

Minutes of Regular Meeting
Bronxville Planning Board
Wednesday, January 10, 2007

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

Absent: None

Also Present: Vincent Pici, Superintendent of Buildings
Jeffrey Faville, Design Review Committee Member
Renee Byers, Design Review Committee Member
James Staudt, Outside Counsel to the Board
Marilyn Timpone Mohamed of Frederick P. Clark Associates
("FPC"), Consultant to the Board
Mr. Murphy, Parking Commissioner

1. Call to Order

Chairman Henderson called a regular meeting of the Planning Board to order at 7:35 P.M. and indicated there all members were present. Additionally, Chairman Henderson announced that upon the arrival of the members of the Design Review Committee (the "DRC"), the meeting would become a joint meeting of the Planning Board and the DRC.

2. Minutes

Upon motion duly made by Ms. Smith, seconded by Mr. Blessing, and unanimously carried, the Board approved the minutes of December 13, 2006, as amended.

3. Site Development Application – Lawrence Hospital Emergency Room Entrance

Mr. James Y. Lee appeared on behalf of Lawrence Hospital with respect to the renovation of the Emergency Room entrance and stated that the canopy design presented to the Board addressed all code violations. The new canopy, he stated, will run along the sidewalk and wrap around to the side of the building and there will be signage indicating each of the following: "Main Lobby", "Emergency Entrance" and "Ambulance Only".

Ms. Longobardo asked that Mr. Lee speak to the recommendations of the DRC. Mr. Lee asked Mr. Steven Willing, the architect for the Hospital, to address the design issues. Mr. Willing stated that pre-cast concrete containers with appropriate plantings would be placed in front of the parking spaces located outside the Emergency Room. Ms. Longobardo also inquired about the height of the lettering to be used on the signage. Mr.

Willing responded, and Mr. Pici confirmed, that 8” is the maximum letter height on illuminated signs pursuant to the Bronxville Code. Mr. Willing further stated that it was his opinion that the lettering was large enough without being obtrusive, and that in any event the ambulance drivers know exactly how to access the Emergency Room.

Chairman Henderson asked Ms. Longobardo for the report of the DRC. Ms. Longobardo stated that the DRC had approved the design presented.

Chairman Henderson opened a public hearing at 7:45 p.m. There being no comments, Chairman Henderson closed the public hearing.

Upon motion made by Ms. Smith, seconded by Ms. Longobardo, and unanimously carried, the Planning Board approved the Site Development Application for Lawrence Hospital Emergency Room Entrance as presented.

4. Site Development Application – Kensington Project

Chairman Henderson informed those present that during the meeting it was the intent of the Board to:

- review the resident parking plan to be put in place during the construction of the Kensington;
- review the number of public spaces in the underground garage to be constructed as part of the Kensington project, and the number of spaces to be made available to the Village;
- review the possible loss of public parking spaces on Kensington Road; and
- adopt resolutions setting forth the site plan and special permit approvals for the Kensington project.

Chairman Henderson asked Mr. Harry Porr, the Bronxville Village Administrator, to review the plans developed by the Village to address resident, commuter and merchant parking needs during the construction of the Kensington project.

Mr. Porr stated that during the construction of the Kensington project, the Village would not have access to the 179 parking spots which currently occupy the Kensington site. He stated that the Village has been exploring ways to provide alternate temporary parking during the construction period, and has met with Sagamore and Kensington residents in order to receive their input regarding solutions to the temporary parking issue.

In addition, Mr. Porr stated, through the Mayor’s efforts, Representatives Jeff Klein and Amy Paulin have secured a \$25,000 grant for the Village to hire independent traffic and parking consultants. The Village has retained Spencer Consultants to review the office policies and procedures for parking administration in the Village, the fine structure, patrol routes, code provisions and organizational structure. The Village has also retained Chance Management Consultants to evaluate the Village’s current parking inventory and to evaluate the utilization of spaces by the Village.

Mr. Porr further stated that it would be cost prohibitive for the Village to undertake to build a parking structure on the Kensington Road site due to the presence of environmental contaminants at the site and the necessity of cleaning up the site prior to construction at a cost of several million dollars.

Mr. Porr stated that the Village will do its very best to accommodate those holding permits in the Kensington lots during the period of construction. He stated that there is an ongoing study of how to accommodate permit holders during the 18-22 months the construction will take place. Mr. Porr invited the residents of the Sagamore and Kensington area to participate in this process and work with the Village as to how best to address their needs during this period. He further explained that the Village has identified three types of users of the Kensington lots: residents, commuters, and merchants. In order to accommodate those parkers who will be displaced during the construction, Mr. Porr has asked Amy Paulin and Jeff Klein for legislation permitting some of the Village streets to be used for round-the-clock parking during the construction period.

