

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

Members Present:	Brown, Dodds-Brown, Lipow, Mercado, Pitocchi, Smith
Members Absent:	Contreras
Introduced:	July 24, 2018
Adopted:	July 24, 2018
Moved By:	Lipow
Seconded By:	Smith
Abstained:	None
Opposed:	None
Passed:	Unanimously

**PB 29-18
Site Plan
Approval**

**RESOLUTION NO. 92-2018
500 Main Street, Block 215, Lot 12**

WHEREAS, an application has been filed by **BRP Development**, for site plan approval to construct a mixed-use development at **500 Main Street** (Block 215, Lot 12), in a DO-2, Downtown Overlay Zoned District; and

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

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

- The applicant shall provide a Fair Share Mitigation payment of \$705,627 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 Gross Sq. Ft.	Allocated Common Area	Total area for Mitigation Calc.	Mitigation Amount	Adjustment Factor	Fee Amount
Studio	105	56,910	15.7%	2,691	59,601	1.326	100%	\$79,031
1BR	231	167,475	46.2%	7,920	175,395	1.591	100%	\$279,053
2BR	126	136,206	37.6%	6,441	142,647	2.122	100%	\$302,697
Retail		2,100	0.6%	99	2,199	1.326	75%	\$2,187
Church (Institutional)	1	23,139			23,139	1.326	50%	\$15,341
Parking	515					53.045		\$27,318
TOTAL FEE AMOUNT:								\$705,627

- The Applicant is requesting a Community Benefit Bonus to build two bonus stories. The Applicant will make a cash payment of \$1,632,560 to meet the remainder of the community benefit bonus requirements to achieve an additional height bonus of two stories. The additional stories have a square footage of 40,814. The cost/sf in DO-2 under Development Standard 3 at this project location is \$40/sf making the value of the Community Benefit Bonus \$1,632,560.*

The applicant has been awarded two bonus stories with a total square footage of 40,814 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 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 46 units that meet the requirements of Section 331-152 in the following mix: ten studios, twenty-three 1-bedroom units and thirteen 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.

- 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 elevation 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, as well as parking for construction workers 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. The composition of all proposed sanitary sewer lines shall be with consistent with City of New Rochelle standards.*
- 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. Developer shall be responsible for any damage to traffic signal equipment.*
- 30. All existing street lights must remain functional until replacement or temporary lighting is operational.*
- 31. All sidewalk construction details shall match existing and adjacent segments of Main Street and Division Street.*
- 32. 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.*
- 33. Street numbers for all entrances shall be approved by the Fire Department.*
- 34. Applicant shall comply with all requirements set forth in the Downtown Overlay Zone.*
- 35. Plans shall be reviewed and approved by the City Engineer prior to the issuance of a building permit.*
- 36. A full building code analysis shall be performed upon submission for a building permit.*
- 37. The Applicant shall retain a Professional Archaeologist who shall develop an Unanticipated Discovery/Archeological Monitoring Plan ("UDAMP") to address any potential burials encountered during excavation on the 12 Church Street property. The UDAMP shall include locations where archaeological monitoring is proposed and a protocol for handling of any human remains encountered (including storage and subsequent reburial).*

The UDAMP shall also be submitted to the New York State Office of Parks, Recreation and Historic Preservation (SHPO) for review and approval prior to the issuance of a building permit. The approved UDAMP shall be incorporated into the site plan and provided to the excavation contractor prior to excavation.

Following the completion of excavation at 12 Church Street, the Applicant shall submit an archeological monitoring report to the City's Department of Development and to SHPO. The Applicant shall coordinate with the Department of Development to develop a mutually agreed upon recognition of any burials believed to be in the vicinity of the site.
- 38. The applicant shall work with the City to provide acknowledgement of the two structures at 510 Main Street & 12 Church Street that will be demolished as part of this development; now, therefore be it*

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: September 27, 2018



Max E. Schwartz, Planning Board Clerk

Filed City Clerk's Office: September 27, 2018



Interim City Clerk