

The meeting was opened at 8:01 p.m. Wednesday, February 23, 2011.

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

Announcements – Next Meeting

The March meeting is scheduled for 8:00 p.m., Wednesday, March 23, 2011.

Approval of Minutes:

December 22, 2010 – Ms. Hoffman requested a motion be made to approve the minutes of December 22, 2010. Motion was made by Mr. Wiskind, seconded by Ms. Kaboolian and passed unanimously.

Ms. Hoffman announced Chairman Goodfarb's absence this evening and that she would be sitting in as temporary Chairman. As a result, since there are only four board members in attendance, a vote of three out of four members would be necessary for an application to be granted.

Respectfully submitted,

Lorraine McSpedon

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

**ARDSLEY WATERWHEEL PARTNERS, LLC
867 SAW MILL RIVER ROAD
ARDSLEY, NEW YORK
(CONTINUATION)
SECTION 16, SHEET 1A, BLOCK 0000
LOTS P-4 ET.AL., IN AN R-4A
WORKFORCE/AFFORDABLE HOUSING
OVERLAY DISTRICT**

For consideration of a proposed multi-family housing development consisting of four buildings, including:

- (1) Three buildings with building heights exceeding 2 stories and 30 ft.
(Code Subsection 200-29.1(B)(2)); and
- (2) Two buildings with gross floor areas exceeding 8,000 sq. ft.
(Subsection 200-29.1(b)(4)).

Adjourned since the SEQRA process is being held before the Board of Trustees and the Zoning Board of Appeals must receive a determination by the Board of Trustees prior to moving forward with the requested variances.

Ms. Hoffman requested a motion to adjourn the above hearing. Motion was made by Ms. Kaboolian, seconded by Mr. Wiskind and passed by a vote of 3-0-1, with Mr. Amir abstaining.

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

**ARDSLEY MALL, INC.
(BY ARDSLEY RESTAURANT GROUP, INC.)
925 SAW MILL RIVER ROAD
ARDSLEY, NEW YORK
SECTION 16, SHEET 1, BLOCK 0000/0, LOT P13K
(901-935 SAW MILL RIVER ROAD)
IN A B-3 SHOPPING CENTER BUSINESS DISTRICT
CONTINUATION**

For consideration of a use variance to permit live entertainment at Pumpernickel Restaurant (Subsection 200-80.1A).

Adjourned. The Zoning Board of Appeals is anticipating the receipt of a Code change to be proposed by Counsel.

Ms. Hoffman requested a motion be made to adjourn the above application. Motion was made by Ms. Kaboolian, seconded by Mr. Wiskind and passed unanimously.

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

**CRETAN PROPERTIES, INC.
BY RIVER DALE DOG, LLC.
609 SAW MILL RIVER ROAD
ARDSLEY, NEW YORK
SECTION 18, SHEET 13, BLOCK 1144, LOT 28
IN THE B-1 GENERAL BUSINESS DISTRICT
(CONTINUATION)**

For consideration of a change of use and a parking variance where 12 off-street parking spaces are required and 5 spaces are provided on premises, for proposed conversion of vacant retail/office space into a dog day care and boarding facility (Code Subsection 200-71).

Applicant, Mr. Ron Atzmon and landlord, Mr. Jimmy Bobolakis, presented themselves to the Board.

Ms. Hoffman: This is a continuation of a hearing. The legal notice has been read and the hearing was opened last month. Can you two gentlemen identify yourselves again, for the record.

Mr. Bobolakis: Owner of the property, Jimmy Bobolakis.

Mr. Atzmon: Ron Atzmon, River Dale Dog

Ms. Hoffman: You adjourned the meeting last time in order to do a couple of things; the Board was going to get some input from legal counsel and the Building Inspector and, I believe, the applicant was going to provide us with some additional information regarding his business.

Mr. Atzmon: The only additional information that I can give you in response to my conversations with Larry Tomasso is that there seems to be some issue with what proportion of my business is daycare and what proportion is boarding. That seems to be what the legal issue rides on most. All I can tell you is that, on my best days, I will be boarding, maybe, three to four dogs out of my total pack of about 15 dogs that come with me on a daily basis, so, what you would get from that is that I have at most, maybe, my boarding business is obviously not every night of the year, so then, in total, it is about 10% of the money that I make.

Other than that, I don't really have anything to revise as far as the information that I gave you. Any numbers that I gave you about future projections of where I would like my business to grow, I would have to stick by, it would be silly of me to limit myself in any way. But, just to reassure you that the boarding proportion of my business is, seems to much smaller than is imagined by members of the board, perhaps the Village Board as well.

Ms. Hoffman: Have you gotten additional information as to... we had asked originally if there were requirements or guidelines as to how much space each dog would require in the building and whether there were guidelines. You had indicated, I believe, that there were.

Mr. Atzmon: Yes, and we did confirm that actually. And the Westchester Department of Health actually also has information on it. The guidelines are again, based pretty much on the keeping of laboratory animals and dogs in actual kennel sized areas and they are generally not more than say, 10% more than the length of the given dog. So, if you imagine the amount of spaces of crates that you can fit in the store, it would far exceed the amount of dogs that you would ever want to have in there. That is for a big dog, so, as far as the space that we are able to provide, given any regulations we could find, it is more than ample. Any calculation that the counsel would like to make for the Village Board's ultimate approval, they can go ahead and do that if they see fit.

Ms. Hoffman: It is not up to the Board or counsel to make that calculation. What is your intention as to how many dogs you anticipate? Right now, you have 15-20?

Mr. Atzmon: Yes, right now I do.

Ms. Hoffman: And how many dogs do you, if you booked your facility to capacity, how many dogs do you think that would be?

Mr. Atzmon: Well, as it is right now, the 15-20 are not all for the full day. So, even just about 1/3 of those would actually come back to the store for any amount of time for the most part. But, I would say the store could probably at least double my capacity. Over the course of a given day, I might be managing 60 dogs but some of them will never even be seeing the store. So, it is not a set amount... I would not say that there would be more than 30 dogs of varying sizes; not all large dogs inside the store envelope at any given time, I mean, just to be safe, I want to give myself a margin. But, by any guidelines, as far as animals are concerned, there is more than enough space for that number of dogs.

Mr. Wiskind: In your business now, do you offer the boarding services?

Mr. Atzmon: Yes.

Mr. Wiskind: How many dogs maximum, did you say?

Mr. Atzmon: About four dogs on a given busy day.

Mr. Wiskind: How many days a week?

Mr. Atzmon: That would be for say a full week like this, President's week, it is very busy because people have off for the week.

Mr. Wiskind: On a more ongoing basis?

Mr. Atzmon: Throughout the year, there are always a couple of dogs a weekend, almost, it seems like, but that is more just weekend trips as opposed to full weeks through. And the summer, obviously, is peak time compared to the dead of winter.

Ms. Hoffman: Have you made application with the Westchester Department of Health for a permit for this business?

Mr. Atzmon: According to them, you actually have to get permission from the Village you are in first and then you could apply for their permit.

