

## **Full Environmental Assessment Form, Part 3, Attachment B**

### **100 Pondfield Court Redevelopment Site Plan Conditioned Negative Declaration**

#### **Conditions**

Conditions are organized by environmental review topic area.

1. Building Fire Safety and Egress: The following conditions must be satisfied before a building permit may be issued:
  - Upon preparation of final construction drawings sufficient for International Code Council (ICC) review, the Applicant will submit all documents to the ICC for review regarding final assessment for New York State Fire and Building Code compliance. 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.
  
2. Emergency and Fire Services Access:
  - 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 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 over 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.

3. Driveway and Pedestrian Safety:

- 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.

4. Hazardous Materials:

- 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 Report and 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.

5. Garage Parking Area Design:

- 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).