter service. Mr. Dekel stated that they are never overstaffed, and that that is the way to be efficient with their help.

Mr. David said that, to him, the numbers do not add up, because there will be a number of tables [with seats] in the 30s, and only one waitperson. Mr. Craig pointed out that this is the number of seats, not tables. Mr. Amir added that not all the 39 seats will be table seats, that some will be counter seats. Mr. Dekel stated that 39 seats will be the maximum capacity, and that if the place were always at maximum capacity, they would have more than one waiter, but that the reality is that they reach maximum capacity several times a week at the most, and maybe only a couple of times a week. Mr. Dekel added that they have 60 seats in Riverdale, and one waiter services the entire dining room. Mr. Amir asked if this is because there is more take-out. Mr. Dekel explained that their meals are not multi-course 2-hour dinners, that it is almost quicker than diner food because it is centered around sandwiches, knishes, etc., that there is not a lot of “food in the fire” items, that the food is mainly prepared in advance, then assembled and put on a plate or sliced, so it is a slightly different approach than with a traditional restaurant. Dr. Archer suggested that in that way it is like Subway or Jersey Mike’s, in that you may sit down to eat or you may not, but it is never full inside. Mr. Dekel commented that their output is impressive, because with only two or three people behind the counter, they can do three to four hundred tickets a day, which he does not anticipate for the deli. Mr. Dekel concluded that due to the nature of the business of preparing in advance and mainly only doing assembly after, they are capable of serving more people with less staff.

Mr. David asked what they anticipate being the break-down between take-out and eat in. Mr. Dekel stated that in Riverdale it is sixty percent take-out, that it is mostly take-out or delivery and that eating in is secondary. Mr. Dekel added that because delis are no longer part of our culture, it’s not publicly known that delis are restaurants, and that some of their patrons are surprised to learn that they have seating.

The Chair suggested that people may not park several blocks away for take-out. Mr. Dekel said that delis like Katz’s do a tremendous amount of take-out business, and that Liebman’s in Riverdale does about sixty percent take-out even though the metered street parking in front is limited and that using the parking lot behind the establishment requires walking a block or a block-and-a-half. Mr. Amir asked if that parking lot is the one around the corner, and Mr. Dekel said yes, that one can approach the lot from either side.

Mr. Weitz suggested that their take-out will be efficient because a take-out order or an Uber order is a quicker in-and-out. Mr. Weitz added that when the customer knows they are picking up the order, they park in the same locations whether for the deli, for Fong Xing, or for Calcutta, which is exclusively take-out. Mr. Amir said that people do walk a distance to pick up from these places.

Mr. Weitz said that it is not perfect, for if it were, the Square would have the additional three parking spaces that they seek and about which they hope the Board can assist them. Mr. Weitz added that they hope that the community will understand this and that others will come from outside the Village and will realize that our sandwiches are not Jersey Mike's or Subway but is much higher quality, and that that is why Mr. Dekel's family has owned the business for fifty years, and why the name has been in existence for seventy years. Mr. Weitz added that that is why he is in this business, and not because he felt like making an investment which he does not anticipate succeeding. Mr. Weitz concluded that he hopes the deli will be successful, and will be a destination for the Village, and will be an attraction to the Village for other businesses, for people to come and see that we are a diverse cultural place that has Indian restaurants, Thai food, bakeries, pizzerias, and now Jewish delis – that there is a lot here, and we hope to add to that.

Mr. Weitz stated that they talk about parking every day because it is vital to everyone's success, but that they are going to work with it. Mr. Weitz stated that they will have a kiosk when you come in, so that you can pay for your parking within the establishment, once the Village institutes them although we are waiting for them to roll out the app, The Chair asked if that is not already up and running now. Mr. Weitz said that he did not believe so, and Mr. Dekel suggested the parking officer indicated as much, and Dr. Archer agreed, noting that the parking officer is using chalk, and Mr. Weitz suggested that this indicates that the parking app is not yet up and running.

Mr. Amir asked when the pizza restaurant and [prior] deli closed. Mr. Weitz said that it was before the pandemic, that the deli might have closed in 2018 or 2019, and that he thinks the pizza restaurant moved across the square, to where Mima's is, which he thinks is closed now, but that the pizza restaurant moved, he thinks, in 2019. Mr. Amir noted that Mr. Tomasso has been the Building Inspector since before 2019, so he would have the recollection to make that statement.

The Chair stated that it is important to remember that there had been another restaurant in Addyman Square, Thai House, which was quite large, with 60-70 seats as estimated by Mr. Tomasso, and which would therefore have required 20-23 parking spaces, and that the current need is well below what that parking usage had been. The Chair noted that Thai House cannot return nor can any replacement in that location, because a restaurant is not permitted on an upper floor of a frame building, and should not have been permitted

for Thai House either. Mr. Weitz stated that it is also worth noting that the bar no longer serves food. The Chair pointed out that this was not significant, as a bar has the same parking requirement as a restaurant. Mr. Weitz acknowledged this, but suggested that the bar may previously have had additional patrons who came to eat.

Mr. David said that most delis that do take out offer cold sandwiches, whether ready-made or made-to-order, but that kosher delis serve hot franks, hot pastrami, hot corned beef, hot tongue, and that he does not envision people taking this food out because they want to eat it where they buy it, while it is hot. The Chair asked applicants to tell the Board what their experience is in running a deli. Mr. Dekel stated that they do a lot of delivery both from delivery apps and from their own delivery service, and that their evidence shows that people do want it to go. Mr. Dekel added that they do not only sandwiches, that they have a full menu. Mr. David said that chicken soup is hot. Mr. Amir said that he knows people who have gone to Epstein's on Central Avenue to bring the food home to Ardsley. Mr. Weitz said that even though any food tastes better in a restaurant when you sit down, rather than in a container or wrapped up, time does not always permit this. Dr. Archer added that if you want it, you want it.

