APPROVED 3-8-06

Minutes of Regular Meeting
Bronxville Planning Board
Wednesday, February 8, 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 Leah Murphy, Outside Counsel of the firm of Silverberg, Zalantis

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 Mr. Blessing, seconded by Ms. Smith, and unanimously carried, the Board approved the minutes of January 11, 2006 as presented.

3. Site Development Application - Kensington Project

Chairman Henderson reviewed the status of the Site Development Application for The Kensington, stating that the Applicant has prepared a draft of the Final Environmental Impact Statement (the " FEIS") and that preliminary comments on said draft had been submitted by Frederick P. Clark Associates, Inc., the consultant working on behalf of the Village of Bronxville. Chairman Henderson confirmed that a special working meeting of the Planning Board would be held on March 1, 2006 at which the members of the Planning Board would conduct a "page by page" review of the FEIS. Upon acceptance of the FEIS by the Board, and the passage of the statutory consideration period, Chairman Henderson stated that the following step would be for the Planning Board to issue a Findings Statement with respect to the Application.

Nina Peek of Saccardi & Schiff, the planning and development consultants working on behalf of the Applicant, gave a chronology of the application process. She stated that in July 2005 the Board accepted the Draft Environmental Impact Statement (the "DEIS"), after which there were three public hearings on the matter. She stated that all oral and written comments have been compiled in the FEIS and Saccardi & Schiff have provided responses to each of the comments. In addition, she stated that the FEIS would provide further details on the design of the project, the noise impact of the planned construction and the anticipated plans for parking during the anticipated two-year construction period.

Chairman Henderson said that the public hearing on this matter would continue at the March 8th meeting.

4. <u>Site Development Application - 10-12 Park Place – Wild Ginger</u>

Robert Davis of the firm Shamberg Marwell Davis & Hollis, P.C. spoke on behalf of the Applicant, Wild Ginger Restaurant. Mr. Davis noted that this was the third appearance of the Applicant before the Planning Board and second meeting with the Design Review Committee (the "DRC"). Mr. Davis stated that the Applicant would not use the basement space for food preparation. Rather, Mr. Davis stated, the basement space leased by the Applicant will be used for storage. Additionally, the basement is divided by a common utility space that serves the entire building. The owner of the building will retain that area. As a result, Mr. Davis stated, the total square footage leased to the Applicant will be less than 3,500 square feet and, he further stated, will therefore not increase the Floor Area Ratio (the "FAR") of the occupancy to a level which would require Zoning Board approval.

Mrs. Longobardo asked Mr. Davis to provide to the Board a copy of the lease for the subject space in order that the Board could confirm that the square footage demised to the Applicant was, in fact, less than 3,500 square feet. Mr. Davis stated that he would provide a copy of the lease to the Board.

Mr. Davis stated that Dr. Philip Grealy of John Collins Engineering was scheduled to attend this evening's meeting in order to address the traffic and parking impacts of the Application, but that he had not arrived as yet. Therefore, Mr. Davis asked Mr. John Fry of Sullivan Architecture, P.C., to review the architectural plans prepared on behalf of the Applicant.

Mr. Fry stated that he and the Applicant had met with the DRC and a question had been raised as to what the logo on the awning meant. Mr. Fry said the Asian symbol used in the logo means "Vogue." He also stated that in accordance with the request of the DRC the words "at Bronxville" had been removed from the awning.

Mr. Fry went on to explain that there had been a math error in an earlier version of the floor plans distributed to the Planning Board and that, therefore, new plans were being distributed which were consistent with the Applicant's plan to lease less than 3,500 square feet of space.

Mr. Blessing asked if the sushi bar and the regular bar would have seats and if those seats were included in the seating count for the restaurant. Mr. Davis responded that since the floor plan did not indicate seats at the bar that there would not be seats at the bar. He also stated that the Board could impose reasonable conditions upon the use of the space in its approval, if granted.

Ms. Smith queried whether someone would go into the restaurant for a drink and leave without being seated. Further, she noted that if there were seats at the bar and sushi bar, the restaurant would accommodate a larger number of people than contemplated in the application. A principal of the Applicant responded that oftentimes as customers wait to pick up take out food, they might have a drink at the bar.

Ms. Smith inquired about the required parking for the restaurant use. Due to the fact that the Applicant's parking consultant had not yet arrived, Chairman Henderson stated that the Board would move forward to consider the next application and return to this application upon the arrival of Dr. Grealy.