Mr. Porr then displayed an aerial photo showing the Village parking lots and the site of the Kensington project. Mr. Porr stated that 80 residents currently used the Kensington lots for parking. Arrangements will be made to allow 24/7 parking of those 80 cars on Sagamore Road during the period of construction. There will be up to 125 spaces on Sagamore Road during the construction period and 80 of those spaces will go to those residents who hold permits for the present Kensington lots. Special permit stickers will be issued for this purpose.

For commuter parkers, Mr. Porr has been working with the owners of the Avalon development on Parkway Road to negotiate the lease of the parking lot located on the site of the old Mobil gasoline station. The lot is owned by the Avalon and located next to the train station. Mr. Porr stated that the Village was negotiating with the owners for the removal of the gas station building in order to provide more spots for commuter parking. He further reported that WCI Communications, Inc. ("WCI"), the parent corporation of Spectrum Kensington, LLC, the applicant on the Kensington Project, has offered to remove the above ground portion of the gasoline station at its own cost. Ms. Longobardo asked if the Village would negotiate a long-term lease of the site. Mr. Porr responded that this arrangement would be for the period of construction only. He also stated that commuters might also be able to park on Paxton and Dewitt Avenues during the period of construction provided the Village has issued them a special permit.

Ms. Palermo stated that many residents of the area who do not hold permits at the Kensington lots utilize the parking spaces on Sagamore Road and that those users will be displaced by those to whom special permits will be issued during the period of construction. Mr. Porr stated that the Village would allow overflow parking from Sagamore Road in the Garden Avenue lot, including overnight parking.

Chairman Henderson inquired as to how long the parking study undertaken by the experts would take. Mr. Porr stated that he expected the parking study to be completed by June or July of 2007.

Chairman Henderson then stated that the number of on-street parking spaces lost due to the construction of the project is greater than had been anticipated by the Village and asked Mr. Robert Paley of WCI to address the Board regarding alternatives to reduce the number of lost spaces.

Mr. Paley responded that it was the intention of WCI to continue to provide for parking on the east side of Kensington Road. He stated that WCI had retained a traffic consultant to work with FPC to outline the details of the proposed solution. He also stated that the landscape architect had been consulted about the planting materials.

Mr. John Sullivan, the architect for the project, then explained the width of the sidewalk and the roadway spaces eliminated in favor of landscaping. As an alternative, he stated that 30" of planting space could be left in front of the stone wall at the front of the project. This would allow for a pedestrian way and two-lane street with parking on both sides. The 30" planting strip could perhaps accommodate a boxwood hedge. He further explained that at the intersection with Sagamore Road, the sidewalk allows more landscaping and the stone wall is 10' high. The wider sidewalk would allow more buffer materials and plants to be placed there to counter the increased height of the wall at that point.

Mr. Sullivan displayed the landscape architect's drawing of the westerly side of Kensington Road. Ms. Longobardo asked how many trees would be planted in this area. Mr. Sullivan stated that about 18 trees would be planted in this area. Ms. Longobardo further asked if the southern tip at the intersection of Kensington and Sagamore had been made wider in the rendering. Mr. Sullivan responded no, that it is wider than 30", but no wider than it has always been.

Chairman Henderson asked if the trees to be planted would be smaller and Mr. Sullivan stated they would not. Chairman Henderson also asked if it was possible to move the building back. Mr. Sullivan stated that it was not because the building was already on the property line of Metro North Railroad.

Ms. Longobardo asked if removal of the easterly sidewalk on Kensington was considered. Ms. Smith suggested that perhaps the roadway could be narrowed. Chairman Henderson stated that both the street and sidewalk were under the jurisdiction of the Village and that those modifications would have to be addressed by the Village.

Marilyn Timpone Mohamed of FPC suggested widening the sidewalk on the west side of Kensington and narrowing the sidewalk on the east side. Chairman Henderson asked how narrow the sidewalk would be in that case. Ms. Mohammed responded that it depends on the pedestrian traffic; a narrow footpath would be 3-4' sidewalk. Mr. Staudt

added that 5' wide is generally standard for a sidewalk, and that on the east side of Kensington the sidewalk ranges from 5'-9'.

Ms. Smith asked if the roadway could be narrowed. Mr. Sullivan responded that the current plan would narrow the roadway to 18' wide. Mr. Westerfield asked how the increased width of the sidewalk would affect the trees to be planted; that is, would an additional 12" of sidewalk mean that the trees would be 3' higher?

Mr. Sullivan stated that another alternative would be an 8' wide sidewalk with no planting strip; only the trees would remain.

Chairman Henderson asked if this alternative would affect anything else. Mr. Sullivan responded that it would not.

Ms. Longobardo stated that Kensington Road does not have a large volume of pedestrian traffic.

