MINUTES OF REGULAR MEETING OF THE PLANNING BOARD OF THE VILLAGE OF BRONXVILLE HELD ON JULY 13, 2011 AT THE VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.

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

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Chairman Henderson called to order the regular meeting at 7:33PM.

APPROVAL OF MINUTES

Chairman Henderson asked the Planning Board if they were satisfied with the minutes. Ms. Smith wanted some clarification on a comment made by Ms. Carroll on page 6 where she said that "97 people diagnosed with cancer". Ms. Smith wanted to know if this was on a local level or a national level.

On motion of Mr. Murray, second by Mr. Longobardo, the Board approved the minutes of the Regular Meeting on June 8, 2011.

SITE DEVELOPMENT – New Cingular Wireless, PCS, LLC (AT&T), Concordia College, Feth Hall

John Furst, attorney from Cuddy & Feder for AT&T said that this was a simple application for a modification to the existing facility. They will be upgrading the facility to meet the demands of their customers. They will route three antennas within the existing façade and there will be no view of this by the public. There will be no modifications to the enclosure. There will be nine antennas in total. Fiber cable will be added inside to the existing equipment room. They have received correspondence from the Village's consultant and inspector and there were no issues.

Mike Musso of HDR, consultant for the Village, said he looked at the site and feels this upgrade is necessary for AT&T as they are looking to enhance their equipment and capabilities. There will be three added antennas behind the stealth screening and there will be no adverse effect on the community. The rooftop can accommodate the additional load. He also looked at the radio frequency emissions and the results show that they are below the general public standard criteria.

Mr. Murray asked if all carriers will need to upgrade.

Mr. Musso responded that they probably will need to upgrade. He said that Metro PCS is looking to deploy and may need another frequency band but if they do upgrade the emissions will be below permissible levels. His report of July 7th states that the applicant should submit to the file access plans and maintenance plans.

Chairman Henderson asked how much the antennas weigh and also what TI222 means.

Mr. Musso answered that they are about 60lbs each which is not a significant load. TI222 is a building code for wireless structures for the Tower Industry Association. It is used as a guideline for structural analysis and should be submitted before a building permit is issued.

Mr. Mayer inquired if the applicant included an analysis on radiation and what the distance from the antenna to the ground is.

Mr. Musso said that the applicant did include an analysis on radiation and that the distance from the antenna to the ground is about 300 – 400 feet.

Mr. Mayer asked if any measurements for radiation were taken on the inside of the building.

Mr. Musso said that it was not common for that to be done because wireless is to project outwards rather than down and that the materials of the building generally prevent any radiation from entering the building.

Chairman Henderson opened the public hearing at 7:48PM.

There was no public comment.

Chairman Henderson closed the public hearing at 7:48PM.

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

SITE DEVELOPMENT – New York SMSA Limited Partnership – Verizon Wireless, Lawrence Hospital

Michael Sheridan of Snyder & Snyder on behalf of Verizon said that an application had been submitted previously.

Mike Musso of HDR, consultant for the Village, commented that this is similar to his previous testimony for AT&T. Verizon is looking to upgrade their existing site. This site currently accommodates several wireless carriers as well as hospital and County antennas. There are 8 antennas and Verizon wants to replace all of them to provide cellular and long term service. The antennas will be replaced in the same location, same height, same color and no one will be able to notice a difference. Verizon wants to add two additional antennas to upgrade the long term 4G service. He has not received any coverage maps. The cumulative impacts at the ground level are well in accordance with permissible levels. He recommended that the structural report should go into the file. He feels there is ample structural capacity for the upgrade and the additional panels. The red screen is effective in shielding the antennas and softens the lines of the hospital. There will be no stealth or panel changes.

Chairman Henderson opened the public hearing at 7:55PM.

There was no public comment.

Chairman Henderson closed the public hearing at 7:55PM.

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

PRE-APPLICATION – New Cingular Wireless PCS, LLC (AT&T), Lawrence Hospital

John Furst from Cuddy & Feder said that AT&T is looking to make modifications to the site at Lawrence Hospital. They are looking to add three antennas, a small GPS antenna to the rooftop and remote radio heads to the bulkhead. The size of the antennas will be similar to the existing ones. There will be a total of nine antennas. The antennas will be painted and all cables will be inside the cable trays.

Chairman Henderson suggested that the applicant submit their application for approval.

Chairman Henderson asked for a motion to grant approval for retaining HDR Consultants to review this site. It was unanimously passed on motion of Ms. Longobardo, second by Mr. Murray.

SITE DEVELOPMENT – 1 Pondfield Road

Maggie Marrone, architect, said the owner would like to replace the windows on the second and third floors in the front of the building. It will be a great improvement over what is currently there. They would also like to paint the building a cream color which will make the entire building the same color. Also, the trim on the existing windows on the first floor will be painted a bronze color.

