

MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 27, 2023

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

1) Call to Order

The Chair called the regular meeting to order at 8:03 pm.

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

2) Announcements and Approval of Minutes

Announcements

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, October 25, 2023, at 8:00 pm.

Approval of Minutes

Mr. Amir moved, and Mr. Del Grosso seconded, that the Zoning Board of Appeals approve the minutes of the meeting of August 23, 2023, as amended.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

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

3) **Public Hearing on**
Application for Variance from Village Code Requirements

Mark A. and Jillian E. Weinman

16 Western Drive, Ardsley, New York

Section 6.80, Block 56, Lot 32 in an R-3 One-Family Residential District

For a proposed Second-Story Addition to an existing non-conforming one-story dwelling, where the South side yard width (existing and proposed) is less than the Fifteen Feet Minimum Required (Village Code § 200-26B).

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

Also Present: Mark and Jillian Weinman
Mr. Guglielmo, Professional Engineer
Nancy Tomanak, 10 Western Drive, Ardsley

The Chair read the Legal Notice.

Open Public Hearing

The Chair asked the applicants how many green cards they had received in response to the twenty or twenty-one notices mailed, and Mr. Weinman replied, “Eleven.”

The Chair invited the applicants to describe their proposed project. Mr. Weinman stated that they want to add a second-floor to the home. Mr. Weinman added that they had considered other options and decided that they would like to stay where they are and add a second floor. Mrs. Weinman stated that she had grown up here and that they have a five-year-old son and a three-year-old son, that the five-year-old just started kindergarten and that they would like to continue in the school district. Mrs. Weinman added that home inventory is low, and that they had previously expanded and that this would be the final step. Mr. Weinman added that they like where they are, including the block that they are on, where they are friendly with the neighbors.

Mr. Amir asked for a description of the rooms in the house now and as envisioned. Mrs. Weinman stated that there now are three bedrooms and two full bathrooms, along with a kitchen and open concept living room, all on a single floor. Mrs. Weinman continued that in the proposal, one of the bedrooms would be taken for a stairwell, which would leave two bedrooms downstairs, one of which would be a combination office/bedroom, and they would add three bedrooms and two bathrooms upstairs. Mr. Guglielmo noted

that the proposed location of the new bathrooms takes advantage of the existing plumbing. Mr. Amir asked if anyone works from home. Mrs. Weinman replied that Mr. Weinman works from home five days a week and that she works from home two days a week, and that in the current arrangement, they are working in the basement.

Mr. Amir asked if they were only going up and not changing the footprint. Mrs. Weinman stated that they are not changing the footprint but that in the front of the house they are adding onto the existing porch. Mr. Guglielmo stated that this adds approximately forty square feet. Mr. Amir asked if in effect they were enclosing the porch, and Mrs. Weinman agreed. The Chair asked if the entrance is now recessed and will be flush as proposed. Mr. Guglielmo said this was correct. Mr. Guglielmo added that applicants are not asking to extend the non-conformity over the garage on the North side of the house.

The Chair asked how long the applicants have lived in the house, and Mr. Weinman replied, "Seven years."

Mr. Amir asked about the prior expansion. Mr. Weinman stated that they had pushed out the back to add a family room. The Chair noted that it looks as if the family room is recessed a bit to stay within the setback. Mr. Weinman said this was correct.

Mr. Guglielmo advised that they had done a sun and shadow study to determine what effect the shadow of the proposed addition would have on 14 Western Drive to the South at different times of day and different times of year. The Chair noted that the neighbor's garage is on the adjacent side of the neighbor's house. Mrs. Weinman confirmed this. Mr. Amir asked if there is a window on that side of the neighbor's house. Mr. Weinman said there is not. Ms. Tomanak confirmed this. The Chair noted that there is no second floor above the garage at the neighboring house.

Mr. Amir asked if all the homes on the West side of Western Drive were one-level and on the East side all multi-level. Mrs. Weinman said that 9 Western Drive [on the East side] is one story. The Chair noted that 6 Western Drive [on the West side] is a two story.

Mr. David asked when the home was built. Mr. Weinman said in the early 1950s. Mr. David pointed out that the frontage does not meet existing code. Mr. Guglielmo said that it is about one and a half feet short. The Chair stated that the property card indicates that the house was built in 1955. Mr. David asked if the house was built after the code went into effect. The Chair suggested that it must have been built before that because the house is considered legal non-conforming.

Mr. Del Grosso asked if the addition will also create an attic. Mrs. Weinman said that it will. Mr. Guglielmo said that it will not be a walk-up attic. Mr. Del Grosso asked if the attic will be for storage, and Mr. Guglielmo replied, "Yes." Mr. Amir asked if there will be HVAC in the attic, and Mr. Guglielmo replied, "No." Mr. Amir asked if the proposal raises any height issue, and the Chair stated that at twenty-seven feet seven inches, as indicated in the plans, it does not. Mr. Guglielmo concurred that it does not.

Mr. Del Grosso asked if there would be any HVAC changes. Mr. Weinman replied that he did not think so. Mr. Guglielmo stated that they probably will need to add a zone. Mr. Weinman stated that they will be using heat pumps. The Chair asked if this would be in the back of the house. Mr. Guglielmo stated that they will have to be because otherwise it would go into the setback.