Mr. Westerfield stated that he does not believe either the sidewalks or the roadway should be narrowed. He noted that cars go very quickly up and down Kensington Road, and that the morning and evening commuter traffic is dense and therefore for safety reasons the width of the sidewalks and roadways should not be compromised.

Ms. Longobardo stated that each alternative needs to be looked at very closely.

Mr. Westerfield added that many commuters and walkers use the west side of Sagamore Road and cross Kensington Road at the hypotenuse of the traffic triangle in order to access the train station. He stated this was a very unsafe situation and needed to be addressed.

Mr. Paley stated that the new design would address those safety issues.

Chairman Henderson asked Ms. Longobardo for a report from the DRC.

Ms. Longobardo stated that a model of the project is in the library for review. Further, she stated that with respect to the materials to be used for the project, particularly the stucco finish and colors, that further review would be necessary. The DRC would prefer that the stucco color have less yellow and be a creamier color. Also, with respect to the windows, which will be set into the stucco, Ms. Longobardo stated that those colors also needed further review. Ms. Longobardo stated that the stucco, window and tile colors had not been finalized and would be subject to continuing review.

Mr. Sullivan stated that the project would not employ faux stucco and that real wood pergolas would be used. He stated his desire to bring the methods and materials for construction to closure.

Ms. Longobardo stated that Ms. Smith had suggested an antique bronze for the window color as opposed to the green shown by Mr. Sullivan. Mr. Sullivan stated that he would continue to discuss these items with the DRC, and would also deliver tile samples to the DRC for review.

Chairman Henderson re-opened the public hearing at 8:38 p.m.

Dorothy Brennan stated her concern with the parking situation and believes the problem is insurmountable. She believes everyone is working very hard to solve this problem but nevertheless Sagamore Road residents will be displaced for 2 ½ years during the period of construction. She stated that the construction would impact everyone including Christ Church goes, the Eliza Frost School and the Blue Moon restaurant.

James Kroulis, representing the Parkway Community Association, stated that the Mobil lot is used by at least 17 people from 100 Parkway Road. He asked where those residents will go if the Mobil lot is to be used for commuter parking.

Mr. Porr stated that he will accommodate the residents of 100 Parkway Road who currently lease spaces in the Mobil lot, but that non-residents of the Village would not be accommodated and those residents of 100 Parkway Road not currently leasing spaces in the Mobil lot would not be accommodated. Mr. Porr also stated that he had only 16 residents of 100 Parkway Road on record as leasing spaces at the Mobil lot.

Mr. Kroulis asked what the tax implications would arise from knocking down the gas station located on the Mobil lot. Mr. Porr stated that the assessor would have to address that question, but that with the demolition of the building, the value would likely increase.

Mr. Blessing asked if the lot across from the movie theater could be used for overnight parking. Mr. Porr stated that he would look into this.

Arthur Taylor of 12 Sunset Avenue, Bronxville, spoke as a representative of Christ Church, stating that he is the Chairman of their Landscape Committee. He stated that the Church wants more than 30” of landscaping along the border of the project. Further, the Church is concerned about the lack of aesthetics and is not enamored about the artificial roof tile. Also, he does not believe the color of the windows should be green. He stated that he is not upset about the reduced parking on the east side of Kensington Road and would approve of the landscaping even if it meant loss of parking.

Rene Atayan addressed the Board and stated that a car had struck one of the choir children from Christ Church and therefore the traffic and safety issues surrounding the project are paramount. She also reminded the Planning Board that in addition to Christ Church being a school and church, it is also a polling place. Funeral services are held there and a columbarium is located on the site and is deserving of respect. She stated that there needs to be a buffer on both sides of the Church. She also questioned why the Board was voting on the site plan for the project before receiving the final number of

parking spaces to be gained or lost. Furthermore, she stated that she had been told by a Trustee of the Village that no vote was to be taken tonight on the Kensington project and therefore many of the residents of the Kensington/Sagamore area did not attend the meeting. She stated that the date of the vote needs to be made public.

Chairman Henderson stated that at the last meeting it was announced that our outside counsel was to prepare resolutions to be voted on at the January meeting. Regarding the number of parking spaces, the Village has sole jurisdiction over the sidewalk and roadways, and it will be up to the Village to make a final determination as to the modifications to the sidewalks and roadways.

Ms. Atayan proceeded to state that she has no place for her visitors to park and that because of the lack of parking, people will park in her front yard. She fears Minturn Place will be used for parking. Also, she stated that we do not know what we are debating because the number of spaces keeps changing.

Ms. Smith asked if whether, due to the new issues regarding the parking and traffic flow on Kensington Road which had been introduced at this meeting, the final vote on the special permit and site plan could be taken in February.

Mr. Bill Murphy, the Parking Commissioner for the Village of Bronxville, informed the Board that the residents of the area with whom he has met understand what their options are. He acknowledged that while all of the fine points have not been resolved, all residents are aware that spaces will be available for overnight parking. He acknowledged that arrangements would have to be made for guests, repairmen/servicemen, and other visitors to the area.