Mr. Murray asked if there was any reason why the first floor windows were not being replaced as well.

Ms. Marrone responded that it was very expensive and would require the replacement of doors as well.

Ms. Longobardo commented that this renovation is long overdue and will be attractive.

Chairman Henderson opened the public hearing at 8:02PM.

There was no public comment.

Chairman Henderson closed the public hearing at 8:02PM.

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

SITE DEVELOPMENT – Lawrence Hospital Cancer Center

Chairman Henderson said that the Planning Board has received a lot of comments and that the Board has not had any private discussions about where they stand on this application.

Chairman Henderson said that he has a list of things he would like to hear about from the applicant. Parking is a major Village issue. The Board has heard about the construction parking and where people will park. He would like clarification on parking that the hospital has in place such as leases, lengths of leases, and the right to renew the leases.

Chairman Henderson has a concern about the noise and how the ground level will have no additional noise with the proposed addition. He questioned the noise emanating already and the construction adding to it.

Chairman Henderson questioned the design and said that the features on the side facing Alger Court should be made more attractive possibly with windows. He is not convinced that an entrance way as large as the proposed one that takes up so much space should remain and that it might be adjusted to preserve open space.

Ms. Longobardo agreed with Chairman Henderson's issue regarding noise. She feels the upgrading of the operating rooms is a valid use and need and trusts the hospital will enhance them. She is comfortable with the radiation services as well. She does not want this space to encroach on Village space and does not think that the separate entrance, the encroachment on Alger Court and the sub-area in the basement is a requirement/need. She feels this project has been presented as if other facilities have a need for a separate entrance and this is not the case. It detracts from the Village and the Community Plan. This application sounds so cast in stone. There is no feeling as being part of this. The need is there and she wishes it was presented differently as it might have received a better reception by the community. However, she thinks that something good will come of this.

Ms. Smith said she agrees with both opinions. She is very much aware of how long this has been in the planning stages. She would like to have everyone be happy and that happiness will come from the aesthetics. The fortress-like wall facing Alger Court is a problem. For the hospital to maintain its status is important and to be a better hospital. She feels that if the applicant focuses on aesthetics it could be more attractive. It is unfortunate when people live near a facility that needs to grow and be the best it can be.

Mr. Murray said that he does not want the residential character to be changed. He feels that the applicant needs to address changing and softening the wall which would maintain the character of the Village.

Ed Dinan, President of Lawrence Hospital, said that he appreciates the deliberation and thoughts of the Planning Board. He can understand and appreciate their thoughtful consideration. Having a plan on the table is a starting point. The hospital looked at other viable sites to build on but this would not solve the operating room issue and would provide a disconnect in cancer treatment services. He is willing to go back to the designers and his board for consideration on how to soften the exterior and make the building appear less massive than it is. He would like to proceed with the project and resolve this to the Board's satisfaction. He would like to get the necessary applications to the Zoning Board and Design Review Committee because as the market goes up, the prices go up.

Chairman Henderson said that there is no referral needed for going to the Zoning Board but that they need to get to a point that the Planning Board is happy on macro issues prior to the Planning Board making any recommendation to the Zoning Board. They need to be on a parallel track. This is a big project with a lot of technical issues.

Mr. Dinan responded that the hospital will work with Superintendent of Buildings, Vincent Pici, and try and get on the September agenda for the Zoning Board.

Superintendent of Buildings, Vincent Pici, said that until the hospital defines the mass it would not be useful to go to the Zoning Board.

Mr. Dinan responded that he will inquire about eliminating the access corridor and from a mass standpoint this should be able to be accommodated.

Chairman Henderson said that this is about improving aesthetics.

Mr. Dinan said that he will try to proceed on a parallel track over the summer months.

Chairman Henderson answered that timing wise September should work well.

Mr. Pici said that until it is advised he cannot refer the applicant to the Zoning Board. It is based on when submissions are made but that he will work has hard as he can on this.

Mr. Dinan said that the hospital is not here to make enemies but to service patients.

Mr. Tim Becker, architect for Lawrence Hospital, wanted to clarify some changes to the mechanical equipment on the roof in the last year. He did extensive research and found that nothing has changed in recent years. There have been no changes to roof top equipment since 2008, but there were changes made in 2008 for the nursery and 2006 adjustments to the cooling towers. The acoustical reports are valid and reflect all current noise making equipment. They logged day and night sound and found these were within reasonable noise levels with other communities. The sound study is valid and up-to-date.

