

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

Members Present:	<i>Brown, Dodds-Brown, Lipow, Masi, Pitocchi, Smith</i>
Members Absent:	<i>Contreras</i>
Introduced:	<i>April 24, 2018</i>
Adopted:	<i>April 24, 2018</i>
Moved By:	<i>Lipow</i>
Seconded By:	<i>Pitocchi</i>
Abstained:	<i>None</i>
Opposed:	<i>None</i>
Passed:	<i>Unanimously</i>

**PB 12-18
Subdivision**

**RESOLUTION NO. 37-2018
26 Division Street, Block 414, Lot 8**

WHEREAS, an application has been filed by **RXR Church Division Holdings Tower A LLC** and **RXR Church Division Holdings Tower B**, for subdivision and site plan approval to construct a mixed-use development at **26 Division Street** (Block 414, Lot 8), in a DO-2 Downtown Overlay Zone 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 *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 subdivision subject to the following conditions:

- 1. The applicant shall provide a Fair Share Mitigation payment of \$732,807 for Tower A and \$749,901 for Tower B of the project, prior to the issuance of a building permit for each Phase of the project, for a total payment of \$1,482,708 based on the calculations below. Should the final design result in an adjustment to the calculations below, the applicant shall return to the Planning staff for an administrative review.*

Tower A Use Category	Count	Area	% of Total Units	Allocated Common Area	Total area for Mitigation Calc.	Mitigation Amount (\$/sf)	Adjustment Factor	Fee Amount
Studio	54	28,731	15%	12,999	41,730	1.326	100%	\$55,334
1BR	149	109,169	42%	35,868	145,037	1.591	100%	\$230,753
2BR	147	151,744	42%	35,386	187,130	2.122	100%	\$397,090
3BR	4	6,044	1%	963	7,007	2.652	100%	\$18,583
Retail	2	13,617			13,617	1.326	75%	\$13,542
Parking	330					53.045		\$17,505
						TOTAL FEE AMOUNT:		\$732,807

Tower B Use Category	Count	Area	% of Total Units	Allocated Common Area	Total area for Mitigation Calc.	Mitigation Amount (\$/sf)	Adjustment Factor	Fee Amount
Studio	63	33,478	15%	13,344	46,822	1.326	100%	\$62,086
1BR	166	121,206	42%	36,820	158,026	1.591	100%	\$251,419
2BR	144	148,536	42%	36,326	184,862	2.122	100%	\$392,277
3BR	3	4,227	1%	988	5,215	2.652	100%	\$13,830
Retail	2	12,054			12,054	1.326	75%	\$11,988
Parking	345					53.045		\$18,301
						TOTAL FEE AMOUNT:		\$749,901

2. The applicant is proposing to build 4 bonus stories for each phase of the project, 51,630 square feet for Tower A and 51,066 square feet for Tower B, for a combined square footage of 102,696. The cost/sf at this project location in DO-2 under Development Standard 3 is \$40/sf., making the value of the 3 bonus stories \$4,107,840. To receive this height bonus, the applicant will design and construct improvements to the City sewer system in the vicinity of the project that will be subject to approval by the City Engineer; and will design and construct improvements to a pedestrian plaza providing for a publicly accessible, pedestrian connection between Church and Division Streets subject to design approval by the Commissioner of Development. The total value of the Community Benefits will not be less than \$4,107,840.

The applicant has been awarded 4 bonus stories with a total square footage of 102,696 as the approved community benefit bonus.

3. *The applicant shall comply with the City's affordable housing requirements in Section 331-152 of the municipal code by providing for 73 units of affordable housing at an off-site location. The units will be of the same unit type ratio as in the proposed development.*

The applicant shall provide thirty-five units that meet the requirements of Section 331-152 in the following mix for Tower A: five studios, fifteen 1-bedroom units and fifteen 2-bedroom units.

The applicant shall provide thirty-eight units that meet the requirements of Section 331-152 in the following mix for Tower B: six studios, seventeen 1-bedroom units and fifteen 2-bedroom units.

On an annual basis, the applicant shall provide a list of affordable housing units to the City for use in the City's affordable housing lottery program.

