

Approved as Amended 1-10-07

Minutes of Regular Meeting
Bronxville Planning Board
Wednesday, December 13, 2006

Present: Donald Henderson, Chairman
Anna Longobardo, Vice Chairperson
Eric Blessing, Member
Adrienne Smith, Member

Absent: John Westerfield, Member
Maryann Palermo, Counsel

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 Mohamed of Frederick P. Clark Associates
("FPC"), Consultant to the Board

1. Call to Order

Chairman Henderson called a regular meeting of the Planning Board to order at 7:35 P.M. and indicated there was a quorum present. Additionally, Chairman Henderson announced that this would become a joint meeting of the Planning Board and the Design Review Committee (the "DRC") upon the arrival of the members of the DRC.

2. Minutes

Upon motion duly made by Ms. Smith, seconded by Mr. Blessing, and unanimously carried, the Board approved the minutes of November 8, 2006.

3. Site Development Application – Kensington Project

Chairman Henderson stated that since the last Board meeting the applicant and its consultants have been working with FPC and the DRC to narrow the remaining unresolved issues regarding the site plan for the Kensington Project.

Mr. John Sullivan of Sullivan Architects, the architect for the applicant, presented a more detailed and revised massing model of the Kensington project to the Planning Board showing additional greenery and a greater sense of scale of the buildings surrounding the project, including the railroad, the hospital, Christ Church, and other buildings. He also displayed revised renderings showing elevations, roofing and rooflines. These renderings showed all of the facades, different balconies (French and Juliet), different size windows and the two flats that appear to be one townhouse. Ms. Longobardo asked if this model and the revised renderings could be used by the Village for display to the public and Mr. Sullivan responded yes.

Mr. Sullivan provided a materials board that showed actual samples and colors of the proposed materials including stucco color, accent color, horizontal bands, windows and lintels. Mr. Sullivan presented a roof tile sample to the Planning Board and also distributed to the Board pre-cast stone samples to be used for the stone wall and caps. Mr. Sullivan also displayed a sample of steel railing material and a sample of the material to be used for the parapets shown in the plans. Ms. Longobardo stated that she would like to see the proposed design for the steel railing.

The Board and Mr. Sullivan also discussed lighting fixtures and bulbs. The Applicant is searching for a sample of a prismatic lens glass globe, and is working with the Village to coordinate lighting.

Paver samples were displayed on the samples board showing proposed designs for the courtyard area and patios. Mr. Sullivan will send a list of plants to be utilized to Ms. Byers for DRC review. Mrs. Longobardo said the DRC was not sure the use of differing railing designs would be appropriate. Mr. Sullivan responded there are only two designs for the railings: each building will use one of the designs.

Chairman Henderson said the DRC would continue to work with the applicant on design issues and make its recommendations to the Planning Board. Ms. Longobardo asked the Planning Board members for their input on the design as well.

Ms. Smith stated that the lighting design is key and central, together with the choice of the roofing material. Both Ms. Smith and Ms. Longobardo requested that all comments be heard and considered prior to finalization of the design and lighting aspects of the project.

Ms. Marilyn Timpone Mohamed gave a presentation and displayed drawings regarding the roundabout at the intersection of Sagamore and Kensington Roads. Traffic consultant John Collins has made comments and Mr. Pici has sent the drawings to the Eastchester Fire Department. The proposed plan provides for a flow of traffic onto Sagamore Road and a turning lane to Kensington Road or into the project. There is also a pedestrian rest area. This plan removes approximately five parking spaces. Ms. Marilyn Timpone Mohamed will inquire with the traffic engineer with respect to the removal of the fifth space. Ms. Smith stated that it seemed like an intelligent design but retailers and restaurant owners may not be happy about losing parking spaces. Chairman Henderson asked who is responsible for the cost of improving the roundabout. Mr. Pici responded that the applicant is responsible for relocating and finishing the road but the Village will have input. Mr. Pici advised that if the Planning Board is comfortable with the proposed roundabout design, it should be made a condition of site plan approval.

