

**MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, AUGUST 23, 2017**

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

1) Call to Order

The Chair called the regular meeting to order at 8:01 pm.

The Chair announced that the Agenda will be taken out of order.

2) Announcements and Approval of Minutes

Announcements

The Chair announced that the next meeting of the Zoning Board of Appeals is scheduled for Wednesday, September 27, 2017 at 8:00 pm.

Approval of Minutes

Mr. Wiskind moved, and Mr. David seconded, that the Minutes of the July meeting be approved.

Vote: 4 in favor, none opposed, none abstaining, as follows:

Patricia Hoffman, Esq., Chair –	aye
Jacob Amir, Esq. –	aye
Mort David –	aye
Michael Wiskind –	aye

3) **Public Hearing**

Interpretation of Village Code Requirements

The Thorpe-McCartney Family Limited Partnership (by Thornwood Four Corners, LLC, Lessee)

657 Saw Mill River Road, Ardsley, New York

Section 6.50, Block 35, Lots 8, 9, 10 and 11, in the B-1 General Business District

For a determination whether legal non-conforming gas station use is abandoned (Village Code Section 200-100D).

Mr. David moved, and Mr. Wiskind seconded, that this matter be adjourned.

Vote: 4 in favor, none opposed, none abstaining, as follows:

Patricia Hoffman, Esq., Chair –	aye
Jacob Amir, Esq. –	aye
Mort David –	aye
Michael Wiskind –	aye

4) **Public Hearing**

Application for Variance from Village Code Requirements

Astoria Federal Savings & Loan Association. a/k/a Astoria Bank

(by Lewis Sign Co. LLC, for Sterling Bank)

731 Saw Mill River Road, Ardsley, New York

Section 6.50, Block 30, Lots 3 and 4, in the B-1 General Business District

For a proposed new exterior business name wall sign, with vertical measurement and overall lettering height exceeding maximum permitted dimensions (Ardsley Village Code Section 200-82C(2)(a)[2]).

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

Attendees: Liz Manning, Lewis Sign Company

The Chair advised applicant that only four of the five Board members were present, that three votes were still required to grant a variance, and that applicant therefore had the option to adjourn the hearing. The applicant agreed to proceed with four members.

The Chair read the Legal Notice.

Open Public Hearing

The Chair advised that there had been a previous application for a variance when Astoria put up a new sign.

Ms. Manning provided the sixteen green cards that had been received out of the nineteen that had been mailed.

Ms. Manning stated that Sterling Bank has taken over a lot of pre-existing bank businesses in the Hudson Valley. Ms. Manning stated that she believes that Sterling is taking over two or three Astoria banks.

Ms. Manning stated that the logo provided is Sterling's recognized area logo, in appearance, color, and lettering style. Ms. Manning noted that the sign is taller in toto than is allowed by Code, but pointed out that the lettering itself is quite moderate in size. Ms. Manning also pointed out that the front of the building is not really visible from Saw Mill River Road, but is in a strip mall that is well set back from Heatherdell Road, such that the sign would not be visible except from the parking lot, and would not be visible to residences or passers-by.

The Chair asked the size of the current Astoria sign. Ms. Manning stated that she did not know, as her company took over the project only about a month ago. Mr. Wiskind asked if the proposed sign is the same as that provided by the prior sign company, and Ms. Manning assured him that it is. Ms. Wiskind asked if the sign would be constructed of the same materials and have the same lighting. Ms. Manning replied that it would, and added that it is a box sign.

Mr. David asked about the proposed hours of illumination. Ms. Manning replied that they always comply with whatever restrictions are placed by the municipality.

The Chair asked the proposed size of the Sterling logo, and determined that it 24-1/4" high. The Chair noted that according to the documentation of the prior variance application by Astoria, the prior logo, the large "A," was 2.2 feet six inches, and this proposed logo is smaller. Mr. Wiskind added that the text on the prior sign was twenty-two inches high, whereas the letters on this sign are twelve and a half inches high, set on two lines with spacing in between.

Mr. Wiskind noted that the prior sign was composed of individual letters set onto the brick face of the building, whereas this sign is a large panel. Mr. Wiskind asked if it would be possible to do this sign directly on the brick. Ms. Manning replied that she cannot recall one they have done for Sterling Bank that way, but added that she could ask corporate headquarters.

Ms. Manning produced a sample of the color and material that would be applied to the light box. Mr. Wiskind asked how far the light box would protrude from the building façade. Ms. Manning replied that the boxes are usually four to six inches deep.

Mr. Amir asked if the existing lettering is on the building or on a board. Ms. Manning stated that a “raceway” or strip currently holds the individual letters. Mr. Wiskind asked if the existing sign is comprised of individually lighted letters, and Ms. Manning confirmed this, as opposed to the proposed sign, where the letters would be on a light box.

Mr. Wiskind asked if applicant had pictures showing what the proposed sign looks like installed and illuminated. Ms. Manning stated that she had no photographs taken at night, only an artist rendering.

The Chair asked if applicant would be replacing both the sign on the bank building and the panel on the free-standing sign, and Ms. Manning replied in the affirmative. The Chair asked if the Sterling panel would go in the same slot as the Astoria panel, and Ms. Manning confirmed this as well. The Chair asked if the sign would be illuminated. Ms. Manning stated that she believes that it will be, and added that the free-standing sign seemed to be an illuminated sign, but acknowledged that it was not illuminated when she walked past it earlier.

