

**PROPOSED MINUTES
VILLAGE of ARDSLEY
ZONING BOARD of APPEALS
REGULAR MEETING
WEDNESDAY, FEBRUARY 28, 2024**

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

1) Call to Order

The Chair called the regular meeting to order at 7:57 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, March 27, 2024, at 8:00 pm.

The Chair announced that the agenda would be taken out of order.

Approval of Minutes

The approval of minutes was deferred to later in the agenda.

3) **Public Hearing**

Application for Variance from Village Code Requirements

Joseph Pisanti and Ashley Maranino

611 Ashford Avenue, Ardsley, New York

Section 6.90, Block 90, Lot 8, in an R-3 One-Family Residential District.

For an Area Variance to exceed maximum permitted Floor Area, subject to Planning Board Special Permit approval, to convert a portion of the unfinished basement into a proposed Accessory Dwelling Unit (Village Code § 200-83B)

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

Also Present: Joseph Pisanti
Ashley Maranino
Scott O'Neill, designer

Mr. O'Neill explained that applicants seek an area variance to exceed the maximum permitted Floor Area by 169 square feet for the purpose of building an Accessory Dwelling Unit (ADU) in the unfinished basement of an existing structure. Mr. O'Neill stated that they are keeping it below the 800 square foot and thirty percent [maximum size limitations permitted by Village Code 200-100.23]. Mr. O'Neill stated that applicants have owned the property since 2020 and want their parents to move into the ADU as a primary residence.

Mr. O'Neill stated that all the work for the proposal will be on the building interior, within the basement, that it will not change the building footprint, nor involve any structural alterations. Mr. O'Neill opined that this will not alter the character of neighborhood nor be detrimental to nearby properties.

Mr. Amir asked about the existing and proposed square footage and layout of the premises. Mr. O'Neill advised that the existing floor area is 3,739 square feet, where 4,362 square feet is the maximum permitted for the 12,125.5 square foot lot, and that 4,532 square feet is proposed, and that it is currently a Four-Bedroom home and that they propose adding a One-Bedroom ADU with its own bath, laundry and kitchen.

The Chair stated that Building Inspector Larry Tomasso had advised that the basement playroom could not open into the ADU, and noted that on the plans it appears that the playroom does open to the ADU. Mr. O'Neill stated that he had designed it that way

because applicants need to access the main utility room from upstairs. The Chair noted that the Building Inspector had outlined three possibilities in a letter to Mr. O'Neill, and asked if they were pursuing the first possibility, and Mr. O'Neill confirmed that this was the case. The Chair asked if the Building Inspector, contrary to what he had previously advised, now found that acceptable. Mr. O'Neill said that he believes that Mr. Tomasso is okay with that but that he needs to double check with him. Mr. O'Neill confirmed with Ms. Maranino that if Mr. Tomasso was not okay with it, they would not do it. Mr. O'Neill reminded Ms. Maranino that the homeowners would still need access to that main utility room. She and Mr. Pisanti confirmed their understanding of this.

The Chair pointed out that if the door to the bathroom was on the side facing the living room, then perhaps the ADU could be closed off and still have access to that corridor, if that were necessary. The Chair added that as drawn it would provide the ADU with a second egress other than an egress window.

The Chair asked if there was an egress window elsewhere than the bedroom in the ADU, and Mr. O'Neill stated that there would be two egress windows in the bedroom.

Mr. David asked if the unit has a separate (exterior) entrance, and Mr. O'Neill replied that there is a separate entrance. Mr. David asked if that separate entrance was other than through a garage. Mr. O'Neill stated that there is a stairwell shown on page 2 of the drawings.

Mr. David noted that the Building Inspector had commented about the displacement while the work is done, and asked if anyone other than the immediate family currently lived in the house. Ms. Maranino stated that her mother is living with her brother and her sister and herself, and currently spends two or three days a week living with each of them. Mr. O'Neill added that Ms. Maranino's parents sold their house and now are looking for someplace to live. The Chair noted that the Building Inspector had suggested that if the project took longer to get started there might be a need for temporary housing, and Ms. Maranino replied that she thinks her parents would prefer to "bounce around" between herself and her siblings than to be anywhere else.