Chairman Henderson reviewed the status of the open matters as set forth in the November 3, 2006 letter of FPC, a copy of which is attached hereto, and reported with respect to each matter as follows:

1. **Architectural design including treatment of exposed parking garage façade and the issue of street setbacks.** The Board reviewed proposed colors and a massing model. Chairman Henderson asked if any member of the Planning Board wished to work with the DRC and stated that the DRC will sign off on final plan
2. **Age targeted unit design.** Mr. Sullivan has explained that the units D1-4 have dens with doors, but that these rooms would not have closets and adjoining baths, and therefore would be unlikely to be used as bedrooms.
3. **Parking Lot Design.** Chairman Henderson stated that the Village has retained a parking consultant. The Planning Board expects to have a memo from the Village consultant prior to the next meeting.
4. **Metro North sign off on the access points to the station platform.** Mr. Paley reported that he had given the Metro North approval to Mr. Pici. Mr. Staudt has requested the addition of an additional access point for the handicapped, which has not been discussed with Metro North and can be removed if Metro North does not approve.
5. **No gates at parking garage entrances.** This will be made a condition of the approval.
6. **Trash handling and pick up.** Ms. Marilyn Timpone Mohamed reported that there are two trash rooms in the lower parking garage. The Village desires that the trash be located on the far north side of the parking garage. The applicant reported that the details of the trash removal plan are being developed and that maintenance needs to be worked out between the Village and the applicant. In addition, the parking consultant will be involved in working out the details of the trash pick up and removal plan.
7. **Construction Parking Plan.** Chairman Henderson reported that Mr. Porr, the Village Administrator, will attend the next meeting of the Planning Board to report on the progress of the construction parking plan. Also, Mr. Paley will be meeting with the Women's Club to discuss parking arrangements there as well.
8. **Construction Management Plan.** Mr. Paley has met with the Eastchester Fire Department and a condition of approval will be the approval of the Construction Management Plan by the Eastchester Fire Department.
9. **Residential Noise Mitigation.** Noise mitigation will be a condition of approval.
10. **Visitor parking for guests of Kensington residents.** Chairman Henderson reported that this issue is currently unresolved.
11. **Landscape plan.** The DRC and Planning Board members will work together to make recommendations.

12. **Storm water management, erosion and sediment control, the construction plan, removal of contaminated soil and other engineering matters.** Chairman Henderson reported that the resolution of these matters in a manner satisfactory to the Village will be conditions precedent to the issuance of a building permit.
13. **Lighting plan.** Ms. Smith asked if both sides of Kensington Road will have the same fixtures. Mr. Pici said there are no fixtures on Kensington Road at the present time. Mr. Paley stated that fixtures on both sides of the street were not in the applicant's plan and that a photo metrics study was not required for both sides of Kensington Road. Mr. Pici suggested that the Board make satisfactory lighting a condition of approval.
14. **Repair of public roads after construction.** This will be a condition of approval.
15. **Police, Fire Department and EVAC review and approval of proposed plans.** The applicant is to advise on the status of these approvals.
16. **Dust control.** Satisfactory dust control during construction will be a condition of approval.
17. **Christ Church.** Adequate protection of the Church facilities will be made a condition of approval.
18. **Potential for Blasting.** A Chipping or Blasting plan which is satisfactory to the Village will be a condition of approval.
19. **Significant Adverse Impacts that cannot be avoided.** Each item in the Final Environmental Impact Statement, Section IV, is to become a condition of approval.
20. **Coordination of construction phasing and scheduling with MTA.** Conformance to the conditions set forth in Metro North's "General Procedures for Access to Railroad Property" is to become a condition of approval.
21. **Special Permit**
22. **Public Right-of-Way Improvements.** Streetscape and intersection improvements, as well as traffic handling improvements, are all to be made conditions of approval.
23. **Easements.** Easements are to be identified and reviewed, and made a condition to site plan approval.

Ms. Smith asked the applicant what will be presented at the next meeting. Chairman Henderson asked that the DRC continue to work with the applicant and provide a report to the Board at the next meeting. Ms. Longobardo stated that the DRC will decide on stucco colors at the time the work is being done. Ms. Smith requested that Mr. Sullivan bring a sample of the globe fixture to be used in the project, which Mr. Sullivan stated may not be available for some time. Ms. Smith stated that the lighting plan for the project is quite important, and that the fixture sample must be reviewed and approved prior to use. Mr. Sullivan stated that he would continue to work with Mr. Pici and the Department of Public Works.

Chairman Henderson re-opened the public hearing at 9:25 p.m.

Mr. Grealy, a resident of Kensington Road, requested that the Board revisit traffic and parking issues. He stated that the project will have an impact on population: there will be an increase of 2% to the Village and an increase of 10% in the immediate area of the project. Also, he stated his concern with security in the public parking area.