Mr. David asked where the water runoff would go. Mr. Weinman stated that they have a well in the back. Mr. David asked if it is a dry well. Mr. Guglielmo stated that it is a drainage well, and added that water comes downhill into a catch basin and from the catch basin, a pipe extends further and ultimately comes out near the Ambulance Corps building [on Legion Drive]. Mr. David asked if this was near the stream, and Mr. Guglielmo said that he was not sure. Mr. Guglielmo said that the building coverage is basically unchanged, and that the impervious area is unchanged, so he thinks the run off should be approximately the same as it is now.

The Chair pointed out that the architect's address is in Florida, but that her stamp says New York. Mrs. Weinman stated that the architect is a New York architect but that she moved. Mr. Guglielmo added that the architect had been a partner with Peter Desoffi Associates and that she had lived in Dobbs Ferry. The Chair asked if the architect is still licensed in New York, and Mr. Guglielmo replied, "Yes."

The Chair asked if any members of the public wished to speak in support of or in opposition to the application.

Ms. Tomanak said that she can relate to the water issue, and stated that there is a culvert behind her house and that the water runs in the direction from 18 Western Drive down to 16 and 14 and eventually feeds to Ashford Avenue.

The Chair asked the Board if there were any other questions and there were none.

Mr. Amir moved, and Mr. Del Grosso seconded, that the Zoning Board of Appeals close the Public Hearing.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

Michael Wiskind, Chair – Aye
Jacob Amir – 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. Mr. Del Grosso will draft the proposed Resolution.

The Chair outlined the procedure to applicants, stating that the Board would draft a Resolution, upon which the Board would vote at the October meeting, which applicants need not attend. The Chair advised applicants that they could proceed to the Board of Architectural Review.

4) Proposed Resolution 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
Mort David
Serge Del Grosso

The Chair asked the Board members if they had reviewed the previously circulated proposed Resolution, including the two amendments about employees parking elsewhere and requiring applicants to return if seating capacity changes. All Board members present confirmed their review.

Mr. Amir moved, and Mr. Del Grosso seconded, that the Board adopt the following Resolution.

WHEREAS, 1007-11 Yonkers Avenue, LLC, by its Lessee, YC Ardsley Deli, LLC doing business as Liebman's Deli, 506 Ashford Avenue, Ardsley NY 10502, has applied to this Board for a variance from Section 200-71C of the Zoning Ordinance of the Village of Ardsley, to provide a minimum of 13 off-street parking spaces, for proposed conversion of two vacant storefronts at 468-472 Ashford Avenue, formerly a deli and a pizzeria, into one deli restaurant with 39 indoor dining seats; and

WHEREAS, this application is made under the authority of Sections 115-6 and 200-97, Subdivision B of the Zoning Ordinance of the Village of Ardsley affecting the premises known as 468-472 Ashford Avenue, Ardsley, New York, designated on local tax map as Section 6.50, Block 18, Lot 2, in Addyman Square, within the B-1 General Business 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 July 26, 2023, and continued on August 23, 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 premises were formerly occupied by a deli and pizzeria, the applicant intends to maintain a food establishment upon the combination of the two storefronts to one deli restaurant, and there are several food establishments presently within Addyman Square;
- (2) the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue in its reasonable use and possession of the premises, based upon the location of the premises within Addyman Square, where other businesses have similarly faced impediments to off-street parking requirements, and the apparent lack of other suitable vacant commercial space within the Village to accommodate the applicant's intention to convert into a deli restaurant;

- (3) the requested variance is not substantial, as stated above, in that the applicant intends to provide 39 seats for dining, requiring 13 off-seat parking spaces. However, the Zoning Code grandfathers to the applicant, for its benefit, 10 parking spaces based upon the existence of the prior deli and pizzeria with combined capacity of approximately 30 seats, thereby requiring the applicant to provide only 3 additional off-street parking spaces;
- (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, in that there are several food establishments in Addyman Square, and in the vicinity thereof, and the location of the premises is centrally located and conducive for the type of business the applicant intends to maintain; and
- (5) the circumstances requiring the variances were not self-created in that the proposed deli restaurant is occupying the same premises heretofore occupied by a deli and pizzeria, and therefore the essential nature and purpose of the business as a food establishment is unchanged.

NOW THEREFORE, be it resolved that the application of 1007-11 Yonkers Avenue, LLC, by its Lessee, YC Ardsley Deli, LLC doing business as Liebman's Deli, affecting the premises known as 468-472 Ashford Avenue, Ardsley, New York, is granted; and it is

FURTHER RESOLVED, that the variance being granted herein is subject to the following conditions:

1. That the within variance is granted upon the Applicant having proposed a regular seating capacity of 39 seats, and that in the event there is an increase in that number for regular seating for dining purposes, the Applicant would be required to seek a further variance before this Board; and

2. That all those working at the Premises, including staff, employees and management personnel, are required to obtain parking permits from the Village of Ardsley to park in designated parking areas as per the Village Code.

PROPOSED BY: Mr. Jacob E. Amir

SECONDED BY: Mr. Serge Del Grosso

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

5) Adjournment

Mr. Del Grosso moved, and Mr. David seconded, that the Zoning Board of Appeals adjourn its meeting at 8:24 PM.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

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

Respectfully submitted,
Judith Calder, Recording Secretary