

Approved 9/28/05

**MINUTES OF REGULAR MEETING
BRONXVILLE PLANNING BOARD
WEDNESDAY, SEPTEMBER 14, 2005**

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

Also Present: Vincent Pici, P.E., Village Engineer
Jeffrey Faville, DRC
Renee Byers, DRC
James Staudt, Counsel

1. Call to Order

Chairman Henderson called to order the regular monthly meeting of the Planning Board at 7:30 p.m. and indicated all members were present as were the Alternate Member and Counsel.

2. Minutes

Upon motion duly made by Mr. Blessing, seconded by Mrs. Longobardo and unanimously carried, the Minutes of the July 13, 2005 Planning Board meeting were approved as presented.

3. Site Development Applications

Lawrence Hospital (Rooftop Cooling Tower)

Mr. James Lee, Executive Vice President and Chief Operating Officer of Lawrence Hospital informed the Board that the Hospital was in need of a new chiller since the existing system was operating below capacity and was significantly deteriorated.

Chairman Henderson stated that Mr. Pici provided the Board with comments regarding a noise study and queried Mr. Lee regarding the noise output of the proposed system. Mr. Lee responded that the new system had a 10-decibel output.

Ms. Smith asked if future expansion of the Hospital would necessitate greater percentage use of the chiller. Mr. Lee responded that the studies done by the Hospital indicated a deficit of 200 tons of chilling capacity. The proposed system provides 250 tons and would therefore accommodate some further expansion of the Hospital.

Mrs. Longobardo, Chairperson of the Design Review Committee, stated that the structures to be placed on the roof were necessary for the Hospital's functioning and would not be visible from most viewpoints in the Village.

Chairman Henderson opened a public hearing at 7:39. There being no comments, the Chairman closed the public hearing.

Upon motion duly made by Ms. Longobardo, seconded by Mr. Westerfield, and unanimously carried, the Planning Board granted preliminary site plan approval for the Rooftop Cooler Tower at Lawrence Hospital subject to review by the Bronxville Zoning Board of Appeals (the "ZBA").

4. Lawrence Hospital Emergency Room Renovation

Mr. Lee described to the Board the Hospital's plans to renovate the emergency room area of the Hospital. The purpose of the renovation is to increase patient flow and decrease waiting time. The renovations will provide 6,300 square feet of renovated space, ten fast track rooms, urgent care facilities, a triage area and a modernized waiting room.

Chairman Henderson opened a public hearing at 7:55. There being no comments, he closed the public hearing.

Mrs. Longobardo then asked what work would be performed by the Hospital which would be subject to the jurisdiction of the Planning Board. The application submitted by the Hospital entailed construction of a temporary handicapped parking lot as well as a handicapped ramp. Mr. Lee stated that this portion of the work would not be undertaken at this time by the Hospital. The Board then determined that no action was required on the application and advised Mr. Lee to seek a building permit with the Superintendent, Mr. Pici.

5. 100 Pondfield Road

Robert Davis, an attorney with the firm of Shamberg Marwell Davis & Hollis, P.C. appeared on behalf of his client, Steven Green, the principal of Green Realty Development Co. LLC, the owner of the property located at 100 Pondfield Road. Mr. Davis reviewed with the Board the history of his client's proposal to convert the Morgan/Manhattan storage facility/warehouse into a mixed-use office and residential building.

Mr. Davis stated that in response to the concerns of the Board, his client has retained a traffic and parking expert to prepare a report regarding those issues for the Board's review. In addition, the applicant has retained a sound engineer, Sound Sense, to study the effect of a rooftop pool on noise levels in the Central Business District (the "CBD") of the Village.

John D. Fry of Sullivan Architecture , P.C., the applicant's architect, reviewed the modifications to the plans previously submitted to the Board. He reviewed both the extension of an exit corridor to provide for emergency egress as well as the addition of acoustical screening and plantings on the perimeter of the roof to control the noise emanating from the proposed rooftop pool.

Chairman Henderson inquired as to whether the building was in compliance with all applicable codes. He requested that the applicant have the Eastchester Fire Department review the building and the methods of ingress and egress. Mr. Davis said that he would arrange for that review.

Chairman Henderson then reviewed the apartment layouts with Mr. Fry, describing those with a series of bedrooms in one of the apartments aligned off of a corridor as undesirable and had a dormitory like effect. Mr. Fry explained that such a configuration was necessary because of exit requirements.

Chairman Henderson then stated that the Board would review the noise study being prepared by the applicant's consultant, especially in regard to the effects of the rooftop pool on neighboring properties. Mr. Davis explained that Mr. Green had met with several members of a neighboring co-operative from which his proposed rooftop pool

could be seen. Mr. Davis stated that the residents of the co-operative with whom his client had met had no objection to Mr. Green's placement of a lap pool on the roof of the property.

