

**Minutes of Regular Meeting
Bronxville Planning Board
Wednesday September 9, 2009**

Present: Donald Henderson, Chairman
Anna Longobardo, Vice Chairman
Eric Blessing, Member
Adrienne Smith, Member
Maryann Palermo, Member
James Murray, Alternate Member

Absent: Vincent Pici, Superintendent of Buildings

1) **Call to Order**

Vice Chairman Longobardo called the meeting to order at 7:35 p.m. and noted that Chairman Henderson was expected to arrive later. Ms. Longobardo noted that a quorum was present. Upon Chairman Henderson's arrival, he assumed the role of chairing the meeting.

2) **Minutes**

Upon motion duly made by Ms. Smith, seconded by Mr. Blessing, and unanimously carried, the Board approved the May 13, 2009, June 10, 2009 and July 8, 2009 Planning Board minutes.

3) **Site Development - J.C. Fogarty – 60 Kraft Avenue**

Mr. John Bohan, the architect for the applicant, appeared before the Board and stated that his client, Mr. Fogarty, wished to expand his current business, J.C. Fogarty's, to adjacent space formerly occupied by Hair Kraft. Mr. Bohan stated that the Hair Kraft space had been part of the original design and construction of the premises by Mr. Fogarty and now, upon the vacancy of the space by Hair Kraft, Mr. Fogarty wishes to expand his restaurant use into the adjoining space.

Mr. Bohan reviewed the plans for the Board stating that the existing street frontage is 75' and the proposed addition is 23', for a total of approximately 99' of frontage. He also noted the increased square footage of the space totaling 6,805 sq. ft. exceeded the maximum allowance of 5,000 sq. ft., and that 16 additional parking spaces would be required for the expansion.

Ms. Smith noted that the addition of 48 tables to the current 200 tables would be a 25% increase in seating for the restaurant and asked if the business could sustain such an increase. Mr. Bohan responded that the proposed addition was to be used primarily for

private catering of events, which would occur primarily in the evenings and on weekends, and would require that many additional seats.

Mr. Henderson opened a Public Hearing at 7:45 p.m.. There being no comments from the public, Mr. Henderson closed the Public Hearing.

Mr. Murray asked if the issue of floor area ratios had been addressed during the design and construction phase of the building. Mr. Bohan replied that it had.

Ms. Longobardo commented that the design of the building accommodates the proposed use by the applicant.

Chairman Henderson noted that several items with respect to the application would be subject to the review of the Zoning Board of Appeals and that several variances would be necessary before the Planning Board could grant final site plan approval. Chairman Henderson described the three options of the Board: first, the Board could decline the application; second, the Board could grant preliminary site plan approval and the Applicant could then seek the necessary variances from the ZBA; third, the Board could advise the applicant to proceed to the ZBA and then return to the Board for site plan approval. After discussion by the Board, Chairman Henderson heard a motion from Ms. Palermo to grant preliminary site plan approval to the Applicant, which was seconded by Ms. Smith, and unanimously carried.

4) **Pre-Application – Bronxville Vision Care – 10 Park Place**

Chairman Henderson noted that this is a pre-application meeting pursuant to Section 310-26.B. of the Bronxville Zoning Code (the "Code"), the purpose of which is to obtain general information and guidance before entering into a binding commitment or incurring unnecessary expense related to a formal application, and to engage in an informal and free exchange of ideas. Chairman Henderson also noted that, pursuant to the Code, no statements or representations made prior to formal review shall be binding on the Village.

Mr. Robert Davis, the attorney for the Applicant, Bronxville Vision Care, appeared before the Board and stated his client had submitted the final application to Mr. Pici's office and would like to have a public hearing on the matter in October. Mr. Davis noted that two letters from the owner of the premises, JB Park Place Realty, describing the need to bring a new tenant into the space, had been previously submitted to the Board. Mr. Davis stated that 90% of the Applicant's business came from retail sales and that an optometrist would be on site 20% of the time.

John Fry, an architect with Sullivan Architecture, P.C., the applicants' architect, indicated that the Applicant was before the Board this evening to seek comments on the proposed plan. Mr. Fry noted that the Applicant has businesses in Larchmont and White Plains which are of a similar design.

Mr. Barrone, a principal of JB Park Place Realty, commented that the premises has been vacant for eight months and that a current tenant may vacate its space if the subject space is not leased promptly.

Chairman Henderson inquired about the parking in the alley next to the premises. Mr. Davis responded that the use of the alley for parking was unpredictable and that it was not dedicated parking for any one address.

Ms. Smith and Ms. Longobardo both asked if the establishment would be considered a retail establishment or a health professional office, and whether two examination rooms would be necessary for an optometrist who would be present 13 hours per week. Mr. John Dello Russo, a principal of Bronxville Vision Care, responded that one room is an exam room and the other room is a contact lens fitting room. Ms. Smith stated that she was concerned about the proposed window treatment, noting that the storefront is narrow and the display may appear cluttered.

