

Full Environmental Assessment Form, Part 3, Attachment A

100 Pondfield Court Redevelopment Site Plan Conditioned Negative Declaration

Reasons Supporting This Determination

Description of the Property

The subject property, located at 100 Pondfield Road, Section 4, Block 3, Lot 11 on the Tax Assessor's Map is an existing vacant moving and storage building, which sits on an 11,485 square-foot lot that has an access easement for a driveway providing access to Pondfield Road, the only access to the building from a public roadway. The building does not have frontage on a public road. The width of the access easement/driveway varies from 15.25 feet at the property lot line to 15.19 feet at the Pondfield Road right-of-way. The lot is located on the west side of Pondfield Road between Park Place and Cedar Street in the Central Business A District. The 35-foot 3.5-inch high, three-story commercial storage/warehouse building, which occupies 96 percent of the area of the lot, has an existing total gross floor area of 32,242 square feet and a building foot print of 11,414 square feet. The existing building is non-conforming with respect to its street frontage, minimum yard dimensions, height, gross floor area, FAR, and number of stories.

Description of the Proposed Action

Pondfield Court, LLC (Samuel Blauner), property owner, submitted an application to rehabilitate and renovate the existing moving and storage building for residential use. The Proposed Action, as originally submitted, included an increase in the total gross floor area of the building to 42,021 square feet through the addition of a fourth floor, an increase in the height of the building to 47 feet 2.5 inches, 11 residential condominium apartments on the upper floors and parking spaces for 22 cars on the ground floor along with a lobby, utility rooms, bicycle parking, a rest room, and a mail room.

Four apartments, a tenant lounge and a recreation room were located on the second floor. Five apartments, including the lower floor of a duplex unit were located on the third floor, and two additional apartments and the upper floor of the duplex unit were located on the new fourth floor level along with a common terrace garden area and three private terraces. The floor areas of the two one-bedroom, and nine two-bedroom apartments, ranged in size from 1,827 square feet to 2,658 square feet.

In addition to adding a fourth floor, renovation of the building included installation of a new elevator, installation of a new roll-up gate at the entrance to the new garage space, alteration of the placement and number of windows on the existing facades, alteration of

the existing roof line of the building, and resurfacing of the building facades. The building elevations maintained the Spanish Colonial style of the building.

The Applicant also submitted an expanded Full Environmental Assessment Form (EAF) dated June 2014. The original expanded EAF included additional information and analyses related to several environmental topics included in the EAF, which were reviewed by the Bronxville Planning Board and its staff and consultants. These documents include a zoning and land use analysis (Addendum A), a neighborhood and community character assessment (Addendum B), a visual impact and view shed analysis, including a Visual EAF Addendum (Addendum C and EAF Appendix B), a noise assessment (Addendum D), a traffic and parking analysis (Addendum E), an economic impact analysis (Addendum F) and a Phase 1 Environmental Site Assessment (Addendum G). A logistics and construction schedule, dated June 2, 2014 prepared by Carrickmore, LLC, Blauvelt, N.Y., was also submitted.

The Proposed Action, as originally submitted, required the Applicant to seek several area variances from the Bronxville Zoning Board of Appeals for dimensional non-compliances of the proposed building, a waiver and special permit from the Planning Board for the sizes of some of the proposed parking spaces, and a variance from the Hudson Valley Board of Review for the size of the handicapped-access parking space aisle. The sizes of eight of the proposed apartments were over 2,000 square feet, which required the approval of a special permit by the Planning Board. The original Proposed Action increased several of the existing non-conformities and created additional non-conformities.

Potential Impacts

Review of the Expanded EAF and additional information provided by the Applicant and completion of Part 2 of the EAF demonstrated that there are no potential adverse impacts from the Proposed Action with respect to geologic features, surface water, ground water flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, open space and recreation, a Critical Environmental Area, consistency with community plans, and consistency with community character, primarily because the Proposed Action is located in a developed neighborhood and it repurposes an existing building without increasing the impervious surface coverage of the property. Any temporary impacts to air and water during construction will be limited by the implementation of a construction management and logistics plan and use of best practices with respect to demolition and construction.

The assessment in Part 2 of the EAF identified that there may be potential adverse impacts from the Proposed Action with respect to land, transportation and parking, energy, noise, light, and human health and safety as follows:

1. Land. Although the Proposed Action involves the renovation and adaption of an existing commercial building for residential use, the renovation will include excavation, construction that continues for more than one year and has the potential to cause erosion. However, a construction management and logistics plan that includes erosion and sediment control will be implemented during construction to limit any minor impacts to land that may occur.
2. Transportation, Parking and Emergency Services Access. Concerns regarding impacts to everyday vehicular access and emergency access to and from the building, vehicular traffic flow in access driveway and the public roadway, and the safety and movement of pedestrians in the access driveway and the walkway on Pondfield Road were raised by the Planning Board and its consultants. Measures suggested to minimize these impacts included, prohibiting left turns into and out of the site access drive at Pondfield Road, provision of adequate overall lighting for the driveway to enable drivers to clearly see pedestrians walking in the easement/driveway, prohibition of standing or parking of vehicles in the access driveway to avoid obstruction of the access drive at all times, pavement markings, speed humps, and other visual and/or audible devices to alert pedestrians on the sidewalk to the presence of a vehicle in the access drive and drivers in the access drive to the presence of pedestrians on the sidewalk, and reduction of the number of resident parking spaces and elimination of any guest parking spaces in the garage to reduce the number of vehicles entering and leaving the access drive.