Ms. Hoffman: So, you are waiting to get approval from the Village of Ardsley?

Mr. Atzmon: Yes.

Ms. Hoffman: Then you would make application to Westchester County?

Mr. Atzmon: Yes.

Mr. Wiskind: You had said, initially, as far as the issue of walking the dogs, that that would be done elsewhere and that they would only come back to the store between times, but if you are boarding a dog there, you are not going to drive them somewhere else at 6:00 at night and 6:00 in the morning.

Mr. Atzmon: Well, I generally do not start at 6:00 in the morning but if I have to, I will do that, yes.

Mr. Wiskind: My neighbors have dogs and that is when they walk them. Early and late.

Mr. Atzmon: No, I don't do those as my first and last walks. It is more like 8:00 and then 10:00 at night.

Mr. Wiskind: You would load multiple dogs in a van and take them somewhere else?

Mr. Atzmon: Yes.

Mr. Wiskind: Because there have been concerns raised by neighbors about activity taking place at the store or in the vicinity of the store.

Mr. Atzmon: I would not want to disturb my neighbors in any way.

Mr. Amir: Who was there before?

Mr. Bobolakis: Computer, RCA Computer, then a real estate company and couple of stores before that, I don't know what they were. The Town has a record of that. Definitely commercial usage, that much I know.

Mr. Atzmon: I believe there was an Allstate Insurance there once, also.

Mr. Bobolakis: As far as him walking the dogs in the neighborhood, he is not going to do that because the County of Westchester is going to make him have a facility set so that if the dogs do make a mistake, they are not human, they do not know how to go to the men's room or the ladies room, so he's telling you guys he is not going to walk the dogs in the middle of the night because the County is going to make him fix the store up to the point where the dogs can go to the bathroom in the store and he will have to clean it up. He is not going to put in carpet, you can't put dogs on carpet, you can't do that. So we are going to have a tiled area, so it can be washed out, it has to be Health Department approved. You know that.

Ms. Kaboolian: My concern is with 20 dogs being boarded. That is my concern and the way that I have interpreted this is that the Code does not permit the boarding of dogs in this facility, this building, in this district. And to board 20 dogs, you are essentially running a kennel and I have a concern with that.

Mr. Atzmon: I have to basically counter the use of the word kennel. It is just not what we do. A kennel is your fire and forget, you know, solution to dog boarding. You go to some off building, throw the dog in a cage and throw away the key for the next twelve hours, at which point the dog is going to get pet for five minutes and go to the bathroom and be chucked back in. So, it is really just...

Ms. Kaboolian: So, we will use the definition of the word kennel that they stay overnight in the care of someone other than their owner.

Atzmon: Yes, that is true, but it is in the direct care, not the indirect care.

Ms. Kaboolian: Okay, so my problem is that you have 20 dogs sleeping in a building and direct care...you have one employee watching 20 dogs sleeping....

Mr. Atzmon: No, if we had that many dogs we would probably have at least three or four people. That is in my wildest dreams to have that much business.

Ms. Kaboolian: I, I just don't view this as a permitted use in the B-1 District.

Mr. Wiskind: It gets back to the parking issue too, if you are having three employees, say, who have to get there, so that's three cars and then you have vans to take the dogs

places, that's a couple of more cars. You were going to speak to the neighboring building about the spaces that the County has on the road.

Mr. Bobolakis: That's State right-of-way. That has nothing to do with the neighbor. That's the State of New York and the State of New York says that everybody can use them. It is not specified to him, me or anybody else unless somebody leases them. Those spaces to me have been given away but that is another issue between me and the Town. As far as those spaces go, that's all I know.

Mr. Wiskind: I thought you were waiting to try to contact somebody about getting exclusive use of the spaces?

Mr. Bobolakis: Yes, I am in the middle of talking to the State right now. But it is not solved yet. As far as use of business goes, we went over the Code 50 times before the guy even signed the lease for Larry. There is nothing in the Code that designates the zoning or business for that place. As far as the parking goes, here I am in disagreement with the Board, okay, that I have now changed the structure of which the law says that if I do change the structure, widen it, bigger, making a breakdown extension, I change the usage rights of the whole building. Changing a store is not changing the structure and the Board is using the store as an excuse to tell me my building is illegal. If my building is handicapped, just tell me that and I have to do what I have to do to get it fixed.

Ms. Amir: I don't think that is what we are saying.

Mr. Bobolakis: That's what I'm seeing, because I've been here three times with this guy. I have never in my life taken this much time to get a permit for a variance. I came here last time, and in my opinion, the meeting was cancelled for the wrong reasons because they sent a note to find out what was going on with the Planning Board. You can't get a Planning Board meeting if you don't have the okay from the bottom Board and start to move up. Now, we go to the County of Westchester where we are going to get a permit. Absolutely, we are going to get a permit, we are going to follow what the law says. We are not going to do what we want. We are not going to get a permit from the Town, open the building and have the dogs running around the yard. It does not work that way, we are going to follow rules and regulations. I understand we are approaching new ground as far as the concern of dogs go....being outside, noise, and I spoke to Larry about that and we talked about maybe recommending to the Planning Board a six month probation period where this guy can operate and Larry can keep his eye on it and if any complaints come in, we can come back in six months, see if he's clean, see if there are any problems and deal with them because it is a new issue for the Town, too, and fix up any gates that we left open that might be a problem around the neighborhood. We are willing to work with the Town. We have no problem with that. I am willing to work with the Town. Again, we are approaching a new business that is coming into the Town, there is not real law on it, there are no specifications, I understand the Town is afraid. How are the neighbors next door? I understand you are worried about what is going to happen here today. So, I am trying to help the Town be more reasonable to get this guy open because I have taxes, he has bills, everybody has bills.

Mr. Amir: I think we can appreciate that but, just to qualify what Nancy said and I think I agree with her. I don't know if it's zoned for a living space. You are contemplating overnight stays and possibly with three employees. You have to put in a kitchen, you have to put in showers.

Mr. Bobolakis: These are all 8 hour shifts, what the law allows for an employee.

Mr. Amir: You hire employees, I'm wondering if this is zoned for a living space. And if it is not, then the suggestion that we issue some kind of a temporary variance, I'm not sure if procedurally we can even do that, I don't think is the proper way to go.

Mr. Atzmon: A kitchen does not make a living space. It is a use that makes a living space. It would be inhuman of me to not provide those facilities for my employees considering the hours that they work. There has to be some flexibility in the law that recognizes that these things must be here.

Mr. Amir: It may not be inhuman if it is only a doggie day care place and not a kennel.

Mr. Bobolakis: It is not a kennel.

Mr. Amir: It is.

Mr. Bobolakis: He's not going to put in a kitchen. He is going to put in...he's going to have the bathrooms, he's looking to put in a couch and a t.v. for a place to sit.

