

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

Members Present:	<i>Brown, Dodds-Brown, Lipow, Mercado, 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>Mercado</i>
Abstained:	<i>None</i>
Opposed:	<i>None</i>
Passed:	<i>Unanimously</i>

**PB 11-18
Site Plan
Approval**

**RESOLUTION NO. 41-2018
14 Lecount Place, Block 228, Lots 3, 5, 7, 9, 10, 11 & 29**

WHEREAS, an application has been filed by **14 LeCount Place LLC**, for site plan approval to construct a mixed-use development at **14 Lecount Place** (Block 228, Lot 3, 5, 7, 9, 10, 11 & 29), 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; 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 \$566,141 for Phase 1 and \$248,994 for Phase 2 of the project, prior to the issuance of a building permit for each Phase of the project, for a total payment of \$815,135 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.*

Phase 1 Use Category	Count	Area	% of Total Units	Allocated Common Area	Total area for Mitigation Calc.	Mitigation Amount (\$/sf)	Adjustment Factor	Fee Amount
Studio	84	40,491	9.4%	8,040	48,531	1.326	100%	\$64,352
1BR	207	137,760	31.9%	27,286	165,046	1.591	100%	\$262,588
2BR	88	87,278	20.2%	17,278	104,556	2.122	100%	\$221,868
Retail	2	6,170	1.4%	1,197	7,367	1.326	75%	\$7,326
Non-Medical Office	1	1,315	0.3%	257	1,572	1.326	50%	\$1,042
Parking	169					53.045		\$8,965

	TOTAL FEE AMOUNT: \$566,141
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Phase 2 Use Category	Count	Area	% of Total Units	Allocated Common Area	Total area for Mitigation Calc.	Mitigation Amount (\$/sf)	Adjustment Factor	Fee Amount
Studio	44	23,738	12.5%	4,754	28,492	1.326	100%	\$37,780
1BR	44	30,294	15.9%	6,046	36,340	1.591	100%	\$57,817
2BR	44	54,362	28.6%	10,876	65,238	2.122	100%	\$138,435
Retail	2	8,060	4.2%	1,597.3	9,657	1.326	75%	\$9,604
Parking	101					53.045		\$5,358
						TOTAL FEE AMOUNT:		\$248,994

2. *The applicant is proposing to build 3 bonus stories for each phase of the project, 34,998 square feet for Phase 1 and 17,769 square feet for Phase 2, for a combined square footage of 52,767. 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 \$2,110,680. To receive this height bonus, the applicant proposes to design and construct certain improvements to the City sewer system in the vicinity of the project that will be subject to approval by the City Engineer; and proposes to design and construct improvements to Anderson Plaza subject to design approval by the Commissioner of Development. The improvements will be funded through a combination of Fair Share Mitigation funds and Community Benefit Bonus funds. The total cost of the Community Benefits will not be less than \$2,110,080.*

The applicant has been awarded 3 bonus stories with a total square footage of 52,767 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 fifty-one (51) affordable units to meet the requirements of Section 331-152 for both project Phases in the following mix: twelve studios, twenty-six 1-bedroom units and thirteen 2-bedroom units. The applicant is also proposing to include an approximately 25 additional affordable units in the project. 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 cost shall not be less than 0.0025 of the construction cost of the project.*
8. *The rooftop art installation shall be approved by the Municipal Arts Commission.*
9. *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.*
10. *The applicant shall satisfy the code requirement for the provision of parking as set forth in Section 331-125 and 331-126 of the code, per the agreement with the City Building Official.*
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 incorporate and address the final recommendations of the Professional Architectural Review Committee.*
13. *The applicant shall continue the exterior building materials along the LeCount Place and North Avenue elevations into the interior walls of the parking area.*
14. *Applicant shall comply with the provisions regarding trees and shrubs in accordance with Chapter 301 of the code. The applicant shall be responsible for any fees associated with tree removal/increase in impervious surface as the Code does not permit a waiver; if there is a discrepancy between caliper inches to be removed and caliper inches to be replanted on-site, the applicant shall pay a fee of \$300.00 for every two (2) caliper inches the applicant is deficient (Account T-175).*
15. *Applicant shall provide granite curbing along the municipal right-of-way for the subject site's frontage per City standards.*
16. *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.*
17. *The proposed concrete driveway apron must conform to city standards.*
18. *Left turn movements into and out of the driveway from North Avenue shall be reviewed and approved by the City Traffic Engineer.*
19. *The applicant's engineer shall submit the existing and proposed sanitary sewer flows for inflow and infiltration removal.*
20. *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. 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.

- 21. The Applicant shall, at its own cost, complete all applicable on-site and off-site project specific improvements (not those improvements covered under the Fair Share Mitigation program) 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 project specific infrastructure improvements, which amount shall be estimated by the Applicant's engineer and submitted to the Department of Public Works (DPW) for acceptance.*
- 22. 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.*
- 23. Prior to the connection to the city drainage system on North Avenue, a cleanout manhole (with sump) must be installed.*
- 24. All proposed sanitary sewer lines shall be comprised of extra heavy cast iron.*
- 25. The applicant shall provide a stormwater detention design to the satisfaction of the City Engineer.*
- 26. 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.*
- 27. Street trees shall be approved by the city tree inspector prior to planting.*
- 28. 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.*

29. *The applicant shall comply with all exterior lighting requirements in Section 331.22 of the municipal code.*
30. *Any damage during construction to City right-of-way shall be remedied to the satisfaction of the Department of Public Works.*
31. *Excavations and shoring for building foundations must remain on the applicant's property and not within the City right-of-way.*
32. *Developer shall be responsible for maintaining and/or relocating all streetlights and traffic signs and for repairs to any wiring damaged by construction.*
33. *All sidewalk construction details shall match existing and adjacent segments of North Avenue, Main Street and Lecount Place.*
34. *Street numbers for all entrances shall be approved by the Fire Department.*
35. *The applicant shall permit the New Rochelle Police Department to install communication equipment to the roof of the proposed building.*
36. *A full building code analysis shall be performed upon submission for a building permit.*
37. *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; 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 second 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 25, 2018



Max E. Schwartz, Planning Board Clerk

Filed City Clerk's Office April 26, 2018



Interim City Clerk