Mr. Becker reviewed parking and said that they are still working on the construction parking. There is an on-going search for parking for construction workers and the hospital expects that this will be a contingency for approval. It is reasonable to expect this prior to construction. The hospital currently leases three lots – lots 1 and 2 are the Paxton Avenue lot that has a 10 year lease (through 2019), and lot 3 is the Milburn lot with a five year lease (through May 2014) with an option to extend to April of 2016.

Mr. Murray asked if the noise study was done in April would it reflect the air conditioners being used in the warmer weather.

Mr. Becker responded that the noise study was done in both April and May and that all air condition units were on. The chillers are on all year due to their usage and the type of equipment used at the hospital.

Mr. Murray asked if a noise study was done on the ground level and if the noise is at a higher level on higher floors.

Mr. Becker said that the noise engineer used a tripod on the neighbor's side at ground level (about 6ft) and he felt that the levels found would not be different because the angles of some of the buildings would act as a shield. He said that most communities use ground level for the study and not higher elevations.

Chairman Henderson asked Mr. Becker to give a lay person's view of incremental sound.

Mr. Becker said that the ambient level has no communicative effect on the ear. A 3 – 4 decibel level of noise is not noticeable to the human ear. The added effect would not raise the level so that it would be noticeable to the ear.

Ms. Longobardo said that the complaint is that it is too noisy now and that there will be additional noise with the new equipment.

Mr. Becker responded that the study at night came back with a level of 41 and at day between 50 and 55. A typical noise ordinance allows 45 – 50 at night and 50 – 55 during the day. So, this additional noise is less than ambient level now.

Chairman Henderson asked the applicant to re-do their plans and said that if the Planning Board is happy in general they will recommend that they go to the Zoning Board. But they will not make this recommendation based on the current plan.

Marilyn Timpone Mohamed of F.P. Clarke & Associates said she read the information on the plans provided by the applicant since the last meeting. The technical consultant has received the paperwork and is reviewing the utilities. For the signage plan, there was a concern over the light and fixtures but they have been altered so that the light will not go past the property line. There are other lighting issues that will need to be addressed by the applicant. For the lighting in the roof garden, she has asked for a schedule of use. If it is not used after dark then this lighting should be turned off. Other outstanding issues are the landscaping plan, the construction plan and the traffic plan. The issue of excessive noise was reviewed for the new equipment and it was felt that the existing equipment and the new equipment should be looked at as two separate issues. She felt that if the current equipment is too noisy that the hospital should provide mitigation in order to be neighborly.

Chairman Henderson asked if the consultant knows what the incremental increase of noise will be.

Ms. Mohamed responded that the consultants review said there will be no additional noise. It is important that even if leases are not signed that the Village have a better understanding of the construction parking and where they will park construction workers. This will then allow comments to be made regarding the traffic distribution.

Chairman Henderson said that to move the project along he urged the applicant to resolve some of the outstanding issues.

Ms. Mohamed said that they are working on a stormwater and construction plan.

Mr. Mayer questioned the noise issue. He asked if the current noise issue and the new equipment will be the same noise level and questioned how that would not be additive.

Ms. Longobardo commented that this noise would be within the bounds of regulations.

Ms. Mohamed said the current equipment is on an existing building and separate from the new equipment.

Ms. Longobardo said that there has been no change or increase of the equipment for years and that residents have been suffering for all of these years.

Ms. Smith asked why an engineer could not go in and measure the levels in a neighboring apartment with permission of the resident.

Chairman Henderson asked the applicant to do a study and to contact Mr. Jay Applebaum, President of the Board for Alger Court.

Chairman Henderson said that what he heard is that there will be some increase in noise but it is not heard by the human ear.

Chairman Henderson opened the public hearing at 8:50PM.

Mr. Jim Vessel, of Stoneleigh, spoke about the noise at the last meeting and requested a copy of the study from the Building Department for review. He feels the report is fluff and that F.P. Clarke & Associates wrote nothing in their report. He questioned how the report could show that all the interior units in the building connected with louvers are supposedly going to be barely audible. The chillers on the roof will have 18 fans and will be 182 tons. There are lots of diagrams of grating for discharge for equipment in the cellar and there was never any mention of this in the report. He asked why the generators needed to be tested at 5AM for two hours. He feels the report is not realistic of what is going to happen.

Chairman Henderson asked Ms. Mohamed to have the noise consultant from John Meyer Associates to come in for the September meeting.

Ms. Mohamed said that there are no sidewalk grates and that the grate that is there is an existing air handler for current equipment.

Mr. Murray asked about the vents on the side of the wall.

Ms. Mohamed said the vents on the upper portion will be where the equipment is housed in the new building.

Ms. Charlene Burck, of Westbourne – 5th floor, said that the day after last month's meeting the noise level decreased for a few weeks but the noise is back. There is a constant whishing sound.