Dorothy Brennan stated that the roundabout design will have a great impact on Sagamore Road. Ms. Brennan stated that there will be no parking on both sides of Kensington and that the garage parking is not sufficient and she therefore objects to this design. Chairman Henderson stated that the parking configuration comes from the original plan and has not been changed as a result of the addition of the roundabout.

Chairman Henderson adjourned the public hearing until the next meeting.

4. New Business

None.

5. Next Meeting

The next regularly scheduled meeting of the Planning Board is Wednesday, January 10, 2007 at 7:30 P.M.

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 9:35 P.M.

Respectfully Submitted,

Lydia Byrne, Secretary
12/13/06 Planning Board Minutes

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MEMORANDUM

To: Donald Henderson, Planning Board Chair
Village of Bronxville

Date: November 3, 2006

Subject: **The Kensington, Continued Review –
Site Plan and Special Permit Applications**

This memorandum updates our previous memorandum to the Planning Board dated October 5, 2006 listing all outstanding comments regarding the site plan and special permit applications. It includes information provided by the Applicant during a meeting at our offices on October 19, 2006 and by agency correspondence received by the Applicant. The update for each item is presented in *bold italic script*:

1. **Architectural design including treatment of exposed parking garage façade and the issue of street setbacks.** The DRC has identified the following issues regarding architectural design that should be resolved:
 - Treatment of the lot line wall of 1 Pondfield
 - Design of the entry courtyard and access drive and plantings in this area
 - The plantings at street level regarding appropriateness and snow storage
 - The Kensington Avenue sidewalk
 - Choice of colors and materials for construction
 - Articulation of the Kensington Road building facades
 - Articulation of the Kensington Road garage façade
 - Locations of secondary exterior stairs to terrace level
 - Need for the walkway on terrace level along the east façade of the north building

Revised site plans addressing outstanding issues regarding architectural design were submitted on 11/2/06. A massing model of the project and its environs will be available for review at the November 8 meeting and the Landscape Architect will attend the meeting.

2. **Aged targeted unit design.** We note that the designs of certain units have changed on the newly revised plans. Units D1, D2, D3 and D4 all include an additional room with a door that, in at least two units, is near bathrooms. Such units, with the minor addition of a closet could be used as third bedrooms. All other unit designs adhere to the Findings, which states that additional spaces would not have doors and would not be located near bathrooms.

Penthouse unit age-targeted design will be addressed by the revised plans to be submitted before the November 8 Board meeting.

3. **Parking lot design.** Matthew Hoelzli, a parking consultant, has provided a memorandum regarding security in the parking garage to the applicant. However, the revised design for the proposed parking garage should be reviewed to investigate whether the design meets the contract specifications, provides adequate pedestrian access to public garage areas and complies with pedestrian and vehicular safety standards in addition to security.

The Applicant and consultants worked with the Village to redesign the spatial concept of the garage and revise the parking layout. The revised garage plan was submitted on 11/2/06. Mr. Hoelzl will attend the meeting to answer any questions and comments regarding the revised design and the parking layout and whether it meets contract specifications, provides adequate pedestrian access to public garage areas and complies with pedestrian and vehicular safety standards.

4. **Metro North sign off on the access points to the station platform.** It is our understanding that this important site plan element has not yet been resolved. It should be resolved prior to site plan approval.

The revised garage layout provides three access points to the railroad station platform, two public (including one that is handicapped-accessible) and a private one for Kensington residents. The locations and number of access points available to the Village will be a condition of approval. Regarding Metro North sign off, Metro north must approve the foundation plan and the means and methods of construction; however, it is more than probable these approvals will not be granted until after the Planning Board takes action on the applications.

5. **No gates at parking garage entrances.** If that is what the Planning Board wants, it should be memorialized in a condition so gates cannot be added after approvals are granted.

The prohibition of gates at all publicly accessible parking garage entrances will be a condition of approval.

6. **Trash handling and pick-up.** The FEIS states there will be private carting from the trash rooms. We understand, from the applicant, that dumpsters would be rolled out to Kensington Road for pick up. The Board may want to consider restrictions regarding putting garbage anywhere where it could be seen from the outside of the building.

The locations of trash rooms and the method and details of trash pick-up are being developed. A revised location plan was submitted on 11/2/06.