With respect to the garage parking spaces, concerns were raised regarding parking spaces that are partially obstructed by the building column grid that intrudes one foot into certain parking spaces, which could impede the movement of vehicles in the garage and potentially in the access driveway. Measures suggested to minimize the impacts included revising the design of the parking spaces to eliminate all partially obstructed spaces, provision of an ADA compliant handicapped access parking space, and improving the travel aisles in the garage to include space for a vehicle to temporarily occupy to allow another vehicle to pass by.

Any temporary impacts to transportation and parking during construction will be limited by the implementation of a construction management and logistics plan and at a minimum compliance with the requirements of the Bronxville Code with respect to construction scheduling and working hours.

Related Conditions to be Imposed

- Emergency services access to the building is of paramount concern to the Planning Board and the Eastchester Fire Department, as evidenced in the May 4, 2015, letter by Captain Pintavalle. The Applicant will, in coordination with the Village, use its best efforts to have the driveway area

designated and striped as a fire lane in which parking and standing is prohibited. The designation and striping must occur as soon as is feasible, but before the issuance of the certificate of occupancy.

- The only emergency, vehicular, bicycle and pedestrian access to the site is via a 15-foot wide driveway area perpendicular to Pondfield Road. The owner of the driveway area has granted an easement to the applicant or its predecessor permitting access to the site across the easement area. During public comments and through written communications to the Planning Board, representatives of the owner of the driveway/easement area stated that the owner believes it has the ongoing right to obstruct – or permit its tenants to obstruct – the driveway/easement area during deliveries and for other intermittent uses, and that the owner intends to continue to allow such obstructions. The Applicant maintains that such obstructions are contrary to the easement and that, should the need arise, it will enforce the terms of the easement. Because of the Planning Board’s and Fire Department’s concern regarding the necessity for unobstructed access to the site, prior to the issuance of the certificate of occupancy, the Applicant will use its best efforts to obtain a declaration from a court of competent jurisdiction that delivery vehicles may not stop and load/unload in the easement area and that the easement area cannot be obstructed, in whole or in part. The Applicant is urged to proceed immediately to obtain such declaration. If efforts to receive a declaration that the easement area may not be obstructed are unsuccessful, the Applicant must return to the Planning Board for further review. Furthermore, prior to obtaining a Building Permit, a construction management plan approved by the Superintendent of Buildings shall be in place that prohibits any obstruction of the driveway/easement area.
- The Traffic Management Plan will include, in and around the driveway/easement area, all the vehicular and pedestrian safety features included in the JMC plan, Sheet TM-1, entitled “Traffic Management and Parking Plan,” dated December 16, 2014 and revised May 6, 2015.
- Prior to preliminary site plan approval, the ground floor garage parking layout as shown on Sheet TM-1 of the plan set prepared by JMC, dated December 16, 2014 and revised May 6, 2015 will be revised to a plan providing parking space size, layout, and circulation satisfactory to the Planning Board’s traffic/parking consultants. Unless the Board’s consultants recommend approval of a plan with a greater number of spaces, the number of parking spaces shall be limited to fourteen (14) (1.25 spaces per unit).

3. Energy. The repurposing of the building to residential use would create an increase in the demand for electrical energy; however, the expected increase for 11 new apartments would be a relatively small impact to the existing resources.
4. Noise. The repurposing of the building to residential use would create an increase in noise levels around the property from new heating and cooling equipment mounted on the roof. A noise assessment was provided by the Applicant for the new ventilating, heating and cooling equipment to be installed. The noise assessment was reviewed by the Planning Board's consultants who suggested certain noise reduction measures, which were added to the roof-top equipment plan by the Applicant. After completion of the building, the increase in noise that will reach the street level and adjacent buildings will be minimal, and the overall anticipated noise levels will not significantly raise the general noise level in the area surrounding the building. During construction, temporary noise impacts will be mitigated by the implementation of a construction management and logistics plan, and at a minimum compliance with the requirements of the Bronxville Code with respect to noise and construction scheduling and working hours.
5. Light. The Proposed Action included exterior building lighting at the ground floor entrances and on the fourth floor terraces. Concerns regarding the visual impacts of the light levels proposed were expressed by the Planning Board's consultants and the measures requested to limit the impacts included reduction of the light levels on the terraces and use of shielded light fixtures to prevent sky-lighting and lateral glare. The Applicant revised the lighting plan to reduce the light levels on the terraces.
6. Human Health and Safety. Because the project involves the renovation and re-use of an existing commercial storage facility as residences, concerns were raised by the Planning Board regarding the potential for the presence of hazardous materials such as asbestos within the building, and the presence of sub-surface hazardous materials on the property that may create health impacts during and after construction. A Phase 1 Environmental Site Assessment of the property provided by the Applicant investigated the possibility that hazardous materials may exist on the site or in the building and was reviewed by the Planning Board's consultants who suggested, because the Phase 1 site assessment was conducted in 2011 and is more than 180 days old, that the Phase 1 Assessment should be updated. Potential recognized environmental concerns (RECs) cited include a decommissioned fuel-oil storage tank, and use of adjacent and nearby properties for automotive service and repair, and dry-cleaning. Recommendations for further subsurface investigations to determine the extent of the presence of RECs were also included and a Remedial Investigation Work Plan was requested.

