Approved 7/13/05 as Amended

MINUTES OF REGULAR MEETING
BRONXVILLE PLANNING BOARD
WEDNESDAY, JUNE 8, 2005

Present:	Donald Henderson, Chairman Anna Longobardo, Vice Chairman John Westerfield, Member Adrienne Smith, Member Richard Carey, Alternate Member Maryann Palermo, Counsel
Also Present:	Vincent Pici, P.E., Village Engineer Renee Byers, Design Review Committee Jeffrey Faville, Design Review Committee James Staudt, Counsel
Absent:	Eric Blessing

1. **Call to Order**

Chairman Henderson called to order the regular meeting of the Planning Board at 7:30 p.m. He noted that for this meeting Alternate Member Richard Carey is a regular voting member in Mr. Blessing's absence.

2. **Minutes**

Upon motion duly made by Ms. Smith, seconded by Mrs. Longobardo and unanimously carried, the Minutes of the May 11, 2005 Planning Board meeting were approved.

3. **Preliminary Site Development Applications**

100 Pondfield Road

The Applicant, 100 Pondfield Road Corp. appeared before the Planning Board by its attorney, Robert F. Davis of Shamberg Marwell Davis & Hollis, P.C., its architect, John Fry of Sullivan Architecture, P.C. and Steven Green, its principal. Chairman Henderson stated that pursuant to Section 310-26.B. of the Bronxville Code that this appearance of the Applicant before the Board was a pre-application appearance and would not be deemed to be a 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 thanked the Board for agreeing to meet with the Applicant and stated that the Applicant had made revisions to its plans for 100 Pondfield Road, the subject property, pursuant to the suggestions of the Board at the April 13, 2005 conceptual meeting. Mr. Davis stated that the Applicant anticipated submitting a formal application after its appearance at this meeting.

Mr. Davis turned the presentation over to John Fry and Chris Palella of Sullivan Architecture, P.C. who advised the Planning Board that they had met with Erica Krieger, a New York State Code Representative, and reviewed with her specific issues which had arisen during the review of the Applicant's proposed plans. Mr. Fry further stated that many of the changes incorporated into the Applicant's plans are the result of the meeting with Ms. Krieger and are outlined in Mr. Fry's May 24, 2005 letter to Mr. Pici, a copy of which is attached to these minutes.

Mr. Fry pointed out that in response to the Board's concern, an additional unit, a studio comprising 1,033 square feet, had been added to the proposed development of the subject property, bringing the total number of dwelling units to four.

Mr. Fry stated that one long-term concern of the project is roof borne noise. The Applicant is concerned that noise from adjacent commercial properties will filter in to the project. Mr. Fry stated that the Applicant is continuing to look at this issue.

In response to Mr. Fry's comments, Chairman Henderson reviewed the guiding principles of the Bronxville Community Plan and Zoning Code. Primarily, these guiding documents favor residential use of the Central Business District (the "CBD") because such use adds vitality to the Village. In general, the Board favors the use of smaller units in the downtown area in order to increase the density of the population in the CBD. The Board's interest also lies in ensuring that the Applicant's project is one which is viable and which will be marketable in the event the Applicant no longer owns or wishes to sell the subject property.

Mrs. Longobardo stated that she does not believe that the Applicant's plans are the best potential use for the subject property. Mr. Davis respectfully accepted Mrs. Longobardo's statement, acknowledging that the development of ten or twelve units on the site was a possibility, but stated that such a development was not this Applicant's proposal.

Ms. Smith asked whether the studio apartment added to the proposal would be a desirable location for a tenant given Mr. Green's domination of the remainder of the property with his business and residence. Mr. Green responded that he does not believe that will be an issue in renting the studio apartment; rather, he believes there will be great demand for the studio space. Mr. Green also stated that increasing the number of units would increase the egress issues at the site which he, Mr. Fry and Mr. Davis have attempted to rectify in their meetings with Ms. Krieger. Mr. Fry further stated that issues of light, ventilation and parking have made it difficult to accommodate more units in the building. Mr. Green added that the larger units command higher prices per square foot which was an additional business reason for proposing a small number of larger units.