Dorothy Brennan stated that more residents of the Kensington/Sagamore area would have attended the meeting if they had known that a vote was to be taken this evening.

Mr. Taylor of Christ Church stated that he and his colleagues had concluded that all will have to suffer a bit during the period of construction and while the Church does not wish to give up landscaping area in favor of parking, he acknowledged that some compromise is inevitable.

Chairman Henderson closed the public hearing at 9:10 p.m.

Chairman Henderson stated that the Planning Board has authority to grant site plan and special permit approvals. He further stated that parking on the public streets outside of the site of the development is subject to the jurisdiction of the Village, and its Board of Trustees, not the Planning Board.

Chairman Henderson then reviewed the substance of the proposed resolutions granting site plan and special permit approval for the Kensington project.

Ms. Longobardo requested that the resolutions clarify that the landscaping plan was preliminary and that further consultation by the Applicant with the DRC would be necessary.

Mr. Westerfield requested that the Planning Board include a statement regarding its position that no parking spaces should be lost as part of the project. Chairman Henderson stated that the Planning Board would continue to be involved as the development moved forward, and that the parking issue would be taken up as a separate agenda matter.

Mr. Staudt advised the Board that it would be preferable to vote on the Special Permit application first than the Site Plan Approval.

Upon motion made by Mr. Blessing, seconded by Mr. Westerfield, and unanimously carried, the resolutions of the Planning Board approving the Special Permit and Site Plan Applications for the Kensington project were adopted and are attached hereto and made a part of these Minutes.

5. New Business

None.

6. Next Meeting

The next regularly scheduled meeting of the Planning Board is Wednesday, February 14, 2007 at 7:30 P.M.

7. Adjournment

There being no further business before the Planning Board, upon motion duly made by Mr. Blessing, seconded by Mr. Westerfield, and unanimously carried, the meeting was adjourned at 9:55 P.M.

Respectfully Submitted,

Lydia Byrne, Secretary
1/10/07 Planning Board Minutes

**RESOLUTION OF THE PLANNING BOARD OF THE
VILLAGE OF BRONXVILLE
GRANTING SPECIAL PERMIT APPROVAL
FOR THE KENSINGTON PROJECT**

WHEREAS, the Bronxville Planning Board and the Bronxville Board of Trustees have received applications for special permit approval, site plan approval, zone text amendments and a proposal to enter into a real estate transaction from Spectrum Kensington LLC (the “Applicant”) for a project referred to as The Kensington (the “Project”); and

WHEREAS, the Applicant proposes to construct a +/- 110,000 s.f., 54 unit condominium development on a parcel of real property located on Kensington Road, shown as Section 11, Block 5, Lots 1, 6 and 16 on the Village of Bronxville Tax Assessment Map (the “Property”); and

WHEREAS, pursuant to the Applicant’s contract with the Village, the Project is required to include a parking garage, containing a total of at least 300 parking spaces, at least 200 of which are to be provided to the Village of Bronxville as public parking pursuant to the terms of a permanent easement in favor of the Village; and

WHEREAS, the Applicant proposes to acquire the Property from the Village of Bronxville pursuant to the terms of that certain Purchase, Sale & Development Agreement between the Village and the Applicant, dated June 21, 2004; and

WHEREAS, the applications were accompanied by a full Environmental Assessment Form (“EAF”); and

WHEREAS, on June 16, 2004, the Planning Board adopted a resolution authorizing circulation of a Lead Agency Determination Notice and a copy of the

application materials including a copy of the EAF to all involved agencies for the Project;
and

WHEREAS, the Board of Trustees by resolution approved on July 12, 2004, consented to the Planning Board acting as Lead Agency and requested the Planning Board to review and make a recommendation to the Board of Trustees regarding the proposed zone text amendments; and

WHEREAS, on September 8, 2004, the Planning Board resolved to (i) assume the role of Lead Agency in connection with the SEQRA review of the Project, (ii) find the Project to be an Unlisted Action, and (iii) issue a Positive Declaration requiring the preparation of an Environmental Impact Statement for the Project; and

WHEREAS, the Applicant submitted a Draft Scope of the Draft Environmental Impact Statement (“DEIS”) for the Project; and

WHEREAS, a public scoping session was held on October 13, 2004; and

WHEREAS, on October 13, 2004, the Planning Board adopted a Final Scope for the DEIS; and

WHEREAS, the Applicant prepared the Preliminary DEIS based on the filed Scope, including consideration of alternatives, and submitted same to the Planning Board on April 20, 2005; and

