Minutes of Regular Meeting
Bronxville Planning Board
Wednesday, March 8, 2006

Present:	Donald Henderson, Chairman Anna Longobardo, Member John Westerfield, Member Adrienne Smith, Member Richard Carey, Alternate Member Maryann Palermo, Counsel
Absent:	Eric Blessing
Also Present:	Vincent Pici, Superintendent of Buildings Jeffrey Faville, Design Review Committee Member Renee Byers, Design Review Committee Member James Staudt, Outside Counsel Steven Silverberg, Outside Counsel

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 Mr. Carey will be acting as a Member of the Board in Mr. Blessing's absence.

2. Minutes

Upon motion duly made by Ms. Smith, seconded by Mrs. Longobardo, and unanimously carried, the Board approved the minutes of February 8, 2006 as amended.

3. 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 was the applicant's ninth appearance before the Planning Board (the "Board"). Mr. Davis introduced the consultants working on the project on behalf of Mr. Green. They included architects John Fry and Christopher Pelella of Sullivan Architecture, P.C., as well as Dr. Bonnie Schnitta of Sound Sense, the applicant's noise consultant. Mr. Davis stated that the applicant had revised his plans for the subject property in order to address the Board's concerns with the pool and the pool deck that the applicant wishes to locate on the roof of the subject property. Mr. Davis stated that the pool size had been reduced by over 60% and that the pool itself had been relocated to reduce noise concerns. Mr. Davis also stated that the pool deck had been reduced by 68%, and that planters would be used as both sound and sight barriers on the rooftop. He further stated that a portion of the elevator foyer had been removed in order to decrease its visibility from Pondfield Road. In addition, he stated that the view study done on behalf of the applicant would demonstrate that the pool would not be visible from the two highest points in Bronxville, and that Dr. Schnitta's revised report states that sounds emanating from the rooftop will be inaudible to pedestrians at street level as well as occupants of surrounding buildings.

Mr. John Fry continued by saying that minor volume changes had been made in the design of the building. He stated that views of the building had been enhanced by the reduction in size of a trash chute on the rooftop. He also stated that the contextual roofscape is unattractive and that the study he had conducted and which was presented to the Board concluded that only two vantage points in Bronxville would afford a view of the pool and pool deck in their proposed locations.

Ms. Smith asked what a commuter on the south side of the train platform would be able to see. Mr. Fry responded that the commuter might see a portion of the mechanical equipment. Mr. Fry also pointed out that presently the commuter would see the grocery store mechanicals and satellite dishes. Upon completion of the applicant's project, he stated, the commuter would be looking at varied plantings on the subject property's rooftop.

Ms. Smith asked if there was anything else to see. Mr. Fry stated that he could not imagine there would be anything else to see.

Mr. Davis stated that a screen around the pool creates a barrier to prevent people from leaving the pool deck and utilizing the remainder of the roof.

Chairman Henderson asked for the dimensions of the planter boxes. Mr. Fry stated that they would be 4' x 30" with the caveat that they may have to be 4' x 36" in order that they may be aligned properly. He also stated that once filled with soil and planting materials, the planter could not be moved easily.

Chairman Henderson asked what materials would be used for roofing. Mr. Fry stated that it would be a membrane roof. He said the applicant had considered a membrane and gravel roof. Chairman Henderson asked if one could walk on the membrane roof. Mr. Fry said no. Mrs. Longobardo said that it was possible to walk on a membrane roof. Mr. Davis stated that it would be uncomfortable to walk on a membrane roof and Mr. Fry added that it would not be an attractive surface. Chairman Henderson asked if one would hold a cocktail party on such a roof. Mr. Davis replied no, and Mr. Fry replied that he would not.

Ms. Smith expressed concern regarding light emanating from the rooftop, stating that the vestibule to the elevator would be lit at night. Mr. Fry stated that there would be some light that will escape from the rooftop. Ms. Smith asked if the light would call unusual attention to the roof, to which Mr. Fry responded no.

Dr. Bonnie Schnitta then reported on the steps to be taken by the applicant to mitigate any negative sound impact. She stated that the noise generated by the buildings surrounding the subject property is in violation of legal requirements regarding noise emissions. She also stated that she had run simultaneous simulations on the subject rooftop and has concluded that noise emanating from the roof of the subject property will not adversely affect occupants of the neighboring properties or pedestrians below.

Chairman Henderson asked if 30 people could be accommodated on the rooftop. Mr. Davis responded that 30 people would not be unreasonable given the size of the pool deck. Chairman Henderson asked if all 30 people would be located within the acoustic barriers and Dr. Schnitta confirmed that they would be.

Mrs. Longobardo asked specifically what would stop the noise from emanating onto the street. Dr. Schnitta stated that the noise from the condenser units would be minimized by the soundproofing materials she will employ in the design of the sound barriers. Mrs. Longobardo stated her belief that residents in close proximity to the subject property, or those living in the building itself, will suffer significant noise disturbances.

Mr. Faville pointed out that the planters are the primary acoustic barrier, but that since the pool was higher than the base of the planters, they would not do much good. He also stated that plants are ineffective as sound proofing materials.

