

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

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

1) **Call to Order**

The Chair called the regular meeting to order at 8:06 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, December 19, 2018 at 8:00 pm.

Approval of Minutes

Mr. Weitz moved, and Mr. Del Grosso seconded, the approval of the Minutes of the Zoning Board of Appeals meeting of August 25, 2018.

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

3) **Public Hearing**

Application for Variance

Joann D’Emilio and Joseph Lessem

28 Grandview Avenue, Ardsley, New York

Section 6.80, Block 64, Lot 1, in an R-3 One-Family Residential District

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

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

Also Present: Joseph Lessem
John Scavelli, Professional Engineer

The Chair read the Legal Notice.

Open Public Hearing

Mr. Scavelli produced the twenty-five green cards that had been received and a list of the twenty-eight notices that had been mailed.

The Chair requested a summary of the variance request. Mr. Scavelli stated that applicants seek to renovate and expand their kitchen. Mr. Scavelli noted that there is an existing bump-out that is part of the existing kitchen and an existing deck, both of which protrude into the setback. Mr. Scavelli explained that the proposal is to remove the deck and the door from the existing kitchen to the deck and to extend the line of the bump-out with an additional area that is Four Feet by Four Feet Two Inches, and not to increase the non-conformity. The Chair clarified that they intend to increase the square footage of the non-conformity, and not to extend the house further into the setback than the existing distance of thirteen feet seven inches.

Mr. Amir asked about the size of bump-out, and Mr. Scavelli replied that the small increase in square footage will make a big difference.

The Chair asked Mr. Scavelli if he is scheduled to go to the Board of Architectural Review. Mr. Scavelli stated that they are not presently scheduled, and that he does not know what will be required because Mr. Tomasso advised them to go to the Zoning Board first.

Mr. Weitz asked if they plan to keep or match the existing siding, and Mr. Scavelli replied that that is the plan. The Chair asked the same about the roof, and Mr. Scavelli replied that they plan to match the roof detail coming across.

Mr. David asked for the square footage of the proposed increase. Mr. Scavelli stated that it was between eight and nine square feet. Mr. David stated that he calculated it to be seventeen square feet. Mr. Scavelli explained that the house already has a bump-out, and that the square footage of the encroachment will be a small increase over the existing.

Mr. David pointed out that there is a discrepancy between the square footage shown on the property card of 2,492 square feet and that shown on the application of 2,200 square feet. Mr. David stated that this means the application is faulty.

Mr. David asked why the drawing shows that rear right of the house is Fifteen Feet Eight and a Half Inches to the property line. Mr. Scavelli that the distance from the property line to the bump-out is Thirteen Feet Seven Inches, and that the Fifteen Feet Eight and a Half Inches is to the point where the house is most distant from the property line.

Mr. Del Grosso asked if the extension would not extend beyond where current deck is and if the current deck is being demolished. Mr. Scavelli replied that this was correct.

Mr. David asked if there will there be a second exit in addition to the exit from the front of the house. Mr. Scavelli stated that there will no longer be and exist from the kitchen, but that there is an exit from the back of the house to a deck in the back.

The Chair pointed out that the existing bump-out is less than twenty square feet, and Mr. David stated that it is seventeen square feet.

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

Applicant Joseph Lessem introduced himself and stated that he was here in the event the Board had questions that he might be able to answer. Mr. Lessem stated that he does not know about the property card. Mr. Lessem reported that applicants bought the house about twenty-two years ago, and that about ten years prior to that the former owners had expanded the home from a ranch by going up and out. Mr. Lessem stated that he knows that the house had been extended to the back, but he does not know if it was also extended to the side, and he does not know if errors on the property card arose at that time. Mr. Lessem added that there have been no changes to the house since applicants moved in. The Chair noted that it looks like the addition was in 1987, and Mr. Lessem stated that applicants moved in in 1996.

Mr. Amir moved, and Mr. David 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. Amir proposed, and Mr. David seconded, the following Resolution:

WHEREAS, Joann D'Emilio and Joseph Lessem, of 28 Grandview Avenue, Ardsley, New York, 10502, have applied to this Board for a variance from strict application of the requirements of Section 200-26 Subdivision B of the Zoning Ordinance of the Village of Ardsley, which requires a minimum side yard setback of Fifteen Feet; 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 28 Grandview Avenue, Ardsley, New York, and designated on local tax maps as Section 6.80, Block 64, Lot 1, in an R-3 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 November 28, 2018, after due notice by publication; and

WHEREAS, at the Hearing, applicant Joseph Lessem and architect John Scavelli 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

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 addition is only approximately nine square feet, will replace an existing deck, and will not increase the existing legal non-conforming encroachment into the side yard setback;

- (2) the benefits sought by the applicants cannot be feasibly achieved other than by the requested variance, as increasing the size of the kitchen internally would undesirably intrude into other living space and would present other structural issues;
- (3) the requested variance is not substantial, as it maintains the encroachment of approximately two feet into the side yard setback and extends it for an additional approximately four feet toward the rear of the property but does not otherwise increase the encroachment into the side yard setback, and as the size of the proposed kitchen bump-out is less than thirty square feet in total, of which less than nine square feet is an increase over the present non-conformity, the size of the addition is *de minimis* relative to the size of the lot;
- (4) the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district in that the additional nine square feet will be located behind the existing legal non-conforming bump-out and thus will not be visible from the street; and
- (5) the circumstances requiring the variance were not self-created in that the house was purchased in its current configuration in 1996 and the existing non-conforming deck had been added by prior owners in 1987.

NOW THEREFORE, be it resolved that the application of Joann D'Emilio and Joseph Lessem is granted.

PROPOSED BY: Mr. Jacob Amir

SECONDED BY: Mr. Mort David

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.

Respectfully submitted,
Judith Calder, Recording Secretary