

Minutes of Regular Meeting
Bronxville Planning Board
Wednesday, July 12, 2006

Present: Donald Henderson, Chairman
Anna Longobardo, Member
John Westerfield, Member
Eric Blessing, Member
Adrienne Smith, Member
Maryann Palermo, Counsel

Absent: Richard Carey, Alternate Member

Also Present: Vincent Pici, Superintendent of Buildings
Jeffrey Faville, Design Review Committee Member
Renee Byers, Design Review Committee Member
James Staudt, Outside Counsel to the Board
Marilyn Timpone, Consultant to the Board

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 there was a quorum present.

2. Minutes

Upon motion duly made by Ms. Smith, seconded by Mrs. Longobardo, and unanimously carried, the Board approved the minutes of June 14, 2006.

3. Site Development Application/79 Kensington Road

Mr. Lawrence Nardecchia, Jr., an engineer representing the owner of the subject property, Richard Cusato, spoke on behalf of the applicant and stated that he wished to construct a retaining wall and two parking spaces on the Kensington Road side of the property. Mr. Nardecchia stated that the road bed on Beverly Road is owned by The Town of Eastchester and ownership thereof is to be transferred shortly to the Homeowner's Association of Beverly Road. He further stated that the applicant has gone before the Zoning Board of Appeals (the "ZBA") and has gained a variance for the two spaces on the road, part of which is Village property. Chairman Henderson

inquired if Village approval was required for the use of the Village property as parking for a private residence. Mr. Nardecchia responded that it was required and that a license agreement was being negotiated with the Village. Further, Mr. Nardecchia stated that the natural stone wall which is part of the applicant's plan is to be constructed solely on property owned by the applicant. Mrs. Longobardo stated on behalf of the Design Review Committee (the "DRC") that they had reviewed the materials and believe it is an advantage to have two parking spaces at that location and therefore recommended approval.

Mr. Westerfield asked if the sidewalk would be eliminated. Mr. Nardecchia responded that it would not be, but would be improved with rough flagstone and a hedge.

Ms. Smith asked if the Village was ceding property to the applicant. Mr. Nardecchia stated the Village was not ceding the property, but rather giving permission for its use and improvement. Mr. Blessing noted that the applicant's design is a positive way to create parking spaces in a densely populated residential section of the Village.

Chairman Henderson opened a public hearing at 7:40 P.M. and noted that all surrounding neighbors have been notified. There being no comments Chairman Henderson closed the public hearing.

Upon motion duly made by Mr. Blessing, seconded by Ms. Smith, and unanimously carried, the Board approved the site development application for 79 Kensington Road.

4. Site Development Application – The Continentale, 109/111 Pondfield Road

Mr. Leonard Brandies, the architect for the applicant, Continentale Hair Salon, stated that the applicant wished to expand its occupancy to an adjoining property and increase its frontage by approximately 15 feet.

Chairman Henderson stated that the Zoning Code of the Village of Bronxville now prohibits beauty salons on Pondfield Road and thus the applicant is requesting the expansion of a use which is now prohibited. Chairman Henderson further stated that the Planning Board is authorized to review and approve parking, materials, and design and will review those

aspects of this application. He further advised the applicant that they will then have to go before the Zoning Board of Appeals (the “ZBA”) for necessary variances. If the expansion of the use is approved by the ZBA, the Planning Board may grant preliminary and final site plan approval on the same night. Mrs. Longobardo stated that it would be helpful if the applicant reviewed the frontage for the property. Mr. Brandies said the applicant intended to add 15’10” of awning to the bay, with treatments that would break along the long façade. He stated that the awning would be similar to the Citibank and Value Drugs awnings. He also stated that the applicant intended to add a bathroom which was accessible to the handicapped. In addition, there would be five work stations in the new space, but there would be no increase in the number of employees. In addition, the architect stated, that because the applicant was taking over a retail space, the parking requirement of two spaces would remain the same.

Mr. Henderson opened a public hearing at 7:55 p.m.

Resident Dorothy Brennan said Continentale Hair Salon has been here for 35 years and has been very good. She stated that this would be an improvement for them and she cannot imagine that the ZBA would not approve.

No other comments were heard from the public. Chairman Henderson advised the applicant to seek the necessary variances from the ZBA and then return to the Planning Board for its decision on the site plan. Chairman Henderson adjourned the public hearing stating that it would be continued at the next meeting at which the applicant appeared before the Board.

