

**VILLAGE OF ARDSLEY
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, JANUARY 28, 2015**

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, February 25, 2015 @ 8:00 P.M.

Approval of Minutes – September 17, 2014, October 22, 2014, November 19, 2014, December 17, 2014

Mr. David abstained from approving 12/17/14 Minutes. Minutes were approved and passed unanimously as amended.

Proposed Resolution – Application for Permit (Code § 200-86A) and Height Variance (§§ 200-7, -75)

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 District and R-1 One-Family Residential District.

For proposed self-storage facility; permit to extend from frontage in B-2 zone, into R-1 zone; and variance for proposed building height of 50.4 feet/4 stories, exceeding the maximum permitted.

Ms. Hoffman stated that this Application was approved by the Board in November, 2014. We were to get a prepared Resolution by the Consultant of the Village of Ardsley who is David Smith. We had some conversations and edits back and forth and he has provided this document. It is necessary for the Board to accept this as our Resolution. Even though we have a Resolution, the matter has already been approved and we now have to accept Mr. Smith's Resolution in lieu of the one that we have on hand.

There were only 3 members who voted on that Resolution so only the three members who voted on the original Resolution can accept this Resolution. Mr. David, Mr. Wiskind and Ms. Hoffman. All of those documents have been provided and have been reviewed. Mr. Wiskind indicated that there is a correction to be made in Paragraph 3, i.e. the elevation number 136 needs to be corrected to 126 otherwise, it can be passed.

Motion to accept as corrected by Mr. David seconded by Mr. Wiskind.

VOTE 3-0

2 – ABSECTIONS (1 Recused, 1 Absent)

Public Hearing – Application for Sign Variances (Village Code § 200-82C(2)(a))

Astoria Bank (a/k/a Fed, Sav. & Loan Assoc.), 731 Saw Mill River Road, Ardsley, New York.

Section 6.50, Block 30, Lots 3 and 4, in a B-1 General Business District.

For two proposed new business name signs, exceeding the maximum permitted: (1) number of signs on the building façade; (2) signage dimensions, in the aggregate; and (3) lettering height on each sign.

Attendees: Kevin Going of Going Sign & Servicing Company, Inc., Applicant's Representative.

Ms. Hoffman read the Legal Notice into the record.

Open Public Hearing at 8:15 P.M.

Mr. Going handed in proof that the Legal Notices and Notice of Meeting were sent return receipt requested and regular mail. Return Receipts were submitted. Twenty-two notices were mailed and twenty replies were received.

Kevin Going appeared as Astoria Bank's Representative and presented photographs and drawings of the proposed signs to be installed. The photographs displayed the present sign and the proposed new signs. Mr. Going discussed square footage, height, length and illumination of the signs.

Mr. Going stated to Ms. Slipp that she is not happy with the drawings and Ms. Slipp stated that the signs are an abomination and Mr. Going stated that those are their standards. Ms. Slipp stated that there are different standards for different villages and different villages have different requirements and different villages expect more and we are going to start expecting more. Ms. Slipp further stated that Astoria Bank is a National Bank and they can afford to put money behind signage here. Ms. Slipp told Mr. Going that the old sign is much better than the new sign. Mr. Going asked how she would like to see it fabricated and Ms. Slipp

stated to make it look like the old sign with individual letters and told him to spend the money.

Ms. Hoffman stated that we have three (3) variances that we have to address. The first one is the number of business signs. Currently there are two signs and Mr. Going stated that he is looking to replace them with two signs. The reason he is back here asking for the same variance is because when you replace something 100%, you have to look at it as a new variance. Ms. Hoffman stated that even though Mr. Going is there and looking for a variance, he is asking for a variance in which he already has and he agreed to. Ms. Hoffman asked if this was a standard that the Bank is using on all the branches. Mr. Going stated yes and Ms. Slipp said let's be corrected here that we disagree that there is a range of signage and asked why can't we ask our applicants to come before us with the gold carved wood signs instead of the cheesy signs. Ms. Hoffman stated that we do not deal with the aesthetics of the signs. Ms. Slipp stated that she refused to be pigeon holed in one spot and she stated that she is asking good questions whether Ms. Hoffman likes it or not. Ms. Hoffman stated that we cannot hold an applicant to bring us information that is not relevant to our inquiry and Ms. Slipp asked if we want to waste time or do we want to ask questions that are going to be helpful to our members. Ms. Slipp further stated to Ms. Hoffman that Ms. Hoffman travels a long way to come to this meeting and to let's make the meeting fruitful and productive. Ms. Hoffman stated that we have a limitation as to what our authority is. Ms. Slipp stated that she spoke to other members of the Board and they have said that we should be asking questions to get information so that all of our other Board members (meaning BAR and Planning Board not Zoning Board) will not waste time. Ms. Slipp said let's gather information; these are information sessions and let's gather information.