Mr. Del Grosso said that the Board now had the key missing information. Mr. Del Grosso wondered if a designated space for pick-up, like Dunkin has in Dobbs across the bridge, would help the situation, but pointed out that he does not know if such a designated space is legal. Mr. Weitz said that when the Square is redesigned, which he believes to be a possibility, though he does not know when, he hopes there would be such a space that all the restaurants could share, rather than have patrons and restaurant owners figure it out, but that in the interim, they need to have enforcement of the parking regulations. The Chair suggested that the designated pick-up space works at Dunkin because there are so many places within a few feet, and that he thinks Captain's Wine store has done something similar, but that the space is not really here to do the same. Mr. Weitz said that it is the same situation with the spaces reserved for the Fire Department or ASVAC, that they are not designated spaces, and that is why one would not get a ticket if one parked there.

Mr. Dekel stated that the number of staff he had given, 10-12, was not the number of staff who would be there at one time. The Chair asked how many staff would be on site at the same time, and Mr. Dekel replied that it will range from 6-7 per shift. The Chair confirmed that this was consistent with the 6-8 number that their architect had reported at the prior meeting, and added that regardless of the number, the staff will not be parking in the square. Mr. Dekel agreed that they do not want staff to park in the Square and will provide staff with direction about that. Mr. Weitz added that they anticipate staff will also use public transportation. Mr. Dekel continued that 2-hour parking does not work for staff because it is not good for them to leave for five or ten minutes to move their car.

The Chair added that they would not want staff to take a parking space that a patron could use.

Mr. Del Grosso asked about their anticipated time for opening, and Mr. Weitz replied that they hope for the end of November.

Mr. David pointed out that there are other locations of empty stores where there would not be a parking problem because they are in strip malls, and asked applicants why they chose a location where a variance is required. Mr. Weitz stated that presently in the Village there is only one open space in a strip mall, which had housed the nail salon in the CVS strip mall, and that space was not conducive to their enterprise. Mr. David pointed out that there is also the chicken place. Mr. Weitz replied that the location that had been the chicken place is currently River Rock Music. Mr. Weitz suggested that the number of parking spaces in the CVS strip mall is probably similar to the number of spaces available to them now. Mr. Weitz added that a strip mall was not the vibe they had sought, and that had they been looking for a strip mall site, it would not have been in Ardsley.

Mr. David mentioned that at one time there had been a kosher style deli in Ardsley, where Ardsley Cucina is currently. Mr. Dekel said that he did not know how long they had been in business, and Mr. David advised that it was only for a few years and that he does not know why they closed.

The Chair said that he finds some compelling aspects to applicants' points about the vibe of the Square, about having a cluster of restaurants there, about being at the intersection of the two major roads and not being set back from the street the way a strip mall is.

Mr. Weitz stated that it would be incorrect to think that he will not go to a place he wants to dine unless he can get a parking space right in front. Mr. Weitz said that, maybe because he is from New York City, but he thinks people are content to park within a couple of blocks of the establishment, and here it involves a maximum of one block to one-and-a-half blocks. Dr. Archer added that these are not city blocks. The Chair noted that when one goes to a restaurant in Dobbs Ferry or Hastings or Irvington, it is often not possible to park nearby so that one must walk.

Mr. David asked applicants if they have considered the difficulty of ingress and egress of Addyman Square, in particular to get into Addyman Square via a left turn from Route 9A. Mr. Dekel pointed out that there is a left turn only light that provides the safest access.

Mr. Weitz stated that, as entrepreneurs, they examine every reason they can succeed or fail, and that although he can generally find a hundred impediments to anything, that is not the case here. Mr. Weitz stated that they are making a substantial investment in improving the two locations and in improving the building by painting it and making it more welcoming, hopefully with some new signage and new storefronts, and that based on the quality of the food, he does not anticipate that they will not succeed despite some of the challenges they face.

The Chair asked where the tenants in the apartments above the space park. Mr. Weitz said that they should be parking where there is overnight parking available, which is either in Village Green or behind Stagioni. Mr. Weitz added that in theory after 8pm they could leave their car parked there until 8am, but pointed out that this is an issue for the Department of Public Works and the Police Department, because they need to do snow clearing and garbage removal. The Chair sought confirmation that there is no expectation that apartment tenants would park in Addyman Square. Mr. Weitz confirmed that there is no expectation, but acknowledged that no one wants to walk farther than one must. Mr. Weitz added that he thinks there should be some alternate side of the street parking snow rule, or simply no parking from 3am to 6am, the latter of which would compel the tenants to park in the right locations. Mr. Weitz reported that he has requested that without result, and suggested that there may be power in numbers with other business owners because it would help them and it would also help with the variances, because the provided parking is really for a two-hour window.

The Chair noted that there were no members of the public present to speak in support of or in opposition to this application.

Dr. Archer moved, and Mr. Del Grosso seconded, that the Zoning Board of Appeals 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, who were unanimous in supporting granting a variance.

The Chair then outlined the procedure to applicants, stating that the Board would draft a Resolution, upon which the Board would vote at the September meeting.

4) Adjournment

Dr. Archer moved, and Mr. Del Grosso seconded, that the Zoning Board of Appeals adjourn its meeting at 8:48 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

Respectfully submitted,
Judith Calder, Recording Secretary