

**MINUTES OF REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF BRONXVILLE HELD ON JUNE 13, 2012 AT THE VILLAGE HALL, 200
PONDFIELD ROAD, BRONXVILLE, N.Y.**

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

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Chairman Blessing called to order the regular meeting at 7:32PM.

APPROVAL OF MINUTES

On motion of Mr. Murray, second by Mr. Reetz, the Board approved the minutes of the Regular Meeting on May 9, 2012.

**SITE DEVELOPMENT – 117 Pondfield Road - Revised Landscape Plan – Sign & Fence
(The Lombardo Group)**

Chairman Blessing announced that this was a joint review with the Design Review Committee.

Mr. Dean Davis, architect for the applicant, reviewed the minor changes made to the site plan. He reported that a change was made with regard to the cherry tree that was originally proposed and it will now be an elm tree which will offer a much larger canopy and screening. There were also three red maple trees added on the church property with their permission which will help screen the view of the parking area. They have restored the green roof as well as the green space by the air conditioning units in the parking area – there will be grass here. The applicant will run a 6 foot high cedar fence along the Post Office retaining wall. This is Federal property so there is no Village jurisdiction. The applicant has also made changes to the invasive plants to acceptable plants. He feels the applicant has addressed the concerns raised by the Village.

Ms. Smith inquired about the elm tree - how tall it will be and how long will for it take to grow to its full height.

Leonard Puder, owner of Lieb's Landscaping, answered that the tree that will be planted is about 14 – 16 feet tall and that there are limitations to the size of the tree because of the root size and the sidewalk. This is a fast growing tree – about 2 feet a year.

Ms. Smith asked what the height of the tree needs to be in order to block the view from the higher Towers apartments.

Ms. Longobardo said this is not a reasonable expectation and that 14 feet is at least one story.

Mr. Puder replied that the tree will eventually be 60 feet tall.

Ms. Longobardo commented that this tree will have a much bigger canopy.

Ms. Marilyn Timpone-Mohammed, consultant from F.P. Clarke Associates, stated that there have been changes made and the items removed from the original submission have been essentially returned. The green roof is a bit different but it will not have an impact on storm water management. The grass area around the air conditioning will do the same as originally approved. The elm tree is a much better canopy. At the moment, the tree will not have the screening capacity it will eventually have. The planting beds originally went into the right-of-way on the corner of Pondfield Road and Tanglewylde Avenue but now they will not come out as far. The site distances need to be maintained at this location.

Ms. Longobardo said that there tends to be a lot of litter by the bench in this area and it is important to keep it looking nice. The plantings are not encroaching on the sidewalk on Tanglewylde Avenue.

Chairman Blessing opened the public hearing at 7:45PM.

Mrs. Patty Warble, resident of the Towers apartments, inquired if there was going to be a fence along the Post Office.

Mr. Davis responded that there will be a 6 foot high wood fence placed on the existing retaining wall along the Post Office. The top of the fence will be 9 feet high in some spots. This will offer pretty decent screening from all levels.

Mrs. Warble thanked the applicant for making the changes.

Chairman Blessing closed the public hearing at 7:47PM.

Chairman Blessing asked for a motion to grant the site development plan approval. It was unanimously passed on motion of Mr. Murray, second by Ms. Longobardo.

Chairman Blessing said that the Planning Board wanted to thank former Chairman Donald Henderson for his distinguished 15 years of service to the Village. He said that Mr. Henderson served as an assistant counsel, then as counsel, followed by member and co-chair and eventually becoming Chairman. He has guided the Planning Board through many trying times and said that it was difficult to run a Village without someone like Don.

Mr. Henderson thanked everyone and said that it was a privilege for him to come to Village Hall every month to serve the Village.

Ms. Longobardo said that she and Mr. Henderson were two completely opposite personalities but she felt they served the Village well over the years. She learned a lot from Mr. Henderson. She said Mr. Henderson would do things with dispatch and focus on those things that needed to be done. She felt it was a pleasure and honor to work with him.

Mayor Marvin privately presented Mr. Henderson with a certificate and paperweight for his outstanding service.

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

Chairman Blessing reported that the Planning Board had received a memorandum from the Zoning Board regarding the environmental study. He asked the Village consultant to give a synopsis of this memo.

