

**MINUTES OF REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF BRONXVILLE HELD ON MAY 9, 2012 AT THE VILLAGE HALL, 200
PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Eric Blessing	Chairman
	Anna Longobardo	Vice Chair
	James Murray	Member
	Adrienne Smith	Member
	Rene Atayan	Alternate
	Vincent Pici	Superintendent of Buildings
EXCUSED:	Gary Reetz	Member
	Randolph Mayer	Alternate

Chairman Blessing called to order the regular meeting at 7:27PM.

Chairman Blessing announced that Don Henderson has resigned his position as Chairman of the Planning Board due to the sale of his home and has moved into New York City. Gary Reetz has become a regular voting member and Rene Atayan is now an alternate member.

APPROVAL OF MINUTES

On motion of Ms. Smith, second by Mr. Murray, the Board approved the minutes of the Regular Meeting on March 14, 2012.

PRELIMINARY APPLICATION – 3 Sagamore Road – Wine Bar & School

Philip Hedges, applicant, has lived in the area for 15 years, has had a boutique wine consulting business and has studied wine for 30 years academically. He is in the process of getting his Masters of Wine. According to Mr. Hedges, there are only 280 people in the world that have this designation. He is looking to have a very sophisticated wine bar and school in one building on Pondfield Road. The space is currently empty. He feels that the building location opposite the train station will give them walking traffic. This will be a wine bar with a very limited menu. He is a trained chef as well. He has researched other wine bars in the County and there is only one wine school in the County. The wine school will be fun yet serious. The curriculum is currently being worked on. His hours of operation will be during the week in the evenings and on Saturday mornings. There is an abundance of parking close at hand.

Ms. Longobardo confirmed that this is a pre-application and no decision will be made.

Chairman Blessing said this is really an indication of interest, to hear the facts and to advise the applicant if they should proceed.

Mr. Hedges reported that the menu he has in mind will be from a cold kitchen and that there will be no deep fryer or cooking as such, only a microwave.

Ms. Smith inquired about the preparation of the hot dishes served and if they would be prepared off-site. She also asked if there would be an exhaust system.

Mr. Hedges responded that the meals will be prepared off-site and heated up in the microwave. There will be an exhaust system.

Mr. Murray mentioned that he thought there was another wine bar in Bronxville.

Mr. Hedges answered that there are none in Bronxville. His intention is not to compete with the other local restaurants. He will change the wines every 6 weeks, will serve the wine by the glass and the main focus will be on the wine and not on the food.

Ms. Longobardo inquired about the maximum capacity when the applicant is having classes. She also asked about what happens during wine school.

Mr. Hedges replied that he is restricting the classes to 10 students because the classes need to be very interactive and interesting. The rest of the space will be dedicated to the wine bar. There are two areas of learning – how the wine is made (the science of it) and why the wines are so different from different areas of the world.

Ms. Smith asked about how the advertising will be done.

Mr. Hedges said by word of mouth, in Westchester County magazines, using standard advertising mediums and that he has a wide network to tap into.

Ms. Atayan wanted to know if he was funding this on his own or if he had a relationship with distributors.

Mr. Hedges responded that he and his wife are funding the bar and school on their own and that he will work with 6 or 7 distributors. The wines served will not be available in local stores or in the area. The wines will not be commercially available.

Mr. Murray asked if the applicant will sell wine for outside consumption.

Mr. Hedges answered that wine served will be for consumption only on-site – there will be no bottles of wine for sale.

Superintendent of Buildings, Vincent Pici, said this location has commercial zoning and that there is no provision for a wine bar in the Village Code. There are issues revolving around the zoning and variances may need to be obtained. He recommended sending the applicant to the Zoning Board. This really is not a restaurant and there is really no definition in the Village Code that meets the needs of the applicant. Also, there are issues with capacity, the kitchen and the nature of use.

Chairman Blessing asked if the applicant was contemplating a license to serve alcohol.

Mr. Hedges replied that he was and that he was in the process of obtaining one. There will be sufficient food types for customers to have a full meal. The applicant was concerned that if he has to go before the Zoning Board that it would add another month to this process. He has already taken 3 months to negotiate a lease.

Mr. Pici said the next Zoning Board meeting is in June. There is no zoning classification for this type of use. It is an onerous process to get this approved. He suggested the applicant protect his interests as this process could take months.

Chairman Blessing commented that conceptually this is an interesting idea. The applicant will have to go through Superintendent of Buildings Vincent Pici and the Zoning Board in order to get this done and then come back to the Planning Board.

Ms. Smith asked Village Attorney James Staudt if he could expand on the meaning of restaurant.

Mr. Pici said that options need to be discussed. There are zoning issues that need to be addressed before the Planning Board can review the application. The applicant could speak with his architect and potentially make it more of a restaurant.

Ms. Longobardo said that a wine bar in Bronxville is a great idea.

Chairman Blessing commented that whatever is in the Village Code is what needs to be followed.

