

**VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, SEPTEMBER 30, 2015**

PRESENT: Patricia Hoffman, Chair
Jacob Amir
Mort David
Ellen Slipp
Michael Wiskind

1) **Call to Order**

The Chair called the regular meeting to order at 8:00 pm.

2) **Announcements and Approval of Minutes**

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, October 28, 2015 at 8:00 pm.

Approval of Proposed Minutes of Meeting of April 22, 2015

Mr. David requested that the proposed minutes of the April meeting be amended to reflect that the quote about overnight parking permits be correctly attributed to Mr. David instead of Mr. Amir.

Motion by Ms. Slipp, seconded by Mr. David, to approve the minutes of the meeting of April 22, 2015, with the amendment above noted. Vote: four in favor, none opposed, one abstention (Chair abstained as she had not been present at the April 22nd meeting).

Approval of Proposed Minutes of Meeting of June 24, 2015

Motion by Mr. David, seconded by Mr. Wiskind, to accept the minutes of the meeting of June 24, 2015 as proposed. Vote: five in favor, none opposed, none abstaining.

The Chair announced that the agenda will be taken out of order.

3) **Close Public Hearing**

**Withdrawal of Variance Application for Proposed Increase in Gross Land Coverage
(Village Code §200-83C)**

**Rachael Methal & Sterling S. Smith, 11 McKinley Place, Ardsley, New York.
Section 6.110, Block 102, Lot 9, in an R-3 One-Family Residential District.
For proposed driveway widening and gross land coverage exceeding maximum
permitted.**

Present: Patricia Hoffman, Chair, Michael Wiskind, Jacob Amir, Ellen Slipp, Mort David.

Attendees: None.

The Chair, noting that this matter has been on the agenda several times, advised that applicants have withdrawn their application for a variance of gross land coverage permitted for proposed driveway widening. Therefore, this item is no longer before the board.

4) **Adjourn Public Hearing**

**Variance Application for Proposed Addition, Extending Nonconforming Use (Village
Code §200-100C)**

**Cross Town Motor Inn d/b/a Apple Motor Inn a/k/a Apple Motel,
775 Saw Mill River Road, Ardsley, New York.
Section 6.50, Block 19, Lot 2, in the B-1 General Business District.
For proposed second story addition to motel, an existing nonconforming use.**

Present: Patricia Hoffman, Chair, Michael Wiskind, Jacob Amir, Ellen Slipp, Mort David.

Attendees: None.

The Chair advised that applicants have requested that this matter be adjourned until October.

Mr. Wiskind moved, and Ms. Slipp seconded, that this matter be adjourned to the October meeting of the Ardsley Zoning Board of Appeals. Motion passed unanimously.

5) Continuation of Public Hearing

Variance Application for Proposed New Freestanding Signs (Village Code § 200-82C)

Chance LLC (by Grand Lux Realty-Cerrone, Inc.),

706 Saw Mill River Rd, Ardsley, New York.

Section 6.50, Block 18, Lot 17, in the B-1 General Business District.

For proposed new business identification signs on existing nonconforming sign pole.

Present: Patricia Hoffman, Chair, Michael Wiskind, Jacob Amir, Ellen Slipp, Mort David.

Attendees: Michael Levy, co-owner of Grand Lux Realty-Cerrone, Inc., applicant.

Mr. David reminded the board that one of the discussions at prior meetings had been the shade of yellow. Mr. Levy responded that he brought samples of two shades for the board to choose from. Mr. Levy also replied to Mr. David's question about the lumens, posed at the June meeting, stating that he has learned that the sign presently has three bulbs at 2500 each, for 7500 lumens. Mr. David remarked that this is pretty bright, and Mr. Levy replied that he had been under the impression that one could put in a lower wattage bulb, but the lumens is what an electrician told him.

The Chair noted that Mr. Levy had presented diagrams of the current sign, which had been requested. Mr. Levy also presented photographs of the Mamaroneck and Armonk offices, which also had been requested. Mr. Levy stated that the Board had also inquired about what the sign over the establishment's new location would look like, and he reported that they plan to remove the awning and make a sign like the one presently in front of Linizio's restaurant, and that this sign would be carved foam and would hang perpendicular to the building. Mr. Wiskind asked if an application to remove the awning over what is presently florist has been made, and Mr. Levy replied that it has been submitted to the Board of Architectural Review (BAR), and that he is scheduled to appear before BAR this Tuesday.

