Minutes of Regular Meeting
Bronxville Planning Board
Wednesday, January 11, 2006

Present:	Donald Henderson, Chairman Anna Longobardo, Member John Westerfield, Member Adrienne Smith, Member Eric Blessing, Member Richard Carey, Alternate Member Maryann Palermo, Counsel
Absent:	None
Also Present:	Vincent Pici, Superintendent of Buildings Jeffrey Faville, Design Review Committee Member Renee Byers, Design Review Committee Member

1. Call to Order

Chairman Henderson called a regular meeting of the Planning Board to order at 7:30 P.M. in the Bronxville Library. He indicated that all members were present including Mr. Carey, an Alternate Member.

2. Minutes

Upon motion duly made by Mrs. Longobardo, seconded by Mr. Blessing, and unanimously carried, the Board approved the minutes of December 14, 2005 as amended.

3. Site Development Application – 10-12 Park Place

Robert Davis, an attorney with the firm of Shamberg Marwell Davis & Hollis, P.C., of Mount Kisco appeared on behalf of his clients, Alan & Ben Lee, owners of several Asian fusion restaurants in Westchester. They propose to open the Wild Ginger Restaurant at the subject premises. John Fry of Sullivan Architecture, P.C., the applicant's architect, and Philip J. Grealy, Ph.D., P.E. of John Collins Engineers, P.C., the applicant's traffic consultant, also appeared before the Board. The owner of 10-12 Park Place, Joseph Barone, was also in attendance.

Mr. Davis noted that he and his clients have met with the Design Review Committee (the "DRC") twice, on December 14th, 2005 and earlier on the evening of January 11, 2006.

Mr. Davis gave a brief history of the site, stating that previously there had been a D'Agostino supermarket located at the site. Upon the closing of the supermarket, the property was divided into four storefronts. A nail salon is located in one of the storefronts, and Iris Clothing is located in another storefront. Mr. Davis stated that the subject premises has been vacant for two years, that the landlord has been trying to lease this space and has been operating at a loss due to its vacancy.

Mr. Davis also previewed for the Board the points of his team's presentation, stating that the exterior design previously presented had been modified, that a traffic report had been prepared for the Board's review, that the seating plan for the space had been reduced from the proposed 93 seats to 85 seats, that lunch would be served at the premises, but that one-half of the 83 seats would be closed off during that period. Mr. Davis also pointed out that the restaurant would not serve breakfast and that 8-10 of the employees working on the premises would be driven to and from the premises in a van, thus decreasing the need for employee parking. He also stated that all deliveries would be made on foot or by bicycle.

Architect John Fry stated that the application presented this evening is similar to the one previously submitted. The plan entails an 85-seat restaurant with a 12' storefront with awning, infill glazing incorporating brass letters and mahogany door components. Mr. Fry also stated that the exhaust from the kitchen would be located on the rooftop at the rear of the building, about 80' from the front.

Traffic Consultant Philip Grealy, Ph.D., P.E., of John Collins Engineers, P.C., presented his report to the Planning Board. He stated that 8-10 of the employees would be driven to and from the location by van, which will reduce the need for employee parking. He also stated that both the Institute of Traffic Engineers and the Westchester County Department of Planning recommend that the parking requirements for restaurants be based upon the number of seats and not upon the gross floor area of the restaurant. He noted that the highest occupancy will be in the evening and that lunch would have limited seating which would reduce the need for parking during the day when it is in highest demand. Dr. Grealy stated that using the standard of one parking space for every three seats would result in the need for approximately 29 spaces. Dr. Grealy also stated that, as set forth in his report, bicycle delivery would lessen the need for parking.

Mr. Blessing asked if it were practical to use a bike for food deliveries in a Village known for its hilly topography. Dr. Grealy responded that this is a limitation which the applicants have agreed to impose upon themselves and that they believe is practical.

Ms. Smith stated her concern with the current retail mix and parking limitations on Park Place. She then asked where the anticipated 29 spaces would be. Dr. Grealy responded that the evening demand could be met by spaces in the Garden Avenue lot.

Ms. Smith then stated that there was a high density of restaurants on Park Place and that crossing Kraft Avenue at the intersection of Park Place is extremely dangerous. Mr. Davis said that the applicants' plan is for an upscale restaurant, which would not have a large carry-out business, and therefore it would not lend itself to the type of heavy pedestrian traffic experienced by other establishments on Park Place. Also, he stated that the standard radius for fulfilling parking requirements under the Bronxville Village Code (the "Code") is 300', which, he further stated, would include both the Kraft Avenue lot and the Garden Avenue lot.

