

**VILLAGE OF ARDSLEY  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 19, 2014**

**PRESENT:** Patricia Hoffman, Chairman  
Michael Wiskind  
Mort David

**ABSENT:** Jacob Amir  
Ellen Slipp

**Call to Order**

Ms. Hoffman called to order the regular meeting at 8:00 p.m.

**Announcements**

Ms. Hoffman announced the next Zoning Board of Appeals meeting is Wednesday, December 17, 2014.

**Approval of Minutes – July 23, 2014**

Minutes being reviewed and will be approved in December meeting.

**Approval of Minutes – September 17, 2014**

Minutes being reviewed and will be approved in December meeting.

**Approval of Minutes – October 22, 2014**

Minutes being reviewed and will be approved in December meeting.

**To Be Adjourned - Continuation of Public Hearing on Use Variance Application**

**Ni Nu Inc., 2 Bridge Street, Ardsley, New York.  
Section 6.70, Block 42, Lot 5, in a B-2 Special Business District.  
For proposed conversion of second floor commercial space into two one-bedroom  
apartments. (Code § 200-73B).**

At the applicant's request, the public hearing on this matter is adjourned to Wednesday, December 17, 2014.

On motion of Ms. Hoffman, seconded by Mr. Wiskind, the motion to adjourn this matter was passed unanimously.

**Public Hearing – Application for Permit (Code § 200-86A) and Height Variance (§§ 200-7,-75)**

**642 Saw Mill Properties Inc. (by BRB Development LLC), 642 Saw Mill River Rd, Ardsley, New York. Section 6.70, Block 42, Lot 2, In B-2 Special Business and R-1 One Family Residential Districts. For a proposed self-storage facility; permit to extend from frontage in B-2 zone, into R-1 zone; and variance for proposed building height of 50.4 feet/4stories, exceeding the maximum permitted.**

**Attendees:** Robert A. Soudan, Jr., Applicant, Janet J. Giris, Esq., Applicant's Attorney; Rodney Morrison, PE, Applicant's Engineer, David B. Smith, Planning & Development Advisor, Village of Ardsley.

Ms. Hoffman read Legal Notice into the record.

Ms. Hoffman stated that there has been no previous appeal for this property.

Janet J. Giris, Esq. presented fourteen (14) green cards. Ms. Giris stated that the Applicant is seeking an area variance for an increase in the height of the building and permission to extend the B-2 district regulation into the R-1 district which is at the rear of the property. Ms. Giris stated that some of the comments of the Board of Architectural Review were if the building should be moved and whether the architecture should be changed. Ms. Giris stated that they were trying to keep the number of variances at a minimum. At that, Applicant's architect went back and re-designed the building.

Robert Soudan went over revisions with Board of Architectural Review and stated that the BAR was concerned with original building. The architect made the building appear more like a three (3) story building leaving the top of the building with a lighter color. Most apparent was 1) to change brick type façade in the front and added windows below, 2) bring building to pedestrian/streetscape type scale, 3) bring level down and an addition of spandrel glass along the sides. The north elevation will be addition of spandrel glass. Made basic changes to appeal to BAR concerns last month and had a positive experience yesterday. The two concerns were sidewalls to be white and suggested that they should be taupe color like; a light khaki color. Landscaping changes were recommended as well. One of the parking spaces was used to create a planter. Those were the changes.

Mr. David stated that he was confused about the yellow line. It was explained that it was the center line of the Saw Mill River Road and people do not intend to back up into 9A.

Ms. Giris stated that the Board of Architectural Review is recommending positively back to the Board of Trustees. Ms. Giris stated that a three story building is permitted under Village

Code. She stated that the reason that they are requesting the height variance is because the property slopes fairly significantly from the front of the site at 9A to the rear of the site and there is a significant difference in the topography. The majority of the property is located in the flood plain and in order to be able to lift the building out of the flood plain is the reason for the request for the additional height that they are seeking here. It more has to do with the topography because if it was a flat site and the building was measured from average grade plane around the building; it would comply with your code. In addition, the Village's Code was changed in 2005-2006; if the building was measured under prior code then no variance would be sought. Reason #1 is we want to lift the building out of the flood plain and #2 as mentioned, from the street; it will not be anything but what appears to be a three story building. The difference in height is virtually undiscernible between what is permitted under the Code's 45 feet; we are proposing 50.4 feet and at the rear of the property the building will be off the ground on stilts and nobody can see the rear of the building from either the front of the building or from 9A. The rear of the site is not visible from anywhere except the thruway.

As part of Applicant's application to the Board, a Statement was submitted which goes through the standard for area variances from five points; Ms. Giris stated that there are no detriments to the community. The Applicant is going to pull the building out of the flood plain. The site is being re-developed with a fairly low impact in all respects in terms of services, utilities, very low traffic impact and a terrific revenue generator for the Village.

Mr. Wiskind asked about how many parking spaces will be on the premises. Mr. Soudan replied that there will be a total of nine (9) parking spaces; 7 regular spaces and 2 spaces for load and unloading area. There will be a total of 520 units. Mr. Soudan stated that this is backed up by the American Planning Association and traffic engineers. The truck that is permanently stationed on the premises will be stored inside the building.

Mr. Wiskind inquired about the exterior lighting. Robert Soudan stated that they have not done a full lighting study and stated that this is just concept. Their typical situation is they have simple security lighting where needed to keep the property safe.