The Chair stated her inclination to grant the variance, as the proposed sign would be smaller than the existing sign, and that therefore the variance would be less than the prior variance. The Chair also noted that the letters of the proposed sign are smaller than the letters of the existing sign and the length of the proposed sign is less than the length of the existing sign, and that proposed panel in the free-standing pylon is same size as the existing panel. Mr. Amir indicated his inclination to concur on the same grounds. Mr. Wiskind agreed that the size of the letters and of the sign were improvements over the existing sign, but expressed reservations about the color. The Chair asked Ms. Manning if applicant was required to go to the Board of Architectural Review. Ms. Manning stated that she was not aware of being required to do so, and added that the Building Inspector had not mentioned it to her. The Chair asked if the Board wanted to refer the matter to the Board of Architectural Review. Mr. Wiskind stated that he would recommend that any variance granted be made subject to review by the Board of Architectural Review. Mr. David agreed that this would be preferable procedure, as it would be unfair to delay applicant further. Mr. David added that his only issue was the schedule for the illumination of the sign. The Chair asked the Board if illumination should be limited to the restrictions on the existing signage. Mr. Amir suggested that the illumination be permitted consistent with existing use and allowances. Mr. Wiskind pointed out that the 1995 approval limited illumination to the hours of 9am to 8pm. The Chair commented that banking hours have changed, and noted that other signs in the Village are illuminated until 10 pm.

The Chair asked if anyone from the public wished to speak in support of or in opposition to the application, and no one so wished.

Mr. David moved, and Mr. Amir seconded, to close the public hearing

Vote: 4 in favor, none opposed, none abstaining, as follows:

Patricia Hoffman, Esq., Chair –	aye
Jacob Amir, Esq. –	aye
Mort David –	aye
Michael Wiskind –	aye

Close Public Hearing

Mr. David proposed, and Mr. Amir seconded, the following Resolution:

WHEREAS, Astoria Federal Savings & Loan Association (hereinafter referred to as “Astoria”), of 1 Astoria Bank Plaza, Lake Success, New York, 11042, has applied to this Board for a variance from strict application of the requirements of Section 200-82 Subdivision C(2)(a)[2] of the Zoning Ordinance of the Village of Ardsley, which limits the maximum permitted vertical measurement of exterior wall signage to Two Feet, where applicant requests permission for new building occupant, Sterling National Bank (hereinafter referred to as “Sterling”), to replace existing Astoria sign with a new Sterling exterior wall sign of an overall height of three feet, and which limits the maximum permitted vertical measurement of letters to Two Feet, where the proposed replacement sign has letters of Twelve and One-Half Inches which on two lines with space in between combine to a height of Two Feet and Two and Six-Tenth Inches; 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 731 Saw Mill River Road, Ardsley, New York, and designated on local tax maps as Section 6.50, Block 30, Lots 3 and 4, in the B-1 General Business District; and

WHEREAS, a Public Hearing on this application was held by the Zoning Board of Appeals at the Municipal Building, 507 Ashford Avenue, Ardsley, New York, on August 23, 2017, after due notice by publication; and

WHEREAS, at the Hearing, Elizabeth Manning of Lewis Sign Company LLC, appeared on behalf of Sterling in support of this application, and no one appeared in opposition to this application; 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 the building is located within a commercial mall and is not visible to the street, and as the proposed sign replaces an existing sign;*
- (2) the benefits sought by the applicant cannot be feasibly achieved other than by variances, as a business notifies potential patrons of its existence and location only through appropriate signage that is recognizable by being consistent with signage for the same company in other locations, and as this consistency of identification is especially necessary where one bank is replacing another bank in the same location;*
- (3) the requested variances for the height of letters and height of sign are not substantial, as the height of the individual letters at twelve and one-half inches is considerably shorter than the twenty-two inch high letters on the sign to be replaced, and also are not substantial in that, while the overall sign height is higher than the sign to be replaced, the overall length of the proposed sign is shorter; and also are not substantial in that the requested sign variances for the proposed new sign are for lesser variances than had previously been granted for the existing sign to be replaced;*
- (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 wall sign will be mounted within a commercial strip mall and will be visible neither from Saw Mill River Road nor from residences on Heatherdell Road, and will not be illuminated after ten o'clock in the evening; and*
- (5) the circumstance requiring the variances was not self-created in that the corporate logo existed prior to Sterling occupying the site previously occupied by Astoria.*

NOW THEREFORE, be it resolved that the application of Astoria Federal Savings and Loan Association a/k/a Astoria Bank is granted, with the understanding that the sign may not be illuminated after ten o'clock in the evening, and with the understanding that this matter is also being referred to the Board of Architectural Review, which has jurisdiction over sign colors and illumination.

PROPOSED BY: Mr. Mort David

SECONDED BY: Mr. Jacob Amir

VOTE: 4 in favor, none opposed, none abstaining, as follows:

Patricia Hoffman, Esq., Chair –	AYE
Jacob Amir, Esq. –	AYE
Mort David –	AYE
Michael Wiskind –	AYE

5) **Adjournment**

There being no other business before the Zoning Board of Appeals, on motion of Mr. Wiskind, seconded by Mr. Amir, which motion passed unanimously, the meeting was adjourned at 8:35 PM.

Respectfully submitted,
Judith Calder
Recording Secretary