5. Site Development Application – 100 Pondfield Road

Robert Davis appeared on behalf of the Applicant, Steven Green/Green Realty Development Co. LLC. Mr. Davis noted that this is the Applicant's eighth meeting with the Planning Board and that six public hearings have been held on this matter. Mr. Davis stated that all requested revisions to the sidewalk plan, the parking garage and the driveway design had been made by the Applicant and were reflected on the plans submitted to the Board. Mr. Davis further stated that dramatic changes had been made to the roof plan of the proposed development that would reduce the scope and size of the structures and therefore limit the potential rooftop activity of the residents of the proposed development. Mr. Davis introduced Mr. John Fry, the architect for the Applicant, to review the modifications for the Planning Board.

Mr. Fry stated that the pool size has been greatly reduced and that the location of the pool has been moved to the rear of the rooftop, away from Pondfield Road. He further stated that the rooftop plantings have been moved inward to the perimeter of the pool terrace. He noted that plants were not customary roofscape in Bronxville and therefore the modified design would address this by moving the plantings away from the parapet wall.

Mr. Fry also stated that the atrium previously proposed by the Applicant had been eliminated and a vestibule had taken its place. Also, he stated that the skylight had been greatly reduced in size.

Mr. Davis stated that the size of the current proposed pool is 8' x 24'. He stated that the percentage comparisons set forth in the charts on the revised plans show that the sizes of various design components have been greatly reduced.

Chairman Henderson asked if the skylight would be visible from Park Place. Mr. Davis responded it would not be. Chairman Henderson then asked if the bulkhead of the building would be enclosed. Mr. Davis confirmed that it would be. Chairman Henderson asked if it would be visible and Mr. Davis responded that a "sliver" of it would be visible from Pondfield Road looking south.

Chairman Henderson then stated that the Planning Board would review the revised roof plan. He stated that while the Board would be focusing on the roof configuration this evening, that did not mean that the Planning Board had approved any component of the plan. Chairman Henderson stated that he did not want to leave the impression that the Planning Board had signed off on anything with respect to the application at hand.

Ms. Smith asked for a more detailed noise study that would contemplate greater numbers of people on the roof of the building.

Mr. Davis stated that the revised roof plan contemplates a far more limited amount of people on the roof then had earlier versions of the plans. He cited the removal of the atrium and the installation of solid planters as a barrier to keep people within the pool area.

Mr. Fry stated that the Applicant would be using existing noise pollution in the area as a buffer.

Ms. Smith asked if the pool would be accessible to all residents of the building. Mr. Davis responded that the pool may not be accessible by all, and it may be limited by key access.

Mrs. Longobardo asked why there was an elevator up to the roof level. Mr. Fry responded that it was a civil rights issue and that the owner of the building was mandated by law to provide access to all the roof amenities.

Mrs. Longobardo expressed concern regarding the height and appearance of the elevator. Mr. Fry said he would continue to work on minimizing the height of the elevator tower.

Ms. Smith asked if the pool would be visible from other residences in the Village. Mr. Fry stated that the pool and plantings would not be visible from the apartment building located across the street from the subject property. Ms. Smith asked what the view would be from the apartment buildings located south of the property. Mr. Fry responded that one would be able to see the roof and may or may not be able to see the pool depending on the location of the plantings. Ms. Smith asked for more study and clarification of this matter. Mr. Davis stated that he would provide further studies of the visibility of the rooftop and its amenities from the surrounding buildings.

Chairman Henderson re-opened the public hearing on the subject application at 8:10 p.m.

Dorothy Brennan stated her concerns with regard to traffic and the number of apartments planned for the site. She asked if the fire department had approved the plan. She also stated that it was her belief that a parking space would be eliminated on Pondfield Road in order to accommodate the driveway traffic.

Mr. Davis responded that no parking space located on Pondfield Road would be lost due to the development and that the building itself provided its own off-street parking for its tenants.

Mr. Fry responded that the Fire Department suggested revisions and that as a result changes had been made to the plans. Mr. Fry stated that the Fire Department had indeed approved the plan. Chairman Henderson stated that the Fire Department must issue its approval of the proposed plan before the Village may issue a building permit.

Mr. Pici stated that the plans submitted by the applicant to this point were schematic designs and had not been reviewed for code compliance.

