

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING (VIA ZOOM)
WEDNESDAY, SEPTEMBER 23, 2020**

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

ALSO PRESENT: Larry Tomasso

1) Call to Order

The Chair called the regular meeting to order at 8:02 pm.¹ The Chair noted that the meeting was being held remotely via the web-based conferencing platform, Zoom, and that Larry Tomasso, Village Building Inspector, would be moderating and recording the meeting.

2) Announcements and Approval of Minutes

Announcements

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, October 26, 2020 at 8:00 pm.

Approval of Minutes

The approval of the Minutes of the Zoning Board of Appeals meeting of July 27, 2020 was adjourned.

¹ Mr. Tomasso made the announcement on behalf of the Chair, and advised that the Chair was able to hear the proceedings, but that due to technical difficulties, he would be “speaking” via the “Chat” feature.

3) **Public Hearing**

Application for Variances

Musa & Asma Eljamal

9 Cross Road, Ardsley, New York

Section 6.120, Block 103, Lot 10, in an R-3 One-Family Residential District

For Proposed Additions to Existing Driveway and One-Story Building, with a Proposed Six Foot Five and a Half Inch North Side Yard Setback, where a Fifteen-Foot Setback is the Minimum Required (Code § 200-26B); and with 12,829 square feet of Proposed Gross Land Coverage, where 9,688 square feet is the Maximum Permitted Subject to Planning Board Special Permit Approval (Code § 200-83C).

Present: Michael Wiskind, Chair
Jacob Amir
Mort David²
Serge Del Grosso
Craig Weitz

Also Present: Musa and Asma Eljamal
Frederic Zonsius, Principal, FZAD Architecture & Design
Jay Liu, Associate Architect
Bryan David Orser, Sr., employee of the Eljamals
Appollos Laurient, 635 Ashford Avenue, Ardsley
Larry Tomasso, Building Inspector

The Chair asked Mr. Amir to read the Legal Notice, and he did so.

Open Public Hearing

Mr. Amir stated that five or more years ago he had represented, unrelated to this application, an entity in which one of the applicants had an interest, that he has done no legal or other work for them since, and that he believes that he can be impartial and objective.

Mr. Zonsius reported that Mr. Orser advised that he had submitted all the certified mail materials to Mary and Tasha. Mr. Tomasso stated that 35 Notices had been mailed but he does not know how many green cards were received in return.

Mr. Zonsius stated that the proposal is to add a single-car garage, as the Eljamals do not currently have a garage and when there is a snow storm or bad weather, they have to park and run. Mr. Zonsius stated that the proposed garage increases the building coverage by 632 square feet, to 4,402 square feet, which is well below the allowable [building coverage]

² Mr. David advised that he is participating via the telephone.

amount. Mr. Zonsius pointed out that the [land] coverage that they are over is mostly attributable to a long driveway because the house is set back over 100 feet from the street.

Mr. Zonsius suggested that, due to the setback and the size of the house, the project will not look overbuilt and will even look unassuming in the neighborhood.

Mr. Zonsius advised that they had submitted a proposal a few year ago, at which time they contemplated adding a garage on the right side of the house, but because this location would have required filling in part of the pond, it was ruled out. Mr. Zonsius added that there is an existing terrace, about ten feet wide, that they cannot encroach on because they are right against the property line on the right side, plus there is the pond, part of which would have to be filled in for the foundation. Mr. Zonsius stated that after looking at all those considerations and how much that would take, they concluded that it would not work. Mr. Zonsius pointed out that in any event it would be the same line in front of the building, only right versus left, so they would be here with the same calculations, just right versus left.

Mr. Zonsius stated that they also had considered locating the garage in the front yard, where there is room within the setback, but they felt that would be ugly and would destroy the neighborhood. Mr. Zonsius reported that they concluded that the current proposed location to the left of the house is the only place where they could locate the garage. Mr. Zonsius specified that the lot line is angled, so at the worst [the proposed addition] is six feet [to the side property line] but as the angle pulls away toward the front of the house, [the distance between the addition and the property line] grows to ten feet. Mr. Zonsius added that there is a line of trees on the property line that are almost 15 feet tall that they will not be disturbing.

