

**MINUTES  
VILLAGE OF ARDSLEY  
PLANNING BOARD MEETING of  
MONDAY, DECEMBER 14, 2020**

**I. Call to Order**

The Chair called the meeting, which was held via Zoom, to order at 8:05 PM.

Present<sup>1</sup>: Rob Pellegrino, Esq., Chair  
Altin Batska  
Paul Bialowas  
Susan Jainchill  
Bernhard Preisser

Also Present: Larry Tomasso,<sup>2</sup> Building Inspector

The Chair announced that the matter of 33 Judson had been adjourned and that as this matter would not be discussed, neither would the Board be able to entertain comments or questions from the public. The Chair advised any members of the public present with interest in this matter to check with Mr. Tomasso, Building Inspector, before next month's meeting to ascertain if this matter would be on the agenda next month.

The Chair announced that the Agenda would be taken in order.

**II. Approval of Minutes**

The approval of Minutes was adjourned.

**VI. Andrew and Erika Bresler  
61 Beacon Hill Road  
Application for Excess Land Coverage Special Permit, for  
Proposed Rear Deck and Swim Spa Additions  
Public Hearing**

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<sup>1</sup> Throughout these minutes, all "present" were present via Zoom, as was the Recording Secretary.

<sup>2</sup> In addition to participating in his capacity as Building Inspector, Mr. Tomasso also managed the technological aspects of the Zoom meeting and recorded the meeting.

Present: Rob Pellegrino, Esq., Chair  
Altin Batska  
Paul Bialowas  
Susan Jainchill  
Bernhard Preisser

Also Present: Andrew and Erika Bresler, applicants  
David A. Barbuti, RA, architect  
Adam Goodfarb, Esq., as attorney-at-law and attorney-in-fact  
for Rowena Goodfarb, 85 Orlando Avenue, Ardsley, NY  
Larry Tomasso, Building Inspector

The Chair read the Legal Notice.

The Chair summarized that the basic land coverage permitted this property under the Ardsley Village Code is 3,699 square feet, that the applicants are requesting a Special Permit for land coverage of 3,985 square feet. The Chair pointed out that the Code gives the Planning Board some discretion to permit land coverage over the basic up to a maximum of 4,366 square feet for this property. The Chair noted that the side yards are quite significant at forty to forty-five feet, and that the proposed deck also would meet rear setback requirements.

The Chair outlined that the Board would hear first from anyone present to speak on behalf of the applicant, then would invite questions or comments from the public, and then Board members would speak on the matter.

Mr. Barbuti introduced himself as applicants' architect. Mr. Barbuti stated that the proposed addition of 538 square feet is for a deck and swim spa, and that it complies with both rear and side yard setback requirements.

The Chair noted that the Board had received a letter from Goodfarb, a neighbor of the subject property, which letter is now in the record and can be viewed. Mr. Goodfarb, the author of the letter, introduced himself as the son of and attorney for the neighbor, Mrs. Rowena Goodfarb, who was unable to join the meeting due to difficulty with Zoom. Mr. Goodfarb stated that his mother's home is downhill from the subject property and that his mother is concerned about both noise travelling downhill and potential damage to trees from construction. Mr. Goodfarb urged the Board to require applicant to pay for an environmental expert and an acoustical expert to determine impact from the proposed additions. Mr. Goodfarb also asked the Board to condition any approval on sound protection.

The Chair asked if any other members of the public wished to speak in support of or in opposition to this application, and none so indicated.

The Board noted that the proposed addition is within the setbacks and that the additional square footage requested is less than half of the Board's discretion. The Board opined that the location and amount of construction for the proposed addition was unlikely to harm trees on Mrs. Goodfarb's property, and that sound protection is not within the Board's purview.

The Chair and Board members agreed to visit the property prior to making final determinations, and therefore adjourned this matter until the next meeting.

**VII. David and Allison Kochman  
4 Rest Avenue  
Applications for Steep Slope Permit and Special Permits for  
Excess Floor Area and Excess Land Coverage for  
Proposed Additions of Rear Deck, Patio, First Floor and Garage,  
Front Porch Enclosure, Driveway, Stairs/Wall and Utility Pad  
Public Hearing**

Present: Rob Pellegrino, Esq., Chair  
Altin Batska  
Paul Bialowas  
Susan Jainchill  
Bernhard Preisser

Also Present: David and Allison Kochman, applicants  
Michael Lewis, Michael Lewis Architects  
Peter Altomare, Project Manager, Michael Lewis Architects  
Larry Tomasso, Building Inspector

The Chair read the Legal Notice.

The Chair summarized that the basic floor area permitted for this property is 3,805 square feet and the maximum allowable within the Board's discretion is 4,406 square feet, that the existing floor area is 90 above the basic permitted and applicants request a Special Permit for floor area of 4,208 square feet. The Chair continued that the basic land coverage permitted is 3.608 square feet and the maximum allowed is 4,259 square feet, that the existing land coverage is less than the basic permitted and applicants request a Special Permit for land coverage of 4,066 square feet, which is 700 square feet over the existing and 458 square feet over the basic permitted.