WHEREAS, written comments on the completeness of the Preliminary DEIS were received as follows: Memorandum dated May 5, 2005 submitted by F.P. Clark Associates; Memorandum dated June 5, 2005 from Maryann Palermo; Memorandum dated June 8, 2005 from F.P. Clark Associates; Memorandum dated June 13, 2005 from Jeff Faville; and Memorandum dated June 28, 2005 from F.P. Clark Associates; and

WHEREAS, in addition to its professional consultants, the Planning Board members carefully reviewed the Preliminary DEIS and provided specific comments with respect to the completeness thereof to the Applicant at Planning Board meetings held on May 11, 2005 and June 8, 2005; and

WHEREAS, the Applicant revised the Preliminary DEIS to address substantially all of the comments received from the Planning Board members and the Planning Board's professional consultants; and

WHEREAS, a revised Preliminary DEIS was submitted by the Applicant on June 29, 2005; and

WHEREAS, the Planning Board and its professional consultants reviewed the revised Preliminary DEIS; and

WHEREAS, on July 13, 2005 the Planning Board of the Village of Bronxville, as Lead Agency, accepted the Preliminary DEIS submitted on June 29, 2005 as adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the Planning Board adopted a Notice of Completion with respect to the DEIS; and

WHEREAS, the Planning Board scheduled a public hearing with respect to the DEIS and the application for site plan approval to be held on September 14, 2005; and

WHEREAS, the duly noticed public hearing was commenced on September 14, 2005, continued on September 28, 2005 and closed with respect to the DEIS only on October 12, 2005, at which times all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, following the closing of the written comment period on October 30, 2005, the Applicant prepared a preliminary Final Environmental Impact Statement (“FEIS”) to address all of the comments received with respect to the DEIS, both at the public hearing and in writing thereafter; and

WHEREAS, a preliminary FEIS was submitted to the Planning Board on January 20, 2006, and subsequently reviewed by the Planning Board, with the assistance of its professional consultants, at Planning Board meetings held on February 8, 2006, March 1, 2006, March 8, 2006 and April 12, 2006. All of the aforesaid comments were addressed and revised preliminary FEIS sections were submitted on February 23, 2006, March 15, 2006, and April 10, 2006; and

WHEREAS, by resolution dated April 12, 2006, the Planning Board unanimously resolved to file the completed FEIS; and

WHEREAS, on May 10, 2006, the Planning Board made a positive recommendation to the Board of Trustees with respect to the proposed zone text amendments; and

WHEREAS, at its meeting on June 12, 2006, the Board of Trustees received the positive recommendation from the Planning Board and scheduled a public hearing on the proposed zone text amendments for July 10, 2006; and

WHEREAS, on July 10, 2006, the Board of Trustees conducted a public hearing regarding a proposed local law to amend the zoning law of the Village of Bronxville with respect to the proposed Project at which time all those wishing to be heard were given an opportunity to be heard and the public hearing was closed; and

WHEREAS, on August 31, 2006, the Planning Board adopted the Lead Agency Findings Statement with respect to the Project; and

WHEREAS, on September 18, 2006, the Board of Trustees adopted the Lead Agency Findings Statement previously approved by the Planning Board and unanimously adopted the local law, which local law modified provisions of the zoning law relating to the Village's Six Story Multiple Residents D Zoning District to create a new special permit use for age-targeted multiple residence facilities and to set forth required area, dimensional, and parking requirements for such age-targeted multiple residence facilities; and

WHEREAS, on August 31, 2006, the Applicant submitted an application for special permit approval; and

WHEREAS, the application for special permit approval was received by the Planning Board at its meeting on September 13, 2006, at which time, and subject to the subsequent adoption of the local law by the Board of Trustees, the Planning Board scheduled a public hearing on the special permit application for October 11, 2006; and

WHEREAS, the Board of Trustees having adopted the local law on September 18, 2006, the Planning Board opened and conducted the public hearing on the special permit application, concurrent with the public hearing on the site plan application, which site plan public hearing had been continued month to month since it was opened on September 14, 2005; and

WHEREAS, the combined public hearings with respect to site plan approval and special permit approval were conducted on October 11, 2006, November 8, 2006,

December 13, 2006 and January 10, 2007, at which time the public hearings were closed;
and

WHEREAS, §310-34 of the Bronxville Code establishes that, pursuant to §7-725-b of Village Law, the construction of the proposed Project requires special permit approval to be granted by the Planning Board; and

WHEREAS, the plans that were the subject of the public hearing and are the subject of this Approval Resolution are set forth in the list annexed hereto and made a part hereof as Schedule A (the “Plans”); and

WHEREAS, §310-39 of the Bronxville Code establishes certain general standards for all special permit uses; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the proposed Project is compatible with the Six Story Multiple Residence D District. The Planning Board, as part of its environmental review, has evaluated a number of alternatives with respect to building height, size, location, and architecture and finds that the current proposal is in harmony with the appropriate and orderly development of the district; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the proposed use is compatible with the goals and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board, based upon its review of the entire record, and with input from the relevant emergency service providers, finds that the Project will be readily accessible for fire and police protection provided, however, that the Eastchester Fire Department (“Fire Department”) review shall be ongoing as the construction

drawings progress and the Fire Department must be satisfied with provisions for access and movement of fire and emergency vehicles prior to the issuance of a building permit by the Superintendent of Buildings; and

