

**MINUTES OF REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF BRONXVILLE HELD ON SEPTEMBER 11, 2013 AT THE
VILLAGE HALL, 200 PONDFIELD ROAD, BRONXVILLE, N.Y.**

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

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Chairman Blessing called to order the regular meeting at 7:31PM.

APPROVAL OF MINUTES

On motion of Mr. Murray, second by Ms. Smith, the Board approved the minutes of the Regular Meeting on July 10, 2013.

SITE DEVELOPMENT – 117 PONDFIELD ROAD (replace windows)

Mr. Dean Davis, architect, reported that the applicant would like to change the windows in the five openings to the front of the art gallery. The windows are very old and are rotting. They would like to put in store front windows made out of high quality tempered glass. This type of window is better for displaying paintings. The new windows will enhance the building architecturally.

Mr. Murray asked if the new glass would be eliminating the white areas that one sees currently. Also, he asked if the glass would be one sheet.

Mr. Davis responded that the glass would be made of tempered glass and the white areas would be eliminated.

Ms. Smith asked the reason to remove the top pieces.

Mr. Davis answered that it was an aesthetic decision. Without the mullions, the building will be enhanced architecturally. They will take away the clutter of the existing windows.

Mr. Reetz inquired about the type of frames around the windows.

Mr. Davis replied that they would be painted aluminum.

Ms. Atayan asked about the color.

Mr. Davis said they would be black.

Mr. John Colquhoun, Chair of the Design Review Committee, reported that this was an attractive addition. It will provide a much cleaner look than what is currently there.

Chairman Blessing reported that there were no environmental or building issues as per Superintendent of Buildings, Vincent Pici.

Chairman Blessing opened the public hearing at 7:36PM.

No public comment.

Chairman Blessing closed the public hearing at 7:37PM.

Chairman Blessing asked for a motion from the Planning Board to approve the Site Development to replace the windows at 117 Pondfield Road.

On motion of Mr. Murray, second by Ms. Longobardo, the Board approved this project.

Marilyn Timpone-Mohammed, Village consultant from F.P. Clarke & Associates, reported on all three site development issues with regard to parking and planning. This includes J.C. Fogarty's, SoulCycle and Crush Restaurant.

J.C. Fogarty's – parking and noise studies were conducted. The applicant provided information with regard to the noise study today. They also looked at the visual impacts and night lights. There was no information provided on the night lighting for the outdoor space. Daytime use will be looked at as well. The additional square footage requires a variance.

SoulCycle – they did a noise review and has asked the applicant to provide additional information. Sound mitigation is a concern. The consultant has no response with regard to planning concerns as this really is a storefront and these issues will be looked at by the Design Review Committee.

Crush Restaurant – the consultant looked at the traffic issues and not planning issues.

Mr. Murray inquired if adding square footage to Fogarty's is just for the outside or for both inside and out.

Ms. Timpone-Mohammed responded that the event dining room and the additional attached addition to the second floor provides bathrooms, storage, food prep, ingress and a bulkhead.

Mr. Michael Galanti, consultant from F.P. Clarke & Associates, reported on the parking issues. He commented that all applicants are in about the same location and it is key to look at all three of these applicants together. Parking in the Village is at a premium. The applicants provided him with parking information.

At Fogarty's parking is more specific at certain times. SoulCycle generates traffic at different times of day so the impact through the Village varies during the day. Crush Restaurant has day and night traffic. When you reach 90%, you are close to capacity. SoulCycle is willing to have members walk a bit further if necessary.

The parking study showed that in the morning parking is available; it is busy at lunchtime; and, there is parking in mid-afternoon. The evening activity shows 90 – 93% capacity. There is parking available up to 800 feet from the storefronts and this is considered a reasonable amount.

Mr. Reetz asked the consultant if he looked at the existing parking and resident parking.

Mr. Galanti responded that he took into account the permit parking and did not include them in the inventory of parking spaces.

Ms. Smith asked if SoulCycle would be amenable to not having classes during the peak hours of parking.

Mr. Galanti said the applicant would be willing to eliminate classes at certain times.

Ms. Smith talked about the parking requirements in the Village and that the parking has been the same finite space forever. She feels it is more important to have a vital downtown rather than worry about parking. To subject applicant after applicant to these requirements is ridiculous.

Ms. Longobardo said that walking a bit more is not an issue. The Garden Avenue lot is generally available.

Mr. Galanti commented that 300 feet is not unreasonable. It is important to overlap these applicants to other uses in the Village.

Chairman Blessing agreed that there is a finite amount of parking in the Village and that people will find a place to park.

Ms. Smith said she would like to see the Village flourish and do well.

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

Mr. Robert Davis, attorney for applicant, reported that the applicant was here to tie up loose ends so they can proceed to the Zoning Board for a variance. The second floor is existing and there will be an increase of 11% which requires a variance. They will include the existing floor in the floor ratio. Since the last meeting, the Fire Department has sent their comments which include the sprinkler system being extended to the second floor and adding lighting to stairway #2. The new lighting will not provide any glare off of the property. There have been very detailed studies done on the parking. The new area will not have any significant sound impact. The roof area will only be open until 11PM. There will be no music on the rooftop area. The doors will remain closed from the inside to the outside so there is no spill-off of noise. The buildings pointed out as residential on Park Place are not residential but commercial lofts. The second floor area will be buffered from everything on Cedar Street. There will be umbrellas at the tables but they will be taken in at night.

