

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, DECEMBER 21, 2016**

PRESENT: Patricia Hoffman, Esq., Chair
Jacob Amir
Mort David
Ellen Slipp
Michael Wiskind

1) Call to Order

The Chair called the regular meeting to order at 8:00 pm.

2) Announcements and Approval of Minutes

Announcements

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, January 25, 2017 at 8:00 pm.

The Chair announced that the Zoning Board of Appeals had received a letter from Civil Engineer Paul Petretti regarding the subdivision map of The Sprainbrook Manor of Ardsley, located on Cross Road and Old Sprain Road. The Chair explained that the letter notifies the Zoning Board of Appeals that the Planning Board is intending to make itself the Lead Agency in the SEQRA process, and that because the Zoning Board of Appeals is an agency of interest, it must receive notice of the Planning Board's intention, and be given the right to participate in the process. The Chair stated that if the Zoning Board of Appeals wished to participate, it would need to send the Planning Board a letter within 30 days of December 12th. The Chair reported that she has been informed that no variances will be required in this subdivision, and that therefore there is no need for the Zoning Board of Appeals to become involved.

Approval of Minutes

Mr. Wiskind moved, and Mr. David seconded, that the minutes of the meeting of November 26, 2016 be approved. **Vote:** four in favor, none opposed, one abstention. The Chair, Mr. Amir, Mr. David and Mr. Wiskind voted in favor of approval. Ms. Slipp abstained as she had not been present at the November meeting.

3) Continuation of Public Hearing

Application for Variance from Village Code Requirements

**Lock Up Ardsley LLC (by Robert A. Soudan, Jr.),
630 Saw Mill River Road, Ardsley, New York.**

Section 6.70, Block 42, Lot 2, in a B-2 Special Business District.

For proposed front exterior wall signage (a) exceeding maximum permitted vertical measurement of 2 feet (Village Code §200-82C(2)(a)[2][a][iii]); and (b) exceeding maximum permitted lettering height of 18 inches (Village Code §200-82C(2)(a)[2][b]).

Present¹: Patricia Hoffman, Esq., Chair
Mort David
Ellen Slipp
Michael Wiskind

Attendees: Jack Fitzgerald, Project Manager, Sam Signs & Awnings

The Chair reminded Mr. Fitzgerald that he had been asked to provide information and/or photographs of other signs and facades of Lock Up locations in other areas of the country, as well as a change in the original design.

Mr. Fitzgerald circulated revised proposed signage to the members of the Board. Mr. Wiskind noted that the location of the sign, over the front door, remains as it had been on the original proposal.

Ms. Slipp requested an update, as she had not been present at the November meeting at which the Public Hearing on this matter was opened. The Chair advised Ms. Slipp that at the November meeting, Lock Up had presented a logo with a size of 83 inches. Ms. Slipp asked if this size was 200 percent more than they were entitled to. The Chair reported that applicant originally requested a sign of 8 feet, whereas they are entitled to 24 inches, which is 400% higher than Code allows. The Chair further reported that the Board had advised applicant's representative that the requested sign was way too high, and that it was too close to a residential area to have that kind of a lighted sign. The Chair stated

¹ Mr. Amir recused himself on this matter.

that the Board had requested alternatives, and that because when Lock Up first came to us, they had indicated that they had and were willing to be flexible, and had been flexible in other locations across the country, the Board had asked to see signs and logos that are used in other parts of the country, to see what signs and logos are available, but it appears that all the signs they've brought us are their standard logo. Mr. Wiskind noted that the font on the revised proposal is more consistent. Mr. Fitzgerald stated that he believes that the original proposal was Lock Up's previous logo, which they since have updated.

Mr. David pointed out that there are no dimensions on the photographs of other locations, providing the Board no basis for comparison.

Ms. Slipp asked Mr. Fitzgerald if he had a range of types of signs that you can have on your storage facilities. Mr. Fitzgerald advised Ms. Slipp that he represents the sign company that will supply the installation of the sign, and that the company has given them two versions, one of which is the stacked logo. Ms. Slipp asked if they could do a gold wood sign, or a backlit sign, something more classy. Ms. Slipp stated, "every opportunity that we have in Ardsley to create something more classy is an opportunity that we want to seize. This is not what I want to see in Ardsley." Mr. Fitzgerald replied that while he sees what Ms. Slipp is saying, he cannot speak for his customer. Ms. Slipp asked Mr. Fitzgerald if he has driven by the Lock Up location, and if he sees how it is going to be a behemoth in the Village of Ardsley. Mr. Fitzgerald replied that the light can be regulated. Mr. Wiskind reminded Ms. Slipp that the Zoning Board's jurisdiction is on sign sizing. Ms. Slipp stated that prior to the last meeting, she had advised her fellow Board members that she recognizes that the look of the sign is an issue for the Board of Architectural Review, but that she "will not be constrained and muzzled and talked about what is going to go on in the Village of Ardsley. The whole thing I voted against, so at the minimum, I can actually have a voice in saying that the signage should be appropriate. This signage is not appropriate."