WHEREAS, the Planning Board, based upon its review of the entire record, and having reviewed several different alternatives, finds that the height of the buildings and their location, as well as the landscaping shown on the preliminary landscaping plans included in the Plans which have been submitted to the Planning Board, will not hinder or discourage the appropriate development and use of adjacent land and buildings; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the Project will not cause any offensive, dangerous, or destructive environmental characteristics, nor will there be noise, fumes, vibrations, flashing of or glare from lights or any other similar nuisance conditions resulting from this use. The environmental cleanup and the moving of the public parking indoors will, in fact, tend to lessen any such existing effects; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the Project will safeguard and enhance the neighborhood character and surrounding property values by virtue, among other things, of replacing an existing at-grade parking facility with a new architecturally sensitive residential facility, as well as the environmental clean up of a previously impacted site; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the parking areas are of adequate size to service the residential facility and that the public parking areas will at least replace the public parking which is being displaced. The parking will be located largely underground, and is suitably screened from adjoining

residential uses, and the access to the garage has been designed so as to achieve maximum safety in terms of its size, configuration and sight distances; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the proposed use conforms in all respects to the zoning code; and

WHEREAS, §310 - 42(M) of the Village Code establishes certain specific standards and requirements with respect to the proposed special permit use in addition to the general standards enumerated above; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the site of the proposed use is environmentally impacted by virtue of its prior status as a gasoline service station and power plant and that the Applicant will be remediating the existing environmental impacts on the site at significant cost and expense. The Planning Board further finds that the provision of at least 200 public parking spaces in a largely underground parking structure, coupled with the expense of the necessary environmental remediation justifies the proposed density which is less than the density for other facilities permitted as of right in this zoning district; and

WHEREAS, the Planning Board, based upon its review of the entire record finds that the Applicant has demonstrated that the design of the Project, and specifically the design of the individual units, is such that the Project will appeal primarily to individuals and couples without children. Among other things, the units are designed with large master bedrooms and smaller second bedrooms, there are no playgrounds, play equipment or other child based amenities proposed, and the marketing type descriptions and pricing of the units which have been put forth are targeted to older individuals and couples; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the Project and related off site improvements will mitigate any traffic impacts that might result from the Project; and

WHEREAS, in the review and consideration of Spectrum Kensington LLC's application for special permit approval, the Planning Board and its professional consultants have had an opportunity to review the plans and have made various comments with respect thereto;

NOW, THEREFORE, BE IT RESOLVED that the foregoing "Whereas" clauses and the findings contained in the Lead Agency Environmental Findings Statements are incorporated herein by reference and fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that the application for special permit approval be, and it hereby is, granted, subject to the conditions contained in the resolution of Site Plan Approval for the Project, which is also being adopted on the date hereof, each of which is hereby incorporated into this resolution as conditions hereof as if fully set forth herein.

Dated: January 10, 2007

Adopted by unanimous vote of members present: January 10, 2007

Donald Henderson, Chairman

Spectrum Kensington LLC

By: _____
(Print name)

**RESOLUTION OF THE PLANNING BOARD OF THE
VILLAGE OF BRONXVILLE
GRANTING SPECIAL PERMIT APPROVAL
FOR THE KENSINGTON PROJECT**

WHEREAS, the Bronxville Planning Board and the Bronxville Board of Trustees have received applications for special permit approval, site plan approval, zone text amendments and a proposal to enter into a real estate transaction from Spectrum Kensington LLC (the “Applicant”) for a project referred to as The Kensington (the “Project”); and

WHEREAS, the Applicant proposes to construct a +/- 110,000 s.f., 54 unit condominium development on a parcel of real property located on Kensington Road, shown as Section 11, Block 5, Lots 1, 6 and 16 on the Village of Bronxville Tax Assessment Map (the “Property”); and

WHEREAS, pursuant to the Applicant’s contract with the Village, the Project is required to include a parking garage, containing a total of at least 300 parking spaces, at least 200 of which are to be provided to the Village of Bronxville as public parking pursuant to the terms of a permanent easement in favor of the Village; and

WHEREAS, the Applicant proposes to acquire the Property from the Village of Bronxville pursuant to the terms of that certain Purchase, Sale & Development Agreement between the Village and the Applicant, dated June 21, 2004; and

WHEREAS, the applications were accompanied by a full Environmental Assessment Form (“EAF”); and