The Chair asked if Mr. Levy had a preference between the colors of the two samples he had brought with him, and Mr. Levy replied the more mustard colored one. Mr. Levy also responded to questions about the signage was envisioned for the front door and front window with photographs of GLR's offices in Armonk and Mamaroneck. Ms. Slipp asked if the signs in the windows were permanent, and Mr. Levy replied that they are temporary signs, applied like stickers. Mr. Wiskind sought clarification that there was not yet an application to the Zoning Board of Appeals for the sticker door sign. Mr. Levy reported that the door signs are part of the application presently before the BAR. Mr. Wiskind asked if, in terms of the storefront, Chance would be removing the awning and that what Chance will go to the BAR for is the permanent carved sign, which would be the only sign on the storefront, and Mr. Levy confirmed that it would be the only sign in addition to the sticker sign, which they plan to put in the window instead of the door, as the window is more visible to the street.

Mr. David commented about his color preference between the two samples presented, and Ms. Slipp agrees, noting that one is too bright. Mr. Levy reminded the Board not to judge by the brightness, as an additional layer of paper can be added to the back of the plastic. The Chair asked if the lights that will be in the box of the new sign are same type of lights that are in there now, and Mr. Levy confirmed that. Ms. Slipp asked if a material other than plastic can be used. The Chair explained that a lighted sign required translucent material. Ms. Slipp then inquired if the light could come from a different source, such as a goose neck lamp over the sign. The Chair answered that such a sign would require different maintenance and a different variance. Mr. Amir added that guidance on taste could only be accomplished either by granting or denying a variance, or granting a variance with allowable conditions.

The Chair asked if anyone in the audience wished to be heard on this matter. No one replied.

Mr. Wiskind moved, and Mr. David seconded, to close the Public Hearing. **Vote:** Five in favor, none opposed, none abstaining.

Close Public Hearing at 8:28 PM.

Mr. Wiskind proposed the following resolution:

Whereas Chance LLC, by Grand-Lux Realty Cerrone, of 706 Saw Mill River Road, Ardsley, New York, has applied to this board for a variance from the requirements of Section 282-c of the Ardsley Village Code, for permission to replace the face on the existing sign located in the parking lot adjacent to the property; and

Whereas this application is made under the authority of Section 297-b as an ordinance of the Village of Ardsley, affecting premises known as 706 Saw Mill River Road, Ardsley, New York, designating as Section 6.50, Block 18, Lot 17 on local tax maps of the Village of Ardsley; and

Whereas a public hearing on this application was held by the Ardsley Zoning Board of Appeals on June 24, 2015 after due notice by publication, and said public hearing was continued to September 30, 2015; and

Whereas at the hearing, Michael Levy appeared on the application, and no one appeared in support or opposition thereto, and all those who desired to be heard were heard, and that these proceedings were recorded; and

Whereas, the Board of Zoning Appeals, after carefully considering all testimony on the application, finds the following:

That the application proposes a replacement of the facing of an existing sign, with no change in sign location or raw sign dimensions, that the sign will remain an illuminated

sign on a timer from dusk to late evening, that the business in question is relocating from one side of the parking lot to the other side of the parking lot but will still be served by the same sign, that the configuration of the sign has already been approved by the Board of Architectural Review, that the proposed change is not anticipated to produce any significant change in the character of the neighborhood because it is replacing an existing sign of the same size in the same location, reflecting a change in the name and affiliation of the business but not the underlying business, that this is not a request for an area variance; that it is not expected to have an adverse impact on the physical or environmental conditions of the district because of its minimal change from the existing signage, and the self-creation issue does not apply because it is a cosmetic change in the existing sign,

Now therefore be it resolved that the application of Chance LLC is granted.

Mr. Wiskind moved, and Mr. David seconded, that the Zoning Board of Appeals adopt the Resolution. **Vote:** Four in favor, one opposed, none abstaining.