Chairman Henderson said that the Planning Board will try to get to the bottom of the noise issues at the next meeting.

Ms. Katherine Biers, Alger Court, said the addition will change the tenor of the Village and she cannot understand why the Village hired people who do not live here to act as consultants.

Chairman Henderson clarified that Ms. Mohamed was retained by the Planning Board.

Mr. Dick Strickler, resident, said that the reflected noise from the vehicle traffic from close walls to the road would be substantial. A large building close to the road and sidewalk would, over time, create a safety hazard.

Ms. Jane Strachan, Stoneleigh, said that she had trouble getting documents in a timely fashion. She asked if the public process will remain open during the summer.

Superintendent of Buildings, Vincent Pici, said that all documents related to this application will be posted on the Village website.

Ms. Strachan said that no one is objecting the hospital improving its facilities but they are opposed to this project. There is a committee to protect Bronxville's west side and it was formed a few months ago. Residents are not pleased with the outcome and have retained an attorney. They believe that the hospital has an alternative. They want to protect the community interest. She has reviewed the Community Plan and the nature of community aesthetics, as well as the history of the buildings. She talked about open space and green space.

Ms. Helen Levitz, Stoneleigh, shared photos of April 1, 2011 when there was no foliage in the area.

Ms. Strachan commented that it looks like 30 trees will need to come down. It is impossible to have any greenery in the suggested amount of space. The trees will be facing north and will be blocked by buildings so they do not stand a chance to grow. The hospital seems to be suggesting that the roof garden is an even swap for the loss of green space. This roof garden is not for residents across the street. Driving and walking in the area is already dangerous. Safety must be paramount.

Ms. Levitz said that she hopes someone does a reverberation study. She also said that residents from Parkway Road have joined their committee to fight this.

Mr. Jay Appleaum, President of Alger Court, said he looked at the Village Code to see if there were constraints on voting on a proposal and he did not find any. He did find a directive of "maintaining" and "preserving" the Village. He feels that if this is going to be resolved acceptably, that there has to be some give. Compromise is costly.

Chairman Henderson closed the public hearing at 9:34PM.

SITE DEVELOPMENT – 117 Pondfield Road

Jim Ridudo, attorney representing Lombardo LLC, said that they last met the Planning Board and that they could go no further because they needed a new zone created and a designation of this property in this new zone. At the last Board of Trustees meeting, the Trustees approved the new zone and have allowed 117 Pondfield Road to be in this new zone. Now they need approval for the site plan.

Chairman Henderson asked if they have gone before the Design Review Committee yet.

Ms. Longobardo replied that in general the Design Review Committee liked the plans and that there are some open items.

Ms. Smith said that she thought the items had been resolved.

Mr. Ridudo said the Board of Trustees gave their approval on bulk requirements for all of the listed items and that they are looking for the Planning Board's approval.

Ms. Longobardo said that the landscape plans did encroach on the sidewalk and this needed to be resolved. She assumes that the issues will go to Superintendent of Buildings to be resolved.

Chairman Henderson commented that this application should be processed as the Planning Board regularly processes applications.

Village Attorney, James Staudt, reported that the Board of Trustees re-zoned the property to permit what has been proposed. They have outside limits and distances can be no more than what was listed in the law approved by the Board of Trustees. It is now time to complete the site application.

Ms. Longobardo said that matters need to be clarified but that no more investigation needs to be done as they have looked at everything that needs to be looked at.

Ms. Mohamed said that the applicant has worked with consultants on stormwater changes and everything is resolved. With regard to the landscaping in the right of way, the plan was changed to remove trees.

Superintendent of Buildings, Vincent Pici, said that they can move ahead with the building and can have the owners back to finalize the landscaping plan when they are ready for that phase.

Ms. Mohamed said she checked the site lines and is satisfied where the landscaping would grow, with the heights, etc. She determined that the walls were low enough not to obstruct drivers and the parking spaces were the right size. All safety issues were taken care of.

Ms. Longobardo said that the Christian Science Church is vacated and for sale. There are no boundary issues.

Chairman Henderson opened the public hearing at 9:48PM.

There was no public comment.

Chairman Henderson closed the public hearing at 9:48PM.

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

OTHER BUSINESS

None.

NEXT MEETING

The next regularly scheduled meeting of the Planning Board will be held on Wednesday, September 14, 2011 at 7:30PM.

ADJOURNMENT

There being no further business before the Planning Board, the meeting was adjourned at 9:51PM on motion of Ms. Smith, second by Mr. Murray.

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Respectfully submitted,

Karen A Buccheri

Karen A. Buccheri
Secretary to the Mayor & Village Administrator