

**CITY OF NEW ROCHELLE, NEW YORK
DEPARTMENT OF DEVELOPMENT
PLANNING BOARD**

Members Present:	<i>Deane, Hocking, Lipow, Masí, Smith</i>
Members Absent:	<i>Dodds-Brown, Hernandez</i>
Introduced:	<i>February 23, 2016</i>
Adopted:	<i>February 23, 2016</i>
Moved By:	<i>Deane</i>
Seconded By:	<i>Lipow</i>
Opposed:	<i>Hocking</i>
Abstained:	<i>None</i>
Passed:	<i>4 to 1</i>

**PB 33-15
Site Plan
Approval**

**RESOLUTION NO. 10-2016
43 Church Street, Block 414, Lot 51**

WHEREAS, a site plan application has been filed by **43 Church Street, LLC**, owner, to construct an eight story, 78-room hotel at **43 Church Street** (Block 414, Lot 51) in a DB zoned district; and

WHEREAS, it has been determined that this site is not located in a Critical Environmental Area, and is an Unlisted Action under the State Environmental Quality Review (SEQRA) process; and

WHEREAS, the New Rochelle Planning Board declared Lead Agency, in connection with all processing, procedures, determinations and findings, to be made or conducted with respect to the site plan submitted by the applicant. The Planning Board took this action pursuant to § 8-0101, *et. seq.*, of the Environmental Conservation Law and pursuant to the regulations promulgated by the New York State Department of Conservation specifically, 6 NYCRR Part 617 (*SEQRA Regulations*); and

WHEREAS, after careful review and consideration of the full *EAF* and the documentation submitted to the Planning Board for site plan approval, a determination was made pursuant to §617.4 of the *SEQRA Regulations* that the application will not have a significant impact on the environment and does not require the preparation of an Environmental Impact Statement (*EIS*); now, therefore, be it

RESOLVED, the New Rochelle Planning Board does hereby approve the site plan subject to the following condition:

1. *The existing sanitary sewer in Church Street is 6" diameter VIT. The proposed sanitary house connection must be reduced to 6" diameter XHCI and will necessitate the construction of a manhole (~12' depth).*
2. *The existing sidewalk and curbing along the property's frontage must be replaced in accordance with DPW standards, including the use of granite curbs.*
3. *Upon approval, fire sprinkler and alarm plans must be submitted to the Fire Department.*
4. *Applicant shall receive all approvals to utilize of off-site parking on Bonnefoy Place prior to the issuance of a temporary certificate of occupancy.*
5. *As necessary, the applicant shall provide inflow and infiltration improvements to the sanitary sewer service to the satisfaction of the City Engineer prior to the issuance of a certificate of occupancy.*

6. *Applicant shall comply with the City Council resolution regarding LEED design standards.*
7. *Refuse pick-up shall be restricted to the hours of 8:00AM to 4:00PM.*
8. *For snow storm events beyond eight inches, snow must be removed from the site.*
9. *Hours of outdoor patio use shall be restricted to 8:00 AM to 9:00 PM on Sunday through Thursday, and 8:00 AM to 10:00 PM on Friday and Saturday. Six months after the issuance of the temporary certificate of occupancy (this time frame shall include the first outdoor season, spanning the months of April through September), the applicant shall return to the Planning Board to review the impacts of outdoor noise from the patio. If it is found that there have been substantial impacts, including founded complaints, the Board shall consider amending the outdoor hours.*
10. *There shall be no music and/or audio speakers in the outdoor patio area.*
11. *Smoking shall be prohibited in the patio area.*
12. *A sign shall be posted in the patio area to advise patrons; visitors and guests to be respectful of the surrounding residences.*
13. *Vehicle idling shall be prohibited on-site.*

RESOLVED, that in accordance with General City Law Subsection 27-a (7), the Applicant's engineer or architect, prior to the issuance of any type of building permit for construction, shall submit to the Building Official an estimate of the costs of all required site infrastructure and improvements associated with this site plan approval, which estimate shall be verified by the Building Official as adequate to cover all such site infrastructure and improvements. Thereupon, the Applicant shall provide to the City Bureau of Buildings a performance bond or other security acceptable to Corporation Counsel, in an amount and for a period of time acceptable to the Building Official, all in accordance with Section 27-a, Subsection 7 and Section 33, Subsection 8 of General City Law; and, be it further

RESOLVED, that in accordance with the Zoning Code, prior to issuance of the final Certificate of Occupancy, The Applicant shall provide to the City Bureau of Buildings all necessary maintenance bonds or other security acceptable to Corporation Counsel, in an amount and for a period of time acceptable to the Building Official for any proposed landscaping and, if applicable, for any oil/grit separators; and, be it further

RESOLVED, that in accordance with Section 331-123 of Chapter 331 (Zoning) of the New Rochelle City Code, such approval for any construction shall expire if a building permit is not issued within one (1) year from the date of approval and if all construction work is not completed within two (2) years of the date of issuance of such permit. Upon application to the Planning Board, extensions totaling a maximum of twelve (12) months may be granted to each of these time periods, for appropriate cause; and, be it further

RESOLVED, that the applicant and all successors/assignees are hereby informed that in accordance with Section 331-140 of the zoning code; Penalties for Offenses, if any element of an approved site plan is amended without knowledge or approval by the Planning Board, a fee shall be assessed to return to the Planning Board so as to formally file a site amendment, and be it, further

RESOLVED, the Planning Board Clerk is authorized to grant an extension of one (1) month beyond the first year site plan approval date, for any or all of the following conditions: if the applicant can demonstrate that reasonable progress has been made in satisfying the Planning Board's conditions of approval, if the Applicant needs the extension during the Planning Board's annual vacation period, or if other extenuating conditions have occurred, which the Planning Board Clerk considers reasonable for the granting of the additional one (1)

month extension. If the Applicant has not obtained the required building permit within this one month extended approval period, the Applicant may apply to the Planning Board to extend the site plan approval for the remaining eleven (11) months.

Dated: March 1, 2016


Kevin A. Kain, PP, AICP Planning Board Clerk

Filed City Clerk's Office March 1, 2016


Beverly J. Silvers City Clerk