Mr. David advised Mr. Fitzgerald that the reason for the applicant to be before the Zoning Board of Appeals is because the size of the sign requested far exceeds the Code, to which Ms. Slipp interjected "ten times." Mr. David reminded Mr. Fitzgerald that at the last meeting he had described the sign as an advertisement, and stated that "as seen from Route 9-A, it overwhelms one's visual senses, particularly how bright it will be, and as it will be there 24/7, there will be no escaping that every person driving by on Route 9-A will see." Ms. Slipp agreed for the record.

The Chair asked Mr. Fitzgerald if the sign as originally proposed was 83 inches in height, and Mr. Fitzgerald corroborated this. The Chair asked the size of the letters currently requested. Mr. Fitzgerald replied that the letters on the revised proposed sign are 25 inches high. The Chair noted that Village Code allows a maximum of 24 inches.

Ms. Slipp remarked that “we have given them so many leads on this fricking abortion of a thing, I don’t want to vote again for something else that is going to be a ... we can’t do it, as a Board we can’t do it.” The Chair started to say, “before we get,” but was interrupted by Ms. Slipp, who stated “they are going to see your building, we don’t need the signage.” When Mr. Fitzgerald pointed out that it is not “his” building, Ms. Slipp continued, “your client’s building, we’re going to see it, it is going to be in our faces every single day, they don’t need a big old sign saying what they’re doing. I am not voting for a single inch above what you’re asking for.”

The Chair stated that she wanted clarity on the record as to what the new request is. The Chair asked Mr. Fitzgerald if the new request is for a sign with letters of 25 inches from the top of the lettering to the bottom of the single line, and then as part of the logo, there’s a red lock, and that red lock is an additional 23 inches. Mr. Fitzgerald replied that the lettering itself is within 25 inches and the lock drops down, making it 48 from top to bottom. The Chair asked if this meant that applicant has gone from requesting an 8 foot sign to a 2 foot sign. Mr. Fitzgerald confirmed that this is correct. The Chair also sought confirmation of her understanding that this sign is going to be lit. Mr. Fitzgerald said that it is front lit. The Chair asked if the individual letters would be lit, and Mr. Fitzgerald replied in the affirmative.

Ms. Slipp asked, “why we can’t have other lighting, something classic, a gold letter or a wood letter or something? I am sure that throughout the country you have very classy signage, why do we have to go to the bottom of the station here, I don’t get it. Not in my town.” Mr. Fitzgerald replied that he is only putting forth what his client wants, that he cannot speak to gold leaf signs, and he does not know if his client’s proprietary logo allows that. Ms. Slipp replied that “you can, you can push it back to your corporate America, and you can say, ‘look, Ardsley wants to make incremental changes’.” Mr. Fitzgerald replied, “your hostility does not need to go toward me.” Ms. Slipp replied, “I’m not hostile, I just want to make changes, because I live here.”

The Chair noted that we have a reduction in the amount of the signage from 84 inches to 25 inches, which means that applicant now seeks a one-inch variance except for the lock portion, which is an additional 24 inches.

The Chair asked about the proposed timing on the lighting, noting that at the last meeting, the Board had discussed that any sign that is lit will be very visible to all of the residents on Ridge Road. Mr. Fitzgerald stated that he thinks that the timer is set to go off at 11:00 PM. The Chair asked if it would go on at dusk and off at 11:00 PM? Mr. Fitzgerald confirmed that it would go on at the drop-off of sunlight, and then would go back off again at 11:00 PM.

Ms. Slipp remarked that “it is defiling our Village, it is an abortion,” and asked to have her remark included for the record.

The Chair asked what the client would do if the Board of Trustees did not want the sign illuminated until 11:00 PM, and Mr. Fitzgerald replied that he could take that to the client for their consideration.

Ms. Slipp stated that the building is four stories high. Mr. Wiskind pointed out that the proposed sign location is 14 feet above the street, that it is not on top of the building. Mr. David remarked that it is no less visible.

Ms. Slipp asked her fellow Board members if they have you driven down Sam Mill River Road and if they have seen this building. Mr. David stated that he lives here and that one cannot avoid seeing it. Mr. Wiskind stated that it is a large building. Ms. Slipp stated that it is horrifying. Mr. Wiskind stated that the building was approved and is going up. Ms. Slipp stated that she did not approve it. The Chair stated, "as a Board, the Board approved it, and whether you agree with it or not," to which Ms. Slipp interjected "for shame." The Chair continued, "it has been approved," and Ms. Slipp again interjected "for shame." The Chair resumed "and that's where we are now." Ms. Slipp told the Chair, "you don't live here, you don't live here," and insisted that this remark be put on the record.

Mr. David asked that the Board return to civility and move on with its business.

The Chair asked Mr. Fitzgerald about the length of the proposed sign. Mr. Fitzgerald replied that it is 336 inches. Mr. Wiskind remarked that that would be 28 feet. Mr. Fitzgerald stated that the total size of the sign is 58 square feet. Mr. Wiskind noted that the section above the door is 33 feet long, but is small relative to the frontage of the building. Mr. Fitzgerald pointed out that it is less than five percent of the square footage of the frontage of the building. Mr. Wiskind noted that it is probably less than fifteen percent of the linear frontage.

