

**MINUTES OF REGULAR MEETING
BRONXVILLE PLANNING BOARD
WEDNESDAY, APRIL 13, 2005**

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

Also Present: Vincent Pici, P.E., Village Engineer
Renee Byers, Design Review Committee
Jeffrey Faville, Design Review Committee

1. Call to Order

Mr. Henderson called to order the regular meeting of the Planning Board at 7:30 p.m. and indicated all Planning Board members were present, including counsel and Design Review Committee ("DRC") members.

2. Minutes

Upon motion duly made by Mr. Blessing, seconded by Ms. Smith and unanimously carried, the Minutes of the March 9, 2005 Planning Board meeting were approved as amended.

3. Site Development Application – 77 and 79 Kensington Road

The owners of 77 Kensington Road, Mr. and Mrs. Dionisios Lados, and the owner of 79 Kensington Road, Ms. K. Bridget Gibbons, have retained architect Mary Ann Marrone to design their proposed renovations to these properties. Ms. Marrone described the proposal to the Board, and informed the members that these two properties share a one-car garage with the property line located in the center of the shared space. The garage, as well as the paved area and stone wall at the site, are in disrepair. Mr. And Mrs. Lados of 77 Kensington Road propose to add a new 2 car garage with a study and extended kitchen on one side above the garage with a patio over the other half of the garage. Ms. Gibbons of 79 Kensington Road proposes a new playroom at basement level with a new enlarged kitchen and a small covered porch above. Ms. Marrone explained that the construction would extend back an additional four feet from where the current structure stands. Chairman Henderson asked Ms. Marrone to confirm that these properties bordered on the Metro-North railroad tracks and that beyond the tracks was the Bronx River Reservation. Ms. Marrone confirmed both of these facts. She further pointed out that, with respect to the floor area ratio ("FAR")

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requirements of the Bronxville Code (the "Code"), that 79 Kensington Road was a non-conforming property. Chairman Henderson questioned Ms. Marrone regarding the side yard depth, which Ms. Marrone confirmed was not decreasing, due to the fact that the buildings are attached on one side and the remaining side yard of 77 Kensington was not subject to change. Mrs. Longobardo inquired about parking for the other residents of the townhouse development. Ms. Marrone responded that the other residents within these townhouses have parking available at their basement level. Mrs. Lados addressed the Board and stated that there was not adequate parking at the site and that presently her cars were parked on easement areas. She stated that their primary goal in undertaking these renovations was to improve the appearance of the Kensington Road area by getting the cars off the street and making repairs to the property.

Ms. Smith asked Ms. Marrone how one would get into the proposed garage. Ms. Marrone responded that it would be a three-point turn and added that the entire rear area was already completely blacktopped. Ms. Smith asked Ms. Marrone to confirm that the proposed garage would be able to fit two cars, which Ms. Marrone did.

Chairman Henderson asked for a report from the DRC regarding the proposed site plan. Mrs. Longobardo stated that the DRC had reviewed the plans with respect to design and finishes. Mrs. Longobardo said that there are six different ZBA issues involved with this application. The applicant is asking the Planning Board to increase the garage and interior of these residences. In doing so, the FAR would be increased as well. Mrs. Longobardo continued stating that, subject to ZBA approval, the DRC would recommend that the Planning Board approve the proposed site plans.

Mr. Westerfield was concerned that a precedent would be set if the Board approved. He stated his hope was that the ZBA correctly considers this application.

With respect to the zoning issues raised in Mr. Pici's memoranda regarding the proposed improvements, Chairman Henderson confirmed that while the DRC is authorized to review the design of site plan applications on behalf of the Planning Board, that it is not within the jurisdiction of the DRC or the Planning Board to review requests for zoning variances, which review lies within the jurisdiction of the Zoning Board of Appeals (the "ZBA"). Chairman Henderson opened the public hearing on the matter at 7:55 p.m.

Mr. Gibbons, a neighbor of both applicants, stated that he was in favor of the proposed improvements and had come to inform the Planning Board of his support for his neighbors' applications.