Mrs. Longobardo stated that as head of the Moratorium Committee for the Village of Bronxville, she had considered the many issues arising in developments such as this including site issues and internal configurations. She added that special use permits are needed for units larger than 2000 square feet.

Mr. Davis responded that the Applicant's plan is allowed by law. Further, he stated that Mr. Green has acquired and developed over 1,700 apartment units over the last several months. In addition, Mr. Davis said that Mr. Green wishes his home to be a contribution to the community. He stated that the Applicant's proposed use will be of very little impact to the Village.

Mr. Westerfield inquired as to whether any of the dwelling units would be considered guest facilities. Chairman Henderson stated that the Planning Board does not regulate the interiors of dwelling units.

Rather, he stated, the concern of the Planning Board lies with the number of people who occupy those dwelling units and their contribution to the vitality of the CBD.

Ms. Smith raised the issue of the roof top pool shown on the Applicant's plans. Mr. Davis stated that the pool was permitted and met the requirements of the Bronxville Code. He further stated that the applicant would ask the Zoning Board of Appeals for an interpretation of the Code and, if necessary, a variance. Chairman Henderson stated that the Planning Board had no jurisdiction over that specific issue.

4. **Site Development Application**
Kensington Road Development

Chairman Henderson reviewed the process to be followed in this matter pursuant to the NYS Environmental Quality Review Act ("SEQRA"). At this time, the Planning Board has declared itself the Lead Agency and has adopted a Scope, or Table of Contents, for the Draft Environmental Impact Statement ("DEIS"). The Applicant, Spectrum Kensington LLC, has submitted a DEIS for the Board's review. Chairman Henderson stated that the purpose of the evening's review was to ensure that the DEIS included all those items which were required to be addressed by the Scope, or Table of Contents, previously adopted by the Board on October 13, 2004.

John Saccardi of Saccardi & Schiff, Inc. reviewed the DEIS with those present and responded that each comment made would be addressed in the revised DEIS. He specifically stated that this initial review of the DEIS was for completeness, and was not meant to address substantive comments on the information contained therein. Rather, once the DEIS had been deemed "complete" by the Board, then a substantive review of its contents would be undertaken. At that time, the Applicant would have its experts, including its traffic engineers, present at the Board's meetings in order to address the concerns raised with the content of the Statement.

All comments submitted at the meeting are recorded in the June 28, 2005 memorandum of Frederick P. Clark Associates, Inc., a copy of which is attached hereto and made a part hereof. With respect to comment #95 listed on p. 14 of that memorandum, Chairman Henderson stated that it was his understanding that the Applicant had met with neighbors of the proposed site and had been asked by them to pursue the one-building alternative discussed in the DEIS. Chairman Henderson asked Mr. Saccardi what the result would be if the Board favored the alternative of one building instead of two. Mr. Saccardi stated that all studies, photos and reports contained in the DEIS would address the favored alternative.

Chairman Henderson then outlined the process going forward, which will be for the Applicant to produce a revised draft of the DEIS which the Board will then review and, when appropriate, deem it complete. Chairman Henderson asked Mr. Staudt, counsel to the Village, to confirm the procedure going forward. Mr. Staudt stated that the Board would need to adopt a resolution deeming the DEIS complete and would then proceed to set a date for a public hearing on the matter.

5. **New Business**

None.

6. **Next Meeting**

The next regular Planning Board meeting is scheduled for Wednesday, July 13, 2005 at 7:30 p.m. at the Bronxville Public Library unless otherwise notified.

7. **Adjournment**

There being no further business before the Planning Board, upon motion duly made by Ms. Smith, seconded by Mr. Westerfield, and unanimously carried, the meeting was adjourned at 9:00 P.M.

Respectfully Submitted

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Lydia Byrne, Recording Secretary
6/8/05 Planning Board Minutes