

**MINUTES  
VILLAGE of ARDSLEY  
ZONING BOARD of APPEALS  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 28, 2018**

**PRESENT:** Michael Wiskind, Chair  
Jacob Amir, Esq.  
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, March 28, 2017 at 8:00 pm.

The Chair announced the resignation of Maureen Gorman-Phelan from the Zoning Board of Appeals.

**Approval of Minutes**

Mr. David moved, and Mr. Del Grosso seconded, that the Minutes of the January meeting be approved as amended.

**Vote:** 4 in favor, none opposed, none abstaining, as follows:

Michael Wiskind, Chair –	aye
Jacob Amir, Esq. –	aye
Mort David –	aye
Serge Del Grosso –	aye

3) **Public Hearing**

**Application for Variance**

**Dante & Marissa Fiordimalva**

**3 Oak Hill Road, Ardsley, New York**

**Section 6.30, Block 13, Lot 2, in an R-3 One-Family Residential District**

**For proposed single story addition, with East side yard setback less than 15 feet (Village Code § 200-26B).**

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

**Also Present:** Marissa Fiordimalva

The Chair read the Legal Notice.

**Open Public Hearing**

Ms. Fiordimalva produced seventeen green cards received in response to twenty-nine notices mailed.

Ms. Fiordimalva reported that the architect could not be here. Ms. Fiordimalva stated that they wanted to expand out, not up, as the house is set back on the lot and as they do not want bigger bedrooms but more living space, specifically mudroom and foyer. Ms. Fiordimalva explained that in the proposed design, they would push the front of the house forward, take over the existing porch, add a front porch, and add a few feet in front of the garage that had previously been turned into living space to add mudroom. Ms. Fiordimalva stated that this configuration will make the front of the house more complimentary, as the master bedroom is already extruded. Ms. Fiordimalva added that this proposed expansion was the affordable option.

Mr. David pointed out errors in the application, as follows:

one, the Affidavit was not initially notarized, but Mr. Fiordimalva already corrected that;  
two, on the application at the bottom of page 1, item #5 gives square footage, is 1397 not 2854,

three, and it indicated a floor addition

four, Application. At bottom, item 9, has any application been previously filed. No is filled in. On July 21, 1989, on property card, there was an application for a permit for addition. (For master bathroom.

Bring to Building Inspector, permit application printout, on 2<sup>nd</sup> page, it indicates the contractor, but no insurance information. Ms. Fiordimalva advised that the architect had told her that when we get approved, they will supply it.

Mr. Amir asked when applicant purchased the home. Ms. Fiordimalva stated that they purchased the home on October 31, 2008.

The Chair: do you have original photographs of your and neighbors house. David: all of the nearby houses are original Huntley. The Chair You're #3, this one aerial picture gives a sense.

Board is aware that many are built into what later became setback, pre-existing condition. More usual situation is to build up, which we don't consider to be an extension of the non-conformity, because there is no increase of sf sticking into the setback than there was before. So here it is creating additional sf of house extending into the setback. (Serge: it non-conforming? Further encroaching on setback. Yes now 29 linear feet, by about 6 feet, additional 15 feet. Amir: not narrowing setback, just continuing 9.8 feet.) We're going to push out mudroom to match where bedroom is now. Chair Currently 150 sf of encroachment, this would increase to 220. Amir: just laundry, mudroom entry way space?. Garage forward becomes mudroom. Amir: where's Laundry now. Fiordimalva in kitchen. Walk in from sports and not walk into little square. The Chair: functionality former garage is used for what? My office. Chair asked if it is garage partitioned from kitchen. She can look from her office to backyard. Amir: did you explore pushing back?. Property on a slant, then would be too close to fence. Amir is at a decline to neighbor on your East? Yes. If we went back, we'd be too close to neighbor in rear. Amir: plus you have the deck. Amir: going up? Yes She didn't want that, gives more BRs, she wants more living space. Essentially 300 sf living space. Don't want a big house. Del Grosso: are you compromising front yard? Fiordimalva driveway, front where porch is now will become part of living room. Amir: so impervious surface not changing? Chair pointed out that gross land coverage going up by 150 sf. Bldg coverage going up by more than 300. Mostly impervious., Mort: 310.