6) **Public Hearing**

Variance Application for Proposed New Sign in the B-1 General Business District (Village Code § 200-82C)

**Thorpe-McCartney Family Limited Partnership (by Getty Properties Corp),
657 Saw Mill River Road, Ardsley, New York.
Section 6.50, Block 35, Lots 8, 9, 10 & 11 in the B-1 General Business District
For proposed new freestanding business identification and price signs on existing
nonconforming sign pole.**

Present: Patricia Hoffman, Chair, Michael Wiskind, Jacob Amir, Ellen Slipp, Mort David.

Attendees: Andy Stewart, Engineer, of High Point Engineering., on behalf of Getty Properties Corp.

The Chair read the legal notice into the record.

Open Public Hearing

Mr. Stewart identified High Point Engineering as representing not only Getty Properties Corp., but also Alliance Energy, the gas company that hired his company to change the brand of gas from Getty to Citgo.

The Chair requested “green cards” showing proof of service. Mr. Stewart produced the nine cards received in response to the sixteen mailed.

Mr. Stewart stated that the price sign is currently located in the northwest corner of the property. He also noted that they had previously replaced the dispenser, which now has Citgo branding, under a previous separate application. Applicant is now proposing to remove the existing Getty identification and price sign and to install new Citgo identification and price sign on the existing pole. Mr. Wiskind asked if the proposed sign was two-sided, and Mr. Stewart confirmed that it, like the current sign, is two-sided.

Mr. Stewart advised that the identification sign would be a translucent plastic polycarbonate that would shine through when illuminated, and the price sign would be an LED sign.

The Chair inquired if the current lessee of the property is Getty, and the length of the lease term remaining. Mr. Stewart reported that Getty is the current lessee, but did not know the remainder of the lease term. The Chair inquired how the brand was changing from Getty to Citgo. Mr. Stewart advised that the property leasing agreement is not always connected to the brand of gas sold on the property. Getty has quite a few properties throughout New York State, some of which are Citgo, some of which are still Getty, some are Sunoco. It is Alliance Energy that has an agreement with Getty for the sale of gas on this property. Mr. David asked if it was not currently Citgo. Mr. Stewart confirmed that Citgo gas is being sold from this property, noting that there is a bag over the existing Getty identification sign, pending approval to replace the physical sign.

Ms. Slipp asked if she is correct that the existing Getty Sign is three feet seven inches, and that the proposed Citgo sign is five feet. Mr. Stewart reported that the size of the existing identification sign is thirty square feet, and that the size of the current price sign is fifteen square feet, for a total of forty-five square feet, and the size of the combined sign that the applicant is requesting is 5 feet high by 10 feet wide, or fifty square feet, for an increase of five square feet.

Ms. Slipp also noted that the proposed sign is taller than the current sign. Mr. Stewart replied that due to using the existing sign pole, the overall height would increase. Ms. Slipp also noted that Citgo signs elsewhere in the country may not be backlit or may be constructed of wood. Mr. Stewart replied that the proposed sign uses the same materials as the existing sign.

The Chair asked if Citgo had other size sign options.

Mr. David said that Mr. Stewart represented that the gas station is being leased from McCartney, whereas Mr. David thought it was owned by Sammy Jamal, who owns about three hundred gas stations. Mr. Stewart does not know who Mr. Jamal is. He reiterates that his company's main client is Alliance Energy, which does the gasoline and branding of the station, and that Alliance has an agreement with Getty Properties. Upon further questioning, the Chair advised that the property is owned by the McCartney Family Limited Partnership,

which also owns the Shell gas station, and that both properties are leased. Mr. Stewart confirmed that the subject property will continue to be leased by Getty Properties, and that Citgo is responsible only for the delivery and branding of gas sold at that property. Mr. Stewart added that included in the application packet was a letter of authorization between Getty and Alliance that gives us permission to file and speak for them for application purposes.

Ms. Slipp asked where Alliance is based. Mr. Stewart replied that Alliance's main offices are in Massachusetts, and that they have stations throughout the state. Ms. Slipp asked if Alliance has other signs, perhaps of different materials. Mr. Stewart does not know if Alliance has other signs, only that this is standard of the stations he has worked on.