Mr. Amir: It seems to me that it is a kennel. If you have upwards of 15 dogs or so that, you know, let's say even five dogs that stay overnight, okay, or above that, it seems to me that that's a kennel, that's what a kennel is. And, I am just looking at the notes from the Board of Trustees meeting and I think you said that this is going to be a dog day care and kennel facility.

Mr. Atzmon: The point that I'm trying to make, the first thing I said when I came in here, when you asked if I had any remarks, was that this is day care and boarding not boarding and day care. Boarding is a much smaller part of my business.

Mr. Amir: The problem that I have is that you're suggesting a temporary variance. See how it goes for six months. You have neighbors and you have people in the community and my concern is that in that six month period you may have 15 dogs or so, 20 dogs that are staying overnight, so that something, some damage seems to occur to these neighbors. That is just my personal objective, observation. It is pretty reasonable to assume.

Mr. Atzmon: Let me make one final request, please. At my last Village Board meeting, which was now way back in the beginning of December, they asked all of these same questions. This is now the third time that I am having the same line of questioning. Now, as far as the legal questions that the Town's legal counsel was supposed to answer, those should have been answered by the last Zoning Board meeting so that I wouldn't

have been delayed now by two months and losing thousands of dollars, literally, out of my pocket just to come back here now and have the same thing happen again. So, I plea with you, please vote “no” resoundingly and release me from this purgatory that I am in because my landlord is stuck here with nothing in the store, you guys have basically a blighted storefront on your main commercial strip and it just carries on and I don’t see that the process of law is working for me, so that is my final statement.

Ms. Hoffman: I just want to make sure that we have a clear record in that we have talked about whether you agree or disagree with the definition of kennel. The Ardsley Code, Section 200-2 defines a dog kennel as a place where more than three dogs are kept that are more than six months old. So, if you have more than three dogs during the day and you’ve got two, three or five dogs overnight, it’s defined by the Ardsley Village Code as a kennel.

Mr. Atzmon: If that’s your finding, I must accept it.

Ms. Hoffman: It’s not my findings, it’s the...

Mr. Atzmon: That’s how interpreted for the purposed of this case.

Mr. Bobolakis: So, the day care is not a problem. Day time regular business is not a problem with anybody. It’s basically nighttime business that’s a problem. That’s what I’m understanding, right? So the nighttime thing is, we can continue to operation with the nighttime business, again, on a probationary period, see how it goes. If there are problems, we can always come back and review that nighttime issue. We can leave that part open. But if it is within reason. You can’t say people are calling complaining. Somebody is going come here and say “You know what, this dog is coming in my yard and going woof, woof, woof in my window.” Not that I’m going to call up and say “You know what, I’m going to be bad to the neighbor. I’m going to call up and say you know this dog is barking every night and Joe my friend is going to come and say that it is happening.” No, I’m come in like a neighbor and say, “Yes, counsel, this is happening to my house, this gentlemen’s dogs come on our property and here is a picture.” Yes, then I would agree to that, take the permit away from him. I’m not going to agree to a voice that complains. That’s what I told Larry and Larry agree with me. Because, there are people in the neighborhood who will pick up the phone and complain for no reason. There are people who will pick up the reason for the above reason. There is a proper way to do it. In my opinion, in this country there is a proper way of working. If I have a real complaint with this gentlemen’s dogs at night, as a neighbor, that his dogs will not let me sleep, because they are outside running around, snap a picture, call the police, document it, we come in six months, you know what, take his permit away for six months and let him learn not to do it again.

Ms. Hoffman: Here’s the issue. It is not a permitted use in that B-1 District.

Mr. Bobolakis: Well, then Larry should have told us this from the beginning because he told both of us that it is a permitted use.

Mr. Atzmon: And he also said that the process would take on the long end 60 days and 90 days at worst. But now, we're at a much longer stretch and this has literally delayed the point in my life in which I can start a family and buy a house, because I have lost that much money.

Mr. Wiskind: Larry copied us on a correspondence he sent to you and the very first point: "The Code does not directly mention animal care facilities as permitted uses. Normally, within zoning codes, if something is not listed as a permitted use, it is not allowed." So, he's definitely communicated that to you.

Mr. Bobolakis: I don't know when Larry wrote that to me. I did not see that one. I'm not here to argue what Larry said, the bottom line is, it is now 10 p.m. We have spent a lot of time here and at this point, I believe (inaudible) As far as I know, the law is very clear. Towns and Villages have the right to change the size of properties however they want because times change. But to change my building and make it handicapped, which is what you did right now, if you refuse him, and make me pay \$20,000 in your taxes for an empty store, this is the third tenant that's here that I am losing.

Ms. Kaboolian: I think that the day care part of the business is not the problem. I think the day care part of the business, we all agree, is a permitted use for the property. I think that the boarding use of the property has to be determined as to whether it is an ancillary use to the permitted use and under the Code I don't think it is an ancillary use because it is a kennel and it is not incidental.

Mr. Wiskind: Well, you said it yourself. You consider it a part of your business and you would not separate it out.

Ms. Kaboolian: And that it going to be a substantial part of your business.

Mr. Atzmon: Yes, it is an essential part of my business plan and it would be ridiculous of me to just drop it. That's not the way for me to move forward.

Ms. Hoffman: There does not appear, and in your presentation, and some of the things that were said tonight are different than what we've heard before. We've heard 15 dogs, 20 dogs, 60 dogs, various numbers. The dogs will not be walked in the neighborhood. The dogs will be walked in the neighborhood at 8:00 in the morning and 10:00 at night. The dogs will not be walked in the neighborhood. The dogs are going to go to the bathroom in the building and people are going hose it down, clean up after it and hose it down.

To say that there's going to be 15 dogs in the building going to the bathroom in the building and then it is going to be hosed down and cleaned up is a little disturbing.

Mr. Atzmon: I think you are misinterpreting my landlord's words. I am going to be required to have those drains there to clean in case there is an accident. I have no intention of cleaning.....

Mr. Bobolakakis: My words were, we will comply with whatever Westchester County wants to make that place sanitary for the dogs. Can we tell a dog what to do? No. Animals in this country are like kids. A lot of people love their dogs and cats like they are their own kid. They protect them the same way. How can you tell a 10 year customer, who trusts you with his dog, "Listen, I am going away this weekend, President's Day." How can you tell that customer "no" when this customer has spent thousands of dollars a year to walk and exercise his dog?

He's just trying to offer some is customers something that they ask for. He doesn't say he has a million dogs at a time. He hopes to have 60 dogs, I hope Obama cleans up the deficit tomorrow. Nobody knows what is going to happen tomorrow. That is the bottom line, he hopes. I highly doubt it with this economy. If he does, God bless him. He hopes. Everybody hopes to see business grow. Right now he knows he can have enough dogs to pay his bills. That's what he said. He hopes to do more, but nobody know.

Mr. Amir: I don't think any of us are dissuading you from having a thriving business. I think we would encourage anyone to have a thriving business in Ardsley. I think the problem goes back to the permitted use. That is where it falls on whether, specifically, the kennel from...no one is trying to minimize your business.