WHEREAS, on June 16, 2004, the Planning Board adopted a resolution authorizing circulation of a Lead Agency Determination Notice and a copy of the

application materials including a copy of the EAF to all involved agencies for the Project;
and

WHEREAS, the Board of Trustees by resolution approved on July 12, 2004, consented to the Planning Board acting as Lead Agency and requested the Planning Board to review and make a recommendation to the Board of Trustees regarding the proposed zone text amendments; and

WHEREAS, on September 8, 2004, the Planning Board resolved to (i) assume the role of Lead Agency in connection with the SEQRA review of the Project, (ii) find the Project to be an Unlisted Action, and (iii) issue a Positive Declaration requiring the preparation of an Environmental Impact Statement for the Project; and

WHEREAS, the Applicant submitted a Draft Scope of the Draft Environmental Impact Statement (“DEIS”) for the Project; and

WHEREAS, a public scoping session was held on October 13, 2004; and

WHEREAS, on October 13, 2004, the Planning Board adopted a Final Scope for the DEIS; and

WHEREAS, the Applicant prepared the Preliminary DEIS based on the filed Scope, including consideration of alternatives, and submitted same to the Planning Board on April 20, 2005; and

WHEREAS, written comments on the completeness of the Preliminary DEIS were received as follows: Memorandum dated May 5, 2005 submitted by F.P. Clark Associates; Memorandum dated June 5, 2005 from Maryann Palermo; Memorandum dated June 8, 2005 from F.P. Clark Associates; Memorandum dated June 13, 2005 from Jeff Faville; and Memorandum dated June 28, 2005 from F.P. Clark Associates; and

WHEREAS, in addition to its professional consultants, the Planning Board members carefully reviewed the Preliminary DEIS and provided specific comments with respect to the completeness thereof to the Applicant at Planning Board meetings held on May 11, 2005 and June 8, 2005; and

WHEREAS, the Applicant revised the Preliminary DEIS to address substantially all of the comments received from the Planning Board members and the Planning Board's professional consultants; and

WHEREAS, a revised Preliminary DEIS was submitted by the Applicant on June 29, 2005; and

WHEREAS, the Planning Board and its professional consultants reviewed the revised Preliminary DEIS; and

WHEREAS, on July 13, 2005 the Planning Board of the Village of Bronxville, as Lead Agency, accepted the Preliminary DEIS submitted on June 29, 2005 as adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the Planning Board adopted a Notice of Completion with respect to the DEIS; and

WHEREAS, the Planning Board scheduled a public hearing with respect to the DEIS and the application for site plan approval to be held on September 14, 2005; and

WHEREAS, the duly noticed public hearing was commenced on September 14, 2005, continued on September 28, 2005 and closed with respect to the DEIS only on October 12, 2005, at which times all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, following the closing of the written comment period on October 30, 2005, the Applicant prepared a preliminary Final Environmental Impact Statement (“FEIS”) to address all of the comments received with respect to the DEIS, both at the public hearing and in writing thereafter; and

WHEREAS, a preliminary FEIS was submitted to the Planning Board on January 20, 2006, and subsequently reviewed by the Planning Board, with the assistance of its professional consultants, at Planning Board meetings held on February 8, 2006, March 1, 2006, March 8, 2006 and April 12, 2006. All of the aforesaid comments were addressed and revised preliminary FEIS sections were submitted on February 23, 2006, March 15, 2006, and April 10, 2006; and

WHEREAS, by resolution dated April 12, 2006, the Planning Board unanimously resolved to file the completed FEIS; and

WHEREAS, on May 10, 2006, the Planning Board made a positive recommendation to the Board of Trustees with respect to the proposed zone text amendments; and

WHEREAS, at its meeting on June 12, 2006, the Board of Trustees received the positive recommendation from the Planning Board and scheduled a public hearing on the proposed zone text amendments for July 10, 2006; and

WHEREAS, on July 10, 2006, the Board of Trustees conducted a public hearing regarding a proposed local law to amend the zoning law of the Village of Bronxville with respect to the proposed Project at which time all those wishing to be heard were given an opportunity to be heard and the public hearing was closed; and

WHEREAS, on August 31, 2006, the Planning Board adopted the Lead Agency Findings Statement with respect to the Project; and

WHEREAS, on September 18, 2006, the Board of Trustees adopted the Lead Agency Findings Statement previously approved by the Planning Board and unanimously adopted the local law, which local law modified provisions of the zoning law relating to the Village's Six Story Multiple Residents D Zoning District to create a new special permit use for age-targeted multiple residence facilities and to set forth required area, dimensional, and parking requirements for such age-targeted multiple residence facilities; and

WHEREAS, on August 31, 2006, the Applicant submitted an application for special permit approval; and

WHEREAS, the application for special permit approval was received by the Planning Board at its meeting on September 13, 2006, at which time, and subject to the subsequent adoption of the local law by the Board of Trustees, the Planning Board scheduled a public hearing on the special permit application for October 11, 2006; and