Ms. Marilyn Timpone-Mohammed, consultant from F.P. Clarke Associates, reported that the Zoning Board asked for a peer review of architects for the site layout and position of the site on the campus. The Zoning Board felt that there was no additional need for further studies to be done. The Zoning Board did however discuss some of their concerns and thoughts in the memo. The impact on parking was a concern as they felt the parking plan would create issues in the surrounding neighborhood. There was concern about the traffic flow. The Zoning Board knew a review was done but it showed no appreciable impact on traffic. In terms of parking, the review recommended a parking review study be done after construction of the addition. Pedestrian safety was another concern. Both the Village police department and F.P. Clark Associates did not find any issues in terms of vehicles and pedestrian safety. There might, however, be safety issues during construction which is normal. The draft plan for construction management was reviewed and the Village police department made some suggestions, for example, re-routing the pedestrian walkway around the construction area. With regard to storm water run-off, there were concerns based on flooding issues. There was also concern with regard to the adverse impact on the reduction of green space. The size of the footprint was felt to be a problem. In terms of the removal of trees, storm water management is based on the trees being there. The Design Review Committee and the Planning Board need to review the open space around the property as well as the new addition itself in terms of character of the neighborhood. This item still remains open. The mitigation plan is considered to determine the impact of the new addition. Noise levels will only increase by one decibel once the new addition is in place. This is considered to be imperceptible by the human ear. There was concern with the long term development plan and the building having a foundation capable of supporting up to six stories. The hospital has given testimony that in the short term there are no plans to build the additional three stories and it is prudent on their part to build the foundation in this manner. If this additional space is built, the hospital would have to submit a new application and have the environmental impacts determined at that time.

Kathy Zalantis, Esq., attorney for the applicant reported that the applicant had submitted a petition and letters in support of the project by Village residents. Many residents are strong supporters of this project. The Zoning Board did not make any finding and certain items need to be addressed by the Planning Board. There have been certain items that have been reviewed by multiple consultants of the Planning Board. The revised EAF details numerous submissions made by the applicant. With regard to air quality and storm water management, the Village consultant agreed there would be no impact. The hospital has decided upon a green roof because the benefit outweighs the cost. It will be aesthetically better for all. With regard to parking, it is projected that there will be no future growth through 2019. There are no concerns with traffic and site distances. There have been many months spent on the subject of noise. Two Village consultants reviewed this and it was determined that there would be no impact for noise with the addition. Ms. Zalantis felt that the reverberation study really served nothing. The reported readings done were not witnessed by any consultants. The noise study reviewed that all mechanical equipment would handle all loads.

Municipal water serves the hospital and there would be a small increase in volume with the additional visitors and employees.

The removal of vegetation, fauna and fish is not relevant to this modest addition. There will be a loss of about 15 trees but 37 new trees will be planted.

The Bronx River Conservancy reported no visual impact as well as no drainage impact.

The County of Westchester weighed in on the expansion and felt that the project is consistent with the strategy and planning by the County Planning Board. The County commended the Village and the hospital for adding green technology.

The Village Community Plan notes that the hospital is an important part of the Village.

The hospital needs this addition to remain viable.

The New York State Parks & Historic Resources felt that there is no impact here. There is extensive landscaping being proposed as well as green technology being utilized.

The footprint is being kept to the smallest possible size. The current design is extremely efficient and compact. The proposed location is really the only place to build this addition. Other designs were looked at and it was determined that if it was placed in another spot, it would require the demolition of Palmer Hall, it would destroy the functionality of the hospital and would cause the back office functions to be relocated to the spot where the addition is being proposed.

The architectural style makes for a cohesive building.

The Village consultant was satisfied that there were no hazards to human health.

Cell tower radiation would not be an issue.

There is no substantial change in use of land as it will always be used as a hospital. This is part of the hospital's private property and they will keep the land in keeping with the Village with the goal of enhancing public spaces.

There will be significant green areas on the campus. There will be no new services except radiation therapy and no new patient beds.

With regard to future expansion, the hospital has no intentions to do so at this point. There is no phase development plan. This foundation design just gives the hospital options for those in leadership in the future.

All suggestions made by the Village Chief of Police will be incorporated into the construction plan.

Ms. Zalantis respectfully requested that a negative declaration be made and that one be drafted and adopted at the next meeting.

Mr. Mayer asked Ms. Zalantis if the hospital's opinion on standards for SEQRA are the same as the Zoning Board and if there will be no significant environmental impact.

Ms. Zalantis answered that before proceeding with the Zoning Board there has to be a determination of significance. The Zoning Board reviews and grants variances before the site plan can be approved. There must be a determination of significance made.

Mr. Mayer inquired if a referral can be made without an approval and if she can cite case law.

Ms. Zalantis responded that she has cited case law and that it is very clear that a future expansion project is just speculative and may never occur. This should not affect SEQRA. In context of the total cost, the \$700K is not the driving cost.

Mr. Mayer asked that if after having accepted this footprint how can the Planning Board look at a future project. He asked if the hospital would forego the building foundation for 6 stories as part of the approval.

Ms. Zalantis said that this future expansion may never occur. They are not reserving the right for the future. Nothing approved now has any bearing on the future. The applicant would have to go before a State agency to get approval and show that there is a need.

Mr. Mayer said the Community Plan praises the hospital but does not mention FAR in it.

Ms. Zalantis replied that there is no mention of FAR in the Community Plan. The applicant has the right to fight the FAR. There has been no opportunity by the applicant to present to the Zoning Board on FAR issues.

Chairman Blessing opened the public hearing at 8:40PM.

Ms. Helen Levitz, resident of Westbourne, said she never represented that all residents on the west side are on board with her group. There is concern with storm water issues, the algorithms used and there are two different aspects here - Bronxville has a much higher standard. Parking has been reported as capable of handling the additional 22 new patient visits per day. However, the application to the State reports that the hospital could have an increase of 13% in patients. There will be 31 mature trees going out and 37 new trees coming in. These new trees will not be as mature as the ones going out. With regard to noise, the concern is with the actual movement through louvers and the whoosh sound. Ms. Levitz does not believe that true alternatives were looked at. She feels that the one utilizing the space going down should have been studied better.