Chairman Henderson reiterated his concern regarding the driveway to the property which passes over the pedestrian sidewalk on Pondfield Road. Mr. Davis explained that Collins Engineers, the applicant's traffic consultant, has advised placing a speed bump in the driveway as well as a stop sign and a white stop line. They have also proposed a sidewalk treatment to differentiate the driveway apron from the remaining sidewalk area on either side of the driveway. Mr. Davis also suggested that the Village place a "No Left Turn" sign at the exit to the driveway.

Ms. Smith stated her concern regarding the noise and odors which might emanate from a rooftop pool. She expressed concern for the residents of the Bronxville Towers co-operative, some of whom would have a direct view of the rooftop pool from their apartments. Ms. Smith also expressed the concern that the rooftop pool and its accompanying sounds and smells would alter the character of the CBD.

Mr. Davis responded that the pool was to be only 4' in depth, and therefore there would not be much splashing. He added that the applicant proposed to install a planting buffer on the perimeter of the rooftop to insulate the CBD from any noise emanating from the roof of the property. Ms. Smith asked if the smell of chlorine would be detected at street level. Mr. Davis said that new chemicals which did not produce odors were available to treat residential pools and that his client would look into the use of those chemicals in this setting.

Mrs. Longobardo asked for clarification from Mr. Fry regarding the height of the atrium contemplated on the rooftop of the building. Mr. Fry responded that the height of the building is 36', the parapet extends 40" above the roof and that a portion of the atrium is concealed by the parapet. Renee Byers, a member of the DRC, asked Mr. Fry about the structural impact of the planters as well as what plantings they would contain. Mr. Fry stated that the planters would be 5' wide x 3' deep and would contain various planting materials. He stated that any structural issues proposed by the placement of the planters would be addressed.

Mrs. Longobardo requested an explanation of the operation of the elevator in the building. Mr. Fry explained that the elevator will service the residential lobby and office lobby separately via key functions and “programmable elevonics”. A visitor in the office lobby will call the elevator activating the office program only. This function will only allow access to the parking and second level westerly cab doors. The easterly interior cab residential panel can only be operated via a key function or as directed by a tenant by the corridor key function.

Mrs. Longobardo stated that she would have preferred to see a more traditional layout of apartments for the property. Mr. Davis responded that some of the layouts may appear to be dorm like, as in the staff apartment, but that his client believed the remaining floor plans to be conventional.

Jeff Faville, also a member of the DRC, stated his concern regarding the access from a residential unit to the office unit, to which Mr. Fry responded that such access was mandated by code for use as an emergency exit. Mr. Faville also stated that the access to the second floor of the loft apartment was by ladder. Mr. Fry confirmed that this was the case. Mr. Faville also inquired as to whether tenants could entertain at the pool. Mr. Davis responded that the pool was not contemplated to be a setting for parties and that the Board could impose conditions on its use. He stated that the whole roof would not function as a patio. Mrs. Longobardo asked him to provide the square footage of the rooftop patio to the Board.

Marilyn Timpone Mohamed of Frederick P. Clark Associates, Inc., the special consultant to the Board, requested that the noise study to be conducted by the applicant also include the study of noise within the building. As did Mr. Faville, Ms. Mohamed raised the issue of the access from a residential unit to the office unit, and recommended that as a condition of special permit approval, the Board require that Mr. Green remove such access way upon his disposal of the property. With respect to traffic and parking, Ms. Mohamed stated that traffic problems would arise if cars were trying to enter and exit the property at the same time. She asked the applicant to address that situation. She also requested some explanation as to those parking spaces outlined on the plans which appear to be blocked by columns. Mr. Davis stated that he would address these issues for the Board.

Mr. Blessing asked if the building would be in compliance with the Americans with Disabilities Act (“ADA”). Mr. Fry stated that the elevator and toilets in the property would be compliant and that there would be curb cuts to allow for easy access.

Chairman Henderson opened a public hearing. The Board noted the receipt of a letter from Daniel Farber affiliated with the firm of Lipsitz, Nassau, Schwartz & Leckman of Pittsburgh, PA. The letter stated that it was written on behalf of Arizona Lipnob Estates and that the company owns the property where the A&P is located in Bronxville. The letter further stated the owner’s support for Mr. Green’s plans for the property. There being no further comments, Chairman Henderson closed the public hearing.

6. Kensington Road

Chairman Henderson stated that the applicant, Spectrum Kensington LLC, had completed the Draft Environmental Impact Statement (the “DEIS”) and that the DEIS had been accepted by the Planning Board as complete and was now subject to review by members of the public.

Chairman Henderson stated that the goal of the evening’s review of the DEIS was to move toward some agreement on the design for the project. As outlined in the DEIS, the Proposed Action may take one of several forms. One alternative proposes the construction of two separate buildings, one in the Mission style and one in the Tudor style. Another alternative proposed that both buildings be in the Mission design. A third alternative proposes one larger building with the remaining area to be used as open park space.

Chairman Henderson then moved to open a public hearing on the DEIS, which hearing was then opened.

Mark Miller of Veneziano Associates, the attorney representing the applicant, confirmed that all required legal notices had been given and that proof of said notices was held by the Board’s counsel, James Staudt.