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Mr. Miller, a resident of 67 Kensington Road voiced his support for the application, stating that he believed the FAR provisions of the Code should only apply to large properties.

DRC member Renee Byers asked that she be recused since, as a resident of 10 Avon Road, Bronxville, she was a recipient of notice of the site plan applications pursuant to Section 310-44 E (4) of the Code. She stated that as a neighbor she does support the proposed renovations to the site.

There being no further comments, Chairman Henderson closed the Public Hearing at 8:00 p.m.

Chairman Henderson offered two options to the members of the Planning Board, stating that the Board could grant preliminary site plan approval to the applicants subject to the review and approval of the ZBA or that the Planning Board could defer its decision until after the applicants had appeared before the ZBA.

The Planning Board members opted unanimously to defer their decision on this matter; upon review of the applications and final decision by the ZBA, the applicants may then return to the Planning Board to request site plan approval.

4. Pre-Application Meeting – 100 Pondfield Road

100 Pondfield Road Corp. appeared before the Planning Board represented by its attorney, Robert F. Davis of Shamberg Marwell Davis & Hollis, P.C., its architect, John Fry of the Sullivan Group, and Steven Green, its principal. Mr. Henderson stated at the outset that pursuant to Section 310-26.B. of the Code, the pre-application review would not be deemed to be the filing of an application for development and that no statements or representations made prior to formal review would be binding on the Village or the applicant.

Mr. Davis informed the Board that the applicant's intent is to convert the present storage warehouse located at 100 Pondfield Road into a residential property. Mr. Davis reviewed the history of the facility and cited the present owner's desire to convert the property from a self-storage facility, which use was approved in 2001, to a mixed use building comprised of office space, three dwelling units and parking on the ground floor level. Mr. Davis noted that the applicant had appeared before the Board in March 2003, and stated that while the Board was enthusiastic about the proposal at that time, Bronxville then instituted a building moratorium which extended from October 2003 until July 2004. Mr. Davis stated that his client remains committed to the project and wishes it to move forward. In order to do so, he has retained a new architectural team led by Mr. Fry. Mr. Davis then asked Mr. Fry to review for the Board the plans for the property.

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Mr. Fry advised the Board that the programmatic aspects of the design presented to the Board for the property resulted from the amendments made to the Code since the applicant's last appearance. He pointed out that the street level of the property shown on the plan was comprised entirely of parking facilities and a lobby. Mr. Fry also discussed the exits available on the first floor of the property, with pedestrian exits proposed for both the alley which leads to Pondfield Road as well as an exit to the rear adjacent to the A&P, now the Food Emporium. As stated in Mr. Pici's memorandum of April 8th, and acknowledged by Mr. Fry, easement agreements over egress areas not owned by the applicant must be included with the formal application. Mr. Fry then reviewed the remainder of the plans with the Board, stating that the property would include office space, staff quarters, a residence for Mr. Green and a rental unit. In addition, the design calls for a rooftop pool as well as an atrium. Mr. Fry submitted that the only exterior alterations to the building would be for fenestration, the atrium structure and a stairway.

Chairman Henderson stated that the general goal of the Comprehensive Plan for the Village was to encourage a mix of residential and retail use in the downtown area. He further stated that dwelling units in the downtown area should be developed on a smaller scale in order to encourage the vitality of the downtown area. In addition, Chairman Henderson stated that the building, as developed, must be marketable; that it, it should not be so unique that the owner would be unable to sell it. Third, Chairman Henderson stated the concern of the Board with respect to the access to the property. Since the only ingress and egress to the property is over an active sidewalk, the development of the property must also take into account the safety of pedestrians over the sidewalk area adjacent to the property.

Mr. Davis responded to Chairman Henderson's concerns by stating that the building has not been a viable property for many years. Further, he stated that Mr. Green has retained a traffic engineer to review the traffic patterns which would be created by the development of the property. He stated that the business office would not be an office for consumers and clients, but would serve as an administrative office. Further, the driveway would not be used by large trucks, as it could be in the current self-storage setting, but rather would be used solely by automobiles.