SITE DEVELOPMENT – 117 Pondfield Road - Landscape Review (The Lombardo Group)

Ms. Longobardo reported that the Design Review Committee looked at the landscape and liked what they saw. There were some things moved and several other issues.

Mr. Dean Davis, architect, reported that the previous approved site plan allowed for the landscape to over-reach the property line and resulted in a reduction of plant materials. The parking area is set. The green roof on the terrace area developed some problems with long term maintenance and the owner felt that investing in this and not having it survive would be wasteful. The intent is to keep some green on the roof with planters that would be visible from the street. There will be a limited paved/wood deck and gravel in the remaining areas. This roof will be used on occasion for the owner to sit with clients. The drainage was increased by the amount of absorption up top on the roof and has adequate capacity.

Mr. Leonard Puder, owner of Lieb's Landscaping, spoke about the plantings and that they are now on the entire property line. The applicant has kept trees on site, has evergreen ground cover, there is not a lot of color. These are very subdued plantings. Visibility of entering/exiting the parking lot is preserved. The visibility of the storefront is preserved on all sides. There are small evergreens in front of the windows.

Chairman Blessing inquired about when the retaining wall was pushed to the property line if there was a condition that shrubs would be put there.

Mr. Davis replied that the owner would be happy to put shrubs there but he is not sure who to contact with the recent sale of the church property. He felt that evergreens would be appropriate in this space.

Mr. Dean Lombardo, son of the owner, commented that they have tried to reach out to the previous owner about the plantings but have not had any success.

Ms. Longobardo asked about the safety railing on the roof.

Mr. Davis responded that a safety railing is required by Village Code. An iron railing would penetrate the roof so they came up with a stainless steel high tension railing with wires running horizontally. This is very hard to see and the applicant will bury the vertical posts with foliage.

Chairman Blessing asked what the railing would be anchored to.

Mr. Davis answered that it would be bolted to the wall with no penetration of the roof.

Ms. Smith said the back of the building looks stark and asked if this could be changed or softened.

Mr. Puder commented that there are 3 evergreen trees under the cherry tree, the boxwoods would be kept knee high and that against the building and under the windows there are upright boxwoods and evergreen ground cover. The space is very narrow – about 18” – so it is very restricting.

Ms. Longobardo wanted to know if there were invasive plants used.

Ms. Marilyn Timpone-Mohammed, consultant from F.P. Clarke Associates, said that New York State has not banned invasive plants. She does not recommend the applicant to plant invasive plants.

Ms. Longobardo reported that there were representatives from the Tower Building and that they were not happy with the lack of screening/fencing along the Post Office side.

Mr. Davis said that the apartments are high and have a view of the Post Office. To cover this space would require tall plantings along the property line. He felt that evergreens would be perfect for this space. He said that the owner would have to lose one parking space to allow for blockage of the Post Office for higher elevations.

Chairman Blessing inquired if there might be a bit of land for planting these without losing a parking space. Also, he asked about space on the Post Office side.

Mr. Puder responded that they would need about 3 – 4 feet of space for trees on the Post Office side.

Mr. Lombardo said that they cannot give up a parking spot. In the future, there will be issues with roots. He would be happy to plant something on the property line, if possible.

Ms. Timpone-Mohammed commented on this landscape plan. There were changes made to the site plan that the Planning Board had approved. It looks like the changes made were substantive enough to require a new application. The removal of the green roof was part of the storm water removal system. She feels that there are significant changes to the site plan to question whether the storm water system will work. She did not suggest that the Planning Board not approve this. She feels that this should be re-reviewed. The green roof was not supposed to be accessible or used (walked on) and now it is.

Mr. Murray asked where the paved area would be as well as the gravel area and whether or not paved was better than gravel for this roof.

Ms. Timpone-Mohammed replied that the green roof was to mitigate storm water and direct it into the storm water management system. The roof is completely paved now so she was not sure if this change will affect the storm water. The gravel is near the Post Office.

Mr. Pici said that revised calculations need to be submitted to his office. Changes were not approved and the applicant ignored the water quality of the storm water management plan by changing the green roof. There has been no diminishment of what was previously approved.

Ms. Smith asked why there was such a great change here.

Mr. Davis responded that the roof was always supposed to be accessible and that he has put in 6 additional drywells.

Chairman Blessing opened the public hearing at 8:27PM.

Mrs. Patty Warble, resident of Tower Buildings, said the residents think the property looks elegant and that the trees removed shielded the Towers from the Post Office. She said the owner gave residents assurance that this would be shielded. She suggested that the loss of one parking spot is a small loss compared to the aesthetics for residents. She felt that some fencing or greenery would provide a barrier for all.

Chairman Blessing closed the public hearing at 8:33PM.

Ms. Longobardo said that plantings along Tanglewylde Avenue will provide a shield at the street level. A major issue is the look of the Post Office and the lack of planting space along the property line. She feels that anything that could be done to mask this would be nice.

Mr. Murray commented that maybe a green fence could be put in to provide shielding.

Mr. Davis said this would not work as it would have to be at least 20 feet high.