Ms. Schnitta stated that the visual screen of planters will be made of sound proofing materials and will function as a sound barrier. Mr. Fry added that the planters will sit on supports, increasing their height.

Mr. Westerfield asked if the rentability of the units in the building would be affected by noise or vibration from the condenser units located on the roof. Mr. Fry responded that noise is a concern and that the design of the building contemplated the use of triple-pane glass. Mr. Fry stated that there was no guarantee that the renters would not hear the noise from the condensers. Mr. Davis added that the design of the proposed project had accounted for that by placing the bedrooms in the units as far away as possible from the condensers. Mr. Green stated that the noise will have zero economic impact on the rentability of the units as he wants to create an urban enviroment at the site.

Mrs. Longobardo asked if there still was an elevator to the roof level. Mr. Fry responded yes.

Mr. Pici inquired as to the noise levels produced by the emergency generator proposed by the applicant. Dr. Schnitta stated that the noise level on the rooftop would be 70 decibels but that with a silencer, the noise level would be brought down to background noise.

Chairman Henderson then opened a public hearing on the matter.

James Kroulis from the Parkway Community Association asked about the signage to be posted in the vicinity of the subject property regarding the "No Left Turn" signs. Chairman Henderson responded that the signage is part of the plan for the property and will be incorporated in the special conditions if the project is given approval.

Mr. Kroulis asked how many signs would be required. Chairman Henderson responded that there would probably be one posted in each direction. Mr. Kroulis expressed his concern that the traffic created by the applicant's proposal will create an enforcement issue. Chairman Henderson stated that the Village experts would address any traffic issues which arise from the proposal.

Mr. Kroulis asked about the sidewalk treatment at the driveway entrance to the property. Chairman Henderson stated that the plans for the sidewalk treatment could be viewed at Village Hall.

Mr. Davis stated that there were many unregulated users of the driveway of the property and that once Mr. Green had taken up occupancy, he would begin to enforce his rights with respect to the easement for access and right of way across the driveway.

There being no other members of the public who wished to speak at the meeting, Chairman Henderson closed the public hearing and asked Steven Silverberg, special counsel to the Board with regard to this matter, to come to the podium. Mr. Silverberg advised the Board to declare themselves the Lead Agency on this matter under SEQRA and make a negative declaration. Chairman Henderson then requested a motion to declare the Board the lead agency and make a negative declaration, which motion was heard, seconded and passed.

Chairman Henderson noted that the Board had several possibilities to consider with respect to the pending application: the Board could approve the application, approve it with conditions, or deny approval. Mrs. Longobardo stated that she would move to approve the application with conditions. Chairman Henderson stated that the Board was not taking a formal vote on the matter at this time.

Ms. Smith, Mr. Westerfield and Mr. Carey all stated that they would require further review of conditions to which any approval would be subject.

Chairman Henderson asked Ms. Mohamed of Frederick P. Clarke Associates, the special planning consultant to the Board, what parking was available under the applicant's plan. Ms. Mohamed advised the Board that the applicant's plans include parking for 15 cars. Mr. Davis stated that the Bronxville Code requires 18 spaces, but that he had, on behalf of his client, demonstrated that 15 spaces were adequate for the contemplated use of the subject property.

Mrs. Longobardo expressed concern with respect to the ability of emergency vehicles to reach the property as well as the need to keep the driveway clear of vehicles.

With respect to traffic control devices and signs, Chairman Henderson asked Mr. Pici if the applicant would have to pay for these items. Mr. Pici stated that the costs would be borne by the applicant and the location of the signage would be determined by the Police Department.

Mr. Pici also stated that it would be advisable for the applicant to submit a complete set of plans to the Board prior to the next meeting, given that the modifications to the plans have taken place over several meetings, and each Board member would need to have a complete updated set of plans for review.

Chairman Henderson then stated that the special permit, if one were to be granted to the applicant, would expire upon a transfer of ownership of the subject property. Mr. Silverberg stated that the Board was essentially relying upon the representations of the applicant and that if circumstances were to change the special permit issue would have to come before the Board again.

Mr. Pici stated that the entire design of the property was based upon an owner occupancy. Therefore, he stated, any change of tenancy could seriously impact the property. In accordance with the application, he pointed out, the Owner has to occupy a residential unit and the office space.

Mr. Westerfield inquired as to the intensity of the use as contemplated by the plans. Mr. Silverberg stated that the Board could impose a maximum number of employees permitted to work at the premises as a condition of a special permit, if one was granted.

Ms. Smith asked if one of the conditions could be that Mr. Green occupy the premises. Mr. Silverberg stated that a condition could be that Mr. Green reside in the premises and occupy office space there.

With respect to the delivery of a bond by the applicant, Mr. Davis stated that the Bronxville Code lacks specificity as to those items which must be covered by the bond. Chairman Henderson stated that a bond should be delivered which would insure the completion of all improvements which are visible from the sidewalk.

An additional condition of the special permit discussed by the Board members was the delivery of a deed evidencing the applicant's ownership of the property as well as a survey of the premises, including the survey of the right of access. Mr. Davis addressed the Board's request for additional information regarding the report of Gage Babcock, the applicant's fire prevention consultant. Mr. Pici stated that a permit would not issue until a copy of the report had been reviewed by the Buildings Department.