Mr. Atzmon: I'm sure of that. I think Jimmy just accentuated well the incidental nature of my boarding. It literally is, I can be walking someone's dog for two or three months and then they ask me if I board dogs. I say yes, sure. I hate to bring it up, but the existing day care in this town I believe is somewhere near the library and they have proud videos on their website of their small, little lot where they let the dogs out. The dogs go nuts and bark at the top of their lungs all day and that is somehow okay. We are not even asking to have the dogs outdoors on this property. They are going to be indoors for a couple of hours a day at all times. It is really not the same sort of business. It functions in a different way. It's a new thing. New things do come along which confound the law, I guess. But, we need a forward thinking Village to approve us to do this because nobody does this. Where do you know of some kind of daycare where you can drop it off and it looks like an apartment and you dog will feel like it is at home and it is not some kind of institution. It is not going to be at the vet and it is not going to be at one of these places down in Manhattan where they have no windows, even. This is a new thing and the law sometimes has to meld in order to accept things like this to happen.

Ms. Hoffman: Do you have a van that you transport the dogs in?

Mr. Atzmon: Yes

Ms. Hoffman: How many dogs does the van accommodate?

Mr. Atzmon: Of varying sizes, 14 dogs; 7 big ones and 7 little ones.

Ms. Hoffman: Are they in cages or just loose?

Mr. Atzmon: They are loose in the back, socializing and having fun.

Ms. Hoffman: So, if your van accommodates 14 dogs, and you have 20 dogs for the day, how will you transport those 20 dogs to the park?

Mr. Atzmon: This is what I'm saying. I never have that many dogs at one time. I keep small groups; I split them up by their energy levels. I will have my assistant walking with dogs in one place while I am running with other dogs in another place. I have three shifts throughout the day that some dogs only go to one shift so I pick them up and drop them off and they would never come to the store. I think you're using your imagination. I think you are seeing a lot more activity than I actually do on a given day.

Ms. Kaboolian: But, it is not that aspect of your business that I think is the real problem here. And even with the other dog and day care that you refer to, they don't keep the dogs there overnight.

Mr. Atzmon: Yes, and the reason that the owner of that business was so defensive when she called was because she knew that she could not possibly keep the dogs quiet in the way that I'm able to promise to do so and I know that I can do it because I do it all the time.

Mr. Amir: How are you able to keep them quiet?

Mr. Atzmon: Lots and lots of exercise during the day. I'm talking up to 10 mile walks for some dogs. I have walked from the Bronx to Ft. Lee, NJ and back and these are things that I do regularly. I could walk up the Westchester County trail here all the way from the Bronx to Ardsley and back. And then you do training intermittently during your walk. You ask the dogs to pay attention to you. They heel nicely after walking that long. Then you get home and you feed them and they lay down and they are quiet until it is time to go out later. You take them out, you come back, and you sleep. My dogs rest for 12 hours at a time if that is what I want them to do, because that is the type of discipline that I must maintain in my business in order to have this business. Otherwise, it would be much too stressful.

Ms. Hoffman: Does anyone have any other questions?

Ms. Hoffman: Does anyone in the audience want to speak in favor of this application?

Ms. Hoffman: Does anyone in the audience want to speak in opposition to this application?

Mr. Wiskind: Mr. Calvi forwarded two things to us.

Ms. Hoffman: Last month we had a letter from the neighbor, Bea Caporale, who wanted it read into the record, and we did so, indicating she was opposed to having us at that location. I have residents of 23 Bonaventure Avenue, appeared to be opposed to this. "I do not want dogs kenneled in such a close residential neighborhood. This is unhealthy, and chaotic."

Ms. Hoffman: My concern is (1) that it is not a permitted use under the Code and in order for us, if we grant you a variance for the parking, what we are doing, is we are granting you a use variance in the B-1 District.

Mr. Bobolakis: That is not true. If you grant him a variance for parking, it is going to go to the Planning Board. This is not even leaving this room and not even going to the Planning Board. Obviously, somebody wants it shut down before, that is my opinion. I hope it is on record. Because you want to decapitate the building like my tenant said, lets decapitate so we are finished and we won't have to come back and forth. We are not even going to the Planning Board, you are just killing it right here. In my opinion, I think it is wrong. It is wrong that it got cancelled last time. I think somebody is putting their hands in this and saying shoot them down. This is a Planning Board issue. We are here for parking spaces, that is all we are here for. The Planning Board does not have a problem with the parking lot. We are not even in front of the Planning Board and we are being asked questions from the Planning Board here. So you tell me about the parking. Well, what if this person parks here. I have no concern with _____ his whole life. Well what if its snowing and you have two spaces and there are four employees. Where are they going to park? Has anybody asked that question? No. You are all concerned about how he is going to operate and how he is going to do business....Planning Board issues. I'm not an attorney but I have intelligence. There were not questions here about parking the whole night. I hope you guys stipulate this because it is going to be requested later on. Let's just knock it down and go home.

Ms. Hoffman: We understand and we have already talked about parking. Parking is an issue in Ardsley and many times this Board grants parking variances because there is no place to park.

Mr. Bobolakis: There was not one issue brought up this whole half hour while I have been standing here of what if two people come and there are five people in the store and you have five spaces. There was not one question in the last 45 minutes. It's all recorded and documented, so I can't make it up we can always play back this tape in the future. If it gets shot down it will be played back in the future. My opinion here is that somebody has put their hands in the pot, saying do not put this past this Board. There is nothing in that book that says this is not a proper business for this building. I looked at it and Larry....

Ms. Hoffman: I'm sorry. On page... 200-65B,

Mr. Bobolakis: Pages keep getting found in this Town. Because when I went in front of Larry....

Ms. Hoffman: This is the Code 200-65B: "The following uses are permitted in a B-1 district." It is not listed as...

Mr. Bobolakis: When I was with Larry there were three people there, me, him and somebody else. That somebody else is of legal counsel and I am not going to say his name because I knew the Town was going to do this. That's where I stand. This is what's going on here. If you are not so and so in this Town, you going to do what you want. Well, you know what, that's fine. Let's knock it down so we don't waste anymore time and we'll let him sue me and I'll go from there. Because that's what is going to happen here. He's going to sue me. He already told me. And I am prepared to fight back. I am not going to pay \$20,000 a year for three tenants you guys threw out of there. Sorry. I'm very disgusted with the Town. I'm sorry.

Not one issue of parking was brought up here. How many dogs do you have? How many dogs does your van fit?

Ms. Hoffman: If you let me just speak. We had a meeting in December and we spent a great deal of time at that meeting talking about parking and the number of parking spaces that were required. The Zoning Board of Appeals has broader latitude than that and has the ability to interpret the Code, whether it is asked for an interpretation or not. If in fact, the Code does not permit something, we are not confined to only the question of variances. The variance for parking.

Mr. Bobolakis: Fine, then why don't you just pass him on doggie day care center apart from the parking and we will come back and fight the other issue.

Mr. Atzmon: I can't. I can't do it. I...