5. Site Development Application – Kensington Road

Chairman Henderson stated that the Planning Board was in the process of reviewing the draft Final Environmental Impact Statement (the “FEIS”) as it pertains to environmental issues. Mr. Staudt outlined the process of environmental review, stating that the Planning Board will now review the findings and ensure that all relevant environmental concerns are addressed. The Board, as the Lead Agency under the state and federal environmental laws governing this application, will reach conclusions on each issue in writing and give its rationale for each. Chairman Henderson asked if every concern raised by the Board must be addressed in the Findings Statement. Mr. Staudt stated that the Findings Statement must address all the topic areas which the Board agreed upon in its adoption of a scoping document, or table of contents, for the Findings Statement. Chairman Henderson asked what

steps would be taken if the Board identified issues in the Findings Statement which could not be resolved satisfactorily. Mr. Staudt stated that the Board must weigh any potential negative environmental impact against economic, social and other factors affecting the application. Mr. Staudt added that if the negative impacts outweighed the benefits to the Village, then the Planning Board could make a Negative Declaration and not accept the FEIS. Chairman Henderson noted for the record that his question regarding negative environmental impacts was not reflective of his views of the application. Mr. Staudt continued by stating that Marilyn Timpone-Mohamed, the Board's planning consultant, was working with the applicant to address the concerns of the Planning Board. Ms. Timpone-Mohamed has edited the document and has applicant's response to some of the questions that have been highlighted in the document.

Ms. Timpone-Mohamed then addressed the Board and stated that the Board must ensure that the statements set forth in the Findings Statement are factual and should try to reach a conclusion as to architectural style of the buildings so that this could be put into the FEIS.

Ms. Smith stated that the architectural style of the buildings was one of the most important decisions to be made in this process. She further stated that before the Planning Board decides on any architectural building style it would be imperative to have more input from the public. Ms. Timpone-Mohamed stated that it may be possible to decide upon an architectural style during the site plan application process.

Ms. Smith asked what consequences would arise if the architectural style of the buildings was not determined with finality prior to the Planning Board's adoption of the Findings Statement. Chairman Henderson also asked if the Board's work would be able to proceed if an architectural style was not finalized in the Findings Statement, specifically, would the Board have to adopt the Findings Statement prior to reviewing the site plan? Mr. Staudt advised that it would not be necessary to adopt the Findings Statement prior to reviewing the site plan. However, the proposed zoning code changes could not be decided upon by the Village Board of Trustees until the adoption of a Findings Statement. Chairman Henderson asked why the Findings Statement would impact the zoning code changes. Mr. Staudt responded that pursuant to the regulations governing the process, no action may be taken until the Findings Statement is adopted.

Ms. Smith reiterated her concern that the design of the buildings is one of the most important aspects of the application and having given assurances that the public would have input, the Board has an obligation to ensure that the public has an opportunity to weigh in on the proposed architectural style of the buildings. Mr. Staudt stated that the Planning Board has indicated an acceptable size and type of structure and he believes whether it is a Mission style or Tudor or both could be deliberated at a later time. Mr. Blessing asked if after its adoption the Findings Statement could be amended. Mr. Staudt responded that a Findings Statement may be amended after its adoption but that he would not advise adopting a Findings Statement while contemplating future amendments to it.

Mrs. Longobardo stated that there are many concerns about the style and design of the buildings. She cited specific examples from the earlier discussions with the applicant and the public regarding the Tudor style building and the applicant's position that it would not have a genuine slate roof but a roof made of a different substance which visually resembled slate. Mrs. Longobardo stated her concern that issues such as these have been raised but have not reached a resolution.

Mr. Staudt suggested that the Board could complete its findings and also identify those areas in which more information is necessary- specifically, the architectural style of the project. Mr. Westerfield concurred with Mr. Staudt, stating that the Planning Board could finalize the Findings Statement without finalizing its decision as to what architectural style(s) would be acceptable.

Mr. Mark Miller, counsel to the applicant, WCI, addressed the Planning Board and stated that in order to move forward with several outside agencies and the issuance of permits, the applicant would need to have the Findings Statement adopted. Without an adopted Findings Statement, there would be delays on the municipal level and outside agencies such as the DEC, the Department of Health, and the Department of Transportation would not be able to move forward. Ms. Smith asked what their timeline was and how quickly the Board was expected to make these decisions. Mr. Miller stated that the Village Trustees had closed the public hearing on the zoning code amendments and therefore could not proceed to adopt those amendments at its September 11th meeting until the Planning Board adopted the Findings Statement.

Chairman Henderson asked Ms. Timpone-Mohamed how long it would take to complete the draft incorporating all the comments received thus far. She responded that she is waiting for information from the applicant and after she reviews it, she will get a revised draft back to the Board. Chairman Henderson stated that if a draft was available within that time frame, it might be possible for the Board to hold a special meeting in the latter part of August to review the draft Findings Statement and offer comments. Pursuant to Mr. Staudt's advice, Chairman Henderson adjourned the public hearing and the completion of the Findings Statement until the following meeting anticipated to be held in the second part of August.

6. New Business
None.

7. Next Meeting
The next regularly scheduled meeting of the Planning Board is Wednesday, September 13, 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 8:34 P.M.

Respectfully Submitted,

Lydia Byrne, Secretary
7/12/06 Planning Board Minutes