Chairman Blessing inquired about the months the rooftop will be open.

Mr. Davis replied that originally it was from May to October but it has been changed to March through November which is according to the Village Code for sidewalk dining

Ms. Smith asked if there was any plan to use tents.

Mr. Davis answered that there would be no tents. The rooftop will not be used separately from the special event inside.

Ms. Longobardo asked about the visibility of the rooftop from St. Joseph’s.

Mr. Davis responded that the second floor is being extended out over the existing roof. It is directly behind the A&P loading area. The 100 Pondfield Road building project originally had no windows in the back but he was not sure what the plans are now. There is 30 feet from the edge of the loading area to the Fogarty’s building. The final lighting plan has been provided to the Planning Board. The lighting will be facing downward, will be fully compliant with Village Code and will provide no glare. He requested that the Planning Board condition an approval and refer the matter to the Zoning Board for an FAR variance and grant a favorable recommendation.

Ms. Timpone-Mohammed addressed the noise study and the lighting study. The plans she saw did not have a lighting study and she must have this. The buildings on Pondfield Road would have full view of the dining area and will certainly be affected by the light, not noise. They are resolving the noise issues but have not had the time to review the response from the sound engineer.

Mr. John Colquhoun, Chair of the Design Review Committee, commented that they have not seen the light fixtures for any other lighting.

Mr. Davis answered that they had never received a request for a lighting study to be done. No one had requested this and if they had they would have complied.

Mr. Bowen, architect, reviewed the planned lighting.

Mr. Murray asked if all property owners have been told of what is going on.

Mr. Davis said that they have and the receipts were handed in.

Mr. Bowen commented that the lighting plan had been submitted and they had not received any response from F.P. Clarke & Associates.

Chairman Blessing said they need a specific plan to be reviewed by the Design Review Committee and F.P. Clarke & Associates. Sound issues need to be answered. They are waiting for the Zoning Board to report back.

Ms. Smith feels the lighting and its effect on the Towers should be addressed.

Mr. Reetz commented that it is evident that the lights shine upwards and there would definitely be an impact. He would like to see what the lights look like.

Chairman Blessing said there will be conditions associated with the Planning Boards approval. There needs to be a few details taken care of before a decision can be made. They will see the applicant in October.

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

Mr. James Ryan, consultant, reported that he has not received any comments on the noise study submitted. This is basically a contained noise situation. The applicant agrees with the conclusions made by the Village consultant about patrons having to walk a bit farther.

Ms. Smith asked how the applicant feels about not having classes during the peak times of parking in the Village.

Mr. Ryan replied that on Wednesdays there will be one class at 1PM and then none until 6:30PM – this is a large gap in operations. Fridays during the dinner hour, there will be no classes after 6PM. The applicant is cognizant of parking and will adjust its hours if needed. They do not anticipate any parking issues. They want the clientele here. The applicant has submitted operational times to the Planning Board. The 1PM hour is not the busiest time for them. This is not the first time this issue has arisen. They do not want people to be inconvenienced. They have a facility in Scarsdale and have looked at this already.

Mr. Reetz said that he cannot reconcile the numbers for the parking.

Mr. Galanti said that the Fogarty's numbers are based on 3 seats, SoulCycle is based on square footage. There are different calculations so that is why the numbers do not match up. The applicants did the study for a designated area. The needs vary per applicant as well as the days and times.

Ms. Atayan asked about the noise situation and if it will be measured post-construction.

Mr. Ryan answered that the noise is contained within the facility itself. Music is part of the program. The applicant will follow up after construction and provide the results to the Building Department.

Ms. Luba Senatorova, representative from Soul Cycle, commented that the existing structure is tested to see how it absorbs the noise. They see what is needed to completely isolate the room. They achieve this level during construction so the noise will not exceed ambient levels once construction is complete. The consultant can come and examine/test to make sure that all requirements are met.

Ms. Timpone-Mohammed reported that she was asked by Superintendent of Buildings, Vincent Pici, to review the noise report. Most questions were operational issues. She feels it is more prudent to review this prior to building than after. There is no doubt it can be made to work but just need to verify. This can be approved with the condition that requests about noise attenuation are approved prior to permit being issued.

Chairman Blessing asked for specific language with regard to the noise levels.

Ms. Timpone-Mohammed said the resolution should say that the applicant is approved subject to final approval of noise mitigation by Vincent Pici and the Village consultant and that final construction would achieve a noise level that is no more than the ambient noise level first measured.

Mr. Ryan replied that the applicant can meet these standards.

Mr. Colquhoun reported that the awning logo was in medium gray. There will be no signage on the awning. The signage will be on the building and the front door. As long as it is not in all three places, the applicant is fine with what they have submitted.

Ms. Senatorova told that they have re-submitted sign drawings with the Building Department.