Mr. Wiskind reminded Mr. Fitzgerald that even if there were an approval from the Zoning Board of Appeals as to the dimensions and location of the sign, that the Board of Architectural Review would need to get involved as far as the colors. Mr. Fitzgerald confirmed his understanding of this requirement. The Chair added that applicant would still have to go to the Board of Architectural Review for color and material.

Ms. Slipp asked, "why don't we want to make it a little more attractive? It is already and abomination in the middle of our Village, why don't we want to make them ask for a more classy signage, why?" The Chair replied that that is not the purview of the Zoning Board of Appeals. Ms. Slipp stated, "we've talked about this routinely, we all have votes here, and we all want to have a say in what looks appropriate in our Village, while we're living here. Why wouldn't we want to guide them to something that is going to be more appropriate and pleasing, why wouldn't we?"

The Chair replied that the Zoning Board has set certain standards, noting that the Board has rejected or discouraged other signs that it didn't think appropriate. The Chair continued, "however, we cannot be arbitrary and capricious in our decisions because we are guided by the Code, and whether we grant them a variance from our Code." Ms. Slipp asked "your Code?" and the Chair replied "the Village Code." The Chair continued, "we are obligated to determine whether this sign is appropriate for that building, and if we going to grant a variance for the difference between what the letters are to look like, and what they are not." The Chair noted that she believes that the Board has granted variances for 24 inch letters in the post office shopping center. Mr. Wiskind added, "and the DeCicco's sign, certainly," and the Chair noted that the DeCicco's sign is five feet high. Mr. Wiskind added that this is possibly also the case with "House of Sports." Mr. David added "Chase [Bank] as well."

The Chair stated her view of the question as "is this sign oversized to the point where we cannot grant a variance." Ms. Slipp stated, "when you look at the size of this building, they don't need advertising. They were already given a variance for a four story building in downtown Ardsley, and everybody on this Board, said 'well, it's South of Ashford Avenue, who cares what it looks like down there, it's like a shit show anyway. Everyone said that, except me, and here we are, and there is a dribble, dribble, dribble. You know, everyone wants what they want, but you know, you people voted for the exception to grant this thing, we're all going to have to live with it, except for you, Pat, and now I think they are asking for more than they are entitled to with the signage. No one is going to be deceived that they don't understand that this is a storage unit. They are going to see it. They are going to see it from 9-A, they're going to see it from Saw Mill River Road, they're going to see it. They don't need to have a big old lighted sign with the back lighting, they don't need to see that. I object. I want a classy sign. To the extent that we make this a classy sign, as you have done throughout your contract, I want to make it a classy sign. I don't understand why you people are giving up on this."

Mr. Fitzgerald stated that he could ask his client to make it 24 inches instead of 25. Ms. Slipp replied, "oh, an inch." Mr. Fitzgerald stated that he could request a decrease in size. Ms. Slipp stated, "I want wood, I want gold, I want class. It's a horrible building already, I want to make it look a little bit better than what it is right now." And obviously I'm going to be overruled by my compatriots on the panel. But you know, seriously."

The Chair stated that the Village Code provides that a sign of overall vertical measurement of 2 foot, 24 inches, may be attached to the exterior wall of the building with a straight frontage of more than 75 feet, and as there are more than 75 feet to the street frontage of the building, by right applicant can have a sign that is 24 inches. The Chair went on to point out that even if the rest of the sign were reduced to 24 inches, so that no variance was required for that, the lock would be a problem, and you would need a variance for the lock.

The Chair asked Mr. David if he wanted the applicant to go down to the 24 inches. Mr. David said that the applicant had agreed to that, from what he heard. Mr. David stated his opinion that the proposed sign would change the character of the neighborhood, of 9-A, of Ridge, and of Bramblebrook, because you come down the hill and there it is, right in your face. Mr. David acknowledged that applicant has given the inch, but stated that the rest of the sign is significant, and that he therefore would not be inclined to grant that variance.

The Chair asked Mr. David if he thought that the lock was significant. Mr. David stated that he thinks the whole lighted affect is an eyesore. Mr. Wiskind began to reply about the lighting, but Mr. David asked to be permitted to continue, stating that applicant is asking for a variance, and that he feels keenly that the application does not meet the guidelines that must be met.

The Chair sought clarification with Mr. David and asked, if applicant comes back with a 24 inch sign, for which he no longer needs a variance, but the lock is still there, is Mr. David objecting to the lock. Mr. David replied that he objects to the size. The Chair stated, "if the words "the Lock Up Self Storage" are 24 inches, applicant doesn't need a variance for that, but would need a variance for the lock portion of the sign," so asked Mr. David if he objects to the lock portion of the sign. Mr. David asked for the dimensions, and asked if it exceeds that which the Zoning Code permits. Mr. Fitzgerald asked Mr. David if he means the lock by itself, and Mr. David replied "yes." Mr. Fitzgerald advised that he did not have exact dimensions on that, but that he believes that we can assume that it would be about 24 inches wide and 36 to 38 inches high. Mr. Wiskind asked if this figure includes the part of the lock that overlaps the letters. Mr. Fitzgerald replied, "yes, the part that doesn't overlap is about 23 inches."