Board asked to interpret drawings. Existing porch She showed this in here will become living space. Flush with bedroom, front entrance in front instead of to side. Foyer, bigger master br closet. And mudroom. New porch will be inset as it is now. Different entry, like a center hall colonial. Chair set back about 3 feet. Now entrance door is on what side. Now right. Mort: new? Right in center, or you can walk in through the side through the mudroom. Having the mudroom with laundry will allow her to have an improved kitchen. Mr. David: building inspector will make sure that mudroom will not just sit on the driveway but will have the proper footings. Serge: this. The only way not to encroach is to cut addition forward in half, which would be uneven. Mort: then you wouldn't have space.

Chair takes as positive that it squares off house, will be much more attractive front and as no neighbor is present, assume not bothered by it. W spoke to all the neighbors. We are only 6 houses, Dante went to each, they were excited for us. Chair: they can come or write pros or cons.

Mr. Del Grosso proposed the following Resolution:

Conform application:

Whereas, as Dante and Marissa of sec 200-26B entitled yard requirements, of the zoning ordinance of the village of Ardsley for permission to construct a existing legal non-conforming, and whereas this application is mae

3 Oakhill Rd and designated as section lot 2 on the tax maps of the v of A

And whereas a public hearing was held at the vill after due notice

And whereas at the hearing, Marissa Foreoredelmala, and appeared, and those

And whereas after considering fin

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: the proposed application would extend the existing non-conforming East side. 9.8 ft to existing building and to proposed addition. This extends non-conformity linearly toward the front of the property.

- (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 some neighboring houses are also two stories, and as the proposed second story addition will cause no change to the width of the encroachments into the side yard setbacks;
- (2) the benefits sought by the applicant cannot be feasibly achieved other than by variances, as expanding the current house by constructing toward the rear rather than building up would involve significantly greater expense, would increase the impervious surface to an unacceptable degree, and would render it impossible to install the requisite drywells at an appropriate distance from house and property line;
- (3) the requested variance to erect a second story on the existing first story is not substantial, as it does not change the footprint of the building but extends upwards the existing encroachments of approximately one foot into the North side yard setback and approximately three feet into the South side yard setback for a second story but does not otherwise increase the encroachment into the side yard setback, and it is not substantial in that the widest encroachment, of 2.9 feet into the South side yard setback, is only at the narrowest point, whereas expanding the house toward the back would

not only extend the side yard encroachments along the same line but would increase the encroachment on the Southerly side yard due to the relative angles of the house and Southern property line; lack of available space and slope. Going up not appropriate for . small relative to side of house. Shrubbing between fence and neighbor minimal .

- (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 the proposed addition will not change the topography, will add to the impervious surface minimally from the changes to the front porch and back patio but will remain well below the maximum land coverage permitted,; and
- (5) the circumstance requiring the variances was not self-created in that the house was originally built at a time when side yard setbacks were only eight feet.

NOW THEREFORE, be it resolved that the application of Dante and Marissa, is granted. Subject to the correction of minor errors to the .

PROPOSED BY: Mr. Jacob Amir  
SECONDED BY: Mr. Serge Del Grosso

Mort.

VOTE: 4 in favor, none opposed, none abstaining, as follows:

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

Ms. Firodimalva BAR twice a month. Larry will coordinate. They will want to see colors and siding samples if possible.

#### 4) **Adjournment**

On motion of Mr. Amir, seconded by Mr. Del Grosso, the meeting of the Zoning Board of Appeals was adjourned at 8:38 PM.

Respectfully submitted,  
Judith Calder  
Recording Secretary