Mr. Amir asked if the sign will go to the Board of Architectural Review (BAR), and Mr. Stewart replied that it would. Mr. Wiskind asked if they should have gone to the BAR first. Mr. Stewart stated that they were instructed to come to the Zoning Board of Appeals first. He added they do have another application for building signage before the BAR, which is the only forum currently required for that matter, and notes that there still are matters that need to be addressed on that application, so he will have to go before the BAR again. The Chair notes that the only reason that the other applicant, Chance LLC, went to the BAR first was the timing of the meetings of the two boards.

The Chair reiterated her question about what other size sign options there were, noting that a fifty square foot sign eighteen feet off the ground is too big. Mr. Stewart reported that there are two sizes of the sign – the one described earlier, and a smaller sign with the same look is four feet high by eight feet wide, for a total of thirty-two square feet. He notes that this smaller sign would be a four foot increase in height over the current sign, in contrast to the five foot increase of the larger sign.

Ms. Slipp asked about the materials of the smaller sign. Mr. Stewart replied that the larger and smaller sign both use the same materials, adding that there are other gas stations in the Village of Ardsley with similar signage for identification and pricing, and producing photographs of the Mobil and Sunoco signs. Mr. Amir notes that it appears that the sign for one of the other gas stations is higher than that proposed in the current application.

Mr. David notes that the proposed sign is eleven percent larger than the existing sign.

Mr. Amir asked why a change in signs, other than branding, is being sought. He asked if the existing sign could remain as is, with replacing only the brand portion of the sign within the existing frame. Mr. Stewart reported that he supposed that that could be an option, but that this was the signage desired by his client. Mr. Wiskind suggested that it was likely that the applicant would find the electronic pricing more desirable than manually changing the numbers. Mr. Wiskind added that he finds one combined sign an improvement over the current two separate signs, and Mr. David concurred. The Chair added that the one

combined sign of thirty-two square feet would be a significant reduction from the forty-five square feet of the two current signs.

Mr. David asks the difference in changing the price on the existing and proposed sign. Mr. Stewart said that numbers on the existing sign have to be changed manually by getting up on a ladder, and that the numbers on the proposed sign are digital and would be changed electronically. Ms. Slipp asked how difficult it is to get up on a ladder to change the numbers. Mr. Amir stated that unlike on a sign where you manually change the numbers, these would not fade or get misaligned. The Chair added that the electronic version also had the advantage of safety.

The Chair asked if everything else on the pole would be removed. Mr. Stewart confirmed that all that would be on the pole is the proposed sign. The Chair asked if the sign could come down so that it would not be eighteen feet high. Mr. Stewart replied that he would look into the possibility of reducing the height of the pole so that the new sign would come in at the height of the existing sign.

The Chair asked Mr. Stewart if it were within his discretion to offer the thirty-two square foot sign. Mr. Stewart said that he had not been given the authority to offer the smaller sign, but that, as he was given two sign options, he believes that his client would find that acceptable, were that a condition of a variance approval.

The Chair asked if anyone in the audience wanted to speak in favor of the application.

Mr. Armen K. Boyajian, of 23 Grandview Avenue, addressed the Board, noting that he also occupies space at 486 Ashford Avenue, which is adjacent to and within 200 feet of the Getty station.

Mr. Boyajian pointed out that the diagram of the proposed sign shows the crown of the pole even with the height of the sign, but that in the picture of the existing sign, the pole protrudes higher. He asks if there is any possibility of the new sign going higher than the seventeen or eighteen feet discussed. Mr. Stewart and Mr. Amir pointed out that the pole Mr. Boyajian was seeing in the photograph is a utility pole in the background.

Mr. Boyajian also asked, from the point of view of future development, if a snow roof is contemplated, similar to what the other gas stations in Ardsley have. Mr. Stewart asked if Mr. Boyajian meant over the dispenser pumps. Mr. Stewart report that they have not told us about any plans to put up a canopy.

Mr. Boyajian points out that the proposed sign provides more information, as it includes three price lines for three different grades of gasoline, whereas the current sign only has two prices for cash and credit for one grade of gas.