Mrs. Longobardo asked for confirmation that this application is for a change of use from retail use to restaurant use. She asked Mr. Fry to clarify his zoning table with respect to this matter. Mr. Fry acknowledged that this application did encompass a change of use from retail to restaurant use.

Chairman Henderson asked Mr. Fry to explain the proposed use of the basement area. Mr. Fry explained that the applicant proposes using a portion of the basement as a food preparation area, approximately 615 sq.ft., which is shown cross hatched on the plans submitted by the applicant. Mr. Davis stated that since the basement space would be used only by employees for food preparation, it would not contribute to the parking demand created by the restaurant.

Chairman Henderson asked for some explanation as to the use of the areas which were not marked as preparation areas on the applicant's plans. Mr.

Davis stated that those areas would be used for storage of supplies, food and packaging materials.

Mrs. Longobardo asked if the basement would be unfinished. Mr. Fry replied that while the basement would not be completely unfinished, it would not be outfitted in marble either. He further stated that portions of the basement would be finished in order to be in compliance with Health Department regulations.

Mr. Westerfield asked if the restaurant use was a pre-existing use of the premises.

Mr. Pici stated that the areas used for storage are exempt from floor area ratio calculations for purposes of the Floor Area Ratio ("FAR") requirements of the Code.

Mr. Davis stated that the basement preparation area would be used to cut up vegetables, etc. Mr. Fry stated that the restaurant is 2400 sq.ft. He then stated that the total square footage of the premises, including the basement is 5500 sq. ft.

Mr. Pici stated that finishing portions of the basement would increase the FAR and thus require Zoning Board approval for the applicant's plan.

Chairman Henderson stated that the Planning Board does not have jurisdiction over FAR issues, but that it does have authority, under Section 310-14 of the Code, to make decisions regarding the adequacy of parking for applicant's proposed use. Chairman Henderson then asked Ms. Palermo to explain the parking requirements under the Code.

Ms. Palermo stated that under Section 310-14 of the Code, no building could be erected or enlarged, and no change of use should be approved, unless provisions have been made for adequate off-street parking. She further stated that at the discretion of the Planning Board, the off-street requirement for parking for a change of use equal to or less than 3,500 sq. ft may be reduced or eliminated. In the event the change of use encompasses more than 3,500 square feet, the Planning Board may reduce the required parking upon submission of a parking analysis by a design professional demonstrating the availability of adequate parking within 300'.

Mr. Pici stated that under the Code the number of parking spaces required is one space per three seats or one space per 100 square feet of gross floor area, whichever is greater.

Mr. Pici further stated that the square footage of the basement used for food preparation, when added to the square footage of the street level space, would exceed 3,500 square feet.

Chairman Henderson stated that due to the fact that the change of use involved more than 3500 square feet, the Planning Board could not act in the absence of a parking analysis by a design professional demonstrating the availability of adequate parking within 300'. Mr. Davis replied that Dr. Grealy's report satisfied the Code. Chairman Henderson stated that the report received by the Board was conclusory, and that the Code required actual demonstration of the availability of parking spaces within 300' of the site. Mr. Davis stated that the applicant would provide such a report.

Mr. Davis suggested that the modification of the plans to remove all preparation areas in the basement would deem the applicant's FAR issue moot and would eliminate the parking issue. Mr. Davis then asked for the public hearing to be opened on the application

Chairman Henderson responded that the public hearing would take place after the applicant had finalized its plans. Chairman Henderson further stated that the Board has no jurisdiction to overrule the Superintendent of Buildings on matters of square footage. Chairman Henderson stated to Mr. Pici that he would have to rule on the square footage of the space upon the applicant's submission of revised plans.

Ms. Smith noted that the Code is quite circumscribed with respect to the types of restaurants permitted in Bronxville. Ms. Smith asked when the Board had last permitted a Change of Use and whether it happened often. Mr. Pici responded that such approvals did not happen often. Ms. Smith then asked if the Community Plan addressed the issue. Mr. Pici stated that he believes that the Village was less concerned with full service restaurants than with those identified in the Code as "carry out" food restaurants.

Chairman Henderson asked Mrs. Longobardo for a report from the DRC. Mrs. Longobardo stated that DRC reviewed the site application regarding the proposed awning and sign and feels it is appropriate. The DRC advised the Board that the applicants' plans are acceptable.

Chairman Henderson thanked Mrs. Longobardo for her report and asked the applicant to work with Mr. Pici in the coming weeks to revise their plans for re-submission to the Planning Board in anticipation of the next meeting.