The Chair pointed out that the excess floor area is all within the existing footprint except for a small piece for the entranceway, which matters because enlarging a second floor

within the setback is less obtrusive to neighbors. The Chair noted that much of the excess land coverage is due to the proposed expansion of the driveway.

Mr. Altomare stated that the current driveway and garage do not function, that the existing driveway is only twelve feet deep and that they propose expanding the garage from a 1-1/2 car garage to a 2-car garage. Mr. Altomare continued that above the garage, they propose increasing the size of each of the two children's bedrooms from 110 square feet to 160 square feet, and that they propose enclosing the front porch to create a mudroom. Mr. Altomare noted that they also plan to renovate the kitchen and bathroom. Mr. Altomare stated that all the drainage beyond what is needed will be pulled into a Cultec system in the backyard.

The Chair and most Board members stated that it would be necessary to view the property. Mr. Bialowas stated that he lives nearby<sup>3</sup> and is familiar with the property and its challenges, and that he thinks the proposal is modest and reasonable. Ms. Jainchill asked about the walkway and the deck, and the Chair asked that applicants mark off the part of the existing concrete patio that they propose removing.

Mr. Kochman requested expedience, explaining why they wanted the project completed by the fall. The Chair advised that the request warrants a site visit but that the Board anticipates an answer at its next meeting on January 11, 2021. Mr. Tomasso stated that applicants could proceed to the Board of Architectural Review promptly should the Planning Board grant approval.

**IV. Musa and Asma Eljamal  
9 Cross Road  
Proposed Building and Driveway Additions, where Gross Land Coverage  
Exceeds Maximum Permitted Amount  
Review and Comment to the Zoning Board of Appeals**

Present: Rob Pellegrino, Esq., Chair  
Altin Batska  
Paul Bialowas  
Susan Jainchill  
Bernhard Preisser

Also Present: Bryan Orser, representative of applicants  
Jay Liu, Associate Architect, FZAD Architecture & Design  
Larry Tomasso, Building Inspector

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<sup>3</sup> Though not within the radius that would make him an affected neighbor and thus did not require recusal.

The Chair stated that the basic and maximum land coverage, both of which take into account the wetlands reduction, are 6,900 and 8,100 square feet respectively, while the existing land coverage of 11,840 square feet greatly exceeds the maximum land coverage, and that applicants now seek to add more than 1,000 square feet more. The Chair pointed out that applicant reached the existing land coverage after receiving a variance for a pool and a subsequent variance for a patio.

The Chair and the Board members unanimously expressed their inability to support land coverage of 1,000 square feet beyond the existing nearly 4,000 square feet above the maximum, and noted that what applicants seek is almost double the basic land coverage permitted.

Mr. Bialowas pointed out that the proposal is only six feet from the side yard property line. Mr. Tomasso stated that applicants had requested variances from the zoning Board both for land coverage and for the side yard setback.

Mr. Bialowas stated that this property lies in a flood zone and that the berm around the pond falls on another property, so additional land coverage will cause the other property to flood. The Chair concurred that the area around this property is extremely sensitive, pointing out that the bridge on Cross Road sometimes overflows.

Mr. Liu asked what might happen if they modified the plans to add a garage and reduce the existing land coverage to make it a wash with the current amount. Mr. Tomasso stated that that would still require approval from both the Zoning and Planning Boards, and that they would still need a hefty side yard variance.

Mr. Orser pointed out that applicants have a very long driveway. The Board stated that even without the 800 or 900 square feet of driveway, the existing land coverage is still very much beyond the maximum.

The Chair summarized the unanimous opinion that the Planning Board would not want the Zoning Board to grant applicant additional land coverage, and is not even confident that it could support a proposal that results in the existing amount of land coverage, and further would not like the Zoning Board to allow such a significant incursion into the side yard setback.

**V. JLT Team LLC by Richard Mohring  
33 Judson Avenue  
Applications for Steep Slope Permit and Site Plan Approval  
for Proposed New Dwelling on Vacant Lot  
Public Hearing**

This matter was adjourned.

**VI. Ferdinand Markushi**  
**27 Abington Avenue**  
**Application for Approval of Proposed Landscape Plan (Condition of March 12,**  
**2018 Wetlands Permit for Rear Deck, Filling and Grading, Stream Bank**  
**Restoration, and Tree and Shrub Removal and Planting)**  
**Continuation of Review**

This matter was adjourned.

**VII. Adjournment**

The Chair moved, and Mr. Preisser seconded, that the Planning Board adjourn its meeting at 9:07 PM.

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

Rob Pellegrino, Esq., Chair –	Aye
Altin Batska –	Aye
Paul Bialowas –	Aye
Susan Jainchill –	Aye
Bernhard Preisser –	Aye

Respectfully submitted,  
Judith B. Calder  
Recording Secretary