The Chair asked Mr. Wiskind for his views. Mr. Wiskind stated, "I don't see any particular difference between 24 and 25 inches, I think 25 is fine. I think that the portion protruding below the 24 or 25 inches is de minimus relative to the overall sign. It's one thing when you're in a strip mall and you have one sign that's really out of scale from the other ones. This is a 250 foot front, and there are no other buildings next to it on either side." Ms. Slipp interjected "not yet." Mr. Wiskind continued, "at this point, there are not buildings next to it. It is in a completely commercial area. There aren't any residences across from it or next to it." Ms. Slipp interjected, "we gave up." The Chair stated, "please, he didn't interrupt you, so let him make his statement." Mr. Wiskind continued, "it's not high up where it would be seen from a very long distance away, you need to be pretty close to the building to see it." Ms. Slipp interjected, "you're going to be on Saw Mill River Parkway and Saw Mill River Road, you're going to see it from everywhere." Mr. Wiskind continued, "from the Saw Mill highway you will." The Chair stated, "you don't mind if he finishes his statement, he was courteous and allowed you to speak, now do the same for him." Ms. Slipp replied, "Pat, it's a dialogue." The Chair stated, "no, I asked him for his comments." Ms. Slipp stated, "it's a dialogue." The

Chair responded, “no, it’s not, I asked for his comments. When I ask for a dialogue, I’ll let you know.” Ms. Slipp responded, “alright, Pat, go back to Delaware where you live, you shouldn’t be on this Board.”

Mr. Fitzgerald stated, “maybe we should adjourn and I should bring an attorney with me.” Mr. Wiskind stated his desire to discuss the matter a little bit more. Mr. Wiskind stated, “the visibility of the building from the highway is not the issue. I agree that the building itself is very visible, but the building is not under discussion any longer.” Ms. Slipp interjected, “because we gave up.” Mr. Wiskind continued, “the sign is only visible from Saw Mill River Road. The aspect of it not being lit at night, the aspect of it being pretty low off the ground is a positive thing. If it were at the very top of the building where it was much more visible throughout the Village, that would be more of an issue. I think it is unreasonable of us not to recognize that a business needs to have some degree of announcement of its existence and what it is.” Ms. Slipp interjected, “four stories.” Mr. Wiskind replied, “that’s the building, that’s not the sign. We did ask that the overall height be reduced by doing a single line, and the applicant was willing to make that adjustment. The colors are not in our standard, but the colors are a BAR issue. So overall, against the overall vertical face of the building, I don’t think that this is a significant amount of space that this would take up.”

The Chair commented that when this application originally came to this Board, the request was for a 7-1/2 foot sign. The Chair remarked that the Board asked applicant to reduce the size of the sign, and it has been reduced to 25 inches, which she thinks shows good faith and attempting to work with the Board as the owners of the company had said they would. The Chair stated her view that the one inch from 24 to 25 does not make a big difference on a building that has a 200 foot front, and noted that the Board took that into consideration when it granted variances to “DeCicco’s” and “House of Sports.” The Chair stated that every business is entitled to announce its company, and so whether this is a 24 or 25 inch sign, she does not have a problem with the one inch. The Chair continued that, as far as the dangling lock, again, based on the size of the building, she does not find that to be an issue, and she thinks that the 24 inches wide by 23 inches high will be relatively small to put on a 200 foot building. The Chair added that the color of the sign and the time it is lighted will need to be decided by the Board of Architectural Review.

The Chair informed Mr. Fitzgerald that the Board appears to be split. The Chair suggested that Mr. Fitzgerald go back to his client and see if there are other options, pointing out that moving the lock to either the beginning or the end of the verbiage might be an option. The Chair recommended to Mr. Fitzgerald that he take an adjournment until the January 25th meeting.

Mr. Wiskind moved, and Ms. Slipp seconded, that this matter be adjourned. **Vote:** 4-0-0, as follows: Chair – aye, Mr. David – aye, Ms. Slipp – aye, Mr. Wiskind – aye.

The Chair recommended to Mr. Fitzgerald that he speak to Mr. Tomasso to see if he can get on the Board of Architectural Review calendar, so as to save time either way whether a variance is subsequently granted or not required. Mr. David stated that the Board would be the happiest if no variance were needed.

4) **Continuation of Public Hearing**

Application for Variance from Village Code Requirements

Carol O'Neil-Roberts

12 Dellwood Lane, Ardsley, New York.

Section 6.30, Block 14, Lot 33 in an R-1 One-Family Residential District

For a proposed two-story addition and additional drive and walkways, where (a) proposed house size and (b) existing and proposed gross land coverage exceed maximum permitted amounts (Village Code § 200-83B-C).