Mrs. Longobardo stated her wish that the special permit expire upon the occurrence of certain events and that it have a maximum term of two or three years. She stated that she is concerned about the unconventional layout of the units and the design of the interior.

Mr. Silverberg stated that the issuing authority might revoke a special permit if the applicant is not in compliance with its conditions. In addition, an expiration date would require that the applicant return to the Board and re-apply for the special permit.

Mr. Pici stated that the following zoning issues were still outstanding: adequacy of the available parking, pool on the roof, floor area ratios and increased height of structure. He noted that the side yard setback and the separation of uses issues had both been addressed by the plans.

With respect to the roof design and elements, Ms. Smith stated her concerns regarding the preservation of the neighborhood, stating that this would be the only roof in Bronxville which would have a pool and the attendant activity which a pool brings.

Mr. Carey stated that noise is of great concern to the Board members.

Mrs. Longobardo stated that she would prefer that there be no recreational activity on the roof.

Mr. Westerfield stated that, while the pool was inconsistent with the character of the Village, it was his sense that the applicant had made an effort to mitigate the effects of the pool. He also stated that, as in New York City, rooftop gardens peaking out from over the roofline can be quite attractive. Mr. Carey agreed with that assessment.

The Board members discussed a condition, which would restrict the times during which the pool may be used. Mr. Pici stated that the restriction should apply to the entire roof, not just the pool.

Chairman Henderson stated that, without taking a formal vote of the Board members, at the next meeting the Board would consider a resolution with certain conditions for the issuance of a special permit.

4. <u>Kensington Project</u>

Chairman Henderson stated that the draft Final Environmental Impact Review Statement (the "FEIS") had been reviewed by the Board members and asked Ms. Peek to review for the Board the outstanding issues.

Ms. Peek stated that with respect to the Fiscal Impacts section of the FEIS, Mr. Iagallo, the Bronxville Town Assessor, was unable to appear at the meeting to review the questions of the Board members.

Ms. Smith asked if the Board would require independent advice with respect to the fiscal impacts of the project.

Ms. Mohamed stated that her office did not have tax consultants on its staff to do such a review.

Chairman Henderson asked Ms. Peek to have Mr. Iagallo at the next meeting in order that the Board could review the Fiscal Impacts section of the FEIS with his insights.

Mr. Westerfield asked Ms. Peek to confirm that the assessor would assign the assessed value to the project, when completed, and that the applicant had agreed not to bring a certiorari proceeding for ten years thereafter. She confirmed that this was the case.

Mr. Westerfield then inquired as to the access to the northbound Metro-North platform. Ms. Peek stated that access to the northbound platform would be through the pedestrian pathway located in the parking lot of the project. It would be ADA accessible. Further, she stated, an entrance to the northbound platform would be accessible to residents of the project from the plaza portion of the development.

With respect to the relocation of parking during construction, Mr. William Murphy addressed the Board to review the steps the Village had taken to prepare for the loss of the 179 parking spaces currently occupied on the site of the Kensington project. He stated that the Village had applied to New York State for permission to allow 24-hour/7 day parking on certain streets in the Village. Further, he anticipates that the Village will be able to rent the Mobil site on Parkway Road from its owner. In addition, the Village may be able to use Maltby Field, by the Girl Scout cabin, to park 92 cars. Mr. Murphy stated that pricing for the parking spaces would be determined upon the beginning of construction of the project.

Chairman Henderson then opened the public hearing on the project.

Dorothy Brennan stated that she believes the building is getting bigger. Her concerns include the loss of parking spaces, the nursery school that occupies a portion of the Christ Church as well as the impact on local businesses. Chairman Henderson stated that these were all valid points which would be addressed by the Board. Ms. Brennan also stated that she was concerned about the manner in which construction materials would be brought into the Village. She also stated that she did not wish Maltby Field to be blacktopped to allow for additional parking.

Cindi Callahan spoke and inquired about the noise study and the impact on traffic patterns in the Village. She believes crossing guards are necessary in order to protect the children in the neighborhood. She also wants a designated loading and unloading area during the construction period.

James Mann, who resides at 10 Kraft Avenue, spoke of his concern for the two schools and apartment complexes which occupy the proposed route of the trucks which will bring materials to and from the project. He asked the Board to find another alternative.

Mr. Kroulis of the Parkway Owners Association asked if the project was age-targeted or age-specific. Chairman Henderson stated that the project was age-targeted. Mr. Kroulis also asked that the Board consider the impact of the project on the Bronxville School population.

Chairman Henderson then heard a motion to adjourn the site plan review to the next meeting, as well as a motion to extend the due date of the FEIS, both of which motions were seconded and approved.

5. **Next Meeting**

The next regularly scheduled meeting of the Planning Board is Wednesday, April 12, 2006 at 7:30 p.m. at the Bronxville Public Library.

6. **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 10:05 p.m.

Respectfully Submitted

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Lydia Byrne, Recording Secretary
3/8/06 Planning Board Minutes