

**MINUTES OF REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF BRONXVILLE HELD ON JULY 10, 2013 AT THE VILLAGE
HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

PRESENT:	Eric Blessing	Chairman
	Anna Longobardo	Vice Chair
	Adrienne Smith	Member
	James Murray	Member
	Randolph Mayer	Alternate
	Rene Atayan	Alternate
	Vincent Pici	Superintendent of Buildings
EXCUSED:	Gary Reetz	Member

Chairman Blessing called to order the regular meeting at 7:30PM.

APPROVAL OF MINUTES

On motion of Ms. Smith, second by Mr. Murray, the Board approved the minutes of the Regular Meeting on June 12, 2013.

SITE DEVELOPMENT – J.C. FOGARTY’S – 60 KRAFT AVENUE (2ND FLOOR ADDITION)

Mr. Robert Davis, attorney for applicant, reviewed the scope of the project. The applicant has worked on refining their submission and are here with a formal application for site approval. There will be no physical change to the building footprint and no physical manifestations from the street level. The outdoor dining will be hidden from the view of the street. In terms of parking, there is ample parking on weekends and evening hours so not as to interfere with commuters. The hours of operation will be 4PM – 11PM Monday through Friday and they will reduce sidewalk dining by 10 seats. On Saturday and Sunday, it will be open for brunch and will reduce the outdoor dining by 10 seats again. The net increase of 22 seats will be only at peak times.

Mr. Bowen, architect, reviewed the architectural drawings of the second floor plan. There will be two egresses – one in the rear and one on the side. He reviewed the lighting specifications and reviewed how there will be little impact on Pondfield Road with regard to noise and site of the building.

Mr. Murray inquired if the second floor will be used during the winter months.

Mr. Davis responded that only the indoor area would be utilized.

Ms. Smith asked for a review of the hours of operation and if the space on the second floor would only be utilized for special events.

Mr. Davis responded that the hours of operation would be 4PM – 11PM weekdays and if there is no special event that drinks would be okay in the roof top area but no food. There will be no music or amplified sound on the second floor. This area is nestled in from the street level.

Mr. Fogarty confirmed that people would be able to go up to the roof top area with a drink and enjoy the atmosphere.

Ms. Smith asked if this became a de facto bar it would be a shame.

Mr. Davis said there will be no bar outside and there will be limited table seating.

Mr. Murray asked if someone could go in, get a drink and then sit outside in the roof top area.

Mr. Davis said that the furniture in the outdoor area will be put away from December through February and that the outdoor area will be open only from May through October.

Ms. Longobardo asked if people could access this space with the furniture there and sit.

Mr. Davis responded that there will be no access when the area is closed. The applicant would be happy to stipulate access only from May through October in their application.

Ms. Smith expressed concern about the occupancy limit for the outside area. She also inquired if the roof can bear any amount of weight.

Mr. Bowen answered that the roof can hold 100lbs per square foot which allows for a maximum of 32 people.

Mr. Davis said that the applicant could limit the number of people on the roof top.

Ms. Atayan said there seems to be some confusion with regard to the number of people inside versus the number of people outside. She asked if only one area would be used at a time. And, people flowing in and out and causing an overload of people is a concern.

Mr. Davis replied that inside and outside dining would not be in separate use at the same time. Yjr the 52 people would be inside and others outside.

Ms. Atayan asked if a large event would be limited to a maximum amount of people.

Mr. Davis said that the maximum capacity would be 52 people for both spaces. There will be no one using the upstairs space unless for a special event.

Ms. Smith asked when there is no special event what is the maximum on the roof top.

Mr. Fogarty said that 32 people would be the maximum outside.

Ms. Longobardo is concerned about the noise and would like it to be controlled as much as it could be.

Mr. Mayer inquired why the space is limited to only special events.

Mr. Davis answered that the applicant has adequate facilities on the first floor and that the second floor is conducive to private dining. This is meant to be a special dining area.

Dr. John Collins reviewed the parking for the applicant. The 32 people maximum would require 17 – 18 spaces to satisfy the parking requirement. There was a study done and it was found that Kraft Avenue parking area, the spaces by Fogarty's and the funeral home provided adequate parking. There would be more than 50 spaces available in this area which is more than sufficient.

Ms. Smith commented that F.P. Clarke & Associates, consultants for the Village, looked at the spaces near Fogarty's.

Dr. Collins said that most spaces were near the restaurant.

