

**VILLAGE OF ARDSLEY
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JULY 23, 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, August 27, 2014 @ 8:00 p.m.

Approval of Minutes – November 2013, December 2013, February 2014

October Minutes for 2013 approved.

Resolution for November 2013 Minutes; Motion to accept unanimously.

Resolution for December 2013 Minutes; Motion to accept unanimously.

Resolution for February 2014 Minutes ; Motion to accept unanimously.

To Be Adjourned - Continuation of Public Hearings on Variance Applications

Ms. Hoffman stated the following matters have been adjourned before.

891 Saw Mill River Associates Inc. (d/b/a County Auto & Commercial Towing North, Inc., a/k/a Mobil Ardsley Service & Chestnut (Petroleum Distributors) a/k/a Cheesnut Mart, 891 Saw Mill River Rd, Ardsley, New York. Section 6.10, Block 1, Lot 3, in a B-2 Special Business District. For a proposed 2-story addition with a rear yard setback of less than 25 ft. (§ 200-77C).

This has been on the Agenda since April 2013. The only item holding this up is confirmation from the Fire Chief that a fire truck can fit in the back of the building. The other comments made were for siding and it was stated that Mr. Ciro Interrante is agreeing to install the facade so that it matches the color.

We now have written confirmation from the Fire Chief that the equipment will fit behind the building.

RESOLUTION

WHEREAS, 891 Saw Mill River Associates, Inc. (d/b/a County Auto & Commercial Towing North, Inc., a/k/a Mobil Ardsley Service & Chestnut (Petroleum Distributors) a/ka/ Cheesnut Mart, 891 Saw Mill Rover, Ardsley, New York, has applied to this Board for a variance from the requirements of Section 200-77C, of the Zoning Ordinance of the Village of Ardsley for permission to construct a 2 story addition with a rear-yard setback of less than 25ft., 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 891 Saw Mill River Road, Ardsley, New York and designated as Section 6.10, Block 1, Lot 3 on the tax maps of the Village of Ardsley, 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, New York on April 23, 2013 to July 23, 2014 after due notice by publication, and

WHEREAS, at the hearing Mr. Ciro Interrante, Architect in support of the application and no one appeared in opposition, and

WHEREAS, this Board after carefully considering all testimony and the application finds the following:

- Granting of this variance will not have an adverse effect or impact on the physical and environmental conditions;
- If 200-97B, see pp. 20070-20071 of code: special circumstances peculiar to land; strict application with zoning code not possible (e.g. because non-conforming), variance necessary for reasonable use; minimum variance, not injurious, etc;

The board discussed the five tests for granting an area variance, as codified by statute:

In making its determination, the zoning board of appeals did take into account the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board considered.

1. No undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance

2. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than a use variance.
3. The requested area variance is de minimis;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. The alleged difficulty was not self-created.

NOW THEREFORE, be it resolved that the application of 891 Saw Mill River Associates, Inc. (d/b/a County Auto & Commercial Towing North, Inc., a/k/a Mobil Ardsley Service & Chestnut (Petroleum Distributors) a/k/a Cheesnut Mart, 891 Saw Mill River Road, Ardsley, New York is granted.

Motion made by Michael Wiskind, Seconded by Jacob Amir three votes in favor, one opposed and one abstention, motion carried, application granted.

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).

At the applicant's request, the public hearing on this matter is adjourned to Wednesday, August 27, 2014.

Mr. David moved to adjourn this application to Wednesday, August 27, 2014, Zoning Board of Appeals meeting, seconded by Mr. Amir. Motion passed unanimously.

Public Hearing - Application for Variance from Village Code Requirements

Rene and Robert W. Baulieu, 8 King Street, Ardsley, New York. Section 6.50, Block 31, Lot 47, in R-1 One-Family Residential District. For a proposed new above-ground swimming pool with a front yard setback of 15 feet (§ 200-12A).

Attendees: Robert Baulieu, Applicant;

Mr. Baulieu presented the certified green card but did not provide the Affidavit of Mailing. Mr. Baulieu has a permit for a new above-ground swimming pool from twenty (20) years ago but was told he needs to obtain a new permit by the building inspector from the Village of Ardsley.

Mr. Baulieu stated that there have been a number of pools at that present location. He presented the plans to the board and discussed the plans in depth.

The board requested pictures of the pool but the applicant did not have any pictures. The property line was discussed with the board.

It should be noted that this is a flag lot so there is a 25 foot driveway on King Street and the actual property line is 25 or 30 feet from King Street.

Public Comments

Dora Campoli stated that she lives at 7 King Street which is the house facing the neighbor. She stated that she has no objection whatsoever to the pool.

It was asked if there was anyone in opposition to the application. No one objected.

Close Public Hearing

On Motion of Mr. David, seconded by Mr. Amir, the public hearing was closed. Motion passed unanimously.

Mr. Amir read the draft resolution into the record.

RESOLUTION

WHEREAS, Rene & Robert Baulieu, 8 King Street, Ardsley, New York has applied to this Board for a variance from requirements of Section 200-12A of the Code of the Village of Ardsley, for permission to replace the above-ground swimming pool with a small increase in size.

WHEREAS, this application is made under the authority of Section 200-12A of the Zoning Ordinance of the Village of Ardsley, affecting the property known as 8 King Street, Ardsley, New York, and designated in a R1 one family residential district as Section 6.50, Block 31 and Lot 47 on the tax maps of the Village of Ardsley; and

WHEREAS, a public hearing on the application was held by the Ardsley Zoning Board of Appeals at the Municipal Building, 507 Ashford Avenue, Ardsley, New York, on July 23, 2014. After due notice by publication and;

WHEREAS, at said hearing: Robert W. Baulieu appeared in support of the application; Dora Campoli also appeared in support of the application and on one appeared in opposition of the application and all those who desired to be heard were heard and their testimony recorded, and;

WHEREAS, after carefully considering all testimony and the application, this Board finds the replacement of the above-ground swimming pool with a small increase in size which will

be equipped with proper child safety protection, will not be detrimental to surrounding neighbors, the set back variance request is de minimis, there is no other manner to accomplish applicant's needs,

NOW, THEREFORE, BE IT RESOLVED, THAT THE APPLICATION OF RENE & ROBERT W. BAULIEU HEARD ON THIS DATE IS HEREBY GRANTED.

Motion by Jacob Amir, and seconded by Mort David, and passed by a vote of 5-0 with Mr. Amir, Mr. David, Mr. Wiskind and Chairperson Hoffman voting aye. The session ended.

Adjournment

There being no other business the meeting was adjourned.

On Motion of Mr. Amir, seconded by Mr. David, the meeting was adjourned at 8:50 p.m. Motion passed unanimously.

Respectfully submitted,

Donna Fusco
Recording Secretary