Mr. Amir stated that there are two variances requested and sought clarification on the dimensions of the requested variance to reduce the side yard setback. Mr. Zonsius reported that the lot line is not parallel to what would be the side of the garage, because the property splays out and is shaped like a trapezoid, such that the current [distance from the house to the side property line] is 15.1 feet at the closest point [at the rear of the house] and grows to 17-18 feet toward the front of the house, and that correspondingly the proposed [garage would be] approximately six feet [from the property line] at the back and eight or nine feet at the front.

Mr. Amir addressed the second variance, that for gross land coverage, pointing out that applicant currently has [11,740] square feet of gross land coverage where [9,688] square feet is the maximum permitted subject to Planning Board Special Permit approval. Mr. Amir advised applicant that the gross land coverage permitted needs to be recalculated to take into account that a portion of the property is wetlands, which reduces the lot area available for the land coverage calculation to a net lot area is 35,400 square feet, which reduces the maximum permitted gross land coverage by approximately 1,000 square feet.

Mr. Zonsius asked how the EPA [?] code for building coverage can be so much greater than that allowed for land coverage, adding that for the building they are only proposing about 4,000 [4,402] square feet. Mr. Tomasso explained that the house size is not the same as the footprint of the house but that it is the total square footage of the house, which is measured exterior wall to exterior wall, and it takes into account two-story houses and entry foyers, and adds things like covered porches and decks.

Mr. Tomasso asked Mr. Zonsius to show the plan to the public. Mr. Liu, who had worked on the drawings, shared his screen to display the lot coverage plan. Mr. Liu explained that what is shown in blue is the current size of the house and the green section is what is proposed to be built out as a garage. Mr. Liu pointed out the front driveway to demonstrate that it takes up a large amount of the square footage for lot coverage, and pointed out the location where the side yard setback would decrease to 6' 5-1/2" and where toward the front of the house [addition] it is nine to ten feet. Mr. Liu also showed a photograph of what they plan to do and pointed out that what is outlined in dashed red is where they propose putting the garage.

Mr. Amir asked what the room immediately to the left of the entryway is, and Mr. Zonsius reported that it is a bedroom. Mr. Amir asked if that bedroom could be converted to a garage. Mr. Zonsius replied that they had thought of that, but the room is only about thirteen feet wide, and the owners reported needing that bedroom. Mr. Amir asked how many bedrooms are in the house, and Mr. Zonsius replied that there are three or four bedrooms. Mr. Amir asked if Mr. Zonsius had examined if it would be feasible to convert [that bedroom to a garage] from a dimensional point of view, and Mr. Zonsius replied that they had, and that they had concluded that it is too tight, because a car is about eight feet wide and when a door opens, it is about two or three feet, so fourteen to fifteen feet is needed to open both doors. Mr. Amir asked if they could use that space but push the wall out. Mr. Zonsius replied that one could do that if you wanted to give up a bedroom in your house, and added that one could blow out the side and sacrifice the whole front.

Mr. Amir asked if the proposal incorporates removing some of the driveway and thus reducing land coverage, but he received no reply.

Mr. Zonsius pointed out that the garage addition would make the building symmetrical to either side of the front door, because currently there is a double hump hip roof on the right side, then the center, and then a single hip roof on left side, and he proposes adding another hip roof [above the garage] on that [left] side, thus creating a symmetrical building.

Mr. Amir asked if it is possible to locate the garage in front of the bedroom. Mr. Zonsius stated that since the house is set back one hundred feet, you could put a garage in the front yard. Mr. Zonsius reported that he had shown such a plan to Mr. and Mrs. Eljamal, who thought it was the ugliest thing they ever saw, and who said, "my neighbors would kill me if I put a garage in my front yard."

The Chair asked Mr. Zonsius to show a front elevation as proposed. Mr. Liu brought the image up and Mr. Zonsius pointed out the double hip roof that would mirror the right side. The Chair noted that it looks like the roof is not aligned to the rest of the building. Mr. Zonsius agreed and stated that he could change the roof line and make that adjustment so that the foundation wall will stay where it is, and that he would just pull the roof back to the right. Mr. Amir pointed out that the roof overhang is in the setback, and Mr. Zonsius realized that Mr. Amir was suggesting that he make the overhang minimal, perhaps eight inches instead of one foot ten inches, and said that he did not think that the owners would have a problem with that.

The Chair pointed out that each existing roof hump is centered over a set of pillars, but that the proposed new roof hump is not centered over the garage door. Mr. Zonsius stated that he will move that over, that it is not dead symmetrical, but that he would try to move it over so that the hip roofs make more sense. Mr. Zonsius concluded that the drawing demonstrates the idea of a double hip on both the right and left, centered on the front door.