Present: Patricia Hoffman, Esq., Chair
Jacob Amir
Mort David
Ellen Slipp
Michael Wiskind

Attendees: Carol O'Neil-Roberts, applicant
Pat Acocella, owner
Sid Schlomann, architect

Mr. Schlomann reviewed that applicants began this process at this Board two meetings ago, having requested a substantially large variance based on calculations that they then had, and based on square footages that turned out to be not fully accurate. Mr. Schlomann stated that at the last meeting, he had been tasked with going to the site, surveying every single piece of lot coverage, every stone, every building, every structure. Mr. Schlomann reported have done this, and thus having now tallied an accurate square footage of the existing condition. Mr. Schlomann stated that he then discussed with the owners what they could get rid of, looked at the original proposal, and spoke with Mr. Tomasso about the variance that was approved for this project several years ago. Mr. Schlomann reported his understanding that this Board previously approved lot coverage of 10,014 square feet. Mr. Schlomann stated that the current existing is 8,067 square feet, having measured everything, as shown on the plan he provided the Board. Mr. Schlomann noted that on the plans he color coded what is existing to stay, what is existing to come out, and what is proposed as new. Mr. Schlomann stated that the new proposal significantly reduces the amount of land coverage for the driveway. Mr. Schlomann explained this, stating that on one of his proposals last month, he was talking

about a gravel versus a paved driveway, but that he understands that in recent years, the Ardsley Zoning Ordinance treats both the same in terms of lot coverage. Mr. Schlomann stated that as gravel would count anyway, we are proposing to pave the driveway, but reduced the size to just enough to get in the existing curb cut and get to the garage, nothing more, nothing less, and the addition. Mr. Schlomann state that additional concessions [sic] made are reducing the stone area of the pool patio and removing three different structures, which brings the current request for lot coverage to 10,598 square feet, which he states is close to what this Board had previously approved for a variance. Mr. Schlomann concluded that the variance they now request is 2,012 square feet.

Mr. David asked what are the items to be removed. Mr. Schlomann reported that everything on the plan in red is to be removed, so that means an area of paved stone on grade on the patio, a shed, another outdoor structure that we can call a shed, and another shed, one of two that are attached is the one that would come down. Mr. Schlomann added that two other sheds are newer and are in good condition, and the owners propose to have those remain.

Mr. Wiskind asked if the owners intend to keep two sheds even though there would be additional storage space above the garage. Mr. Acocella said that they would like to keep the two sheds, that one is where they put their garbage, and the other one would be for lawn furniture and tables, items that are not feasible to go up the stairs.

The Chair stated that she was under the impression that the applicants had four sheds before, and that when this matter was before this Board years ago, they were going to take down three sheds and leave only one shed, but noted that now there seem to be four sheds and a cabana. Mr. Acocella replied that they are taking down a lot of other areas. The Chair reiterated her understanding that there were four sheds before, whereas now there is a 144-square foot shed that is staying, a 295-square foot shed that is staying, a 100-square foot shed that is going, a cabana at 195 square feet, a shed at 93 square feet, and a tiki bar at 71 square feet, which means there are now five sheds and owners are planning to take down two. Mr. Acocella stated that they do not have five sheds, that one is a pool house (the cabana) and is not a shed. Mr. Acocella stated that they are taking down three sheds, and that they were taking down three before. Mr. Wiskind asked if that included the tiki bar. Mr. Acocella replied that there is a shed in the back that they are taking down that used to be the toilet and they would put our pool stuff in there, but they are taking that down, though it was always staying before. Mr. Wiskind asked if that was the 93-square foot structure, and Mr. Schlomann said that it was.

Mr. Wiskind asked about the structures where the plan says “walk in garden,” and asked for confirmation that those were not buildings. Mr. Schlomann stated that the 62 square feet, the 64 square feet, and the number under the “D” which he thinks is 44 square feet, refers to the stone walkways. Mr. Schlomann added that the 280 square feet is the stone

portion of that area that is a mixture of stone and grass and planters, and that the 280 is the actual impervious surface portion of that area that is not landscaping.

Mr. Wiskind asked about the stone dust that had been discussed at the last meeting. Mr. Schlomann reported having been advised that it is considered lot coverage, so it is being removed and is no longer a variable to address. Mr. Schlomann noted that this stone dust question and the gravel versus paved driveway questions had both been clarified with Mr. Tomasso.

Mr. David asked why the partial pool stone reduction, which is huge at 611 square feet does not show up anywhere. Mr. Schlomann responded that the 611 is in the 1,235, which is the total of all the numbers that are being removed. Mr. Schlomann reported that what is left of the pool stone is 775 square feet, which is a five or six foot perimeter around the pool for a number of sitting chairs.

Mr. Schlomann reported that Mr. Tomasso had pulled out the old file and looked up the previous variance granted, and stated his belief that Mr. Tomasso felt comfortable with applicant getting "as close to that 10,000 number as possible." Ms. Schlomann stated that they therefore looked over everything, and feel that the new proposal is close in terms of function of what the owners desire, what the new variance would be and what the previously granted variance was, noting that this proposal is a considerable change from the initial request, and gets as close as possible to the previously granted variance.