Mr. Bobolakis: I think you guys are out of line. All of tonight's questions were Zoning Board questions. I'm not an attorney, but I'm not an idiot either.

Mr. Atzmon: Any money I had to build out the store is gone now, too. This is the end of it for me. That is why I wish you would be merciful and vote "no" resoundingly if that is what plan on doing.

Mr. Bobolakis: (inaudible)

Ms. Hoffman: It would appear that the Board is not in favor of this particular activity at this location. You have certain options at this time. Again, I will remind you that you need three out of four Board members to tonight since there are only four members. You can either allow us to vote on it and if you are rejected, at that point in time, you would

not be able to come back before this Board for a year. You may withdraw your application, rethink it and then resubmit it. The decision is yours.

Mr. Atzmon: I'll tell you why, just to be sure because I have to get a rejection officially in order to get my deposit back from Jimmy that I made and maybe there will be some saving grace so I won't be completely broke. If I get his deposit back, but without your official no, I don't get that from him so, please vote.

Ms. Kaboolian: May I say a few things? I think we have spent a lot of time discussing this application at the December meeting and at this meeting. The January meeting, which you keep saying we postponed, was cancelled because of snow. I just want to make sure that we are on the record that we didn't for some reason not hear this applicant in January because somebody has somebody's hand someplace and that is an insinuation that actually offends me. We are volunteers here, working hard for the Village. We treat every applicant fairly. We look at the Codes in detail. We ask for legal advice. We seek our own advice. We do our own research and we come to conclusions we believe are most prudent in accordance with the Codes in the Village of Ardsley. We are not trying to stop anyone from bringing a business here, starting a business here and flourishing here. We are all residents of this community and we want the community to thrive.

Mr. Bobolakis: No disrespect. We are here on an issue of parking for a variance. That's where we started from.

Ms. Kaboolian: And we spoke about the parking at length.

Mr. Bobolakis: Then we got into the Planning Board issue. In my opinion,

Ms. Kaboolian: Excuse me, I allowed you to speak, and I think you should allow me to speak. We discussed the parking and quite frankly, if this applicant had come before us with simply a day care, which was originally what was represented and not the adding of the boarding later on, the parking issue would probably not be an issue.

Mr. Atzmon: I'm sorry. That's not the case. It was all clearly written on the application. It is non-material.

Ms. Hoffman: Excuse me, gentlemen, Ms. Kaboolian has the floor. So, if you will allow her to finish....

Ms. Kaboolian: I think we have given this application very fair and due consideration and I think it is, you have to make your decision, but if we vote you down tonight, then you are going to have to make your choices from there.

Mr. Atzmon: That is my decision. Jimmy and I are on the same page.

Mr. Bobolakis: Just one more thing. That building has not been changed structurally. I have said it 10 times and am saying it again. You guys are decapitating this building. I

have not changed the usage of this building structure-wise. It is grandfathered in. You guys say “no” change of business, changes it usage. The State law and Federal law says no you are wrong. So, that is fine.

Ms. Hoffman: I will explain this. I explained this to you at the December meeting. I will reiterate it again. The Code determines the type of business then they calculate the number of parking spots. And I read it in the minutes today. A dry cleaning where people run in and drop something off and come back out and get back into their car and a restaurant where people sit in the restaurant for an hour and a half have different uses and different demands for parking.

Mr. Bobolakis: I have 75 commercial buildings, I know....

Ms. Hoffman: Excuse me. You are telling us that we have changed this but you have not changed your building. The type of business determines the calculations of parking spaces required. Not that you’ve changed the building, made it bigger or smaller. The type of business determines the number of spaces.

Mr. Bobolakis: I understand that. So, my building down the street here in Ardsley, where the China Pavillion is is illegal because it does not provide for the restaurant, the cleaners and the Dunkin Donuts. There’s not enough parking there. You going to throw them out too? No. You are not. Your codes change to the size of the usage. When that was built the parking spaces were enough. So, then why don’t you just give me a permit to condemn the building because I am not going to rent it. Because of what you were just saying now. You are never going to get anything in there unless you’ve got six more spaces.

Ms. Hoffman: That is not what I said. As a matter of fact, Ms. Kaboolian said the exact opposite. We grant variances for parking fairly regularly and if your business had been day care only, then we would be looking at this differently.

Mr. Bobolakis: Okay, fine. So you can take your vote so we can go home.

Ms. Hoffman: Any other comments from the Board? Can I have a motion to close the public portion of the meeting?

Ms. Kaboolian: So Moved.

Ms. Hoffman: Any second?

Mr. Wiskind: Second

Ms. Hoffman: All in favor?

The Board voted unanimously to close the public meeting.

Ms. Hoffman: We will need to make a determination. I will not support this application so we need a positive vote to propose the resolution if not we will need a resolution and we will vote on it. Do I have someone to make the resolution.

Ms. Kaboolian: I'm sorry, I'm confused about what you just said. We need to make a resolution either way?

Ms. Hoffman: That's correct.

Ms. Kaboolian: Do we vote before the resolution?

Ms. Hoffman: No, I'm just saying ahead of time that I am not in favor of this. We can come to the bottom of it and say that the resolution is granted, however, if we vote 4-1 or or 3-1 no, then it is denied.

Mr. Amir: I will tell you in advance, I am not in favor of the application either.

Mr. Wiskind: I am not in favor of it either.

Mr. Amir: **WHEREAS**, Cretan Properties, Inc., by River Dale Dog, LLC has applied to this Board for a variance from the requirement of Section 200-71 of the Zoning Ordinance of the Village of Ardsley, located in a B-1 District, for permission for a variance from the requirement of available off street parking spaces for a proposed conversion of vacant retail/office space into a dog day care and boarding facility where five parking spaces are provided at the premises, and

WHEREAS, the application is made under the authority of Section 200-27 Subdivision (B) of the Zoning Ordinance of the Village of Ardsley, affecting premises known as 609 Saw Mill River Road, Ardsley, New York and designated as Section 18, Sheet 13, Block 1144, Lot 28 on the tax map of the Village of Ardsley, and

WHEREAS, a public hearing on the application was held by the Ardsley Zoning Board of Appeals at the Municipal Building, 507 Ashford Avenue, Ardsley, New York on December 22, 2010 and was not heard in January due to the fact that the meeting was cancelled due to inclement weather, and no applications were heard at that time, and was continued on February 23, 2011, after due notice by publication and,

WHEREAS, at said hearings Jimmy Bobolakis, property owner and Ron Atzmon, property lessee appeared in support of the application and no one appeared in opposition and,

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

That the Village of Ardsley Zoning Board of Appeals has the authority to determine a permitted use in a B-1 District and that the application for the variance when the business

does not constitute a permitted use under Section 200-65B of the Village Code of the Village of Ardsley and in addition, written objections have been provided to the Zoning Board with respect to the application and after careful consideration of the facts and circumstances of testimony and submissions to the Zoning Board, and the Zoning Board of Appeals represented to the applicant that if the use was purely a day care center, we are often lenient in granting variances for parking spaces given the known situation of parking in the Village of Ardsley. There is precedent for a doggie day care facility but that the use of the kennel on the premises was of concern since it was determined that it was not a permitted use.

