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CITY OF RYE Planning Commission

Resolution

No. 03-2017

Application Name: **53 Purchase Street**
Approval Type: Modification of Final Site Plan
Application Number: SP# 359
Project Description: Modification of the approved site plan to provide four ground floor retail tenants instead of five
Street Address: 53 Purchase Street
Tax Map Designation: Sheet: 146.7 Block: 1 Lot(s): 51
Approval Date: January 24, 2017
Expiration Date: January 24, 2018 (one year)

WHEREAS, on November 29, 2016, 53 Purchase Street LLC (hereinafter "Applicant") submitted an application for Modification of Final Site Plan Approval for a property located at 53 Purchase Street; and

WHEREAS, the drawings submitted in connection with the application are generally entitled 53 *Purchase Street*, prepared by David Mooney Architects, originally dated May 26, 2015 and having the following drawing numbers, drawing titles and revision dates:

Drawing Number:	Drawing Title:	Revision Date:
S1.0	<i>Site Plan</i>	11/28/16
A2.1A	<i>Elevations/Plans</i>	12/28/16

WHEREAS, the application involves modification to the approved site plan to provide four ground floor retail tenants instead of five; and

WHEREAS, the previous application was approved by Resolution No. 28-2015 on October 6, 2015; and

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WHEREAS, the property is known on the Rye City Tax Map as Sheet 146.7, Block 1, Lot 51, and is located in a B-1 Neighborhood Business District, a "A" City of Rye Parking District and does not appear to be located in a Federally designated Flood Insurance Rate Zone; and

WHEREAS, the application and plan were referred to the Board of Architectural Review (hereinafter "BAR") for their review and recommendation; and

WHEREAS, the BAR noted the Applicant may make a presentation to the BAR if required; and

WHEREAS a public hearing was held on January 24, 2017 and all members of the public wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Commission determined that the action is a(n) Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA); and

AND, BE IT FURTHER RESOLVED, that the Planning Commission hereby approves the application for Modification of Final Site Plan SP#359 for the improvements shown on the plans indicated in this resolution, subject to the following conditions:

A. Conditions to be Completed Prior to the Endorsement of the Plans:

1. Prior to endorsement of the plans by the Secretary of the Planning Commission, the Applicant shall sign and return one copy of the approved resolution to the Planning Commission indicating acceptance of all conditions of approval. Failure to sign this resolution within sixty (60) days of the filing of this resolution with the City Clerk will deem this approval null and void.
2. Prior to endorsement of the plans by the Secretary of the Planning Commission, the applicant shall submit to the City Planner one (1) digital version of the plans in Adobe Acrobat .pdf format **and** two (2) assembled paper copy sets of the plans to the City Planner.
3. Prior to endorsement of the site plan by the Secretary of the Planning Commission, the Applicant shall pay, as applicable, an inspection fee, which is based on seven (7) percent of the estimated cost of constructing the required site improvements, excluding any building(s), plus \$500.00.

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B. Conditions to be Completed Prior to the Issuance of a Building Permit:

1. The City Planner shall notify in writing the Building Inspector and City Engineer of the Applicant's satisfactory completion of those conditions noted in Section A immediately above.
2. The Applicant shall obtain all necessary Federal, State and County permits and approvals.

C. Conditions to be Completed Prior to the Commencement of Any Construction:

1. Prior to the start of any work conducted under this permit, erosion and sedimentation control devices in accordance with *Westchester County, N.Y. Best Management Practices for Sediment and Erosion Control* (dated December 1991 or as amended, whichever is later) shall be installed to the satisfaction of the City Engineer and City Building Inspector and, thereafter, be maintained, repaired and replaced as necessary until they authorize their removal.
2. The Applicant shall notify in writing the City Planner, Building Inspector and Engineer of the date on which the work is to begin, at least five (5) days in advance of such date.
3. Prior to the start of any construction an anti-tracking pad and erosion control measures shall be installed, as required and approved by City Staff. All anti-tracking pads and erosion control measures shall be properly maintained throughout the duration of construction to the satisfaction of the City Staff.