WHEREAS, the Board of Trustees having adopted the local law on September 18, 2006, the Planning Board opened and conducted the public hearing on the special permit application, concurrent with the public hearing on the site plan application, which site plan public hearing had been continued month to month since it was opened on September 14, 2005; and

WHEREAS, the combined public hearings with respect to site plan approval and special permit approval were conducted on October 11, 2006, November 8, 2006,

December 13, 2006 and January 10, 2007, at which time the public hearings were closed;
and

WHEREAS, §310-34 of the Bronxville Code establishes that, pursuant to §7-725-b of Village Law, the construction of the proposed Project requires special permit approval to be granted by the Planning Board; and

WHEREAS, the plans that were the subject of the public hearing and are the subject of this Approval Resolution are set forth in the list annexed hereto and made a part hereof as Schedule A (the “Plans”); and

WHEREAS, §310-39 of the Bronxville Code establishes certain general standards for all special permit uses; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the proposed Project is compatible with the Six Story Multiple Residence D District. The Planning Board, as part of its environmental review, has evaluated a number of alternatives with respect to building height, size, location, and architecture and finds that the current proposal is in harmony with the appropriate and orderly development of the district; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the proposed use is compatible with the goals and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board, based upon its review of the entire record, and with input from the relevant emergency service providers, finds that the Project will be readily accessible for fire and police protection provided, however, that the Eastchester Fire Department (“Fire Department”) review shall be ongoing as the construction

drawings progress and the Fire Department must be satisfied with provisions for access and movement of fire and emergency vehicles prior to the issuance of a building permit by the Superintendent of Buildings; and

WHEREAS, the Planning Board, based upon its review of the entire record, and having reviewed several different alternatives, finds that the height of the buildings and their location, as well as the landscaping shown on the preliminary landscaping plans included in the Plans which have been submitted to the Planning Board, will not hinder or discourage the appropriate development and use of adjacent land and buildings; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the Project will not cause any offensive, dangerous, or destructive environmental characteristics, nor will there be noise, fumes, vibrations, flashing of or glare from lights or any other similar nuisance conditions resulting from this use. The environmental cleanup and the moving of the public parking indoors will, in fact, tend to lessen any such existing effects; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the Project will safeguard and enhance the neighborhood character and surrounding property values by virtue, among other things, of replacing an existing at-grade parking facility with a new architecturally sensitive residential facility, as well as the environmental clean up of a previously impacted site; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the parking areas are of adequate size to service the residential facility and that the public parking areas will at least replace the public parking which is being displaced. The parking will be located largely underground, and is suitably screened from adjoining

residential uses, and the access to the garage has been designed so as to achieve maximum safety in terms of its size, configuration and sight distances; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the proposed use conforms in all respects to the zoning code; and

WHEREAS, §310 - 42(M) of the Village Code establishes certain specific standards and requirements with respect to the proposed special permit use in addition to the general standards enumerated above; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the site of the proposed use is environmentally impacted by virtue of its prior status as a gasoline service station and power plant and that the Applicant will be remediating the existing environmental impacts on the site at significant cost and expense. The Planning Board further finds that the provision of at least 200 public parking spaces in a largely underground parking structure, coupled with the expense of the necessary environmental remediation justifies the proposed density which is less than the density for other facilities permitted as of right in this zoning district; and

WHEREAS, the Planning Board, based upon its review of the entire record finds that the Applicant has demonstrated that the design of the Project, and specifically the design of the individual units, is such that the Project will appeal primarily to individuals and couples without children. Among other things, the units are designed with large master bedrooms and smaller second bedrooms, there are no playgrounds, play equipment or other child based amenities proposed, and the marketing type descriptions and pricing of the units which have been put forth are targeted to older individuals and couples; and

WHEREAS, the Planning Board, based upon its review of the entire record, finds that the Project and related off site improvements will mitigate any traffic impacts that might result from the Project; and

WHEREAS, in the review and consideration of Spectrum Kensington LLC's application for special permit approval, the Planning Board and its professional consultants have had an opportunity to review the plans and have made various comments with respect thereto;

NOW, THEREFORE, BE IT RESOLVED that the foregoing "Whereas" clauses and the findings contained in the Lead Agency Environmental Findings Statements are incorporated herein by reference and fully adopted as part of this approval; and

BE IT FURTHER RESOLVED, that the application for special permit approval be, and it hereby is, granted, subject to the conditions contained in the resolution of Site Plan Approval for the Project, which is also being adopted on the date hereof, each of which is hereby incorporated into this resolution as conditions hereof as if fully set forth herein.

Dated: January 10, 2007

Adopted by unanimous vote of members present: January 10, 2007

Donald Henderson, Chairman

Spectrum Kensington LLC

By: _____
(Print name)