The Chair asked Mr. O'Neill if he knew how many ADUs there currently were in the Village, and Mr. O'Neill replied that he did not know. The Chair acknowledged that it was likely that Mr. Tomasso would have mentioned it if there had been an issue with the number of ADUs approaching the maximum of fifty that is the limit set by the Village Code.

Mr. David asked if the home was in a flood plain, and Mr. O'Neill said that it was not. Mr. David asked if there was an issue with drainage, and Mr. O'Neill stated that there was not.

The Chair pointed out that the house has two different sump pumps, and asked if there is a problem with water in the house. Mr. O'Neill stated that there had been a problem but that the two sump pumps and an interior French drain had solved the problem.

The Chair acknowledged that the current intended use of the ADU is for the extended family, but noted that if a new owner wants to use the ADU for someone unrelated, the Chair would want it to be set up so that it would work for a future owner too. The Chair gave the example that currently the ADU will be accessed primarily through the house, and sought confirmation that there also is access with exterior stairs, and Mr. O'Neill confirmed this access. The Chair pointed out that the ADU will have its own laundry facilities, and asked if there would be separate meters for water or electricity, and Mr. O'Neill replied that there would not be, that it would all be on the same utilities.

Mr. David asked about the difference between a finished and unfinished basement, and Mr. O'Neill replied that it is usually considered "finished" if it is heated and sheet rocked. The Chair asked if it currently is not [heated and sheet rocked], and Mr. O'Neill said that it is not. The Chair asked if [the unfinished basement] is being used for anything now, and Mr. O'Neill replied, "just storage."

Mr. David noted that one reason for accessory housing is to produce income, and asked if rent will be involved in this case. Mr. O'Neill said that there would be no rent as the applicants' purpose in creating this unit is for use by their parents.

The Chair sought assurance that the applicants understood that if the Zoning Board were to approve the application, they would need to go to the Planning Board for a special permit. Mr. O'Neill confirmed this understanding.

Mr. Del Grosso asked where the entrance to the ADU would be. Mr. O'Neill said that it currently exists and is at the right rear corner of the house. The Chair noted that the house was built recently and asked Mr. O'Neill if that entrance has a handrail and is of suitable width and meets code in all respects, and Mr. O'Neill confirmed that it does.

The Chair asked if the house is sprinklered and if the basement will be as well. Mr. O'Neill said that the basement sprinkler heads just need to be redirected.

Mr. David stated that he knows of at least six other multiple generation housing situations in the Village, and asked why they want to create an ADU rather than just finishing the basement. Mr. O'Neill said that they want to add a bathroom and a kitchen, and that the Building Inspector had recommended this method. The Chair noted that this would provide greater flexibility now and down the road, and Mr. O'Neill concurred.

Mr. Amir asked where the ADU entrance could be seen in the photos, and Mr. O'Neill said that the entrance is on the opposite side of the house shown in the photo.

Mr. David noted that the information provided states that there is off-street parking, and asked for how many cars there was off-street parking. Mr. Pisanti stated that the driveway fits six cars in addition to those that would fit in the garage. The Chair noted that only one extra off-street parking space is required for an ADU.

Mr. Amir asked if the walkway wraps around to the back of the house [where the ADU entrance is]. Mr. Pisanti and Ms. Maranino replied that it does not. Mr. Amir asked if Ms. Maranino's mother drives, and Ms. Maranino replied that she does. Mr. Amir asked if she would have to walk on the grass to get to the ADU entrance, and Ms. Maranino confirmed this, and the Chair added that the ADU unit also could be accessed through the house.

Mr. Del Grosso asked if the addition of 793 square feet creates the non-conformity requiring a variance. Mr. O'Neill stated that the basement did not initially count [toward the square footage used in determining the Floor Area Ratio (FAR)]. Mr. Amir asked if [the FAR] applied to finished or unfinished basements. The Chair stated that the Building Inspector had advised that it was supposed to include both finished and unfinished basements, but that it has not been implemented that way because it would prohibit most construction. Mr. O'Neill added that if it had been implemented that way, this house would have been non-conforming when built. Mr. Amir concluded that this is not the issue before the Board.

The Chair asked if any members of the public wished to speak on this application, but was informed that the only people present were family members of the applicant. The Chair stated that the Board had received two letters of support from neighbors, one from Aman Thapir at 2 Abington, and one from Jacqueline Moore at 2A Abington.