Ms. Smith would like everyone to be happy especially since there have been so many changes made. There has to be a way to work something out.

Mr. Pici replied that he is concerned about drainage.

Ms. Atayan feels it would be easier to substitute the invasive plants and is concerned about the storm water management.

Mr. Puder responded that it would be very simple to substitute the invasive plants.

Chairman Blessing reviewed that there were substantial changes made to what was previously submitted. That the applicant will need to have calculations done again on the storm water management by HDR Consultants, the company who did the prior calculations, so that the Planning Board can see if the applicant complies with what was previously agreed to. Also, there are several things that need to be considered with regard to the shielding of the Post Office.

Ms. Longobardo feels that a new site plan should be submitted.

Village Attorney James Staudt said that eliminating the parking spot will create an issue that will cause the need for variances. Generally, landscaping changes do not cause a new site plan application to be done.

Mr. Pici replied that the removal of the parking spot would require zoning changes. He said that if the Planning Board is satisfied with the current plan they can vote on it tonight or they can

request that the applicant submit changes and then vote on it. He suggested vigorously that the applicant put trees on the church side. He feels that the plan is not fully complete.

Mr. Lombardo said that he feels that expectations were far exceeded and that the front needs to be cleaned up and paved so that he can open his business.

Chairman Blessing responded that the Planning Board would like to see the new calculations and will review this application next month.

SITE DEVELOPMENT – 55 Palmer Avenue (Lawrence Hospital Cancer Center)

Kathy Zalantis, Esq., attorney for the applicant reported that she has submitted a letter to the Planning Board regarding the SEQRA review. The hospital wants this Board to have all of the information in order to make a determination. The scope of the project has changed on the recommendation of the Planning Board. All of the information has been submitted and reviewed for the EIFS. There has been a revised and expanded environmental assessment that was submitted. The hospital went before the Zoning Board who in turn adjourned the hospital application. In April a report was sent to the Zoning Board and the Planning Board from the hospital in which their consultants determined that this project was undersized and smaller than what is typically seen for this use. She feels that the Zoning Board cannot hold up the environmental review process and is not sure what the Zoning Board can contribute to the discussion. The hospital is not sure what else is required in order for the Planning Board to make a decision of significance as they feel everything has been met. She respectfully asked the Planning Board to issue a Determination of Significance.

Mr. Murray commented that he thought that the Zoning Board needed to comment on the setbacks.

Village Attorney James Staudt said that the Zoning Board has to make decisions on the setbacks. What is being discussed here is that the Planning Board as lead agency of the project has to determine if there is a significant impact on the environment. Once a determination is made, the applicant meets with the Zoning Board for variance determinations and then the applicant returns to the Planning Board for site plan approval and special permits. The Zoning Board has made no underlying decision on setbacks.

Ms. Longobardo stated that the Zoning Board cannot hold up the SEQRA process.

Ms. Zalantis replied that ultimately it is up to the Planning Board to make a decision. There has to be an end to this process. The Zoning Board claims it does not have the expertise to make a decision. At some point there has to be an action. She requested that draft documents be prepared so that time does not keep going by without a decision.

Mr. Murray asked what happens if the Planning Board approves a draft and then the applicant goes before the Zoning Board and they disagree with variances.

Village Attorney James Staudt answered that the Planning Board decision could prejudice what the Zoning Board does and a problem could be created.

Chairman Blessing said that the Zoning Board is sending the Planning Board a memo.

Mr. Ed Dinan, President of Lawrence Hospital, said that he respectfully understands the deliberations. The applicant has been delayed with no meeting for three months. The hospital has

answered all questions, submitted all information and it is very frustrating. He is concerned that the summer is approaching and that they will miss the good weather for construction. Someone has to move this project along.

Chairman Blessing opened the public hearing at 9:04PM.

Ms. Helen Levitz, resident of Westbourne, commented that there is no doubt that the neighbors want a full EIS which they know the hospital does not want. A full EIS would give the public a chance to give substantive input into the process. They are taking an opportunity to present the resident concerns in a large document that will be submitted. The residents have issues that the Planning Board needs to review before making a SEQRA decision. This is a critical environmental area - 3.5 acres are contiguous with the Bronx River and is definitely a Type I designation. The residents have their own noise report on ambient noise. There are parking issues which will result in traffic and emissions. The residents question whether the roof garden will truly compensate for the removal of 31 trees.

Chairman Blessing closed the public hearing at 9:14PM.

Chairman Blessing stated that he would like to receive the memo from the Zoning Board on this item. The next Zoning Board meeting is on May 22nd. He also said that at the next Planning Board meeting they will be prepared to vote on a negative or positive declaration.

OTHER BUSINESS

None.

NEXT MEETING

The next regularly scheduled meeting of the Planning Board will be held on Wednesday, June 13, 2012 at 7:30PM.

ADJOURNMENT

There being no further business before the Planning Board, a motion was then adopted by unanimous vote to adjourn the meeting at 9:16 PM.

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Respectfully submitted,



Karen A. Buccheri

Secretary to the Mayor & Village Administrator