John Saccardi, of Saccardi & Schiff, the primary authors of the DEIS, outlined the Proposed Action of the applicant which contemplates two buildings of two different designs, as outlined in the DEIS. He then went on to state that the meetings the applicant had with some of the neighboring residents led to an increased interest in the one-building alternative with the remainder of the real property to be used as a park. Mr. Saccardi then requested that Mr. Sullivan, the architect for the project, review the possible designs for those present.

Mr. Sullivan stated that the design for the project must be most sensitive to its surroundings, particularly Christ Church. In order to preserve the light to Christ Church and its historic stained glass windows, he originally proposed the two building design, thus leaving the open space in the center available for the sunlight to reach the church windows at the appropriate times of day. In the center open space of the project, Mr. Sullivan envisions a piazza of sorts, which would function as a pick-up and drop-off point for residents of the development.

Mr. Sullivan described the one-building alternative to those present as a building similar in design to the Mission Style building of the Proposed Action, with the addition of two stories stepped back from the façade of the building to minimize the appearance of massing. The benefit to the Village of this design would be the use of the remaining space as parkland.

Chairman Henderson asked if the park would be open to the public, to which Mr. Sullivan replied that it would.

Mr. Westerfield asked if the parking configuration would remain the same, to which Mr. Sullivan replied that it would.

Mr. Blessing asked if the piazza would still be located in the center of the property, to which Mr. Sullivan replied that it would. He also confirmed that the entire project would be ADA compliant.

Chairman Henderson requested the report of the DRC. Mrs. Longobardo reported that the DRC favored the one-building design with the open park space and advised the Planning Board that this design should be the Proposed Action for the project.

Dorothy Brennan, a resident of Kensington Road, asked if the property was to be leased by the Village. Mr. Staudt responded that the property was to be sold, not leased, by the Village to the applicant. Ms. Brennan stated her concerns regarding blasting at the project site, the proximity of the project to the MTA's railroad property, the traffic and parking issues which will accompany the period of construction, and the choice of the applicant to use a private carting service for the refuse of the project.

Bonnie Carey, a resident of Kensington Terrace, stated her support for the two-building design. She also stated her concerns regarding parking and snow removal in the area of Kensington Road. She stated that the Kensington Road area is a disgrace to the Village.

Cindy Callahan of 2325 Sagamore Road also prefers the two-building design, stating that it would not be fair to the residents of Sagamore Road to have a large building overshadow their residences. She also stated her concern over traffic problems on Kensington Road.

Bill Murphy requested several clarifications of the configuration of the parking garage, with Mr. Sullivan responding that the loop at the north end of the garage would be covered. Further, Mr. Murphy wanted to know if an easement had been granted to the MTA for access to the switching station located near the property. Mr. Staudt responded that the MTA did have an easement for access to the switching station.

James Roper of Gramatan Court voiced his support for the project, stating that he preferred the two building design. He stated that a park might pose security issues as a gathering place at night.

Al Latimer, the owner of 22 Sagamore Road and the Prescott Square townhouses, stated his concern with the height of the one-building design. He also stated his concern that the park would be a gathering place at night and might pose security issues. He also stated his concern with parking during the construction process.

James Lewis of Bacon Court outlined several safety issues facing the neighborhood residents, particularly speeding on Sagamore Road. He suggested that the Village install a camera to catch speeders on

Sagamore Road. Ms. Smith and Mr. Westerfield noted their concern over the traffic and speeding on Sagamore and Kensington Roads, stating that the DEIS would need to further address this intersection.

Charles Mead of 51 Avon Road asked to see both schematics side by side. He stated his support for the two building design, stating that the presence of a park at the south end of Kensington Road would merely accentuate the unattractive Medical Building located at One Pondfield Road.

Mr. Westerfield noted that the public in attendance was clearly in favor of the two building design.

Mildred Maclearn of Prescott Avenue voiced her support for the one building plan. She also voiced her concern over the height of the parking garage which Mr. Sullivan explained was below ground.

Robert Paley of WCI Spectrum, the parent company of the applicant, explained that the one building design was attractive from an economic and efficiency point of view because the construction of one building would take less time and could be done more efficiently. He stated, however, that the applicant would defer to the community's wishes with respect to the design to be undertaken for the property.

Chairman Henderson stated that he would confer with the Chief of Police regarding the placement of a park at the foot of Kensington and Sagamore Roads.

Mr. Sullivan stated that he would discuss the design alternatives with his client and would attempt to minimize the bulk of the one-building design in order to address the concerns of neighboring residents.

Chairman Henderson then stated that there did not appear to be a consensus as to which design would be preferred and adopted as the Proposed Action. The Chairman then made a motion to adjourn the public hearing until September 28th at 7:30, which motion was seconded and passed.

7. New Business

None

8. **Next Meeting**

The next regular Planning Board meeting is scheduled for Wednesday, September 28, 2005 at 7:30 p.m. at the Bronxville Public Library unless otherwise notified.

9. **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 10:15 P.M.

Respectfully Submitted

Lydia Byrne, Recording Secretary
9/14/05 Planning Board Minutes