The Chair stated that on the garage addition there is a bump back in the rear, with French doors that open onto a patio, and asked why there is a bump out opposite. Mr. Schlomann stated that it is more for aesthetics and that the bump outs are not necessarily even in square footage on the interior. Mr. Schlomann stated that the bump out design was so that the exterior stone work would not be a big mass, but would have a little shadow reveal, and he pulled out additional drawings to demonstrate that it breaks up the mass and provides a bit of interest in the shadows and architectural details in the stone work, in the siding versus the stone. Mr. Schlomann pointed out that it is more in keeping with the roof line, is just an interesting architectural feature, does not necessarily add usable square footage. Mr. Acocella added that they reduced the roof line, which he stated had been a concern of this Board. Mr. Schlomann stated that the roof line would mainly be an issue for the Board of Architectural Review, but pointed out that this space is included in the square footage, which he measured corner to corner on the exterior, as it addresses lot coverage.

Mr. David stated that it appears the variance requested is about 2,500 square feet. Mr. Schlomann replied that it is 2,191 square feet. Mr. Wiskind stated that they were referring to the floor to area ratio. Mr. Schlomann stated that that would be the product of the 8,215 square feet requested minus the 7,855 square feet that is the maximum allowed with a special permit. Mr. Schlomann reported that in speaking with Mr. Tomasso and going to the Planning Board, he understood that both felt that the FAR was

negligible at about five percent, and that their concern was about reducing the lot coverage and getting it as close as possible to the previously approved variance that was never built. Wiskind asked what the square footage of the previous variance was, and Mr. Schlomann replied that the previous variance was for 10,014 square feet.

The Chair pointed out that one of the questions that the Board addressed at the last meeting was whether the site coverage was 9,284 square feet. Mr. Schlomann stated that the number of 8,067 square feet that the Board has today is the current accurate existing site coverage, as he measured every stone on the property, so the 8,067 is a real number. The Chair asked if the numbers that had been presented to the Board before were inaccurate, and Mr. Schlomann replied that they were incorrect.

Mr. David asked if the square foot number requested reflects the planned reduction. Mr. Schlomann replied that in the proposed number there is an addition and a reduction, and then a net number.

Mr. Amir asked if the property faces the rear of the Ardsley High School field, known as "hidden field." Mr. Acocella stated that the field is to the right of their property. Ms. O'Neil-Roberts added that if you walk around the track, you cannot see our house, but if you are in the hidden field, you can hit a ball to hit their house. Mr. Acocella added that the hidden field is 20 to 25 feet away from their house, and that they have been hit by softballs.

Mr. Wiskind asked about the height of the addition as viewed from below. Mr. Schlomann and Mr. Acocella both stated that they made it lower. Mr. Wiskind remarked that anyway it is a view from the field. Mr. Acocella noted that the kids are not supposed to be using the field at certain times on the weekend.

Mr. Acocella stated that they have a pool house which could look better and that they eventually want to fix. Mr. Amir asked which building the pool house was, and Mr. Schlomann and Mr. Acocella replied that it is the cabana.

Ms. Slipp asked where they store the lawn furniture now. Mr. Acocella stated that they put it all in one pile and wrap it in plastic. Ms. Slipp asked if they had said that they want to put it in the shed. Mr. Acocella said that yes, they are going to put it in the shed. Ms. Slipp surmised that they will be taking some stuff out of the shed and putting it in the storage area in the garage. Mr. Acocella stated that as they will be getting rid of a lot of the stone dust around the pool, they will not be able to put it there anymore. Mr. Schlomann added that a lot of things will go in the garage. Mr. Acocella specified that the pillows will go upstairs, and that the big bulky stuff will go in the shed.

The Chair sought clarification of the number for the record, stating that according to Building Inspector Larry Tomasso, the maximum lot coverage permitted is 8,470 square

feet. Mr. Schlomann stated that the Chair was correct. The Chair asked if applicant was requesting a variance for 10,598 square feet, and Mr. Schlomann confirmed this. The Chair asked if this would be a variance of 2,191 square feet, and Mr. Schlomann stated that this was correct.

The Chair stated that applicants previously had come to the Board and had received a variance for 10,014 square feet, which was a variance of 1,675 square feet. The Chair pointed out that 2,191 square feet is 25 or 30 percent over the maximum permitted. Mr. Schlomann confirmed this. Mr. Wiskind noted that in this minutes of April 22, 2009, the proposed was 10,082 square feet, so the current request is 516 square feet more than that. The Chair stated that at the earlier hearing, applicants received approval for a variance of 1,675 square feet, and now are seeking a variance for 520 square feet more than they got last time. Mr. Wiskind suggested that even though the garage was detached and there was a walkway to it, there was no driveway as part of the previous application. Mr. Schlomann stated that, as Mr. Tomasso had explained it to him, back then gravel driveways did not count toward lot coverage, but that now the laws have changed. The Chair pointed out that the proposal then did not have a driveway, and you do not have one now, so the driveway was not included in the 8,407-square foot maximum, so it was included in that variance. The Chair added that applicants claim this proposal is the same thing, but last time it was not a 3-car garage, it was a 2-car garage. Mr. Acocella and Ms. O'Neil-Roberts both stated that it had always been a 3-car garage, and wondered if Mr. Acocella should have brought the plans with him. Mr. Wiskind stated that the approval said otherwise. Mr. Acocella stated that the plan he has that is stamped and approved is for a 3-car garage. The Chair stated that the variance was for a 3-car garage. Ms. O'Neil-Roberts asked, "why do we have to go back to what was, today is today. We came before you, this is the third time we are here. We have explained to you our dilemma with having no basement. The original plans did not work, which is why the garage is in a different spot now, so we are asking for a variance that is a little bit bigger, but aesthetically it looks better and more natural on the property because of the way the natural driveway comes up the property."