Mr. David asked if any neighbors have signed on to the meeting, because he would like to know if they felt as applicants anticipated, that “my neighbors would kill me,” since placing the garage in front would be a solution that would not require a variance.

The Chair pointed out that this is a one-story house and that there are two-story single-family dwellings on the street and in the vicinity, so he asked if there had been any thought to moving the bedrooms, or at least some of them, upstairs. Mr. Zonsius stated that they had looked into that, but that the construction for that would require gutting, whereas this way, the owners do not have to move out. Mr. Zonsius added that this would be a more expensive construction, because adding a second floor would require removing all the 2 x 6 joists. Mr. Amir asked if there is value to the applicant in the house remaining a ranch, and Mr. Zonsius replied that applicants are an older couple and that a one-story house works for them now and for any possible future issues such as wheelchairs, etc.

Mr. Amir asked Mr. Tomasso if the Board needed a recalculation of the gross land coverage allowed. Mr. Tomasso stated that the basic and maximum permitted amounts need to be calculated, but advised that the thousand square-foot reduction he had mentioned in his memo to the Zoning Board is relatively accurate, and likely within twenty or thirty square feet of the exact calculation. Mr. Tomasso reiterated that the calculation does not change the total amount of land coverage existing or requested, but that the exact minimum and maximum permitted is necessary for the Board’s consideration prior to a final determination, and because, once decided, those numbers would need to be reflected in any Resolutions.

Mr. Tomasso added that in addition to having the new calculation prior to the Zoning Board making its decision, he also will have to refer the applicants to the Planning Board for

Review and Comment on the application. Mr. Tomasso explained that this was a necessary step because if the Zoning Board were to grant a variance, applicant would need a Special Permit from the Planning Board. Mr. Amir asked if that can be done before the next Zoning Board meeting, and Mr. Tomasso replied that as the Planning Board's Review is not a Public Hearing, it could be set up for the Planning Board's next meeting on October 13th.

Mr. Amir asked if any member of the public present wished to speak in support of or in opposition to the application, and asked that if they did wish to speak to use the "raise hand" feature so that Mr. Tomasso could unmute them, and asked that they please identify themselves by name and address when speaking.

Mr. Laurient stated that that he had received the Notice and was in favor of, and had no objections, to the project. Mr. David asked Mr. Laurient to describe where his house is [relative to the subject property], and Mr. Laurient reported that his house is directly behind 9 Cross Road, and that the rear of his property faces the pond.

Mr. Tomasso reported that no other member of the public had indicated that they wanted to speak.

The Chair proposed, in accordance with Mr. Tomasso's recommendation, that the Board ask the applicant to update the application to reflect the recomputed land coverage, to redraw the plan regarding the garage roof, and to go back to the Planning Board for their Review and Comment as to a Special Permit for gross land coverage. Each of the other Board members indicated their support of this proposal.

Mr. Amir moved, and Mr. Del Grosso seconded, to continue this application until the next session, subject to the Board's request of applicants.

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

Michael Wiskind, Chair –	Aye
Jacob Amir –	Aye
Mort David –	Aye
Serge Del Grosso –	Aye
Craig Weitz -	Aye

4) **Public Hearing**

Application for Variance

Robert & Stephanie Goodman

131 Heatherdell Road, Ardsley, New York.

Section 6.60, Block 38, Lot 73, in an R-1 One Family Residential District.

For proposed in-ground swimming pool, with a 15.1 Foot West Side Yard Setback, where Thirty Feet is the Minimum Required (Code § 200-12B); and with 6,234 Square Feet Gross Land Coverage, where 5,752 Square Feet is the Maximum Permitted Subject to Planning Board Special Permit approval (Code § 200-83C).

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

Also Present: Robert and Stephanie Goodman, applicants
Sean Granat, 113 Hilltop Road, Ardsley, NY
Larry Tomasso, Building Inspector

Mr. Del Grosso read the Legal Notice.

Open Public Hearing

Mr. Amir asked about the mailing of the Legal Notices and the receipt of green cards. Mr. Goodman stated that they mailed twenty Notices, received three green cards, and had provided the information to Tasha.