BE IT RESOLVED, that the application of the applicant, Cretan Properties, Inc. by lessee River Dale Dog, LLC, is hereby denied.

Seconded by Ms. Kaboolian and passed unanimously.

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

**ARDSLEY PUBLIC LIBRARY
9 AMERICAN LEGION DRIVE
ARDSLEY, NEW YORK
SECTION 16, SHEET 4, BLOCK 0000/0, LOT P1
IN AN R-1 ONE-FAMILY
RESIDENTIAL DISTRICT**

For installation of proposed business name: freestanding sign and wall signs (2) (Code Subsection 200-82C(2)(a)).

Ms. Hoffman read the legal notice.

Ms. Angela Groth, Library Director, presented herself to the Board and explained that she was seeking permission to install signs at the library.

Previously, Ms. Groth explained, a freestanding sign previously existed over the book drop which she was unaware of. There was also a sign in the front of the library. Presently, Ms. Groth is seeking a second sign on the side of the library.

Mr. Wiskind confirmed that one request is to re-install the sign from the front door of the library to the street-side of the library and, additionally, a freestanding sign is being requested to be placed on the lawn near the parking lot.

Ms. Kaboolian questioned the necessity of placing a sign over the front door. Ms. Groth stated that the building would be identified by that sign. Ms. Kaboolian countered stating that the building is already being identified from the street. Ms. Groth explained that, being the director for the past 11 years, she has had innumerable requests from residents who cannot locate the library.

Ms. Kaboolian confirmed that that the proposed sign would not be lit.

Ms. Kaboolian stated that a 60 inch wide freestanding sign was going to be placed in the front of the building and questioned the color of the sign. Ms. Groth stated that it would be beige with blue trim and would be in the shape of a book. Ms. Kaboolian cautioned Ms. Groth that the BAR may request the sign be the color green.

Mr. Wiskind confirmed that the proposed freestanding sign would be two-sided. Ms. Kaboolian then concluded that Ms. Groth was actually requesting four signs.

Ms. Hoffman stated she did not have an issue with the name on the building which is on American Legion side, however, the sign over the door was superfluous since it will not be viewed by many individuals.

Ms. Hoffman explained that there is no differentiation between the library and retail businesses, therefore, if the library gets three signs then every business in town will request the same. Ms. Hoffman stated she did not have a problem with the freestanding sign shaped like a book and the sign on American Legion Drive will be visible from both Route 9A and Center Street. However, the only benefit to the sign above the doorway will be to those individuals who are walking into the library.

Ms. Groth stated that a sign should be placed on the front of the building which is where it has been since 1993 and if only one sign is permitted on the building that is her preference.

Ms. Kaboolian questioned whether or not the hours were posted and Ms. Groth confirmed that they are temporarily posted on a piece of paper on the door but that they would be affixed permanently. Ms. Kaboolian suggested posting the name of the library on the front door. Ms. Groth stated the doors are sliders and, therefore, that is impractical. Ms. Hoffman suggested a window sign by the books-on-tape section.

Ms. Hoffman stated that she had no problem with the American Legion Drive sign and though it was very practical. She stated she believes the freestanding sign to be affective. Additionally, she assumes parking signs will be added to the property.

Ms. Kaboolian questioned whether the small sign near the little bridge will still exist and Ms. Groth responded that she was unsure.

Ms. Kaboolian reiterated the fact that three signs could pose a problem.

Mr. Wiskind agreed with Ms. Hoffman that the end wall sign was redundant and the freestanding sign is fine in principle, however, the colors may need to be changed. Mr. Wiskind felt that the sign on American Legion Drive as well as the freestanding sign would suffice.

Ms. Groth argued that she wants the sign to be aesthetically pleasing and stated that we are talking about the public library, a not-for-profit location. Additionally, the front of the building needs to be dressed up with a sign.

Ms. Kaboolian rethought her position and stated that the building is a public building to which the public should be attracted. Children will not be able to identify the building without a sign on the front. She also stated that this location is not a commercial location and no profit is being made. It is a community location and, personally, although in disagreement with multiple signs in general, in this instance, however, an exception should be made.

Mr. Amir stated that he is in complete agreement with Ms. Kaboolian, however, the issue of aesthetics should be subject to approval.

Ms. Wiskind suggested consideration be given to the possibility of two signs; one on the building and one freestanding sign.

Mr. Amir argued that no harm would be done with three signs and Mr. Wiskind reminded him of the precedent issue which was raised by Ms. Hoffman. Ms. Kaboolian agreed with the possible precedent repercussions, however, she reminded the Board that the library is not a retail operation.

Ms. Hoffman stated that the fact that the Code does not differentiate between municipal, public or commercial buildings is being overlooked. The Code treats the library as though it were identical to all other buildings in the community. Ms. Hoffman also stated the proximity of the signs is so close that three signs are not necessary. Ms. Hoffman suggested that two signs be approved and that Ms. Groth make application to the Village Board to request a Code change to allow for independent signage on Village buildings.

Mr. Amir questioned whether necessity was within the purview of the Zoning Board of Appeals. Ms. Kaboolian explained that the purview of the Board is whether or not a sign is permitted. Ms. Hoffman elaborated by stating that the Zoning Board's responsibility is to minimize the variance as much as possible and still meet the needs of the applicant.

Ms. Kaboolian explained that she believes the signage requested is necessary to properly identify the building.

Ms. Hoffman reminded Ms. Groth that in order for her application to be passed, she would need three out of four votes this evening Chairman Goodfarb was absent and that she may wish to consider adjourning this hearing.

Mr. Wiskind questioned the necessity of three signs. Ms. Groth mentioned the fact that the library currently has an arrangement with the Town of Elmsford. Directions are constantly being given to Elmsford residents to the library. Those individuals seem to have difficulty locating the building. Additionally, Ms. Groth stated that walkers will have difficulty identifying the building.

Ms. Wiskind suggested a proposal be created requesting one additional sign which would probably be approved and then, if a second sign is being sought, it can be addressed in the future.

Ms. Hoffman stated that the applicant has requested three signs; one proposed new freestanding sign and two proposed new exterior wall signs with an aggregate width of 36.5 feet. Ms. Hoffman stated that one exterior sign can be granted along with the freestanding sign and a denial can be made for the request for the second wall sign.

Discussion ensued regarding the best possible course of action for Ms. Groth to take.

Ms. Hoffman stated her belief that the two exterior signs were redundant and very close to each other. Ms. Groth disagreed.

Ms. Kaboolian suggested an adjournment be considered.

Ms. Hoffman reiterated the problem with the lack of differentiation in the Code.

Ms. Hoffman questioned the Board as to whether or not they had additional questions. There being none, the application was opened to the public for comment.

Ms. Linda Cutroni identified herself to the Board and spoke in favor of the application since it is a public building and suggested approval be granted.