Mr. Going stated that if he appeared with 5 or 6 different signs that we would be here all night long and Ms. Slipp stated that we would have a range of options and we would have the ability to do incremental change to our village and every single sign that we get to change in our village is an opportunity to make our village a little bit more pretty.

Mr. Amir stated that the concern is what is the basis from going from the existing sign to the proposed signs. Mr. Amir asked if there should be some kind of a usage between existing and proposed signage. Ms. Slipp asked if we could do better than the standard sign. Mr. Amir stated that we have to follow the elements in granting a variance and those elements have to be met. Mr. Amir asked Mr. Going why he can't change the lettering on the existing sign so that he does not have to go through a variance process. Mr. Going stated that Mr. Amir would not like that sign.

Mr. Amir asked why Mr. Going needs to change the entirety of the sign. Mr. Going stated that the old sign is 30 plus years old and to replace that face you are going to have a blank time and temp on the left and right hand side of the sign. He stated that the replacement sign

is 100% non-illuminated sign. Mr. Going stated that he is going to replace the exact footprint that is presently up there. Mr. Going explained the pictures of the sign to the Board.

Ms. Slipp stated that we have an opportunity here in Ardsley to make our signs look more quaint and charming. Mr. Going stated that he has been to six of these meetings and he understands. Ms. Slipp wants to be on the best part of signage that Mr. Going can give to the Village from his company that he represents. Mr. Going stated that Astoria Bank is flexible and he has gone to separate meetings where they sat down and discussed what their goals and needs are not only of the bank but what the individual account is looking for. Mr. Going stated that they don't change their colors and their letter style and there is flexibility from going to a box sign to maybe a background panel with individual letters on it.

Mr. Wiskind stated that he wanted to jump back from the one sign versus two signs thing and stated that until that was clarified, it is hard to do anything else. Mr. Wiskind stated that having a single sign over the entrance as opposed to the current configuration is an improvement. The issue with the proposed sign is the height and that was the first thing that struck him and also, there was an awful lot of blue. If it were 2 feet high instead of three feet high and if the letters were 12 inches high instead of 13 inches high, then that particular one would fit. Ms. Slipp stated to Mr. Wiskind that our children could do this in second grade and at least the old sign had some character to it and asked if he approves of it. Mr. Wiskind stated that if they reduce it to a single sign, two feet in height and the same length with 12 inch letters that would fit within the balance of what's permitted without the permit. Ms. Slipp stated that this is not aesthetically pleasing.

Ms. Hoffman stated that we are talking about the number of business signs not what they look like and we will get to what they are. Ms. Slipp said that we have an opportunity and Mr. Wiskind said that we do not have an opportunity because the BAR has the opportunity. Ms. Slipp kept repeating that yeah we do.

Ms. Hoffman said let's go to #1 under this application that says number of signs. It appeared that there are two signs that are essentially the same thing and they appear to be within 25 feet of each other. There are two signs on the front of the building that say essentially the same thing.

Mr. Going stated that they will get rid of the long sign over the windows and the concern there is that the height exceeds what is allowed by code.

Ms. Hoffman stated that Item #1 under variances, the applicant has withdrawn his application for a second sign which is the 31 foot long Astoria sign.

Ms. Hoffman read Item #2 and Mr. Going stated that once they remove the second sign, they will no longer exceed the maximum permitted footage.

Ms. Hoffman stated that now the only discussion is the sign over the entrance which is Astoria Federal. She asked Mr. Going for the dimensions of that sign and the height of the letters.

Mr. Going stated that the sign background proposed is 3 foot high by 15 foot long. On that background, the lettering for Astoria Bank is 13 inches high and the logo is 18 ½ inches high. It's a proposed lit illuminated box sign with a background with light up blue and the lettering light up white. The logo will light up white, gray and blue. If we shrink the height of that down, the lettering will be very small. Mr. Wiskind asked if the logo has to be larger than the letters. Mr. Going said yes.

