

ARDSLEY ZONING BOARD of APPEALS
RESOLUTION of
SEPTEMBER 27, 2023
GRANTING VARIANCE of PARKING REQUIREMENTS
To: YC ARDSLEY DELI, LLC d/b/a LIEBMAN'S DELI

WHEREAS, 1007-11 Yonkers Avenue, LLC, by its Lessee, YC Ardsley Deli, LLC doing business as Liebman's Deli, 506 Ashford Avenue, Ardsley NY 10502, has applied to this Board for a variance from Section 200-71C of the Zoning Ordinance of the Village of Ardsley, to provide a minimum of 13 off-street parking spaces, for proposed conversion of two vacant storefronts at 468-472 Ashford Avenue, formerly a deli and a pizzeria, into one deli restaurant with 39 indoor dining seats; and

WHEREAS, this application is made under the authority of Sections 115-6 and 200-97, Subdivision B of the Zoning Ordinance of the Village of Ardsley affecting the premises known as 468-472 Ashford Avenue, Ardsley, New York, designated on local tax map as Section 6.50, Block 18, Lot 2, in Addyman Square, within the B-1 General Business District; 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, NY on July 26, 2023 and continued on August 23, 2023 after due notice by publication; and

WHEREAS, at the hearing, all those who desired to be heard were heard and their testimony recorded; and

WHEREAS, this Board, after carefully considering all testimony and the application, and in weighing both the potential benefit to the applicant and the potential detriment to the health, safety and welfare of the neighborhood if the variance is granted, has determined that:

- (1) there will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties if the variance is granted, in that the premises were formerly occupied by a deli and pizzeria, the applicant intends to maintain a food establishment upon the combination of the two storefronts to one deli restaurant, and there are several food establishments presently within Addyman Square;
- (2) the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue in its reasonable use and possession of the premises, based upon the location of the premises within Addyman Square, where other business have similarly faced impediments to off-street parking requirements, and the apparent lack of other suitable vacant commercial space within the Village to accommodate the applicant's intention to convert into a deli restaurant;
- (3) the requested variance is not substantial, as stated above, in that the applicant intends to provide 39 seats for dining, requiring 13 off-seat parking spaces. However, the Zoning Code grandfathers to the applicant, for its benefit, 10 parking spaces based upon the existence of the prior deli and pizzeria with combined capacity of approximately 30 seats, thereby requiring the applicant to provide only 3 additional off-street parking spaces;
- (4) the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and therefore does not change the overall character of the premises relative to neighboring properties, in that there are several food establishments in Addyman Square, and in the vicinity thereof, and the location of the premises is centrally located and conducive for the type of business the applicant intends to maintain; and
- (5) the circumstances requiring the variances were not self-created in that the proposed deli restaurant is occupying the same premises heretofore occupied by a deli and pizzeria, and therefore the essential nature and purpose of the business as a food establishment is unchanged.

NOW THEREFORE, be it resolved that the application of 1007-11 Yonkers Avenue, LLC, by its Lessee, YC Ardsley Deli, LLC doing business as Liebman's Deli, affecting the premises known as 468-472 Ashford Avenue, Ardsley, New York, is granted; and it is

FURTHER RESOLVED, that the variance being granted herein is subject to the following conditions:

1. That the within variance is granted upon the Applicant having proposed a regular seating capacity of 39 seats, and that in the event there is an increase in that number for regular seating for dining purposes, the Applicant would be required to seek a further variance before this Board; and

2. That all those working at the Premises, including staff, employees and management personnel, are required to obtain parking permits from the Village of Ardsley to park in designated parking areas as per the Village Code.

PROPOSED BY: Mr. Jacob E. Amir

SECONDED BY: Mr. Serge Del Grosso

ROSTER: Mr. Michael Wiskind, Chair – AYE

Mr. Jacob E. Amir – AYE

Dr. June Archer – ABSENT

Mr. Serge Del Grosso – AYE

Mr. Mort David – AYE