Mr. Michael Santoliquido presented himself to the Board and reminded the Board that they are a voluntary, discretionary board to grant variances as they see permissible. Since the Code states that only two signs are allowed means that the applicant does not have to be here this evening unless a variance is being considered for the third sign.

Ms. Hoffman responded by stating that the Code allows for one sign and the applicant is applying for two additional signs. Ms. Hoffman stated that the primary concern of the Board is to maintain the Code. Ms. Santoliquido responded by stating that a precedent is not being set since the Board is discretionary. If the Board thinks mitigating circumstances dictate or deem necessary that three signs can be allowed, that is why the Board exists. Mr. Santoliquido stated he believes that since the library is a Village building, it should not even need to come before the Zoning Board.

Ms. Hoffman responded by defending her position that Ms. Groth go before the Village Board and attempt to have the Code changed.

Ms. Kaboolian stated that she does not have a problem with the application.

Ms. Hoffman stated she has no problem with two signs, however, the third sign will need Village Board consideration for a Code change, since a precedent will be set otherwise.

Mr. Wiskind stated that he could support an application for a freestanding sign only, but does not believe two wall signs are necessary.

Mr. Amir stated he did not have a problem with the application.

After discussing the possible options with Ms. Groth, the decision was made to withdraw the request for the second wall sign and leave the request for the freestanding sign.

RESOLUTION

READ BY MR. WISKIND

WHEREAS, Ms. Angela Groth, representing the Ardsley Public Library, has applied to this Board for a variance from the requirements of Section 200, Subdivision 82C(2)(a)[1] of the Zoning Ordinance of the Village of Ardsley for permission to erect a freestanding sign and,

WHEREAS, this application is being made under the authority of Section 200-97 Subdivision B of the Zoning Ordinance of the Village of Ardsley, effecting premises known as 9 American Legion Drive, Ardsley, New York, designated on the Village tax maps as Section 16, Sheet 4, Block 0000/0, Lot P1 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 on February 23, 2011 by due notice and publication and,

WHEREAS, at said hearing, Ms. Linda Cutroni and Mr. Michael Santoliquido appeared in support of the application and no one appeared in opposition, and all those who desired to be heard were heard and testimony recorded and,

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

- 1) The proposed freestanding sign is approved subject to approval by the Architectural Review Board on aesthetic grounds. The Board feels that the freestanding sign is appropriate in this location so that the Library has sufficient visibility coming and going on American Legion Drive and it is in keeping with other freestanding signs which have been permitted in the Village;
- 2) The applicant has withdrawn the separate application for two exterior wall signs with plans to discuss possible changes in the Village Code which would permit this application as-of-right.

NOW, THEREFORE, BE IT RESOLVED, that the application of the Ardsley Public Library is granted.

Seconded by Mr. Amir and passed unanimously.

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

**SANTOLIVOL FEDERAL SAVINGS & LOAN ASSOCIATION
731 SAW MILL RIVER ROAD
ARDSLEY, NEW YORK
SECTION 17, SHEET 4, BLOCK 0000/0, LOT P19A
IN THE B-1
GENERAL BUSINESS DISTRICT**

For installation of proposed freestanding sign of lessee Captain's Wine & Spirits (Code Subsection 200-82C(2)(a)[1].

Ms. Hoffman read the legal notice.

Ms. Linda S. Cutroni, proprietor, presented herself to the Board and presented the return receipt cards to the secretary.

Ms. Cutroni requested temporary permission for an additional sign to be placed outside each morning and taken in each evening. Ms. Cutroni stated that her business is located in an invisible spot and it cannot be easily seen from customers exiting DeCicco's supermarket. Additionally, the pylon which holds her business name on Saw Mill River Road is also invisible and that it is blocked from sight by trees when traveling north.

Ms. Cutroni requested an additional sign be permitted for a period of one year. After such time, Ms. Cutroni plans to approach the Town for a pylon or a permanent sign to be located in the same location. Currently, this proposal is financially impossible for Ms. Cutroni.

Ms. Kaboolian confirmed with the applicant that the proposed sign would be out each day the business is open. The business hours are 11:00 a.m. – 9:00 p.m., Tuesday through Saturday and 12:00 p.m. – 8:00 p.m. on Sundays, according to Ms. Cutroni.

Mr. Wiskind questioned the visibility of the sign since it will be sitting on the ground. Mr. Cutroni stated that it is a 4 ft. x 6 ft. sign which will be very visible when exiting DeCicco's.

Ms. Cutroni presented a photo to the Board of a pre-existing structure which serves as a safety pole for trucks which is where she proposes to place her sign.

Ms. Hoffman questioned the applicant if she took any picture of her store. The applicant responded that she did not since the photos represent the view from the DeCicco's parking lot and her storefront cannot be seen from that vantage point.

Ms. Hoffman stated that there were no photos of the front of the liquor store. Ms. Cutroni stated that her storefront cannot be seen from the parking lot when exiting DeCicco's.

Ms. Kaboolian explained to the Board that the liquor store is set back and is hard to see.

Ms. Hoffman confirmed with the applicant that she now has regulation signage over her store and also has a variance for a directory sign.

Ms. Cutroni again expressed her concern that her store was invisible and that she needs additional signage.

Ms. Hoffman stated that there are other merchants in the Village who feel the same way.

Ms. Hoffman mentioned that restricted parking signs have been placed in the front of the liquor store which can be seen from DeCicco's, therefore, the store is visible. Ms. Hoffman also mentioned that the proposed sign is being placed on pylons which are not designed as sign holders.

The applicant, Ms. Cutroni, abruptly left the room.

In deference to Ms. Cutroni, the hearing was adjourned.

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

**KEANE PROPERTIES
(LESSEE: DOCTORS UNITED)
ONE BRIDGE STREET
ARDSLEY, NEW YORK
SECTION 18, SHEET 12, BLOCK 1141, LOT 16,
IN THE B-2 SPECIAL BUSINESS DISTRICT**

For consideration of the installation of proposed business name: awning sign & directory wall sign (Code Subsection 200-82C(2)(a)).

Ms. Hoffman read the legal notice.

Mr. Santiliquito, San Signs & Awnings, Yonkers, NY, presented himself to the Board and requested that the directory, or menu, be removed from his proposal, based on the previous application and the awning only be heard.

Mr. Santiliquito explained that, due to the inclement weather, door damage has been increased. When entering the driveway to the premises in question, a sign is visible from the Ashford Avenue bridge and there is another which is visible from Route 9A, however, when entering the parking lot, the doorway is hard to locate. Therefore, the purpose this evening is to assist clients in finding the doorway and to protect the doors. He agreed to decrease the height of the letter height to 12 inches and will address the issue with the BAR.

The proposed sign is a welded aluminum frame, covered with green fabric, approximately 8 ft. above grade.

Ms. Kaboolian questioned where the directory sign is presently located. Mr. Santiliquito responded that it is currently to the left of the door, however, he again requested that the directory sign be removed from the application, since he is aware that four signs will not be approved.