Mort David asked if there are security cameras.

Robert Soudan that there are little domes placed on building and in a number of different spots on the outside and there are some cameras placed on the inside of the building as well.

Ms. Giris mentioned again that they are seeking a variance for height and permission to extend the B-2 district regulation into the R-1 district.

Ms. Hoffman asked if there will be ingress or egress in the rear of building.

Mr. Soudan stated that there will be egress on the side of building and it will basically be a fire egress. It will be locked from outside but there will be a panic push in case of a fire.

In 2005 height would have been the same using the older definition of Village Code less than 45 feet less than 50 feet versus the current less than 45 feet. The way the building is measured now it actually makes it seem taller than it is.

Street frontage is 45 feet which complies with the code. Ms. Hoffman stated that the building is a 45 foot building and not 50 foot tall building.

Mr. Tomasso stated that height has not changed in B-2 district; it is still 45 feet and 3 stories. The way height is measured has changed. The old code measured height from the street front property line. The current code measures building height from the grade plane also known as the average grade. In this particular case on the down-sloping property, the reference point is approximately 5 feet below street level and that is your average starting point now. If it was on the upslope, it would have worked out to their benefit if they were able to cut into the slope and build a retaining wall at the rear of building.

Ms. Hoffman asked if they were aware of any other buildings in that immediate area similar or higher than 45 feet or more than three stories.

Mr. Soudan stated that the House of Sports is about 65 to 68 feet. Ms. Giris stated that it is a much taller building in a similar situation.

Ms. Hoffman wanted to make sure that there are other buildings similar in nature and this is not a change in precedent.

The meeting was then opened for

### **Public Comments:**

Joseph Bardon, 635 Saw Mill River Road directly across the street

Mr. Bardon asked if it possible when cars are parked in spaces will they be able to turn around?

Mr. Soudan explained with the plans displayed that the cars can turn around in his lot and drive out onto 9A – no cars will have to back onto 9A.

Ms. Giris stated that this Board can grant permission for the B-2 regulation to be applied to the portion of the property in the R-1 district and that is what they are asking for.

Ms. Hoffman agreed that this board has the ability to grant the permission so they can extend the B-2 regulation to the R-1 district.

Mr. Tomasso stated that the board can vote to approve the project and then adopt a detailed resolution, which will be prepared by the planning consultant, at the next meeting.

Ms. Hoffman advised applicant that Applicant has option to postpone the vote until next month as there were only 3 board members present.

The Board can vote on the matter and then they can formerly accept a Resolution at the following meeting. Ms. Hoffman polled the board.

Ms. Giris stated that there is no impediment for the Board not to vote.

**Close Public Hearing at 8:55 P.M.**

On Motion of Ms. Hoffman, seconded by Mr. Wiskind, the public hearing was closed. Motion passed unanimously.

Mr. Wiskind read the draft resolution into the record.

**RESOLUTION**

**WHEREAS**, 642 Saw Mill Properties Inc. (by BRB Development LLC), 642 Saw Mill River Road, Ardsley, New York, has applied to this Board for a variance from the requirements of Section 200, Subdivision 86-A, of the Zoning Ordinance of the Village of Ardsley for permission to extend the proposed new use and structure, with street frontage in a B-2 zone, into the immediately adjacent, more restricted, R-1, pursuant to the requirements of Section 200-86A of the Village of Ardsley; 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 642 Saw Mill River Road, Ardsley, New York and designated as Section 6.70, Block42, Lot 2 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 at the Municipal Building, 507 Ashford Avenue, Ardsley, New York on November 19, 2014 after due notice by publication, and

**WHEREAS**, at the hearing Janet J. Giris, Esq., Robert Soudan, Jr., and Rodney Morrison appeared in support of the application and no one appeared in opposition, or all those who desired to be heard were heard and their testimony recorded, and

NOW THEREFORE, be it resolved that the application of 642 Saw Mill Properties Inc. (by BRB Development LLC) is granted for the permit to extend the B-2 zone into the R-1 district.

Vote 3-0  
2 Absences

BE IT FURTHER RESOLVED, that a request for a variance to construct the proposed new structure with four stores and a height of 50.4 feet, exceeding the maximum building height permitted by Village Code Section 200-75 (3 stories, and 45 feet, a B-2 zone).

NOW THEREFORE, be it resolved that the application of 642 Saw Mill Properties Inc. (by BRB Development LLC) for the height variance is granted for the permit to extend the B-2 zone into the R-1 district.

Vote 3-0  
2 Absences

**Public Hearing – Application for Area Variance (Code § 200-18B)**

**Troy and Allison Calkins, 22 Revere Road, Ardsley, New York. Section 6.10, Block 1, Lot 17, in R-2 One-Family Residential District. For proposed legalization of rear deck with 15ft. west side yard setback, where 20 ft minimum is required.**

At the applicant's request, the public hearing on this matter is adjourned to Wednesday, December 17, 2014.

On motion of Ms. Hoffman, seconded by Mr. Wiskind, the motion to adjourn this matter was passed unanimously.

**Adjournment**

There being no other business the meeting was adjourned.

On motion of Ms. Hoffman, seconded by Mr. Wiskind, the meeting was adjourned at 9:01 p.m. Motion passed unanimously.

Respectfully submitted,

Donna Fusco  
Recording Secretary

Village of Ardsley  
Zoning Board of Appeals  
November 19, 2014  
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