4. <u>Site Development Application – Kensington Road</u>

Chairman Henderson gave a brief review of this application for the development of a condominium complex on Kensington Road. He stated that the Planning Board had adopted a Draft Environmental Impact Statement ("DEIS"), and that the applicant and the Board were presently preparing a Final Environmental Impact Statement ("FEIS"). Chairman Henderson stated that the environmental review process requires the FEIS to set forth a "Preferred Design" for the development. Further, he stated that the FEIS will address all the comments received from the public and that the Board will consider both the applicant's preferences together with the public's comments and views in completing the FEIS.

John Saccardi, of Saccardi & Schiff, the applicant's planners, presented the team working on behalf of the applicant: Robert Paley of WCI Spectrum, the developer, Mark Miller of Veneziano Associates, the applicant's attorney, and John Sullivan, of Sullivan Architecture, P.C., the applicant's architect.

Mr. Saccardi began by stating that the focus of the applicant's presentation this evening would be the design of the project. He stated that the applicant was presenting a modified 4-story plan for the development. Further, he stated, that the number of units has been decreased from 61 to 54. Mr. Saccardi stated that the revised plan has the same footprint as the plan previously presented but with fewer units, more open space and setbacks, and greater attention given to noise issues and pedestrian accommodations.

John Sullivan presented several drawings to the Board of the modified design. He stated that the development was now designed as one building, in contrast to the earlier design of two separate buildings. As a result, Mr. Sullivan continued, there would be one central concierge for the building and one central security monitoring location. The courtyard aspect of the previous design would still be included in the revised design. Mr. Sullivan presented a drawing showing the building as entirely Mission in style (Scheme B). He also presented a drawing depicting the southern half of the building in a Tudor style and the northern half of the building in the Mission style (Scheme A). In both drawings, Mr. Sullivan depicted an open space of approximately 60'x 80' adjacent to One Pondfield Road, the southern boundary of the site. Mr. Sullivan stated that this open space alleviated some of the concerns of the public regarding the design at the corner of the development and the need for open space.

Mr. Sullivan explained that the building is four stories, with the building face three stories high and the fourth story stepped back. He explained that the applicant's presentation of Scheme A was due to the Board's earlier interest in a two-style plan for the project. Mr. Sullivan stated that this alternate, Scheme A, would be the architect's preferred design.

Chairman Henderson, stating that the Board would take no action at this time with respect to the design of the project, opened a public hearing on the site plan at 8:45p.m.

Sarah Pinella, President of Lake Avenue Owners, stated that the developer was truly to be commended for its revised plan. She believes the revised design will better address environmental issues on sound and stated that she favors an all-Mission style for the project.

Dorothy Brennan voiced her appreciation to the architect for the revisions to the design. She stated that the public had a great amount of input into the design of the building and had achieved their goal of a four-story building with setbacks. She also stated that she prefers the all-Mission style for the project.

With no further public comment offered, Chairman Henderson adjourned the public hearing on the site plan until the next scheduled meeting which is February 8, 2006. He then asked for questions from the members of the Planning Board.

Ms. Smith queried the architect regarding the position of the building and the stained glass windows of the Christ Church located across the street. Mr. Sullivan responded that the buildings would have no impact on the light available to the Christ Church windows, and that there would be no shadow or shade cast on the Christ Church by the proposed development.

Ms. Beyers of the DRC acknowledged the applicant's efforts stating that they are commendable. She added that because of the long façade of the project and the elevation of the front, the applicant should consider adding courtyards in order to improve the view of the streetscape.

Mr. Blessing stated that even though the project is one building, it still appears to be two buildings. Mr. Blessing stated his preference of Scheme A because he believes the alternating designs make a more attractive façade.

Ms. Smith stated that the logic of two styles of architecture would not make much sense if the project were, in fact, one building.

Mr. Saccardi stated that the issue of architectural styles could be left open in the draft FEIS and finalized at a later date.

Chairman Henderson stated that the Board would proceed to review the FEIS, scheduled to be received by the members within the week, without finalizing the preferred architectural style of the project. Further, upon the advice of counsel, the Board extended the due date of the FEIS, which is due 45 days after the acceptance of the DEIS, until March 8. The Board tentatively agreed to a work session for review of the FEIS between 2/8 and 3/8. The board will await Marilyn Timpone Mohammed's comments before commencing their page-by-page review of the FEIS. Ms. Timpone said she would work together with Mr. Saccardi to address the issues raised in the FEIS.

5. New Business

None.

6. Next Meeting

The next meeting of the Planning Board is scheduled for Wednesday, February 8, 2006 at 7:30 p.m. at the Bronxville Public Library.

7. **Adjournment**

There being no further business before the Planning Board, upon motion duly made by Mr. Blessing, seconded by Ms. Smith, and unanimously carried, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted

Lydia Byrne, Recording Secretary
1/11/06 Planning Board Minutes