If the units in the off-site location are not completed prior to the issuance of a certificate of occupancy for each Tower, the applicant shall place \$4,650,000 for Tower A and \$5,000,000 for Tower B in an escrow account until the off-site units are completed.

4. *The applicant shall comply with the City's Economic Opportunity and Nondiscrimination Policy, including provision of quarterly reporting to the City for purposes of monitoring such compliance.*
5. *The applicant shall satisfy the code requirement for recreation and open space as set forth in Section 331-118G of the code. A payment of \$263.00 per additional dwelling unit on-site shall be paid to Account T-037 prior to the issuance of a building permit.*
6. *The applicant shall satisfy the requirement for private art betterments in accordance with Section 331-120.1. The artwork shall be approved by the Municipal Arts Commission. The minimum cost shall be not less than 0.0025 of the construction cost of the project.*
7. *The applicant shall satisfy the code requirement for provision of parking as set forth in Section 331-125 and 331-126 of the code.*
8. *The publicly accessible parking rates shall be competitively priced with other parking lots in the area of similar size, operation, and type.*
9. *The applicant shall comply with the City's requirements for valet parking as set forth in Section 331 Article XXI.*
10. *The applicant shall provide an emergency power source for the mechanical vehicle lifts.*
11. *The applicant shall comply with the City's requirement for off-street bicycle parking facilities in Section 331-126.1, or, alternatively, in Section 331-126.2.*
12. *The applicant shall continue the exterior building materials along the Church Street and Division Street elevations into the interior walls of the parking area.*
13. *Larger rooftop furniture shall be mechanically fastened to the roof. Additionally, all moveable furniture on the roof shall be stored indoors when not in use.*
14. *Applicant shall provide granite curbing along the municipal right-of-way for the subject site's frontage per City standards.*
15. *The applicant shall incorporate and address the final recommendations of the Professional Architectural Review Committee.*

16. Prior to issuance of a building permit, the applicant shall submit a comprehensive construction plan including pertinent staging, drainage, shoring, dewatering, utility, erosion control and curb cut details and details of how materials, construction vehicles and heavy trucks will circulate on the site and move to/from the site, to the New Rochelle Department of Public Works (DPW) to be reviewed and approved by the Building Official, City Engineer and Traffic Engineer. In such plan, the applicant shall provide details as to any temporary utility structures or equipment. The applicant shall obtain appropriate permits from DPW, Westchester County and NYSDEC for work on the site under Section 239 F of the General Municipal Law.

The construction plan shall detail any planned closures of sidewalks, roadways, traffic lanes and/or parking spaces, with plans outlining mitigation of negative effects to the public. Sidewalks shall remain open and available to the public at all times. If additional space is needed for construction activity, a temporary sidewalk shall be provided.

17. The applicant shall obtain any requisite permits from any Westchester County department/agency, New York state department/agency or federal department/agency prior to the issuance of a building permit.

18. The Applicant shall, at its own cost, complete all applicable on-site and off-site improvements shown on the site plan in accordance with DPW specifications and shall obtain any requisite permits for construction and inspection by DPW. Prior to issuance of a building permit, the Applicant shall post a bond or letter of credit acceptable to Corporation Counsel according to Section 331-136 of the Code to cover the total cost for construction of such improvements and other infrastructure improvements, which amount shall be estimated by the Applicant's engineer and submitted to the Department of Public Works (DPW) for acceptance.

19. The Applicant shall, at its own cost, build all utilities, sanitary and storm drainage improvements, driveways, curbs, sidewalks, handicapped ramps, and other necessary infrastructure shown on the site plan, all in accordance with the New Rochelle Department of Public Works' standards and acceptable to the City Engineer.

20. The applicant's engineer shall submit the existing and proposed sanitary sewer flows for inflow and infiltration removal.

21. The minimum separation between the water main and sewer main shall be reviewed and approved by the City Engineer and City Sewer Inspector prior to installation to ensure compliance with applicable city regulations.