7. **Construction parking plan.** An updated parking plan for alternate commuter parking, alternate street parking and parking for construction workers should be provided so that the total number of spaces provided will offset the total number of spaces lost during construction as stated in the Findings.

The Applicant met with the Village to work on the construction parking plan and will try to obtain a letter of agreement for provision of parking spaces from the Bronxville Woman's Club prior to the November 8 meeting.

8. **Construction plan.** An updated construction plan, addressing construction traffic, construction noise and construction impacts in general, both on site and off site, including impacts to church nursery school drop off and pick up, and impacts from off-site utility improvements and the re-routing of an existing water main, should be provided. FEIS Section IV.3 says the applicant will work with Christ Church during the construction phase to be sure no significant noise will occur during the Church's scheduled events.

The Applicant will meet with fire and emergency medical services to review the construction plan with them and will provide an updated plan to the Village for review.

9. **Residential noise mitigation.** The architectural design and detailing of the buildings should provide noise mitigation measures, as described in Section II-2 of the FEIS, to reduce the impact of noise inside the residential units from Metro North trains. A condition requiring such mitigation should be added to an approval resolution.

A condition requiring noise mitigation detailing of the proposed buildings will be added to an approval resolution.

10. Visitor parking for Kensington residents. If tandem parking is permitted, will there be conditions to the approval regarding such parking or other parking issues? We understand, from the applicant, that parking spaces would not be sold separately from the residential units and that two spaces would “come with” each unit. The parking garage plan does not include dedicated visitor parking spaces for The Kensington.

The Applicant and consultants worked with the Village to redesign the spatial concept of the garage and revise the parking layout. The revised garage plan was submitted on 11/2/06. The Applicant does not propose to dedicate any of their residential spaces for visitor parking only. Approval will be conditioned to prohibit sale of parking spaces separately from sale of the residential units to which they belong.

11. Landscape Plan. The revised plans include a landscape plan for open areas of the Kensington property and areas within the right-of-way of Kensington Road. The plan should be reviewed and any conditions the Board wishes to impose regarding on going maintenance, snow removal, etc. should be considered (see EIS Section II.4).

A revised landscape plan was submitted on 11/2/06. The Board should decide which issues (on going maintenance, preferred plant material, streetscape improvements, traffic and street parking improvements, snow removal, etc.) will be made conditions of approval.

12. Stormwater management, erosion and sediment control, the construction plan, removal of contaminated soil and other engineering matters. The plans should be updated and reviewed by the Village Engineer and/or the engineering consultant. Comments regarding the route for transporting contaminated soil from the site and the route that construction workers may take to the site from construction worker parking areas, have been received. A comment was received regarding the Remedial Action Plan that asked if a carbon adsorption unit should be installed in the structure as a precautionary measure, regardless of whether or not contaminant readings after soil removal are satisfactory.

As the engineering plans are developed they will be reviewed and approved by the Village Engineer and the engineering consultant. We understand it is the intention

of the Applicant, after site plan and special permit approval is granted, to immediately apply for a foundation permit to begin removal of contaminated soil and relocation of utilities on and off-site. The Applicant is working with NYSDEC regarding soil removal and DEC will be required to approve the soil removal plan.

13. Lighting plan. A photometric lighting plan, including photos and specifications for all fixtures proposed, should be provided for review.

In addition to the proposed lighting fixtures included on the revised plans submitted on 11/02/06 a complete photometric lighting plan is being developed. However, this plan could not be ready for the November 8 meeting. It will be submitted for review when completed.

14. Repair of public roads after construction. The applicant has represented that if the public roads require repair because of damage during the construction process, the applicant will make the repairs (FEIS Section E.29). This should be included as a condition to an approval resolution.

A condition stating that the Applicant will be responsible for repair of public roads damaged during construction will be added to an approval resolution.

15. Police, Fire Department and EVAC review and approval of proposed plans. We understand that the applicant will provide updated plans to the Police Department, Fire Department and EVAC. FEIS response III.I.7 provides for certain construction items to assist in fire fighting. Section 3.I.1. FEIS response III.I.1 states that certain design features will be included to facilitate ambulance corps access and that the applicant will continue to coordinate with the ambulance corps during the site plan process.

The Applicant will update the Board regarding review and approval of revised plans by police, fire and EVAC services at the November 8 meeting.