Mr. Davis said that the actual study shows more than 50 spaces available.

Chairman Blessing opened the public hearing at 8:02PM.

No public comment.

Chairman Blessing closed the public hearing at 8:02PM.

Mr. Pici commented that at least one variance with regard to floor area ratio is required by the applicant. This will have to be approved by the Zoning Board. The Planning Board can waive the parking to the Zoning Board if they choose. There is no report on the aspects of the application from F. P. Clarke & Associates and he suggested that the Planning Board wait for that. The Eastchester Fire Department will determine the maximum occupancy allowed for the indoor and outdoor dining with regard to exits. There is concern expressed by the Police Chief about noise and this can be commented on by F.P. Clarke & Associates in their report. There will be time to address the F.P. Clarke & Associates comments before the September meeting of the Zoning Board.

Mr. Davis said he hopes to work on any issues before the September Planning Board meeting so the applicant can receive an approval.

Chairman Blessing would like to wait for a memo from the Police Chief and a report from the Eastchester Fire Department with regard to fire exits.

Mr. Pici reported that there is no problem with structure and exits. The Fire Department will determine the number of people based on the number of exits.

The matter was referred to the Zoning Board and the Planning Board is awaiting the parking study from F.P. Clarke & Associates.

SITE DEVELOPMENT - AIDANO DIBONA - 25 MILBURN STREET
(SPECIAL PERMIT - CONVERT FORMER GARAGE TO AN INDOOR RECREATION
FACILITY)

The architect for the applicant explained that the building is currently in poor shape. It will have a new front. It will be an open garage space. This will be used as a cross training center. There will be an office up front, a bathroom and they will keep the rest of the building very simple. The parking will be improved as well as the drainage. The driveway will be ripped up and improved. There will be no more than three people at a time working out.

Mr. Murray asked if this was a personal training facility.

Ms. Smith inquired about the hours of operation.

Mr. Mike Friedman, owner, responded that the hours will be 5AM, 6AM, 7AM, 6PM, 7PM and 8PM Monday through Friday and that Saturday the hours will be 9AM - 12Noon. The facility will be closed on Sundays.

Ms. Atayan commented that she is concerned about flooding.

Mr. Friedman responded that the electric will not be below the flood line. There will be free weights. There will be small group training.

Mr. Murray asked then if this will be a big open space.

Mr. Mayer inquired about the purpose of the two garage doors and if vehicles would be put inside.

Mr. Friedman answered that the doors would be opened to provide fresh air and that no vehicles would be brought inside the building.

Ms. Smith asked the applicant if he was operating anywhere else.

Mr. Friedman responded that he currently is at New York Sports Club in Stamford, CT.

Chairman Blessing reported that the memo from Mr. Pici states that all is conforming to the Village Code and that there is no issue with flooding.

Mr. Pici said that the applicant is required to comply with flood requirements. One condition is that all equipment and activities are to be enclosed. The garage doors do not have to comply with the requirements.

Chairman Blessing asked where the garage doors face.

Mr. Pici responded that the doors face the side of the building.

The architect for the applicant said that all activity will be inside the gym. These doors provide more of a California style of exercise.

Ms. Smith said she likes the idea of the garage doors open and the refurbishing of this space.

Ms. Atayan commented that she likes the opening of the garage doors but she is concerned about flooding. She recommended having the outlets up high.

Mr. Friedman said there will be rubber mats on the floor and everything can be hosed down.

Chairman Blessing asked the Design Review Committee to comment.

Mr. Colquhoun said that the Design Review Committee liked the outside of the building. The colors matched the others on the block. They found no issues. There was no sign application.

Mr. Pici said the applicant will have to submit a sign application and go before the Design Review Committee when they do.

Chairman Blessing opened the public hearing at 8:20PM.

Mr. Josh Siegal, 1 Stone Place, commented that he was pleased this application was coming before the Planning Board and he loves the idea of improving the area.

Chairman Blessing closed the public hearing at 8:21PM.

Chairman Blessing asked for a motion from the Planning Board to approve the special permit.

On motion of Mr. Murray, second by Ms. Smith, the Board approved the special permit.

**SITE DEVELOPMENT – SOUL CYCLE – 94 KRAFT AVENUE (SPECIAL PERMIT –
CONVERT EXISTING RETAIL SPACE INTO NEW INDOOR RECREATIONAL
FACILITY – CYCLING EXERCISE STUDIO)**

Mr. Richard Pierson, engineer, prepared the traffic study and application for the applicant. He looked at the parking along Kraft Avenue. The study done is very detailed. There is adequate and convenient parking for cyclers. He was conservative with his analysis.