Mr. Boyajian stated his objection to the sign being there, because he thinks it important to keep the visibility of intersection as open as possible. He believes that a sign there blocks the view of traffic going East or West, and he thinks it is a hindrance. He believes that the sign could be five feet away from curb, and that if it were back from road, it would open the vista as cars approach the Ashford Avenue intersection. He pointed out that with three [ed: Northbound] lanes there, the most open vista possible would be beneficial.

Mr. Boyajian also objects to the sign because of its impact on the small memorial park. Although there is a bench there to invite people to sit, he thinks that a steel pole with a sign is not an appealing backdrop. He pointed out that the memorial to the firefighters across street is attractive with plantings, but that this memorial has been treated like an orphan.

Mr. Boyajian noted his preference for the sign to be put on the building, but at least would pull it back from Saw Mill River Road.

Mr. David does not believe that safety is an issue, in that it does not impede the view of traffic on Ashford Avenue.

Mr. Stewart noted that the lot lines are based on a Village of Ardsley tax map, and points out that the property does not extend up to Ashford Avenue, such that the sign is not directly on the corner of Ashford Avenue and Saw Mill River Road.

The Chair noted that the pocket park to which Mr. Boyajian referred is in memory of Michael Silliman, who was a long time teacher and Superintendent in Ardsley.

The Chair pointed out that Mr. Stewart has pointed out that all the lower signs on the pole will be removed, so vision will be cleared rather than encumbered.

Mr. Amir asked what the thirty-two foot sign would look like, and Mr. Stewart explained that the proportions would remain the same. Various Board members stated their aesthetic concerns, conceded that the visuals of the sign itself are within the exclusive purview of the BAR, and expressed that the parameters of the Zoning Board of Appeals decision – thirty-two square feet and no higher than seventeen feet five inches high – be made known to the BAR.

Mr. Amir moved, and Ms. Slipp seconded, that the public hearing be closed. **Vote:** Five in favor, none opposed, none abstaining.

Close Public Hearing at 9:08 PM.

Mr. David read the proposed resolution, as follows:

Whereas Getty Properties Corporation of 2 Jericho Plaza, Office #110, Jericho, NY, 11753, represented at this public hearing by High Point Engineering, of 521 Conklin Street, Farmingdale, New York, 11735, has appeared before the Ardsley Zoning Board of Appeals, and has made representation to place a thirty-two square foot sign on Section 2, Subdivision 82C, in appealing a denial of the sign ordinance by the Village Building Inspector; and one individual appeared before the board to give testimony; and this appeal is made under the authority of Section 200, subdivision 97B, of the Zoning Ordinance of the Village of Ardsley; and that the premises is located at 467 Saw Mill River Road and is designated as Section 650, Block 35, Lots 8, 9, 10 and 11 on the tax maps of the Village of Ardsley; and that the property is in a B-1 zoning area, the lot is 21,780 square feet, and the building was erected in 1960; and the Zoning Board of Appeals has discussed granting a variance for a sign of no more than thirty-two square feet with a maximum height on the pole of seventeen feet five inches; and that the application is to be brought before the Board of Architectural Review for determination of color, design in turn.

Mr. David moved, and Mr. Amir seconded, that the Zoning Board of Appeals adopt the above resolution. **Vote:** Five in favor, none opposed, none abstaining.

7) **Public Hearing**

Variance Application for Proposed New Sign in the B-1 General Business District (Village Code § 200-82C(2)(a)[2][b])

**15-35 Center Street, LLC (by Primizia Foods, LLC, d/b/a DeCicco & Sons),
21-23 Center Street, Ardsley, New York.**

Section 6.50, Block 30, Lot 1 in the B-1 General Business District

For proposed new illuminated business identification wall sign, exceeding maximum size permitted overall: (a) vertical dimensions (§ 200-82C(2)(a)[2][a][iii]; and (b) height of letter groups (§ 200-82C(2)(a)[2][b]).

Present: Patricia Hoffman, Chair, Michael Wiskind, Jacob Amir, Ellen Slipp, Mort David.

Attendees: None.

The Chair asked that Tasha send the applicant notice, and ask DeCicco's if they want to appear on the October agenda.

8) **Adjournment**

There being no other business before the Zoning Board of Appeals, on motion of Ms. Hoffman, seconded by Mr. Amir, which motion passed unanimously, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,
Judith Calder
Recording Secretary