Mr. Richard Schneider, Parkview Avenue resident, commented that he appreciates the discussion of temporary impacts but is concerned about permanent impacts. The environmental issues should not be considered "side" issues by the hospital. \$29 million seems like an awful lot of money for this project. He requested that a positive declaration be issued for a full environmental study to be done.

An Eastbourne resident feels that the Planning Board should retain the quaintness of the Village. This is opening Pandora's box. There will be a lot of discomfort felt by all if this project is allowed to proceed.

Mr. John Priesing, a resident, said that the Village has a hospital and it is not going away. The hospital should be as strong as it should be. This project has been studied to death and it is time to move forward. The hospital can only be advanced by new facilities and equipment. Sources of revenue come and go. The long term future of the hospital depends on the approval of this project. He feels that the hospital should be competitive with other hospitals. People need to think about what the economic impact of the hospital is on the Village. It brings business to the community which thus keeps taxes down. It is imperative to keep this project moving along and to keep it continuing to positively impact the economy of Bronxville.

Another resident stated that this project has not been studied to death. The local businesses offer services to residents and not to the visitors of the hospital. She chose to live here for safety for her children. It is the obligation of the Planning Board to preserve the Village scale and character. She feels issuing a negative declaration is a travesty.

Mr. Jim Fay, resident of Northgate, said that 13 units in his building are opposed to this project. The hospital had a heart center and it is now in New York City with Columbia Presbyterian. The hospital services seven zip codes. He is not convinced that this is right for Bronxville.

Ms. Zalantis commented that the northeast corner of the proposed building will be 17 feet to the road. There will be an improvement to pedestrian safety by realigning walkways because of this project.

Ms. Jill Potter, resident's daughter, stated that she is hopeful that the Planning Board will offer a positive declaration on this project. There are potential serious environmental issues that need to be addressed. The construction impact alone is significant.

Mr. Jeff Faville, member of the Design Review Committee, spoke about the peer review done by the architects. He feels the recent design is terrific. It is inviting and unifies all of the architectural elements of the building. His personal opinion is that reducing the size of the footprint should be a goal. Any reduction would be an improvement and would assist the project, the community and be more in line with the rest of the neighborhood. The peer review did not question the basic premise from the applicant – the six state-of-the-art operating rooms. He inquired if it would be possible to make 4 suites available for surgery that does not involve such state-of-the-art equipment. He would like to see more discussion on the footprint reduction.

Ms. Zalantis responded that State law requires a minimum size for operating room size. The hospital is not going much larger than what the minimum requirement is. There is no excess here. No luxuries are being taken. The Zoning Board can analyze the footprint and make a determination.

Chairman Blessing closed the public hearing at 9:10PM.

Ms. Longobardo said that issues like the footprint will be looked at by the Zoning Board and they will determine what variances they will give. None of the additional comments made are things that cannot be examined in the future.

Chairman Blessing reported that the environmental determination of significance does not give an approval for the project. It does not influence the Zoning Board but allows them to vote on specific variances before them.

Village Attorney James Staudt stated that the Zoning Board will still have to go through five criteria to grant variances and make determinations.

Mr. Murray asked if the Zoning Board has to make a decision or take a position.

Mr. Staudt responded that they are not required to take a position and can give little or no information.

Mr. Mayer inquired if the Planning Board can give a recommendation one way or another in addition to the negative/positive declaration.

Mr. Staudt answered that it did not give a recommendation one way or another. It has been the practice with concerns but not with recommendations. The Zoning Board has reached a certain point and needs a negative/positive declaration from the Planning Board to proceed.

Ms. Smith said the Planning Board needs to rely on the consultant studies.

Mr. Murray said that the Planning Board has received numerous reports and that he sympathizes with residents but he feels this project should move along.

Ms. Longobardo said she is taking a neutral position. She would like to see the Zoning Board position.

Village Attorney Staudt reminded the Planning Board that the Zoning Board cannot act until a determination is made.

Mr. Reetz commented that this is a very divisive issue in the Village and he is sorry to see this. This has been a process that has been struggling for some time. He feels it should move to the next step.

Chairman Blessing asked Village Attorney Staudt and Village consultant Marilyn Timpone-Mohammed to draft a negative declaration for specific voting at the next meeting.

OTHER BUSINESS

Ms. Smith reported that she drove by the Fordal Road project and that the house looks very big. She inquired if it was within the FAR of the previous house.

Superintendent of Buildings, Vincent Pici, responded that the FAR has not been exceeded for the lot size and what is being built is what was approved and within zoning parameters.

NEXT MEETING

The next regularly scheduled meeting of the Planning Board will be held on Wednesday, July 11, 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 9:22PM.

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Respectfully submitted,



Karen A. Buccheri

Secretary to the Mayor & Village Administrator