Mrs. Brennan asked whether the pool was worth having if it was going to be small. Mr. Fry responded that, yes, the pool was worth having because it was an amenity that people would expect.

Mr. James Kroulas of the Parkway Community Association asked if any studies had been made regarding buildings with pools. He stated his belief that, if developed according to the plans, this property would be the only building in Bronxville with a pool. Mr. Kroulas also expressed his concerns regarding the traffic in and out of the driveway of the subject property. In particular, Mr. Kroulas was concerned that many cars would attempt to make left hand turns into and out of the driveway.

Rene Atayan stated her belief that the building, if developed in accordance with the Applicant's plan, would be out of character with the Village of Bronxville. She stated that she took umbrage with Mr. Davis's earlier comment that Villagers of Bronxville should not care what is occurring on the roof of the subject property. Ms. Atayan emphasized that the Villagers of Bronxville do care and are quite concerned about any development that is out of character, particularly in the Central Business District of this small, quaint English village. In particular, Ms. Atayan stated, the sizes of each of the apartments in the proposed development are far in excess of the average size of an apartment in Bronxville and thus, she stated, out of scale. Further, Ms. Atayan stated, it is a privilege to have a pool, not a right. She stated that Villagers do not want the applicant's design foisted upon them. She also expressed her concern regarding the impact of the development on the parking availability on Pondfield Road.

There being no further comments from the public, Chairman Henderson adjourned the public hearing until the March 8th meeting.

Chairman Henderson then reviewed the outstanding issues that remained to be addressed by the applicant. Mr. Davis stated that he would work on further noise studies as well as the design of the elevator.

Ms. Smith stated that she expected to see from Mr. Davis every possible site line to the top of the subject property in order to determine the views of the residents of the Village. She also asked that the number of persons used as the base line in the noise studies be larger than the number previously chosen, which she stated she believed was 30. Chairman Henderson asked Mr. Davis to ensure that a reasonable number was used as the basis for the rooftop noise study.

Chairman Henderson then stated that he wished for the Board to review those conditions to a special permit that would apply to this particular application. He asked outside counsel to prepare a list of those conditions for consideration at the March 8th meeting.

Mr. Davis asked if the Board's questions could be heard tonight so that he would be able to address them by the next meeting. Mr. Henderson asked Mr. Davis to work with Mr. Silverberg with respect to those issues.

Mrs. Longobardo stated that she had several comments on other aspects of the building design but that she would reserve them for the March 8th meeting.

4. <u>Site Plan Application/10-12 Park Place/Wild Ginger Restaurant (Continued)</u>

Upon Dr. Grealy's arrival at the meeting, Chairman Henderson continued the Board's review of the subject application.

Dr. Grealy said that at the last meeting he was asked to look over parking conditions in and around the site. Dr. Grealy's study focuses on available parking within the area. Dr. Grealy stated that in his second report to the Board, dated January 31, 2006, his purpose was to focus on parking availability within 300' of the restaurant. He pointed out that the Garden Avenue lot was outside the 300' radius measurement but that he had included it in his study because it is a primary Village lot.

Mr. Westerfield stated that Table S-2 was the most important attachment to the study because it shows what happens on any given Saturday night in the Village: there are zero parking spaces available within a 300' radius of the subject property. However, Mr. Westerfield stated that there appeared to be parking available in the Garden Avenue lot at that time, but that such parking was outside of the 300' radius required by the Bronxville Code.

Dr. Grealy acknowledged Mr. Westerfield's observation, and stated that the Saturday night movie schedule and mass at St. Joseph's Church also impact the availability of parking. He again stated that while the Garden Avenue lot is outside of the 300' radius, that it is a primary lot for the Village and could be used by patrons of the proposed restaurant.

Chairman Henderson asked, once the effect of the initial opening had passed, how many incremental additional diners would the proposed restaurant attract to Bronxville. Dr. Grealy responded that 25% of the 29 spaces required for the restaurant usage of the subject space are dual purpose. He pointed out that a large percentage of the automobiles using those spaces would also be visiting the movie theatre, the church or McGrath's Funeral Home.

Chairman Henderson expressed his doubt that twenty new restaurant patrons would drive great distances for the sole purpose of dining at the subject property.

Mr. Westerfield asked how many parking spaces would be required for retail use of the space.

Mr. Davis responded that a retail use of the space would require ten parking spaces.

