

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, OCTOBER 25, 2023**

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

1) Call to Order

The Chair called the regular meeting to order at 8:03 pm.

2) Announcements and Approval of Minutes

Announcements

The Chair announced that the next meeting of the Zoning Board of Appeals is presently scheduled for Wednesday, November 22, 2023, at 8:00 pm. The Chair noted that some Board members were uncertain of their availability on that date, such that it might be necessary to reschedule the November meeting. The Chair advised that he would poll all Board members after the meeting to determine if a quorum would be possible on November 22nd, as scheduled, and would notify the Board and the Village offices of the result.¹

Approval of Minutes

Mr. David moved, and Mr. Amir seconded, that the Zoning Board of Appeals approve the minutes of the meeting of September 27, 2023, as amended.

¹ After polling Board members, the Chair determined that quorum would not be possible on November 22nd but would be attainable on November 29th, and notified the Village office to reschedule the November meeting accordingly.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

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

3) **Proposed Resolution on**

Application for Variance from Village Code Requirements

Mark A. and Jillian E. Weinman

16 Western Drive, Ardsley, New York

Section 6.80, Block 56, Lot 32 in an R-3 One-Family Residential District

For a proposed Second-Story Addition to an existing non-conforming one-story dwelling, where the South side yard width (existing and proposed) is less than the Fifteen Feet Minimum Required (Village Code § 200-26B).

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

The Chair announced that the Public Hearing on this matter was closed at the Zoning Board's September meeting. The Chair asked the Board members if they had reviewed the previously circulated proposed Resolution, and all Board members present confirmed their review.

Mr. Del Grosso moved, and Mr. David seconded, that the Board adopt the following Resolution.

WHEREAS, Marc A. & Jillian E. Weinman, of 16 Western Drive, Ardsley, New York, 10502, have applied to this Board for a variance from Section 200-26B entitled "Yard Requirements" of the Zoning Code of the Village of Ardsley in order to construct a second-story addition to the existing, non-conforming, one-story dwelling where the south side yard width is 9.32 feet to the existing house, and 9.32 feet to the proposed addition; and, on the north side of the premises, the side yard width is 12.19 feet to the one-story garage of the existing dwelling, and 24.19 feet to the proposed second-story addition, and the

applicants seek a variance from the strict application of the 15-foot minimum side yard width requirement; and

WHEREAS, this application is made under the authority of Section 200-26B, of the Zoning Ordinance of the Village of Ardsley, affecting the premises known as 16 Western Drive, Ardsley, New York and designated on local tax maps as Section 6.80, Block 56, Lot 32, which is within an R-3 One-Family Residential 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 September 27, 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 proposed addition maintains the existing non-conformity of 9.32 feet on the south side of the premises, and does not increase the existing non-conformity on the north side;
- (2) the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue in their reasonable use and possession of the premises, as the existing structure, like many older homes in the surrounding neighborhood, and generally elsewhere in the Village, is non-conforming in terms of side-yard setbacks, and the applicants are creating a larger home on the existing premises versus purchasing a new dwelling recognizing the relatively high interest rates on new home mortgages in the current marketplace;
- (3) the requested variance is not substantial, in that the proposed addition does not extend the existing encroachment into the side-yard setback or create more than a minimal increase in building coverage or land coverage, which both remain below the maximum permitted levels;

- (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, and will not appear to meaningfully impact other property owners, if at all, since the portion of the neighboring property adjacent to the proposed second-story addition is that property's garage with no obstruction or reduction in visibility;

NOW THEREFORE, be it resolved that the application of Marc A. & Jillian E. Weinman, of 16 Western Drive, Ardsley, New York, is granted.

PROPOSED BY:	Mr. Serge Del Grosso	
SECONDED BY:	Mr. Mort David	
ROSTER:	Mr. Michael Wiskind, Chair –	AYE
	Mr. Jacob E. Amir –	AYE
	Dr. June Archer –	ABSENT
	Mr. Mort David –	AYE
	Mr. Serge Del Grosso –	AYE

4) Adjournment

Mr. Del Grosso moved, and Mr. Amir seconded, that the Zoning Board of Appeals adjourn its meeting at 8:09 PM.

Vote: 4 in favor, 0 opposed, 0 abstaining, as follows:

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

Respectfully submitted,
Judith Calder, Recording Secretary