Any temporary impacts related to the handling and disposal of hazardous materials during construction will be limited by the implementation of a construction management and logistics plan that includes dust, and air quality monitoring, a Health and Safety Plan for the construction site, and use of best practices with respect to demolition and hazardous materials handling and disposal during construction. The construction management plan will include discussion regarding potential construction impacts and proposed mitigation measures, that will include, but not be limited to, compliance with local regulations, demolition, phasing, estimated construction traffic and construction parking arrangements, noise impacts, air quality protection, materials delivery, storage and staging, hazardous materials handling, a site safety plan, public safety precautions to be implemented, etc. Routing and scheduling of construction traffic will be coordinated with the Bronxville Union Free School District school schedule and daily commuter “rush hours.”

The limited access to the building provided by the access easement/driveway and the land-locked nature of the site raised concerns regarding the design of the fire egress for building occupants, fire responder access to the building in the event of a fire, and compliance with the New York State Fire and Building Code. The Planning Board and Village staff requested that upon preparation of final construction drawings, the drawings should be submitted to the International Code Council for review regarding final assessment for New York State Fire and Building Code compliance. The Planning Board encouraged the Applicant to take this step prior to final site plan approval, as the results of this review could require site plan modification.

Related Conditions to be Imposed

- Upon preparation of final construction drawings sufficient for International Code Council (ICC) review, the Applicant will submit all documents to the ICC International Code Council for review regarding final assessment for New York State Fire and Building Code compliance. The Applicant is encouraged to take this step prior to final site plan approval, as the results of this review could require site plan modification.
- The final building design will include all of the fire safety systems listed in the May 4, 2015 letter to the Village Planning Board from Captain Thomas Pintavalle of the Fire Prevention Bureau of the Eastchester Fire Department.
- Prior to preliminary site plan approval, the Applicant will comply with all the statements and recommendations included in the October 2, 2014, and August 28, 2014 emails and attached letter sent to Michael P. Musso, HDR,

from Airtek Environmental Corporation, which was sent to Vincent Pici, Bronxville Village Engineer, and Marilyn Timpone-Mohamed, Frederick P. Clark Associates, Village Planning Consultant. The Applicant shall submit an updated Phase 1 Environmental Site Assessment Report and a Remedial Investigation Work Plan within seven (7) days of the adoption of this Conditioned Negative Declaration. Prior to the certificate of occupancy, the Applicant shall comply with all other statements and recommendations.

The Applicant revised the Proposed Action to respond to some of the concerns and comments received. The Applicant's finally revised Proposed Action does not increase the total gross floor area of the building, and does not add a fourth floor to the building, which eliminates the fourth floor terraces and lighting. The gross floor areas of the 11 revised loft apartments are all less than 2,000 square feet, ranging in size from 1,113 square feet to 1,978 square feet, and are located on the existing second and third floors of the building. The ground-floor garage layout was modified to reduce the number of parking spaces to 17 spaces and includes an area for a vehicle to temporarily occupy to allow another vehicle to pass by. The revised ground floor also includes the building lobby, utility rooms, a rest room, and a mail room.

In addition to the other proposed renovations, the finally revised plan includes a fire safety measure - a new elevator with a pressurized cab, and a new roll-up gate at the entrance to the garage space. The locations and number of windows on the existing facades are altered and the building facades would be re-surfaced but would maintain the Spanish Colonial style of the building.

Although the Applicant revised the Proposed Action, the Lead Agency determined that it is necessary to impose conditions on the negative declaration to ensure building fire-safety and egress, emergency and fire services access to the building, driveway and pedestrian safety, the appropriate discovery and handling of hazardous materials, and adequate garage parking area design.

The Conditioned Negative Declaration Notice is sent to the Environmental Notice Bulletin and circulated to the Applicant, other involved agencies, the Mayor of the Village of Bronxville, and any other person who asks for it. The required 30-day comment period will commence upon publishing of the Conditioned Negative Declaration Notice in the NYSDEC Environmental Notice Bulletin.