Mr. Murray asked if the average person spends 45 minutes cycling.

Mr. Pierson responded that they do and that it is a three minute walk to the farthest spot from Soul Cycle.

Ms. Smith asked how many people shower after class.

Mr. Pierson replied that most do not shower at the facility.

Ms. Luba Senatorova, representative from Soul Cycle, spoke about Soul Cycle and the fact that they have 17 facilities in operation. They would like to increase to 40 over the next few years. They have focused on this area and are excited to become part of Bronxville. All cycling activity will be confined within the studio. They have submitted an acoustical analysis and no food or therapeutic services will be offered.

Ms. Longobardo asked for some background information on Soul Cycle and if it is privately owned.

Ms. Senatorova responded that the idea was conceived in the U.S. and it started in the New York area. There are 4 operations in California, 8 in New York City and the expansion plans are tremendous. It has been spreading fast and has been well received. Soul Cycle is partially owned by Equinox.

Ms. Atayan inquired about the number of residences over the facility. She also asked about the noise when sessions are going on.

Mr. John Gordon, realtor, said that directly above the facility are four apartments. They really are only over the front section of the building as the back of the building has vaulted ceilings. All noise levels will have to be in compliance with Village Code.

Ms. Smith asked if there would be music with voice commands from the instructor.

Ms. Senatorova answered that the ambient level was measured and no increase in noise was found. They will set the threshold at the ambient level and will not go above it. They will follow the Village Code.

Mr. Alan Cook, Director of Design for Soul Cycle, reported that they employ sound levels below what is required. This is regardless of location, lease requirements, etc. They firmly believe in being good neighbors. They construct fully insulated rooms within rooms.

They have had no complaints with this type of construction. They do conduct tests within the residences to make sure there is no disturbance.

Mr. Gordon said this tenant is a way to help programs like the Mayor's "Shop Local" program. He has worked hard to show the applicant that this is a market they want. Having the applicant here will help local retailers. It will benefit all. He asked the Planning Board to move this application forward. No lease has been signed. Zoning is contingent on this deal moving forward.

Chairman Blessing opened the public hearing at 8:45PM.

A resident said she is in favor of Soul Cycle coming to Bronxville. It is a fabulous exercise club. She has been a resident for 25 years and has attended Soul Cycle in Scarsdale for the last 5 years. She feels it will be great for Bronxville.

Mrs. Annette Healy Dowling, resident, is a huge fan of Soul Cycle. She feels it will bring life and energy to Bronxville. There is no noise. People just love it. The teachers are great and the 45 minute workout is fantastic.

Ms. Susan Miele, Director of Bronxville Chamber of Commerce, has heard such clamoring for this operation. It is important to revitalize Kraft Avenue in particular. They will benefit from the increased foot traffic. She asked the Planning Board to accept this application.

Ms. Lee Sullivan, resident, feels this will help the Village and bring vitality back.

Chairman Blessing closed the public hearing at 8:50PM.

Chairman Blessing asked the Design Review Committee to comment.

Mr. Colquhoun said that the Design Review Committee reviewed the sign and lighting and that there is no awning currently. The applicant cannot have both a sign and an awning.

Mr. Pici stated that a parking study was prepared. The noise issue would be conditioned in the approval before the applicant would be allowed to open for business. He would like the Village consultant to comment on the parking and the noise. This was an expedited application.

Ms. Smith said that we all know about the parking. The real estate situation is worrisome. This company is so raved about and she would feel badly if they left.

Ms. Atayan commented that all of the hours of operation for each applicant on Kraft Avenue are different. She feels that to have such a blue chip company as an anchor store facing the train tracks really benefits the Village.

Mr. Mayer said he would be happy to approve this application right now but did not want to circumvent the process.

Chairman Blessing said the Planning Board could approve the application contingent upon a noise study and the return of F.P. Clarke & Associates comments on parking.

Mr. Pici stated that the policies and procedures allow preliminary approval of this application so the applicant can move ahead. He directed the applicant to provide F.P. Clarke & Associates with their analysis.

Chairman Blessing asked the Planning Board for a motion to approve the preliminary application with the conditions that F.P. Clarke & Associates receives the noise study, there is a post-construction inspection conducted and final F.P. Clarke & Associates parking comments are received.

