

**VILLAGE OF ARDSLEY
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, OCTOBER 22, 2014**

PRESENT: Patricia Hoffman, Chairman
Michael Wiskind
Jacob Amir
Ellen Slipp
Mort David

Call to Order

Ms. Hoffman called to order the regular meeting at 8:00 p.m.

Announcements

Ms. Hoffman announced the next Zoning Board of Appeals meeting is Wednesday, November 19, 2014.

Approval of Minutes – July 23, 2014

Minutes being reviewed and will be approved in November meeting.

Approval of Minutes – September 17, 2014

Minutes being reviewed and will be approved in November meeting.

To Be Adjourned - Continuation of Public Hearing on Use Variance Application

**Ni Nu Inc., 2 Bridge Street, Ardsley, New York.
Section 6.70, Block 42, Lot 5, in a B-2 Special Business District.
For a use variance to permit conversion of second floor commercial space
into two one-bedroom residential units (Code § 200-73B).**

At the applicant's request, the public hearing on this matter is adjourned to Wednesday, November 19, 2014.

To Be Adjourned - Continuation of Public Hearing on Use Variance Application

Ardsley Mall Inc. (by Ardsley Restaurant Group Inc.), 925 Saw Mill River Rd, Ardsley, New York. Section 6.20, Bl. 3, Lot 4 (901-935 Saw Mill River Rd), in a B-3 Shopping Center Business District. For a use variance to permit live entertainment at Pumpernickel Restaurant (§ 200-80.1A).

Ms. Hoffman stated that she has had no response either from legal or from the Applicant and requests that this matter be removed from the Agenda.

Chairman request secretary contact Applicant and advise.

On motion of Ms. Hoffman, seconded by Mr. Amir, the motion to remove this matter from the Agenda was passed unanimously.

Informal Hearing Interpretation – Board of Trustees' Referral for Review & Comment

642 Saw Mill Properties Inc. (by BRB Development LLC), 642 Saw Mill River Rd, Ardsley, New York

Section 6.70, Block 42, Lot 2, In B-2 Special Business and R-1 One Family Residential Districts. For a proposed self-storage facility; determining applicable zoning requirements for proposed structure in R-1 zone with street frontage in B-2 zone; and scheduling public hearing to consider variance(s), including proposed building height exceeding maximum permitted (Code §§ 200-86A,-7,-75).

Attendees: Robert A. Soudan, Jr., Applicant, Janet J. Giris, Esq., Applicant's Attorney; Rodney Morrison, PE, Applicant's Engineer

Mr. Jacob Amir recused himself from the proceeding. There remained 4 out of 5 Board Members and 3 out of the 4 vote. We are asked to make a determination on code which zoning code applies to the parcel in question and return findings to the Village Board of Trustees.

Ms. Hoffman stated that this matter has been referred to us by the Village Board of Trustees who declared themselves lead agent for the Application by the Applicant. At this point we have no variance applications. However, from Mark Kurmer, the ZBA of appeals is the sole municipal agent that has the power to interpret the zoning ordinance. At this point in time, the parcel in question is divided and sits in two (2) separate zoning areas. For purpose of discussion, what we are looking to do tonight is to get some information. The Applicant is going to ask for our input as to not their specific application but which of the zones we would most likely apply to their requirements. We are going to listen to their information and then we are going to review the zoning code and make a determination.

Mr. David asked if issues could be raised beyond the zoning issues.

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Ms. Hoffman stated that you can inquire on anything that you would like to inquire about understanding that we are not making zoning decisions and eventually, our decision would be only regarding the interpretation of how the code is written and how we could interpret that.

Janet Giris, Esq. stated that they have an application before the Board of Trustees for site plan approval to permit the development of a self-storage facility. The property is currently located in two (2) districts. The front portion of the property which fronts on Saw Mill River Road is located in the B-2 district of the Village and the rear of the property is located in an R-1 one family residential district of the Village. We are going to make a formal application to this Board essentially for two (2) things: 1. for area variance to permit an increase in height of the building that we are proposing and 2. We are going to be seeking special permission from the Board pursuant to §§ 200-86A,-7,-75 of the zoning code. What that section does is it gives the zoning board authority to permit the extension of the use or structure into the more restricted district immediately adjacent to it and it allows that where the frontage is in the less restricted district, it allows this board to allow an applicant to extend the lesser restriction into the more restricted district under certain circumstances which we be making a formal application and hopefully that file will be filed at the end of this month. We have not made this formal application because we have just begun the process with the Board of Trustees. The Board of Trustees is going to be declared tentative lead agency.