Mrs. Longobardo expressed her opinion that the restaurant would be a nice addition to the Village. She did express concern that the long, narrow banquette seemed to be very narrow. She stated that she would feel more comfortable if there were a reduction in the number of seats in the restaurant. Mrs. Longobardo also expressed concern regarding the change of use of the site from a retail use to a restaurant use.

Mr. Davis responded that the process for approving the change of use from retail to restaurant was part and parcel of the site plan application and approval process; he stated that approval of the site plan application would be an approval of the change of use from retail to restaurant.

Mrs. Longobardo then recommended the removal of the tables for two opposite the bar area of the restaurant.

Mr. Davis said his client would take that suggestion under advisement.

Mrs. Brennan then stated that when she was a member of the Village Board of Trustees that the members had passed a moratorium on new restaurants coming into the Village of Bronxville.

Mr. Pici responded to Mrs. Brennan by stating that there had not been a per se moratorium on restaurants. Rather, restaurants seeking approval were not given site plan approval because they could not meet the parking requirements of the Bronxville Village Code.

Mrs. Brennan stated that the pressure placed on the Village retailers because of parking is extreme. She also stated her belief that The Gap and Try 'N Buy left their spaces in the Village due to the lack of parking for customers.

The co-owner of 15 Park Place stated his concerns with another restaurant entering the subject space. He stated that Park Place is littered with Pizza and gum wrappers, and is quickly becoming the food court of Bronxville Village.

Joseph Barone, the owner of the subject premises, addressed the Planning Board and detailed the challenges he has faced in leasing the space. He stated that the only viable use of the space is as a sit-down restaurant. He stated his belief that the proposed tenant would be ideal for the space and had the wherewithal to complete the renovations and run a successful operation at the space. He also stated that the restaurant would attract traffic at night, when parking is in less demand in the Village, and not during the day when parking demand is highest.

Mr. Westerfield noted that previous occupants of the space have not remained for very long.

Mr. Blessing asked if the landlord had considered combining the spaces in the building to create a larger space or spaces.

Mr. Barone responded that the other tenants in the building have long-term leases and therefore there would be a four to five year wait before those spaces could be combined.

In the absence of further comments from the public, Chairman Henderson closed the public hearing.

Mr. Davis stated that the only reason to decrease the seating in the restaurant would be to mitigate the effects on parking in the Village. He stated that he did not believe there was any demonstrable parking impact resulting from the proposed 85-seat restaurant.

Mr. Blessing stated his belief that the applicant should be given an opportunity to use the space as a restaurant. Mr. Blessing stated that the Village wants viable entities in it storefronts and wants to promote economic activity in the Village.

Mr. Westerfied stated that the square footage of the subject application was less than 3,500 square feet and that therefore, pursuant to the Village Code, it was within the discretion of the Planning Board to waive the parking requirements imposed upon the applicant. Mr. Westerfield stated that the Village does not benefit from dark storefronts, but that he would feel more favorable toward the subject application if it were reduced by 8 seats.

Chairman Henderson then asked if the Planning Board members would vote on the application, noting that he did not believe that the addition of this restaurant space to the Village would materially impact the current parking pressures experienced by the Village.

Ms. Smith stated that she did not feel comfortable approving a restaurant use at the subject location.

Chairman Henderson asked if the number of seats in the restaurant could be a condition to the approval.

Mr. Pici stated that the number of permitted seats in the restaurant should be a condition to the approval.

Chairman Henderson asked for a motion to approve the subject application. Mr. Blessing and Mr. Westerfield so moved.

Mrs. Longobardo asked if it would be possible to reduce the occupancy to 75 or 80 seats.

Mr. Davis stated that his client would stipulate to reduce the number of seats to 80.

Mrs. Longobardo then moved to approve the subject application with a seating capacity of no more than 80.

Mr. Blessing seconded the motion.

Chairman Henderson asked for a vote of the Board on the amended motion.

All members voted in favor of the motion, as modified by Mrs. Longobardo, except for Ms. Smith who was opposed.

6. <u>New Business</u>

None.

7. <u>Next Meeting</u>

A Special Meeting to review the FEIS will be held Wednesday, March 1, 2006 at the Bronxville Library.

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

8. 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 9:25 p.m.

Respectfully Submitted

____

Lydia Byrne, Recording Secretary
2/8/06 Planning Board Minutes