22. All proposed sanitary sewer lines shall be comprised of extra heavy cast iron.

23. The applicant shall comply with the grading and draining provisions in Section 331-129B. Oil/grit separators shall be constructed to permit access for inspection and maintenance and the Owner shall submit maintenance reports together with a signed and notarized certification on a form supplied by the Building Official twice per year, once between April 15 and May 30 and once between October 15 and November 30, certifying that the oil/grit separator was inspected and cleaned out during the above-described time periods and that said separators are in working order. The Owner shall be further required to post a long-term maintenance bond, or an evergreen letter of credit with respect to the performance of the maintenance required herein. If the maintenance bond expires or is used by the City in order to conduct the required inspection and cleaning in the event of default by the Owner, then the City may serve an abatement notice for further expenses incurred by or on behalf of the City pursuant to the procedures set forth in Section 200 of the City Charter.

24. A performance and maintenance bond, evergreen letter of credit, cash deposit or other surety, acceptable to the Corporation Counsel, shall be posted by the applicant to guarantee the planting and maintenance of trees and landscaping, as shown on an approved landscape plan for a period of five years, in accordance with § 331-119B(4)(a) of the Zoning Code. The amount of the bond shall be determined by the Building

Official for site plans in accordance with § 331-119B(4)(a). The Bureau of Buildings shall confirm the required plantings prior to and as a condition of releasing the landscape bond required under City Code Section 301-23.B.

- 25. If severe weather generates snow volumes which exceed capacity of the snow storage area, excess snow shall not be permitted to be stored on city streets or right-of-way.*
- 26. The applicant shall comply with all exterior lighting requirements in Section 331.22 of the municipal code.*
- 27. Excavations and shoring for building foundations must remain on the applicant's property and not within the City right-of-way, unless approved by the city.*
- 28. Developer shall be responsible for maintaining and/or relocating all streetlights and traffic signs and for repairs to any wiring damaged by construction.*
- 29. Applicant shall provide new ornamental street lights on both the Church Street and Division Street sides of the projects to match the adjacent Hadco lighting.*
- 30. Developer shall be responsible for any damage to traffic signal equipment, particularly at Church Street and Clinton Place.*
- 31. All existing street lights must remain functional until replacement or temporary lighting is operational.*
- 32. All sidewalk construction details shall match existing and adjacent segments of Church Street and Division Street.*
- 33. Applicant shall align the northern crosswalk at Church Street and Clinton Place so that it is parallel with Clinton Place.*
- 34. Applicant shall construct a new crosswalk with ADA ramps at the western end of the plaza at Leroy Place.*
- 35. Applicant shall install pedestrian activated, edge-lit LED signs, which shall be reviewed and approved by the City's traffic engineer.*
- 36. The applicant shall install rumble strips, or a similar traffic calming device near the parking drive aisle's intersection with the sidewalk on both street frontages to the satisfaction of the city's Traffic Engineer.*
- 37. Street numbers for all entrances shall be approved by the Fire Department.*
- 38. Applicant shall comply with all requirements set forth in the Downtown Overlay Zone.*
- 39. Plans shall be reviewed and approved by the City Engineer prior to the issuance of a building permit.*
- 40. A full building code analysis shall be performed upon submission for a building permit.*
- 41. Applicant shall conduct a computer simulated wind analysis based on the final design of the project. If the analysis shows potential for negative impacts based on applicable local and state building codes, additional in-depth wind analysis & mitigation may be required.*
- 42. The applicant shall work with the Department of Development and City Historian to develop a mutually agreed upon recognition of the burial ground believed to have been located elsewhere in the downtown area, not on the applicant's site specifically.*

43. *The applicant shall have a final review conducted by the New York State Office of Parks, Recreation and Historic Preservation, as it related to the requirement to perform additional, archeological studies on the site, prior to the issuance of a building permit.*
44. *A Phase 1 B archeology site investigation shall be completed prior to the issuance of a building permit. The findings of the investigation shall be incorporated into the site plan as required by applicable local, state and federal regulations applicable to the project.*
45. *During construction, if the applicant uncovers any material, remnants or other historically significant item, as required by applicable local, state and federal regulations applicable to the project, construction shall stop and the applicant shall conduct an appropriate analysis, and complete any measures required by applicable local, state and federal regulations, in order to resume construction; and be it further*

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 two (2) years from the date of approval and if all construction work is not completed within five (5) 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: April 1, 2018


Max E. Schwartz, Planning Board Clerk

Filed City Clerk's Office ^{May 1} April _____, 2018



Interim City Clerk