Ms. Hoffman stated that the Zoning Board has made accommodations in the past to make the signs aesthetically correct. It was done for DeCicco's and the Ardsley Mall.

Mr. Amir asked when Mr. Going comes back to the next meeting if he can provide samples of the sizes in relation to the logo so we can look at three or four of them. Mr. Going is coming back with different options of individual letters on a background panel and other samples of signs. Ms. Slipp asked Mr. Going if he can provide the range of the low ends and the high ends. The range would be a wood carved sign and Mr. Going said that the bank will not do a wood carved sign in Ardsley. Ms. Slipp wants to see what a wood carved sign looks like.

Ms. Hoffman asked Mr. Going if he is coming back with a sign over the entrance way to see if he could reduce the size of the sign to a sign that would fit here and if its two feet with 12 inch letters if that is not going to meet your customer's needs. Ms. Hoffman asked Mr. Going to please provide signs that Mr. Amir has requested.

Mr. Going will be back with samples and new proposed signs.

Ms. Slipp stated that the old sign is better and asked the price range from low to high end and stated that incremental change happens incrementally. Ms. Slipp asked Mr. Going if he can bring the range so we can see our possibilities.

Continuation of Public Hearing – Application for a Use Variance (Village Code § 200-73B)

Ni Nu Inc., 2 Bridge Street, Ardsley, New York.

Section 6.70, Block 42, Lot 5, in a B-2 Special Business District.

For proposed conversion of second floor commercial space into two one-bedroom apartments.

Attendees: Mr. & Mrs. Nunzio Bucci, Applicants, Mr. & Mrs. Nino Bucci, Lino J. Sciarretta, Esq. and David B. Smith, Planning & Development Advisor.

Ms. Hoffman read the Legal Notice into the record.

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Open Public Hearing at 9:01 P.M.

Mr. David stated that he has done business with the repair shop but has never socialized with the Bucci's for record.

Lino Sciarretta, Esq. spoke on behalf of the Applicant. He presented more information to the Board as requested from the last meeting. A site plan containing parking analysis, MLS listings, two were for the second floor and one was for the first floor. The tenant is responsible for gas, electric and insurance. It was stated that the neighboring property, 646 Saw Mill River Road has a tenant upstairs in a one bedroom unit.

Mr. Sciarretta noted for the record that the MLS listings presented were one listing was for the first floor and two listings were listed for the second floor. Also presented was a list of phone calls and inquiries from people interested in renting the space for residential use, tax returns with un-redacted information such as additional costs and expenses and Mr. Sciarretta stated that the Applicant is seeking a use variance and stated that it has been three years the property has been vacant.

The Board asked what the apartments were suited for. Mr. David brought up the parking spaces. The applicant provided a floor plan. Mr. Amir asked if the commercial space would be split evenly when converting to a residential space. The entrance is on the side next door to the pizzeria. It was stated by Anna Bucci that it will be marketed to a single person or a couple. The square footage is 630 square feet per apartment.

When asked about parking spaces, Mr. Sciarretta stated that there are presently 25 parking spaces on the plan. 2 Bridge Street has nine spaces for the pizzeria and four spaces were designated for the second floor for office use. Now that they are changing office space to residential, it reduces the spaces to two spaces for residential use for the second floor.

Ms. Hoffman and Mr. Sciarretta discussed the financials for 2 Bridge Street and 646 Saw Mill River Road. They reviewed the tax returns submitted to the Board with questions and answers regarding rental income, expenses, water costs, taxes, insurance, fire alarm charges etc. Anna Bucci, one of the owners of the property stated that she does most of the bookkeeping and office work. The size of the proposed apartments is 630 square feet for each apartment.

Ms. Hoffman inquired as to the cost of renovation to the residents; Mr. Sciarretta stated \$50,000.00 is estimated.

Ms. Slipp stated that there was a significant drop off in phone calls after reviewing the phone call list submitted by Applicant. Ms. Slipp stated that she realizes that Mr. Bucci does not take copious notes but inquired as to why the calls were not listed in sync.