D. Conditions to be Completed Prior to the Issuance of a Certificate of Occupancy:

1. Prior to the issuance of the certificate of occupancy, all sidewalks, walkways, curbing, curb cuts, driveways and paved areas shall be installed, repaired or replaced to the satisfaction of the City Engineer. More specifically, and as agreed to by the Applicant, the Applicant shall install all improvements from the curb to the face of the building along Elm Place and Purchase Street as shown on the City's streetscape improvement plan.
2. No certificate of occupancy shall be issued until all improvements shown on the approved plans have been provided and applicable conditions of this approval have been complied with to the satisfaction of the City Planner, Building Inspector and Engineer.

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3. If the application involves a restaurant or similar use involving on-site cooking, the Applicant shall provide grease traps to the satisfaction of the City Building Inspector.

E. General Conditions:

1. Work conducted under this conditional approval shall be open to inspection at any time, including weekends and holidays, by City Staff or their designated representative(s).
2. The applicant shall comply with the requirements of Chapter 174, *Stormwater Management*, of the Rye City Code. The applicant shall provide to the satisfaction of the City Engineer information demonstrating that the proposed drainage system is properly sized to accommodate anticipated stormwater runoff and that the soil conditions on the property can support the proposed drainage measures without adversely impacting neighboring properties. No sub-surface system shall be installed without an inspection and approval by the City Engineering or Building Department. The applicant shall notify the City Engineering or Building Department in writing at least five (5) days prior to the installation of any drainage system to afford the Department(s) sufficient opportunity to inspect soil conditions and the system installation.
3. Prior to the transfer of any interest or title in or to the land subject to this permit, the permit holder shall notify the City in writing of the name and address of such transferee and such transferee shall endorse and submit to the City Planner a copy of this resolution indicating acceptance of all conditions of approval. This paragraph shall not apply to the transfer if improvements have been completed in conformity with this approval.
4. Notwithstanding paragraph E.2 above, there shall be no deviation from the approved plans and City specifications and, further, no modification may be made unless plans for the modification, prepared by the Applicant, and a new application have been approved by the Planning Commission.
5. All parking spaces, if any, shall be marked and maintained in accordance with the parking layout shown on the approved site plan and parking shall be prohibited except in designated parking spaces.
6. Except for necessary interior and approved exterior safety or security lighting, all lighting, including signs, shall be turned off when the building is not occupied and all exterior lighting, including signs, shall be turned off when the building is occupied but not open to the public.

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7. The continued validity of the certificate of occupancy is subject to continued compliance with all conditions set forth herein, and the satisfactory maintenance of all improvements, including landscaping, as shown on the approved site plans.
8. The Applicant shall comply with all applicable Federal, State and Local laws and regulations governing construction noise and related activities.
9. All solid waste shall be separated and recycled in accordance with Federal, State, County and City regulations.
10. No trash or recyclables shall be located outside of the building. All trash and recyclables shall be contained within the recycling and garbage room shown on the approved drawings.
11. In the event that any tenant space is used for a food-based establishment, the Applicant shall return to the Planning Commission for review of the adequacy of the size and configuration of the refuse and recycling area.
12. The Applicant shall implement the off-site improvements shown on the approved drawings in accordance with the City's Purchase Street streetscape plans.

AND, BE IT FURTHER RESOLVED, that this permit and the right to undertake work under this permit shall expire one (1) year after the date of the approval of this resolution. In the event that the work permitted by this permit can not be substantially completed within one year after the date of the approval of this resolution, a one (1) year extension of the original permit may be granted by the Planning Commission upon written request by the original permit holder or his/her legal agent at least 90 days prior to the expiration date of the original permit. The Planning Commission may require new hearings if, in its judgment, the original scope of the permit is altered or extended by the renewal, or if the Applicant has failed to abide by the terms of the original permit in any way. The request for renewal of a permit shall follow the same form and procedure as the original application except that the Planning Commission shall have the option of not holding a hearing if the original scope of the permit is not altered or extended in any significant way.

I certify that the foregoing resolution is a correct copy of Planning Commission Resolution 03-2017, which was duly adopted on January 24, 2017.

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Christian K. Miller, AICP
City Planner

1/25/17
Date

Applicant Signature

Date