Mr. David asked if the driveway extends over, as the plan says 2,237. Mr. Schlomann replied that the driveway ends at the line he indicated, and that the 2,237 is whether it is paved or gravel. Mr. Schlomann added that in the original proposal there was more driveway here so that more people could park and it would be easy to turn, but we took it out, got to basics and reduced it substantially.

Mr. Amir noted that the previous approved was for 10,082 square feet and that the new proposal adds 520 square feet more, but pointed out that the lot is 54,103 square feet, or 1.242 acres, and that 520 is less than 1 percent of the total lot size.

Ms. Slipp stated for the record that the green cards were received and that there is no one here protesting this request. Mr. Acocella replied that their neighbors would like them to build this garage.

Mr. David stated that he was not on the Board for the prior variance, and therefore does not feel pressured by precedent. Ms. O'Neil-Roberts stated, "when you see where we park our cars, that's exactly where the garage is going to be. He's got to take me out on the left so that I don't have to step on the grass in my heels. Now you're not going notice it." Mr. Schlomann stated that originally the proposal had a walkway to the front steps, which was removed, additional driveway area was removed, that they tried to get rid of what we could, keep what was needed for function, no more and no less.

Mr. David asked if they envisioned crossing over cars going out this [lower] portion of the driveway. Mr. Schlomann reported that is the only way in or out of the driveway.

Mr. Wiskind wondered if the maximums take into account that this lot is larger than it is required to be, and if they are adjusted accordingly. Mr. Schlomann stated that, according to Mr. Tomasso's explanation, he believes that it is a calculation of a number plus a percentage over 40,000 square feet, and that you keep adding until you reach that number. Mr. Wiskind noted that applicants' lot is considerably larger than the minimum lot size for the zone. The Chair stated that the maximum amount changes based on the actual lot size. Mr. Wiskind added that what was handicapping this in terms of impervious surface are all of these structures other than the house, such as the patio for example.

The Chair stated that she can only go by the record that the Zoning Board of Appeals has for approving a 2-car garage with storage up above. Mr. Acocella stated that it was approved for a 3-car garage and that he has the drawings, adding "I am telling you." Ms. O'Neil-Roberts stated, "it doesn't matter. In 2008, I had a great business, in 2009, I didn't." Mr. Acocella stated, "it does matter because you'll say that we're not telling the truth." The Chair stated that she was not saying that. Mr. Acocella stated, "I'm one hundred percent sure it was approved for a 3-car garage." Ms. O'Neil-Roberts added, "I just found them [the plans]." Mr. Wiskind stated that he had looked through the previous discussions and had not found any reference to that aspect, but did see that the Resolution itself does say a 2-car garage. The Chair confirmed that the Resolution does say that. The Chair stated that her point in saying that is that the current request is 25% greater than that which was previously approved is that now applicants have come to the Board and have said that the 8,407 square feet is not enough, and that the additional 1,575 square feet is not enough, that they want 25 percent more than the Board granted the last time. The Chair acknowledged that it is one percent of the overall land coverage, but that it is still 25 percent greater than the last time applicants came to this Board, and that that was 25 percent more than they were entitled to altogether. The Chair asked that this be put on the record, "for people who say 'it's only'." The Chair stated that she thinks the

current request is a large increase over what was previously approved. She remarked that every Board member is entitled to their own opinion and their own vote, and that this is her opinion. The Chair stated that she believes that if Mr. Tomasso suggested applicants try to get close to what you had before, “well your 25 percent higher than what you had before.” Mr. Schlomann pointed out that the original variance was a 19.4 percent variance, and this is a 26 percent variance request, so the variance, in relative terms, is a 7 percent greater request. The Chair replied that if you take 2,100 and you take 1,600, that means this one is 25 percent more. Mr. Schlomann stated that he was comparing percent of variances.