On motion of Mr. Murray, second by Ms. Smith, the Board approved the preliminary application.

SITE DEVELOPMENT – CRUSH RESTAURANT – 112 KRAFT AVENUE (CHANGE OF USE – CONVERT EXISTING RETAIL SPACE TO NEW RESTAURANT)

Mr. Neal Carnou, architect, reported that this was a former retail store that is now vacant. The applicant is looking to have a tapas restaurant similar to her store in Larchmont. There will be lounge type seating, high seating and bar seating. There will be 61 seats in total. The rear portion facing the courtyard will be for the coat room, bathroom and egress. Duct work elements are similar to the existing ones in the courtyard. The front of the building will have a small sign over the door. The awning will be modified. Mr. John Pierson of John Myers did the traffic study.

Ms. Jennifer Deutsch, the owner of Crush, said she will have a full menu with grilled and smoked food and a liquor license. She would like to be open for both lunch and dinner. She would love to be in Bronxville.

Chairman Blessing opened the public hearing at 9:10PM.

Philip Hedger, owner of Ernie's Wine Bar, said that he has been in Crush in Larchmont and it is a wine bar. There is a concern by many merchants that there is not a need for another wine bar in the Village. He feels competition is a fine thing. He feels this is a classic wine bar. He feels that this application needs to be considered in moving forward.

Ms. Smith said that the menu is more extensive than that in a wine bar.

Ms. Deutsch said that 70% of her business is food. There will be a bar in front and a full kitchen in the back.

Ms. Longobardo commented that people are enthusiastic with the current wine bar. There may be a concern with the signage and the wording. Crush seems to have a much more extensive menu.

Mr. John Lugano, owner of Pete's Tavern, said he was here to support the current establishments. He asked the Planning Board to look at the zoning in the Village instead of just filling stores.

A resident said that people feel this was redlined very fast. Mr. Hedger had worked very hard to get his approvals. Things need to be done in the appropriate way.

Ms. Longobardo said the pre-application is the choice of the applicant. Not every applicant goes this way.

Mr. Pici said that specific meeting requirements were met. There is a requirement of 400 feet for notice of meeting. The pre-application is a voluntary process. With Ernie's Wine Bar there was clarification needed to make it a wine bar as opposed to a restaurant. This application was presented as a restaurant. The applicant has followed protocols.

Mr. John Gordon, realtor, commented that he was involved with Ernie's Wine Bar. There are a lot of vacancies in the Village. Soft good retail is competing with the internet. Food and services are the two uses not competing with the internet.

Chairman Blessing closed the public hearing at 9:24PM

Chairman Blessing asked the Design Review Committee to comment.

Mr. Colquhoun said that the Design Review Committee reviewed the sign above the door and it is okay. The sign has kind of a logo on it but it is designed into the name.

Ms. Atayan feels there is a redundancy of wine bars being so close to one another and is concerned. She asked if the owner would be willing to take "Wine Bar" out of her name.

Ms. Deutsch said the restaurant would be called only "Crush".

Ms. Atayan wants to see the Village revitalized. She feels that too much redundancy causes a problem.

Chairman Blessing would like to wait for the parking study from F.P. Clarke & Associates.

Mr. Richard Pierson, from John Myers, commented that the building is less than 3,000 square feet and requested a waiver from the Planning Board on the parking study.

Mr. Pici responded that F.P. Clarke & Associates has concerns about the parking and he would like to see their comments before making a final decision.

Chairman Blessing asked for a motion from the Planning Board to approve this preliminary application with the condition of an approval on the pending parking study.

On motion of Ms. Smith, second by Mr. Murray, the Board approved the application.

OTHER BUSINESS

None.

NEXT MEETING

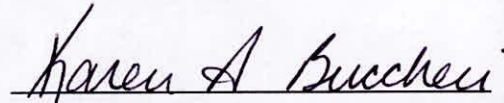
The next regularly scheduled meeting of the Planning Board will be held on Wednesday, September 11, 2013 at 7:30PM.

ADJOURNMENT

There being no further business before the Planning Board, a motion was then adopted by unanimous vote to adjourn the meeting at 9:31PM.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Karen A. Buccheri". The signature is written in dark ink and is positioned above the printed name and title.

Karen A. Buccheri

Secretary to the Mayor & Village Administrator