

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

Members Present:	<i>Brown, Contreras, Deane, Dodds-Brown, Lipow, Masi</i>
Members Absent:	<i>Smith</i>
Introduced:	<i>November 22, 2016</i>
Adopted:	<i>November 22, 2016</i>
Moved By:	<i>Lipow</i>
Seconded By:	<i>Deane</i>
Abstained:	<i>None</i>
Opposed:	<i>None</i>
Passed:	<i>Unanimously</i>

**PB 30-16
Subdivision**

RESOLUTION NO. 107-2016

583 North Avenue, Block 994, Lots 27, 28, 29, 31, 33, 34, 37, 39, 40, 41, 42, 43, and 46

WHEREAS, an application has been filed by **The Young Companies LLC**, for subdivision and site plan approval to construct a five-story mixed-use building at **583 North Avenue** (Block 994, Lots 27, 28, 29, 31, 33, 34, 37, 39, 40, 41, 42, 43, and 46), in a DO-3 and NA 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 subdivision subject to the following conditions:

- The applicant shall provide a Fair Share Mitigation payment of \$232,709 based on the calculations below to satisfy the requirements for this project prior to the issuance of a building permit. Should the final design result in an adjustment to the calculations below, the applicant shall return to the Planning staff for an administrative review.*

Use Category	Count	Area	% of Total Units	Allocated Common Area	Total area for Mitigation Calc.	Mitigation Amount	Adjustment Factor	Fee Amount
Studio	20	12,884	17%	3,390	16,274	1.25	75%	\$15,257
1BR	51 (8*)	48,043	52%	10,370	58,413	1.5	90%	\$78,857
2BR	22(6*)	35,477	25%	4,986	40,463	2.0	100%	\$80,926
3BR	3(4*)	9,888	6%	1,197	11,085	2.5	100%	\$27,711
Retail	4	20,862			20,862	1.25	75%	\$19,558
Parking	208					50		\$10,400
* These are the number of units credited in the DOZ for existing units that are being demolished.						TOTAL FEE AMOUNT:		\$ 232,709

2. *The applicant will provide a community benefit of 50 parking spaces that will be made available to the City for public parking in a project to be located on the west side of North Avenue in a project that the City anticipates receiving an application for in the near future. Should that application not be received prior to the building permit being issued for this project, the applicant will make a cash payment of \$609,980 to meet the community benefit bonus requirements to achieve an additional height bonus of one story. The additional story has a square footage of 30,499. The cost/sf in DO-6 under Development Standard 2 at this project location is \$20/sf.*

The applicant has been awarded 1 bonus story with a total square footage of 30,499 as the approved community benefit bonus.

3. *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.*
4. *The applicant shall comply with the City's Business and Residential Relocation and Housing Program.*
5. *The applicant shall comply with the City's affordable housing requirements in Section 331-152 of the municipal code and provide a Declaration of Restrictive Covenants setting forth the requirements which shall be recorded against the property prior to issuance of the temporary or permanent certificate of occupancy for the development, as approved by Corporation Counsel.*

The applicant shall provide eleven units that meet the requirements of Section 331-152 in the following mix: two studios, six 1-bedroom units and three 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.

6. *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.*
7. *The applicant shall satisfy the requirement for private art betterments in accordance with Section 331-120.1, which shall be approved by the Municipal Arts Commission, and the Planning Board as necessary. The minimum threshold cost shall be not less than 0.25% of the construction cost of the project.*
8. *The applicant shall satisfy the code requirement for provision of parking as set forth in Section 331-125 and 331-126 of the code.*
9. *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.*
10. *Applicant shall provide granite curbing along the municipal right-of-way for the subject site's frontage per City standards.*
11. *Standard details for the concrete sidewalk, driveway ramps, granite curb and pedestrian ramps within the right of way must conform to the City standard for construction.*
12. *The applicant's engineer shall submit the existing and proposed sanitary sewer flows for inflow and infiltration removal.*
13. *The applicant shall incorporate and address the final recommendations of the Professional Architectural Review Committee.*

14. *Prior to issuance of a building and/or demolition 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.

15. *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.*

16. *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.*

17. *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.*

18. *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.*

19. *The proposed stormwater overflow connection to the City catch basin at the northeast corner of North Avenue and Fifth Avenue will require a street opening permit and indemnification agreement.*

20. *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.*

21. *If severe weather generates snow volumes which exceed capacity of the snow storage area, excess snow shall be trucked off the site.*

22. *The applicant shall comply with all exterior lighting requirements in Section 331.22 of the municipal code.*
23. *A full building code analysis shall be performed upon submission for a building permit.*
24. *All stairways shall be fully enclosed to meet building code standards.*
25. *A fully developed roof plan shall be reviewed and approved by the Building Official prior to the issuance of a building permit.*
26. *Exiting vehicular movements onto North Avenue shall be restricted to right turn only movements. The mylar plans shall be drafted to reflect this condition.*
27. *Continuous sidewalk and driveway drop curbs shall be used at all driveways.*
28. *A minimum of a five-foot sidewalk shall be provided around the pedestrian ramps and not through them at the northeast corner of North Avenue and Fifth Avenue.*
29. *Any modifications to existing signal equipment shall be approved by the Department of Public Works.*
30. *Any streetlight that is removed shall be replaced to the satisfaction of the Department of Public Works.*
31. *Any damage during construction to City street furniture or landscaping will require replacement to the satisfaction of the Department of Public Works.*
32. *Excavations and shoring for building foundations must remain on the applicant's property and not within the City right-of-way.*
33. *Street numbers for all entrances shall be approved by the Fire Department.*
34. *The applicant shall review signal timing at the intersection of North Avenue and Fifth Avenue in coordination with the Department of Public Works.*
35. *The bus shelter location on Fifth Avenue shall be located closer to the site as opposed to at the curb, subject to the review and approval of the Department of Public Works.*
36. *The applicant shall design the egress drive aisles on North Avenue with curbing, bollards, or some other design element to discourage exiting left turn movements. This design shall be approved by the City Traffic Engineer.*
37. *The applicant shall provide rumble strips for egress drive aisles as they approach North Avenue to reduce vehicle speeds as they approach the sidewalk. This design shall be approved by the City Traffic Engineer.*
38. *The applicant shall revise the truck turning movement plan to reflect the restriction on left turn movements onto North Avenue.*
39. *The applicant shall review the possibility of providing street trees along the residential frontages or yards on the south side of Fifth Avenue or provide landscaping in order to mitigate the visual impact of the development on those properties.*
40. *The applicant shall provide a communication point for NRPD wireless mesh network or communications.*

41. Applicant shall comply with all requirements set forth in the Downtown Overlay Zone; 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 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: November 30, 2016



Kevin A. Kain, AICP Planning Board Clerk

Filed City Clerk's Office November 30, 2016



City Clerk