

**MINUTES  
VILLAGE of ARDSLEY  
ZONING BOARD of APPEALS  
REGULAR MEETING  
WEDNESDAY, MAY 23, 2018**

**PRESENT:** Michael Wiskind, Chair  
Jacob Amir, Esq.  
Mort David  
Serge Del Grosso  
Craig Weitz

1) **Call to Order**

The Chair called the regular meeting to order at 8:02 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, June 27, 2018 at 8:00 pm.

**Approval of Minutes**

The approval of Minutes was adjourned.

3) **Public Hearing**

**Application for Variance**

**Steven & Christine Kastin**

**26 Victoria Road, Ardsley, New York**

**Section 6.20, Block 4, Lot 51, Corner Lot in an R-2 One-Family Residential District**

**For proposed larger rear deck, with South side yard setback less than 30 feet (Village Code § 200-18A and § 200-89).**

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

**Also Present:** Christine Kastin  
Samantha Kastin (daughter of applicant)

The Chair read the Legal Notice.

### **Open Public Hearing**

The Chair stated that Ms. Christine Kastin had stated that twenty-four notices had been mailed and that Ms. Kastin had produced the twenty-one green cards received.

The Chair stated that the Board had seen the plans for the proposal, and asked Ms. Kastin to summarize the proposal. Ms. Kastin stated that the whole house is over the setback line, including the current deck, which has been there since before applicants moved in in July of 2004. Ms. Kastin stated that applicants want to expand the deck back and also three feet inward, but on the Wayne Court side, the deck would go straight back. The Chair noted that the proposed deck is less than a foot over the setback line because the property line angles in a bit.

Mr. David asked if the existing shrubbery on the side of the deck will be maintained. Ms. Kastin stated that the shrubbery will be maintained. Ms. Kastin explained that the proposed deck will not extend as far back as the lamppost, and that the shrubs are beyond the lamppost. Mr. David commented that the existing shrubbery does an effective job of blocking the view of the deck from Wayne Court. The Chair noted that the shrubs appear to be the same height as the deck, and Ms. Kastin confirmed that they are. Ms. Kastin added that there is an opening further down the side that applicants intend to replant.

Several board members stated that they had driven by the property and/or are familiar with the area.

Mr. Weitz asked how much of an increase in non-conforming area is sought over the existing non-conforming deck. The Chair pointed out that the existing deck is eleven feet by twelve feet, and that the proposed deck is roughly fourteen feet by twenty feet, but that the increase of the non-conformity is a little less than a foot wide, due to the lot itself curving in. The Chair pointed out that the entire deck increases from 121 (sic: 132) square feet to 280 square feet, and noted that much of the existing house is outside the setback.

Mr. Weitz asked where the steps from the deck will terminate, and Ms. Kastin stated that the steps will come down to the patio. The Chair asked if the proposal included taking the patio farther out into the setback. Ms. Kastin stated that the plans do not include expanding the patio, and stated that the proposed new stairs, like the existing stairs, will terminate at the patio. The Chair pointed out that the drawing of the proposal is inaccurate. The Chair stated that he had asked about the patio because he wondered if there would be an increase in the impervious surface, and as the proposal does not change the patio, it does not change the impervious surface. Mr. Weitz asked if applicants proposed increasing only the deck. The Chair asked if the proposal did not include a new new concrete landing at the bottom of the steps. Ms. Kastin stated that some of the patio will be removed where the landing for where the steps will be installed.

Mr. Amir asked if applicants have done prior work to the deck. Ms. Kastin replied that they had not, as the deck is not shaky but that the wood is getting funny.

Mr. David asked if applicant would be using Trex to reduce maintenance. Ms. Kastin stated that they would be using something similar, Azek.

Mr. Del Grosso asked if the proposed deck would basically be in the same footprint as the existing deck, and asked how much did the proposed deck add to the non-conformity. Ms. Kastin stated that the proposed deck extends eight feet farther back and three feet to the side. The Chair pointed out that the entire existing deck is within the setback and that the entire proposed deck would be within the setback. Mr. Amir pointed out that the difference between the existing and proposed side yard setback encroachment is less than a foot. The Chair noted that the increase in square footage is more significant, but part of the house itself is also within the setback.

The Chair asked if any member of the public wished to speak in support of or in opposition to the application, and no one so wished.

Mr. David moved, and Mr. Amir seconded, to close the Public Hearing.

Vote: 5 in favor, none opposed, none abstaining, as follows:

Michael Wiskind, Chair -	Aye
Jacob Amir -	Aye
Mort David -	Aye
Serge Del Grosso -	Aye
Craig Weitz -	Aye

### **Close Public Hearing**

Mr. David proposed, and Mr. Del Grosso seconded, the following Resolution:

WHEREAS, Steven and Christine Kastin, of 26 Victoria Road, Ardsley, New York, 10502, have applied to this Board for a variance from strict application of the requirements of Section 200-89 and Section 200-18 Subdivision A of the Zoning Ordinance of the Village of Ardsley, which require a minimum side yard setback of Thirty Feet on the side street of a corner lot; 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 26 Victoria Road, Ardsley, New York, and designated on local tax maps as Section 6.20, Block 4, Lot 51, Corner Lot in an R-2 One-Family Residential District; and

WHEREAS, a Public Hearing on this application was held by the Zoning Board of Appeals at the Municipal Building, 507 Ashford Avenue, Ardsley, New York, on May 23, 2018, after due notice by publication; and

WHEREAS, at the Hearing, applicant Christine Kastin and applicants' daughter Samantha Kastin appeared in support of this application, and no one appeared in opposition to this application, and all those desiring to be heard were heard and their testimony recorded; and

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:

- (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 the proposed 285-square-foot deck replaces an existing non-conforming 131-square-foot deck and as neighboring homes have similar decks;
- (2) the benefits sought by the applicant cannot be feasibly achieved other than by variances, as the proposed deck replaces an existing non-conforming deck and will be built in approximately the same location as the existing deck requiring the same point of access, and also cannot be feasibly achieved other than by variances as the setback requirement of the corner lot is derived from the front such that both the existing deck and the existing house are within the required setback;
- (3) the requested variance is not substantial in that the proposed deck encroaches less than one foot more into the setback, and such increase in encroachment is due entirely to the curve of the property line;

- (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 there is existing shrubbery to protect the view and that homeowners will be planting additional shrubbery, and in that the impervious surface will increase minimally, if at all, due to a landing at the base of the steps from the deck; and
- (5) the circumstance requiring the variances was not self-created in that the house was purchased with the existing non-conforming deck which was dilapidated at the time of purchase and which owners now seek to replace and enlarge.

NOW THEREFORE, be it resolved that the application of Steven and Christine Kastin is granted.

PROPOSED BY: Mr. Mort David

SECONDED BY: Mr. Serge Del Grosso

VOTE: 5 in favor, 0 opposed, 0 abstentions, as follows:  
Michael Wiskind, Chair – AYE  
Jacob Amir – AYE  
Mort David – AYE  
Serge Del Grosso – AYE  
Craig Weitz – AYE

#### 4) **Adjournment**

As there was no other business before the Zoning Board of Appeals, the meeting was adjourned at 8:22pm.

Respectfully submitted,  
Judith Calder  
Recording Secretary