Mr. Wiskind questioned whether the awning in question could have a front flat. Mr. Santiliquito responded that it could not, given the fact that it would be too low.

Ms. Wiskind reviewed Mr. Tomasso's letter which stated that there are two existing wall signs, the proposed awning sign would be the third sign on the building, but it is not located on the front flap of the awning, as required by Code. Mr. Santiliquito mentioned that Mr. Tomasso's letter was incorrect since the lettering does appear on the front of the awning.

Mr. Santiliquito explained that, according to Mr. Tomasso, the building is a free-standing structure since it can be surrounded by three sides, therefore, technically, the Code can be construed to allow for one sign per building.

Ms. Kaboolian stated her confusion as to the actual request before the Board. Mr. Santiliquito explained that the request was for the third sign since the awning does not contain a front flap, as required by Code.

Ms. Hoffman stated that since this awning does not have a traditional front flap, a variance is required. Ms. Hoffman said she does not believe this should be considered a third sign.

Ms. Hoffman read Mr. Tomasso's memo which states that the aggregate width of existing and proposing exterior building signs exceeds the maximum permitted horizontal measurement of 25 feet. She stated that a determination would need to be made for this issue.

Mr. Santiliquito stated that the aggregate width of the two existing signs is 20 feet on both sides, or 40 feet in total.

Ms. Kaboolian questioned the issue of the 25 foot maximum. Ms. Hoffman explained that the applicant is currently 15 feet beyond the maximum permitted and the proposed third sign would add another 89 inches to the total which would now become approximately 47 – 48 feet.

Ms. Kaboolian stated that she believes since the building is two-sided, the Code should probably allow for a 25 foot maximum x 2, or 50 feet. Mr. Wiskind agreed with this point.

Ms. Hoffman invited the public to comment. There being no one present who wished to comment, she called for a motion to close the public participation. Motion was made by Ms. Kaboolian, seconded by Mr. Wiskind and passed unanimously.

RESOLUTION

READ BY MR. WISKIND

WHEREAS, Keane Properties, Inc., by Lessee, Doctors United, has applied to this Board for a variance from the requirements of a number of sections which will be listed separately, of the Zoning Code of the Village of Ardsley, for permission to erect a proposed awning sign and a proposed directory sign, 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 Doctors United, One Bridge Street, Ardsley, New York, designated as Section 18, Sheet 12, Block 1141, Lot 16 in the B-2 Special Business District 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 in the Municipal Building, 507 Ashford Avenue, Ardsley, New York, on February 23, 2011, after due notice by publication, and

WHEREAS, at said hearing, Mr. Michael Santiliquito 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 in the application finds the following:

- 1) With respect to the proposed awning sign over the door, where the proposed awning sign will be the third business name sign on the exterior of the building and proposed to be located on the main part of the awning, rather than on the front flap of the awning as prescribed by Code 200-82C(2)(a)[1][c], we find that the type of awning being proposed in this instance, although it does not formally have a front flap as defined by the Building Inspector, it has an equivalent structural component that is found to be an acceptable location for a third sign, and
- 2) With respect to the aggregate width of the existing and proposed exterior building signs would exceed the maximum permitted measurement of 25 feet per Code 200-82C(2)(a)[2][a][iii] in that there were two existing wall signs on the building with an aggregate width of approximately 38 feet and, adding the awning sign would increase the aggregate width to approximately 43 feet, in excess of the 25 feet permitted under the Code, and

THEREFORE, a variance is approved in this regard, primarily on the grounds that it will not be possible for anyone to see all three of the signs from any location around the building since two of the signs are on opposite sides of the building and that the proposed additional sign serves a valuable purpose in identifying the area to enter the building.

- 3) With regard to the third requested variance that the lettering height on an originally proposed awning sign, including symbols and spaces between lines of lettering, would exceed the maximum permitted height of 12 inches per 200-82(C)(2)(a)[2][b], this issues has been resolved by the applicants modifying the proposed design to a maximum letter height of 12 inches, which is permitted under the Code, and

- 4) With regard to the fourth request, the original request was for a variance for a directory sign listing services of the sole building tenant, Doctors Unlimited, on the exterior building wall next to the entry door, with an area of 9.6 sq. ft., exceeding the maximum permitted area of 1 sq. ft. per building tenant under 200-82C(2)(a)[2][c], this portion of the application has been withdrawn by the applicant.

The applicant is permitted two signs on the building, since the building is fronted on two streets and the awning sign would be permitted as a third sign, however, due to a technicality in the Code regarding a main part or front flap awning, it is not permitted.

NOW, THEREFORE, BE IT RESOLVED that the application of Keane Properties, Inc., Lessee, Doctors Unlimited, is granted, pending final approval by the Board of Architectural Review and the above restrictions with regard to the height of the lettering. Seconded by Mr. Amir and passed unanimously.

Board Members Present: Ms. Hoffman, Ms. Kaboolian, Mr. Wiskind, Mr. Amir

Board Member Absent: Chairman Goodfarb

**SANTOLIVOL FEDERAL SAVINGS & LOAN ASSOCIATION
731 SAW MILL RIVER ROAD
ARDSLEY, NEW YORK
SECTION 17, SHEET 4, BLOCK 0000/0, LOT P19A
IN THE B-1
GENERAL BUSINESS DISTRICT
(CONTINUED)**

At approximately 10:35 p.m., Ms. Linda Cutroni, proprietor, returned to the room and stated that she was very upset and felt like a separate agenda against her, personally, was being held by the Zoning Board.

Ms. Kaboolian assured Ms. Cutroni that there was no personal agenda against her.

Ms. Cutroni again stated that her “tiny” sign was not visible from DeCicco’s and that the Board was being unfair and that they were not helping her.

Ms. Hoffman explained that when an applicant comes before a Board to request a variance or change to a Village Code, it is their burden to show the Board why the individual should be treated differently than anyone else.

Ms. Cutroni stated that she cannot take a picture of something you cannot see.

Ms. Hoffman stated she felt the application could have been better prepared. Ms. Hoffman stated that the proposed sign is poorly designed and inappropriately placed.

Ms. Cutroni argued otherwise and added that since the Country is in a recession, the Board should support businesses.

Ms. Cutroni again requested a one year variance for an additional sign.

Mr. Amir questioned Ms. Cutroni as to the purpose of the sign since it does not indicate where the store is located. Ms. Cutroni stated that people look and drive by but finally find it. Discussion ensued regarding the visibility of the store.

Mr. Amir stated that he does not believe it is helpful for Ms. Cutroni to make personal attacks since he does not personally know Ms. Cutroni or her business and, also, mentioned that a photo would have been helpful of the direction of her store.

Mr. Amir suggested the applicant take several pictures of the scope of the area to prove the “invisibility” of her store.

Ms. Hoffman requested a motion to adjourn the application until the March 23, 2011 meeting. Motion was made by Ms. Kaboolian, seconded by Mr. Wiskind and passed unanimously.

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Lorraine McSpedon