Mr. Goodman stated that they had received approvals from the Planning Board and the Board of Architectural Review for the pool as it had initially been proposed, but the architect's plan required digging up our existing sewer line, which is a private sewer line that cuts across the backyard and leads to the back of our property where we have an easement, and putting in a new one that would bend around the pool. Mr. Goodman reported that two plumbers each said that it was nearly impossible or impossible to do what the architect proposed because the new sewer line would be going uphill. Mr. Goodman stated that when he discussed this with the architect, the architect said that the only way to install an in-ground pool without moving the existing sewer line was to move the pool over fifteen feet.

Mr. Goodman stated that the second part of the application is to go slightly over the maximum permitted impervious surface.

Mr. David stated that there are grinder pumps, which are even used in county sewer lines, so he is skeptical that it is impossible, and requested input from the Building Inspector. Mr. Tomasso stated that there are grinder sewage pumps that can be installed, which are called force mains, and a force main installed in the yard would allow you to pump the sewage up. Mr. Tomasso pointed out that force mains are used when they must be, but that it is preferable to have a gravity sewer line, because when there is no electricity or when the pump fails (which can occur despite their having become more reliable), there is no sewer, which can make living in the house impossible. Mr. Tomasso added that there also is a substantial cost in converting a gravity line to an ejector line.

Mr. Amir asked Mr. Goodman if he had considered that possibility. Mr. Goodman stated that neither plumber had suggested that that was a possibility, and they thought that, because of the elevation, it would be incredibly difficult to swing the sewer line as wide as the architect had planned it.

Mr. Amir pointed out that the architect's site plan notes that the existing sewer line is to be removed and a new 4" sewer line is to be installed. Mr. Goodman opined that when the architect moved the pool over, he just did not remove the lines where he had intended the new sewer line to be installed for the originally proposed pool location. Mr. Amir asked if the site plan needs to be updated, and Mr. Goodman replied that if they move the pool over, then the sewer line does not change at all but remains as a slanted line across the backyard.

The Chair pointed out that the original Planning Board approval required a reduction of the driveway. Mr. Tomasso advised applicants that because there has been a change in the driveway in the revised proposal, the Planning Board would need to opine on land coverage before seeking a variance on land coverage from the Zoning Board. Mr. Tomasso added that applicants' other option was to remove that portion of the request.

The Chair drew a sketch of the proposed pool in a different alignment, angled rather than parallel to the back of the house. Mr. Tomasso explained that the Zoning Board is required to grant the smallest variance possible. Mr. Goodman advised that the architect had said that they may not need all fifteen feet requested. Mr. Amir explained that angling the orientation of the pool may minimize the size of the setback variance required.

Mr. Weitz stated that he would like at the next meeting for applicants to provide documentation [of the infeasibility of relocating the sewer line] from the plumbers or excavators.

Mr. Weitz asked what the cost differential would be of moving the sewer line as originally proposed by the architect, and Mr. Goodman replied that it would add \$8,000 to the project. Mr. Weitz asked what percentage of the project that would be, and Mr. Goodman stated that it would be one third of the cost of the project. Mr. David asked if the pool would cost

only \$24,000, and Mr. Goodman stated that the pool [without moving the sewer line] would cost about \$40,000. Mr. David advised that this would be a twenty percent differential.

Mr. Amir asked if any members of the public present on the Zoom wished to speak in support of or in opposition to the application.

Mr. Granat stated that he lives next door to the applicants and would see the pool from his backyard and that he and his family do not have a problem with the pool going in.

Mr. Amir noted that although there seemed to be many other members of the public present, no one else wished to speak.

The Chair advised applicants to return with an amended site plan and to consider if the pool can be reconfigured to ease the setback requirement, and recommended that they have their design professional present at the next session.

Mr. Amir moved, and Mr. Del Grosso seconded, to continue this application until the next session.

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

Michael Wiskind, Chair –	Aye
Jacob Amir –	Aye
Mort David –	Aye
Serge Del Grosso –	Aye
Craig Weitz -	Aye

5) **Adjournment**

Mr. Amir moved, and Mr. Weitz seconded, to adjourn the Zoning Board of Appeals meeting at 9:08 pm.

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

Michael Wiskind, Chair –	Aye
Jacob Amir –	Aye
Mort David –	Aye
Serge Del Grosso –	Aye
Craig Weitz -	Aye

Respectfully submitted,
Judith Calder,
Recording Secretary