Mr. Jon Gordon, of Admiral Realty, said that he thought the applicant was approved at the last meeting subject to the options discussed in July. The applicant is ready to get construction going. The capsule will need to be tested after construction. This is a precarious situation for the lease process if the applicant is not approved tonight.

Chairman Blessing opened the public hearing at 8:57PM.

Seeing no comments, Chairman Blessing closed the public hearing at 8:57PM.

Ms. Longobardo commented that she is feeling good about this and would approve if the approval is clearly stated based on conditions.

Mr. Murray said he would approve with conditions.

Mr. Mayer said it might be appropriate to have the resolution just require Mr. Pici's approval rather than having it read with Mr. Pici and the Village consultants approval.

Chairman Blessing asked for a motion from the Planning Board to approve this application with the condition to have final noise testing after construction whereby the sound does not exceed existing current ambient levels.

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

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

Chairman Blessing commented that the biggest issue with this applicant was parking.

Mr. Colquhoun from the Design Review Committee reported that everything was approved and they had no issues with the applicant at this time.

Chairman Blessing opened the public hearing at 9:03PM.

Seeing no comments, Chairman Blessing closed the public hearing at 9:03PM.

Chairman Blessing asked for a motion from the Planning Board to approve this application.

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

SITE DEVELOPMENT – 21 ELM ROCK ROAD (2 STORY ADDITION)

Mr. Ken Dazzler, architect, reviewed the property. The applicant would like to put on an addition so that no one will be able to tell it is an addition. The existing house sits in the center of the property. There is extensive foliage around the house. They will keep the addition behind the house and secondary to the existing house. The goal is to maintain the character of the house. Flex paving will be used in the back on the new driveway. All perimeter plantings will remain. Plantings will be in character with the house so as to look as though they have always been there. The new roof will be lower than the existing roof. The bricks will be recreated so that they look like there made in the 1920's.

Ms. Maureen Hackett, landscape architect, reviewed the landscaping. The property is almost two acres and is very lush. It is surrounded by masses of trees and shrubbery. The intention is to preserve and add materials in the vicinity of the addition. There will be more green space here. She advised the applicant to use flex pave. It is like a sponge but strong enough to drive on. It has won LED awards and is 100% porous. It is made out of recycled tires and has a patented seal put on it. In grey, it looks like a gravel driveway. There is a total of four trees being removed and one tree being transplanted. She will be adding 27 spruce trees. There will be 8 foot specimens used to provide screening.

Chairman Blessing asked if the pool was being removed or renovated.

Ms. Hackett replied that it would be renovated.

Mr. Murray inquired about objections from the neighbors.

Ms. Hackett responded that the client met with the neighbors and that discussions led to the decrease in the size of the addition and the pool will remain where it is.

Mr. Murray asked if all was in compliance.

Chairman Blessing answered that the only jurisdiction that the Planning Board has is the placement of the building.

Ms. Hackett commented that 65% is open space and 50% is only required.

Mr. Dazzle said there will be a net reduction in impervious space once the project is done.

Ms. Atayan wanted the fencing addressed and the storm water management plan.

Ms. Hackett said the existing stockade is along the back and is not in good condition. She recommends putting up a 6 foot stockade fence. An additional pool code fence will have to be added that will be softened by bushes. On the east side of the property, a chain link fence may be preferred. All structures and flex pave will address the storm water issues. A drainage plan was filed with the Building Department.

Ms. Timpone-Mohammed reported that the placement of the addition minimizes the number of trees removed and will avoid rearranging the rooms in the existing house. The only concerns were about the activity areas were moved closer to residences adjacent to backyards. There is an issue about night lighting but this should not have any impact on the neighbors. She recommends trees be looked at pre-and post-construction as they are an important part of the landscape. She feels the flex pave is a great idea. There may be an alteration to the landscape plan due to storm water management plan.

Ms. Longobardo felt that this was protecting the neighbors from a house that is already large. But, she would like to know what would be done if the large trees do not survive.

Ms. Hackett answered that the large trees have extensive roots. If a tree dies, the applicant would be able to start out fresh with something healthy.

Ms. Longobardo wanted to make sure that something would be planted to provide screening so the neighbors would not be exposed.

Ms. Hackett would advise screening with trees without a fence.

Chairman Blessing opened the public hearing at 9:43PM.

Chairman Blessing closed the public hearing at 9:43PM.

Chairman Blessing asked for a motion from the Planning Board to approve this application.

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

OTHER BUSINESS

None.

NEXT MEETING

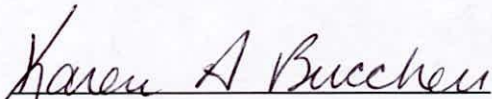
The next regularly scheduled meeting of the Planning Board will be held on Wednesday, October 9, 2013 at 7:30PM.

ADJOURNMENT

There being no further business before the Planning Board, a motion was then adopted by unanimous vote to adjourn the meeting at 9:44PM.

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Respectfully submitted,

A handwritten signature in cursive script that reads "Karen A. Buccheri".

Karen A. Buccheri

Secretary to the Mayor & Village Administrator