Mr. David stated that, not having been on the previous board that granted a variance, although not to this degree, he feels that a precedent has been set, yet on the other hand, notes that the Board has had requests from other home owners to increase land coverage which have been denied, so it is a conundrum. Mr. David reported that, having looked at the property and the location, he believes this would meet the rationale for area variances, and would be prone to approve. Mr. Wiskind stated his inclinations along the same lines, adding that there is still a lot of land and that it is desirable to be able to put cars inside, that he feels reasonable changes in the use of the lot were made to reduce the lot coverage as much as possible, and that he does not see this request as a huge increase from what was previously approved. Mr. Amir stated that he would approve. Ms. Slipp stated that she would agree, and added that applicants appear to have been good neighbors, that Ms. Slipp thinks applicants “have been very nice about how they’ve configured this, and it’s not butting up against public properties in Ardsley, so I would be inclined to approve the resolution.” The Chair stated that she thinks that this is a huge variance request, that the Board went above and beyond when we did this before. The Chair stated that “the standard for granting a variance is listed, that there are five factors, that a need must be shown, that the minimum amount of variance to accommodate the applicant must be granted, that this is a 13-room house with two people living in it, with six sheds on the property, and now we are asked to increase the land coverage, and I don’t believe the variance requirement has been met.”

Close Public Hearing

Ms. Slipp moved, and Mr. David seconded, to close the Public Hearing. Vote: 5 in favor, none opposed, no abstentions.

Mr. Wiskind proposed the following Resolution:

WHEREAS, Ms. Carol O’Neil-Roberts, of 12 Dellwood Lane, Ardsley, New York, has applied to this Board for a variance from strict application of Section 200-83 Subdivision B of the Zoning Ordinance of the Village of Ardsley, which limits the maximum floor area permitted to 7,855 square feet where applicant requests permission to increase existing floor area to 8,215 square feet, and for a

variance from strict application of Section 200-83 Subdivision C of the Zoning Ordinance of the Village of Ardsley, which limits land coverage of subject property to 8,407 square feet and applicant seeks permission to cover 10,598 square feet; 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 12 Dellwood Lane, Ardsley, New York, and designated as Section 6.30, Block 14, Lot 33 in an R-1 single-family residence 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 at the Municipal Building, 507 Ashford Avenue, Ardsley, New York, on October 26, 2016 after due notice by publication, which public hearing was continued November 30, 2016 and December 21, 2016; and

WHEREAS, at the hearing, applicant Carol O'Neil-Roberts and co-owner Pat Acocella, together with architect Sid Schlomann, appeared in support of the application, and no one appeared in opposition to the application; and

WHEREAS, applicant desires to construct a three-car garage with storage and other space located above it, as there is neither a garage nor basement in the existing house, and applicant also wishes to create a paved driveway leading to the garage as there currently is no driveway on the property; and

WHEREAS, in consideration of the excess land coverage created by the garage and driveway, applicant has agreed to remove several sheds and much of the existing accessory impervious surfaces such as stone patios or walkways, for a total removal of 1,235 of impervious land coverage; and

WHEREAS, in 2009, applicant had requested and received a variance from the Zoning Board of Appeals to construct a two-car garage but did not pursue construction at that time, and although the present application is for a larger version of the earlier project, it is not dissimilar in that the 2009 variance was also for land coverage greater than 10,000 square feet; and

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

WHEREAS, this Board, 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) neither an undesirable change in the character of the neighborhood nor a detriment to nearby properties will be created by the granting of the variances, as it would be more desirable to neighbors for owners to park their motor vehicles in a garage rather than leaving them outside, and as neighboring properties have garages of similar sizes;
- (2) the benefits sought by the applicant cannot be feasibly achieved other than by variances, as a garage is the only viable way to store motor vehicles and a driveway is the most feasible way to access a garage, and providing storage within and above the garage is the most feasible means to create storage without increasing the land coverage beyond that of the garage itself;
- (3) the requested variance for floor area is not substantial as it is less than five percent, and the requested variance for land coverage is larger but this is minimized due to the overall lot size which is almost a quarter of an acre larger than required for the neighborhood, and due to the relative isolation of the property which has street frontages on two sides and a public school's athletic field on a third side;
- (4) the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district in that the addition is consistent with the style of the rest of the house and is in keeping with the size and style of neighboring properties, and there are no neighbors on the side of the property where the garage would be constructed and there is sufficient screening and vegetation on the property; and
- (5) the circumstance requiring the variances was not self-created, as the current house has no garage or basement, and although applicant built the house, that was more than fifteen years ago, and shallow rock precluded the construction of a basement.

NOW THEREFORE, be it Resolved that the applications of Carol O'Neil-Roberts are granted, contingent upon the removal of 1,235 square feet of existing land coverage pursuant to plans submitted to the Zoning Board of Appeals.

PROPOSED BY: Mr. Michael Wiskind. **SECONDED BY:** Ms. Ellen Slipp

VOTE: 4 in favor, 1 opposed, 0 abstentions, as follows:
Patricia Hoffman, Chair – NAY,
Jacob Amir – AYE
Mort David – AYE

Ellen Slipp – AYE
Michael Wiskind – AYE

5) **Adjournment**

There being no other business before the Zoning Board of Appeals, on motion of the Chair, seconded by Mr. Amir, which motion passed unanimously, the meeting was adjourned at 9:22 PM.

Respectfully submitted,
Judith Calder
Recording Secretary