Mr. Fry then continued his review of the plans for the property. Chairman Henderson asked if there would be separate entrances for the residential and business uses. Mr. Green responded that the elevator for the residential portion of the facility would require the use of a key. Chairman Henderson and Ms. Smith then inquired as to the use of the media room depicted on the second floor of the plans. Mr. Green explained that a media room would be used for meetings, or for video conferencing. He stated he believed the media room would be an amenity

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that would lend itself to future uses. He cited as an example the media room provided for in the Rivervue residential development in Tuckahoe, New York.

Ms. Longobardo asked why so much of the space was dedicated to the staff's residence. Mr. Fry cited the design as that of a loft, thus the use of large open space. Further, Mr. Davis pointed out that the staff dwelling unit would be occupied by a family, and therefore there would be a need for more space.

Chairman Henderson inquired as to why there was no dining room, living room or den in the staff quarters. Mr. Fry responded that he was not sure that would be appropriate for this type of building. Chairman Henderson stated that typical Bronxville apartments are more traditional than the spaces outlined on the proposed plan, and that it would broaden the potential market pool for the property if the dwelling units within the building were more consistent with what one traditionally expected of a Bronxville co-operative or condominium.

Ms. Longobardo stated that her review of the plans led her to believe that the units were not entirely separate dwelling units. Chairman Henderson echoed this concern stating that the unit designated as staff quarters appeared to be an appendage to the owner's unit, rather than an independent dwelling unit. Ms. Longobardo voiced her belief, as stated by Mr. Pici in his memo of April 8, that the Special Permit requirements of Section 310-14.8(b) of the Code would need to be satisfied prior to the Board's approval of any dwelling units in excess of 2000 square feet.

Chairman Henderson then asked where the kitchen was located in Unit 3 depicted on the plans. Mr. Green stated that a small area had been designated as a kitchen but that if the Board wished, Bedroom #1 of that unit could be made into a kitchen. He further explained that many of the design elements incorporated in the proposed plans came about in order to avoid certain undesirable views from the property.

Mr. Westerfield commented that Mr. Green and his design team must create three stand-alone units within the dwelling space of the property, and not merely create units which are appendages to each other.

Ms. Smith then inquired as to the incorporation of a rooftop pool into the plans. Mr. Green responded that the rooftop pool was a critically important component of his plan given that the roof space was the outdoor space for the residents of the building. He stated that water was an important design element which he found visually striking. Mr. Green added that the pool component was an important aspect of the future viability of the property.

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Mr. Faville of the DRC inquired as to the level of noise (e.g., music, splashing) which might come from the rooftop pool and the effect it would have on pedestrians and the ambiance of downtown Bronxville. Mr. Fry acknowledged the Board's and Mr. Pici's concerns with noise, but stated that the noise from the pool would probably go unnoticed due to the noise from the A&P/Food Emporium's condensor units. Mr. Fry did state that the applicant had consulted with surrounding property owners regarding the pool, and had not encountered any objections. He further stated that the applicant may do noise measurements near the property.

Ms. Byers then asked if Mr. Green intended to enclose the pool, to which he responded he did not because of the problems he would encounter if he did so (e.g. condensation, chlorine smell). Ms. Byers further inquired if Mr. Green had any intention of placing shade structures on the roof, and he responded that he did not intend to do so, that he only intended some attractive chaise lounges to be placed around the perimeter of the pool.

The Board then concluded its preapplication meeting with 100 Pondfield Road Corp., Mr. Green, Mr. Davis and Mr. Fry.

5. New Business

None.

6. Next Meeting

The next regular Planning Board meeting is scheduled for Wednesday, May 11, 2005 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 Ms. Smith, seconded by Mr. Blessing, and unanimously carried, the meeting was adjourned at 9:15 P.M.

Respectfully Submitted

Lydia Byrne, Recording Secretary
4/13/05 Planning Board Minutes