The Board asked about the phone call list and Anna Bucci replied that the phone calls were only to inquire about residential and not commercial tenants. Nunzio Bucci stated that they are going to seek \$1,500.00 per month per apartment. Commercial rent in the past was \$2,500.00 per month. Anna Bucci gave the background of the two spa businesses that occupied the space in the past. Since the last spa business was operating illegally, Anna Bucci refused to rent to a spa business in the future. The Board asked if the pizzeria was opposed to the Bucci's renting to residential tenants and the reply was no. Ms. Slipp asked if they think that they will rent to Ardsley workers and Ms. Bucci said that she would hope so.

Ms. Slipp asked for a statute or a precedent for what a hardship means. The Bucci's made an investment to purchase real estate and it did not work out for them in a profitable way and she asked what the NYS statutes are and asked if Mr. Sciarretta could tell her. Why is \$6,000.00 a hardship. Is there a statute or a precedent? Mr. Sciarretta stated that the Bucci's would not be here if it was not a hardship to them. Ms. Slipp stated that she heard a plea and not a statute or a precedent.

Ms. Bucci stated that she did not want to rent to a massage parlor because of the illegal activities in the past and she is not willing to take another chance.

Mort David stated that the Bucci's made a good faith effort to rent the property to commercial tenants and Mr. Wiskind stated that he felt the same way being that there are a lot of commercial vacancies presently, he is inclined to approve. Mr. Amir voted yes and seconded what Mr. Wiskind and Mr. David said. Ms. Slipp stated that she is Switzerland on this one. She hopes that they rent to good tenants and hope that they are very filtering on who they are going to rent to.

Ms. Hoffman asked if they have considered making these units affordable units. Her concern is granting the use variance is precedent setting. She knows that 646 was grandfathered in and there is nothing that they could do about that. She has issues with precedent setting. She thinks that the Bucci's could have done a better job with marketing over the past three (3) years.

Motion to close public hearing.

Close Public Hearing at 10:15 P.M.

VOTE 5-0 in favor of application

RESOLUTION

WHEREAS, Ni Nu Inc., 2 Bridge Street, Ardsley, New York, have applied to this Board for a use variance from the requirements of Section 200-73B of the Zoning Code of the Village of Ardsley
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of Ardsley for permission to convert a second floor commercial space at 2 Bridge Street into two one-bedroom apartments in a zone that does not permit residential use in said district, 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 2 Bridge Street, Ardsley, New York and designated as Section 6.70, Block 42, Lot 5 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 as originally scheduled on August 27, 2014 postponed to September 17, 2014 and continued to December 17, 2014 and January 28, 2015 after due notice by publication, and

WHEREAS, at the hearing Mr. & Mrs. Nunzio Bucci, Mr. & Mrs. Nino Bucci and Lino Sciarretta, Esq. appeared in support of the application and no one appeared in opposition and all those who desired to be heard were heard and their testimony recorded, and

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

That the requested use variance was considered in light of the New York State requirements for a use variance for the points listed.

The applicants have not realized a reasonable return on the property as currently permitted. The applicant provided financial evidence that they had been unable to rent the space requested for a period of three (3) years. That all the inquires that they received were from residential tenants and that they provided financial statements for the loss that they are taking on the property under the current circumstances even taking into account the rent from the commercial tenant on the first floor.

That the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the neighborhood. There are no other properties that we are aware of looking for similar relief at this point.

The granting of this request of this variance will not alter the character of this neighborhood. The applicants own a neighboring property which is situated similarly to what is being requested that is to say a commercial tenant on the ground floor and multiple residential tenants on the upper floor that usage having been grandfathered for a number of years, and

The alleged hardship has not been self-created. That although the applicants did purchase the property on which 2 Bridge Street is located did construct the building and did rent it commercially successfully for years, the vacancy that has led them to search for alternative commercial tenants was not self-created and they did make efforts to retain

the existing tenant with reduced rent and did make efforts to find replacement tenants and for various reasons were not able to do so.

Having reviewed all those facts, the Board is determined that the granting of the use variance as requested to convert the upstairs commercial space into residential apartments is appropriate.

NOW THEREFORE, be it resolved that the Application of Ni Nu Inc. is granted.

Motion made by Michael Wiskind, Seconded by Mort David five votes in favor, motion carried, application granted.

Adjournment

There being no other business the meeting was adjourned.

On motion of Mr. Amir, seconded by Mr. Wiskind, the meeting was adjourned at 10:15 P.M. Motion passed unanimously.

Respectfully submitted,

Donna Fusco
Recording Secretary