Mr. Del Grosso noted that the neighbors' letters are in enthusiastic support of the application. The Chair added that this is in the spirit of what the provision for an ADU is intended to provide. The Chair asked the location of the neighbors who wrote the letters relative to the subject property, and Mr. Pisanti said that they are directly across from the driveway, so theoretically the closest neighbors. Mr. Amir noted that if any neighbor were impacted by the proposal, these are the neighbors who would be.

Mr. Amir moved, and Mr. Del Grosso seconded, that the Zoning Board close the Public Hearing.

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

Michael Wiskind, Chair – Aye

Jacob Amir –	Aye
Mort David –	Aye
Serge Del Grosso –	Aye

Close Public Hearing

The Chair advised that the procedure is to poll the Board, and that if there is consensus in favor, the Board then drafts a Resolution to be voted on at the next meeting.

After polling the Board, the Chair advised the applicants that they could notify the Planning Board that the Zoning Board is four in favor of, and none opposed to, granting the variance, but that the formal Resolution will be voted on only at the Zoning Board's next meeting, which the applicants need not attend.

The Chair spoke with Mr. Tomasso by telephone to clarify the issue of the playroom opening into the ADU, and concluded that the applicants modifying their proposal to satisfy the Building Inspector regarding this matter should be made a contingency of any Resolution.

4) Approval of Minutes

Mr. Amir moved, and Mr. David seconded, that the Zoning Board of Appeals approve the minutes of the meeting of January 24, 2024, as amended.

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

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

5) Proposed Resolution

Granting a Variance from Village Code Requirements

YC Ardsley Deli LLC, by Craig Weitz

472 Ashford Avenue, Ardsley, New York

Section 6.50, Block 18, Lot 2, in the B-1 General Business District

For Sign Variances, to install proposed:

(A) Projecting, Double-sided, Side Wall Signs, Exceeding Maximum Permitted Overall:

(i) Sign Area, (ii) Sign Height, (iii) Projection of Sign from Building, (iv) Sign Lettering Height, and (v) Internal Sign Illumination; and

(B) Two Principal Front Wall Signs, Exceeding Maximum Permitted Overall:

(i) Sign Height, (ii) Sign Width, (iii) Sign Lettering Height, and (iv) Number of Signs per Street Façade

(Village Code § 200-82)

NOTE: Variance request A was withdrawn in full by the applicant, and variance request B was modified to only cover item (iv) regarding the number of signs per street façade.

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

Mr. Amir proposed, and Mr. Del Grosso seconded, the following Resolution:

WHEREAS, YC Ardsley Deli, LLC, 506 Ashford Avenue, Ardsley NY 10502, has applied to this Board for a variance from Section 200-82 of the Zoning Ordinance of the Village of Ardsley, to permit two principal front wall signs, i.e., number per street façade, without also requiring a variance for height, width, or lettering height as had been noticed; 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 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 November 29, 2023 and continued on January 24, 2024 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 two separate establishments (a deli and pizzeria), each apparently having its own signage, and the applicant intends to maintain a food establishment by combining both commercial spaces for one use, 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, in that the premises has two storefront doors, separated by the entranceway to the upstairs residential unit. One front door of the business is intended to be used for regular ingress/egress and the other is intended to be used for emergency purposes only, but nevertheless the unique existence of two front doors makes the existence of two signs, one above each door, an appropriate method of providing signage for the premises;
- (3) the requested variance is not substantial, as stated above, in that the proposed two principal wall signs are proportional and symmetrical to the façade of the premises, and appear to naturally comport to the main façade given the two entryways at the front of the applicant's business;
- (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 the premises is situated at the corner of the row of businesses in Addyman Square, does not deflect or take away from signage as to other businesses, and the purpose of the signage promoting the applicant's business is consistent with the purpose of neighboring businesses promoting eateries in Addyman Square; and
- (5) the circumstances requiring the variance 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, with the unique situation of having two storefront entrances separated by an entrance to the upstairs residential unit.

NOW THEREFORE, it is resolved that the application of YC Ardsley Deli, LLC, affecting the premises known as 468-472 Ashford Avenue, Ardsley, New York, is granted.

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. Mort David –	ABSTAIN
	Mr. Serge Del Grosso –	AYE

6) Adjournment

Mr. Amir moved, and Mr. David seconded, that the Zoning Board of Appeals adjourn its meeting at 8:54 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