Mr. Murray also asked if the proposed use would be considered a retail establishment or a health professional office. Chairman Henderson stated that the use would not be considered that of a medical healthcare professional, and thus prohibited from occupying street level space pursuant to Section 310-42.B. of the Code, if the use was primarily retail, as set forth in Section 310-14.A(2) of the Code. Dr. Rossillo of Bronxville Vision Care further explained to the Board that an optometrist is not a medical doctor, but is a doctor of optometry. She went on to state that an optician may only do fittings and measurements, but not examinations.

Ms. Longobardo noted that the proposed signage for the location would be subject to the review of the Design Review Committee and that a separate sign application would be required.

There being no further questions, Chairman Henderson closed the pre-application meeting and advised the Applicant that the Board would review its site plan application upon its submission to the Superintendent of Buildings.

5) **Omnipoint Communications, Inc. – Concordia College, 171 White Plains Road**

Cara M. Bonomolo, Esq. of Snyder & Snyder, LLP appeared before the Board on behalf of Omnipoint Communications, Inc. (“Omnipoint” or “Applicant”). Ms. Bonomolo informed the Board that Omnipoint now included T-Mobile. Ms. Bonomolo said that she had met with Mr. Musso, the consultant working on behalf of the Village, and had responded to his request for additional information, as well as modifying the plans to more closely match the original design of the turret to be placed on the building. Mr. Murray asked about the two other wireless companies (Verizon and ATT) mentioned in Mr. Musso’s report, both of whom may require additional space for the placement of their antennae. Ms. Bonomolo responded that her client’s plan is designed to provide sufficient space for the other providers’ equipment. Mr. Murray asked if the other carriers were currently negotiating leases with Concordia College. Ms. Eloise Morgan, Special Assistant to the President of

Concordia College, confirmed that the College does have a signed lease with one carrier and is very close to signing leases with two other carriers.

Ms. Smith asked if there was still a gap in service along Midland and Meadow Avenues. Ms. Bonomolo stated that the area along Midland and Meadow Avenues will not have reliable service, adding that T-Mobile did not have any plans to add an additional site. Ms. Smith asked if the Applicant would return with another application in order to address the gaps in service. Ms. Bonomolo stated that the addition of sites would depend on the business plan of the Applicant.

Ms. Longobardo noted that maintenance of the stealth structure and the issue of co-location must be addressed in any approval which might be considered.

Ms. Bonomolo asked Chairman Henderson for the Planning Board to waive the height restriction set forth in Section 310-42 (A)(5)(c)(3) of the Code which limits the projection to no more than ten feet above the highest point of the existing structure. Chairman Henderson stated that he would seek a ruling on that matter from the Building Inspector. Chairman Henderson re-opened the Public Hearing at 8:20. There being no comments from the public, Chairman Henderson closed the Public Hearing.

Upon motion made by Ms. Palermo and seconded by Ms. Longobardo, and unanimously carried, the Planning Board determined pursuant to the State Environmental Quality Review Act that the application will not have a significant environmental impact and approved the Applicant's site development application, subject to receiving required variances from the ZBA, if necessary, and the approval of a maintenance plan by the Superintendent of Buildings.

6) **Metro PCS New York, LLC - 71 Pondfield Road**

Ms. Palermo recused herself and Mr. Murray then became a voting member.

Anthony Gioffre of Cuddy and Feder, counsel for Metro PCS, presented an updated memorandum to the Planning Board that incorporated previous comments and additional visits to potential sites for the Applicant's proposed wireless communication facility.

Mr. Gioffre stated that Metro PCS would prefer the highest location on a commercial building in a commercial zone but that is not available. Lawrence Hospital has declined to allow access to the hospital roof location (which currently co-locates 4 different carriers) to them on two separate occasions. There were 4 other viable locations (34 Palmer Ave.; 100 Parkway Road; Bronxville Towers; and Gramatan Townhouses) that also indicated they had no interest in having the antenna on their building. Therefore, Mr. Gioffre stated, the current proposed plan is to locate the facility at 71 Pondfield Road.

As were indicated in the memorandum and demonstrated, the photo rendering of the device demonstrates that the antenna is mostly hidden from street level view. The applicant showed five different strategies of masking the antenna from 6 different views.

Ms. Smith expressed concern that the photo S-4A was not what they were proposing, which was correct. Metro PCS proposed the D series of photo, which hid the prominence of the tower. Mr. Musso then proceeded to explain the different options that were requested to be looked at by his firm as consultant to the Planning Board. One of the greatest concerns to several Board members is the overall aesthetics of the plan on the Village ambiance.

Mr. Musso, the Village's consultant from HDR, indicated that they would write a subsequent report for the planning board taking into account supplemental information received from Metro PCS on August 19th. The design review committee was also asked to review the report when it is presented.

Chairman Henderson reopened the Public Hearing at 8:40. There being no comments from the public, he adjourned the Public Hearing and noted that the matter would be continued.

7) **New Business**

None

8) **Next Meeting**

The next regularly scheduled meeting of the Planning Board will be held on Wednesday, October 14, 2009, at 7:30pm.

9) **Adjournment**

Their being no further business before the Planning Board a motion for adjournment was unanimously carried. The meeting ended at approximately 9:05 pm.

Respectfully Submitted,

Lydia Byrne
9-9-09 Planning Board Minutes