16. Dust control. FEIS Section IV.1 addresses dust control. A condition should be included in the resolution to deal with this issue. If the Construction Management Plan attached to the FEIS is acceptable to the Board, its implementation should be made a condition of approval.

A condition requiring implementation of the dust control measures proposed in the Construction Management Plan attached to the FEIS and any other dust control

measures determined to be necessary by the Village Engineer or the Village's consultants will be added to an approval resolution.

17. Christ Church stained glass windows and pipe organ. The findings state that the windows and pipe organ will be evaluated to determine their condition prior to construction and that a plan will be developed for protection of the windows and organ. The Board should receive an update on the progress of the plan and consider a condition to the approval regarding protection of the windows and organ.

The Applicant is working with Church officials to devise a protection plan for the pipe organ and stained glass windows. A condition stating that the Applicant will be required to provide a plan for protection of the pipe organ and stained glass windows during construction that is reasonably acceptable to Church officials and acceptable to the Village will be added to an approval resolution.

18. Potential for blasting. According to the Applicant it is more likely that rock will be chipped rather than blasted during construction. Chipping has its own potential impacts that the Board should consider. Such impacts should be addressed in an updated construction plan.

Although chipping rock seems, without further review, to be a less violent method of rock removal, chipping of rock can go on for extended periods of time depending on the amount and hardness of the rock to be removed. In certain cases, modern, controlled blasting, which can be accomplished by a single momentary blast, may be a better removal method. A chipping and/or blasting plan will be developed; however, it will not be ready for the November 8 meeting.

19. Significant adverse impacts that cannot be avoided. Each response in the FEIS Section IV "Significant Adverse Impacts That Cannot Be Avoided" should be reviewed because most of them will generate a condition of site plan approval.

These items will become conditions of an approval.

20. Coordination of construction phasing and scheduling with the MTA. FEIS response IV.4 says that coordination with the MTA regarding construction issues will be ongoing. The Board should be updated on this.

Response V.9 in the FEIS says that work will be performed in conformance with Metro North's "Construction Management Specifications" for work adjacent to

railroad property and in conformance with Metro North's "General Procedures for Access to Railroad Property." Consideration should be given to making such conformance a condition of approval.

The Applicant will update the Board regarding coordination with the MTA at the November 8 meeting. A condition requiring work to be performed in conformance with Metro North's "Construction Management Specifications" for work adjacent to railroad property and in conformance with Metro North's "General Procedures for Access to Railroad Property" will be added to an approval resolution.

21. Special Permit. Response 37 under the Architectural Design Preference Section of the FEIS says that the special permit will include language to restrict future development on the site. Response 43 in the above mentioned section of the FEIS says there will be a condition in the special permit preventing the approved site plan from changing.

Approval of a special permit will be conditioned to restrict future development on the site and prevent amendment of the approved site plan after construction is completed.

22. Public right-of-way improvements. Response 39 in the Architectural Design Preference Section of the FEIS provides that the public right of way within the project boundary will be reconstructed. The sidewalk will be extended. There will be planter beds and a streetscape planting of trees, etc. In addition, the Findings state that the Pondfield/Kensington/Sagamore intersection will be examined in greater detail to determine whether modifications to the intersection will be implemented. The analysis and potential plan for streetscape and intersection improvements should be reviewed and conditions of approval should be considered with respect the streetscape and any traffic handling improvements to be implemented.

Revised site plans showing intersection and streetscape improvements were submitted on 11/2/06. The analysis used to devise the improvements shown on these revised plans and any potential plan for streetscape and intersection improvements should be thoroughly reviewed. Conditions of approval should be considered with respect streetscape and traffic handling improvements proposed. This office made a preliminary review of the intersection improvements shown on the revised plans. We are concerned about the complexity of the improvements shown and the use of a roundabout in close proximity to the Pondfield traffic circle. Such traffic

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improvements should be based on the geometry of the intersection and the traffic volumes of the intersecting roads.

23. Easements. Certain easements must be implemented between the Applicant and the owner of 1 Pondfield Road and the Applicant and Metro North. All easements required should be identified and reviewed.

This issue will be worked on by the Village, the Applicant and their respective counsels.

We look forward to discussion with the Board at the next meeting.

Marilyn Timpone Mohamed, ASLA, AICP
Senior Associate/Planning/Environment

cc: Vincent Pici, P.E.
Maryann Palermo, Esq.
James Staudt, Esq.
Mark Miller, Esq.
Bob Paley, WCI Communities
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