The project is intended to be a 53,000 square foot building together with the latest parking infrastructure. We are proposing a four (4) story building where three (3) stories are permitted. There are eight proposed eight parking spaces.

List of attorney's reasons for B-2 not R-1

Mr. Soudan gave a background history of the business.

Mr. David inquired about title to the property as well as liens on the property.

Ms. Giris stated that they will be issued cleared title. There are no liens on the property. The sale is contingent upon approval which is standard procedure for this type of transaction.

Ms. Giris stated that they had an opportunity to meet with the Planning Board and also met with the Board of Architectural Review. Both boards gave suggestions for modifications and some thoughts about the architecture of the building. She stated that they are taking the comments into consideration.

Mr. David stated that traffic on 9A is going to be an issue and wanted to know how often people visit the storage facility.

Mr. Soudan stated that they generate a need for one parking space per hour per one hundred storage units. It is a very low impact. The average person stays at the facility for

approximately 17 minutes. 520 units are proposed at the present time. They are temperature controlled units.

Ms. Slipp stated that she is concerned about raising something four stories high that is aberrational in that particular area. Ms. Slipp does not want something that is going to be an eyesore. She stated that she went on the website to view other buildings from the architect and the architecture looks pretty much like any other storage unit that she has ever seen before. She feels obligated to put her views on the record and she feels that even though it is well intentioned, a four story building is aberrational for that part of the Village. We are going to be on the receiving end of a huge development about a mile down the road and she does not want to add that eyesore nature to our community and she found the statement that you make things architecturally pleasing to be wrong.

Mr. Soudan stated that they have the ability to adapt with what the community wants and they will try to make the best with these facilities. He stated that he spent time with the Board of Architectural Review.

Ms. Slipp inquired as to why there cannot be parking in the back rather than the front of the building stating that aesthetically it might be better to look at that. She stated that this Board is looking to improve the Village and stated that every opportunity that we have to provide incremental change, we would like to take advantage of it.

Mr. Morrison stated there is a flood plain line that runs through and there is no good entrance from behind.

Mr. Morrison presented the drawings to the Board and explained the specifics of the flood zone.

Mr. Soudan offered photos of prior work that was done in other States.

The Architectural Board suggested that the building be pushed back and more landscaping presented in the front. Comments were made from all parties.

Mr. Morrison would be happy to push back the building. Drawings were presented and suggestions were made.

Ms. Hoffman asked Ms. Giris to repeat what the benefit of the proposed structure is to the Village.

Ms. Giris stated that benefits of this proposed structure in the Village of Ardsley is that the specific section of the code **§§ 200-86A,-7,-75** allows you to permit the extension of those regulations of the B-2 district and that will permit them to improve the property with the project that would benefit the Village in a number of ways. It would increase tax revenue and very little demand on businesses in the district, very little traffic generation and there would be a reduction of the impervious surface coverage. Ms. Giris stated that there is no

downside to the R-1 and as a practical matter; you could not develop the property under the R-1 regulations anyway. It is non-conforming in the R-1 district. We would need multiple variances for any type of development in the R-1 district.

Ms. Hoffman stated that a Resolution will be read into the record stating that the Village Board of the Village of Ardsley has indicated its intention to be named as lead agency.

Board polled use of B-2 regulations and restrictions.

RESOLVED that the Zoning Board of the Village of Ardsley approves the Village Board designation as lead agency for this project. – Second - passed unanimously.

Adjournment

There being no other business the meeting was adjourned.

On motion of Mr. Amir, seconded by Mr. David, the meeting was adjourned at 9:27 p.m. Motion passed unanimously.

Respectfully submitted,

Donna Fusco
Recording Secretary