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CITY OF RYE Planning Commission

Resolution

No. 20-2017

Application Name: **214 Central Avenue Subdivision**
Approval Type: Final Subdivision Plat
Application Number: SUB#346
Project Description: 2-Lot Subdivision
Street Address: 214 Central Avenue
Tax Map Designation: Sheet: 146.6 Block: 2 Lot: 54
Approval Date: October 3, 2017
Expiration Date: 180 days from Filing of Resolution with City Clerk

WHEREAS, on July 25, 2017, 214 Central Avenue Associates, LLC (hereinafter "Applicant") submitted an application for Final Subdivision Plat Approval for a property, located at 214 Central Avenue; and

WHEREAS, the drawings submitted in connection with the application are generally entitled, *214 Central Av Proposed Subdivision*, prepared by Marsella + Knoetgen Architects, PLLC, dated July 24, 2017 and having the following drawing numbers, drawing titles and revision dates:

Drawing Number:	Drawing Title:	Revision Date:
S1.0	<i>Proposed Site Plan</i>	7/24/17
S2.1	<i>Area Map (8/21/17)</i>	8/21/17
S3.1	<i>Photos (8/21/17)</i>	8/21/17
C-1	<i>Stormwater Management Plan*</i>	7/20/17
C-2	<i>Details*</i>	7/20/17
TPP-1	<i>Tree Preservation Plan**</i>	8/19/17

* Plans prepared by Hudson Engineering & Consulting, PC

** Plan prepared by Richard J. Horsman, Landscape Architect

WHEREAS, the application involves removing the existing residence and detached accessory structures and subdividing a 0.477-acre property to into two zoning compliant building lots; and

Applicant Signature

Date

214 Central Avenue Subdivision (SUB#346)

Final Subdivision Plat

Planning Commission Resolution No. 20-2017

October 3, 2017

Page 2 of 7

WHEREAS, the property is known on the Rye City Tax Map as Sheet 146.6, Block 2, Lot 54, and is located in a RT Two-Family District, a “C” City of Rye Parking District and does not appear to be located within any FEMA-designated flood 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 subdivision is considered a “small subdivision” pursuant to Section 170-5.C of the Rye City Code, which section permits the Planning Commission to waive the requirements for preliminary subdivision approval; and

WHEREAS, a public hearing was held on October 3, 2017 and closed on that date; and

WHEREAS, all members of the public wishing to be heard were given the opportunity to be heard during the public hearing; and

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

WHEREAS, a Short Environmental Assessment Form dated July 24, 2017 was submitted by the Applicant and reviewed by the Planning Commission; and

WHEREAS, the property is not located in a coastal zone area as delineated in the City of Rye Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the Planning Commission inspected the site and vicinity on August 5, 2017 and has considered the application form and the complete record;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, that the proposed action will not have a significant adverse environmental impact and that a Negative Declaration be issued due to the extent of the proposed improvements, modifications in the project design to reduce anticipated impacts and implementation of mitigation measures; and

BE IT FURTHER RESOLVED, that pursuant to §170-17.A, *Subdivision of Land*, of the City Code, the Planning Commission deems no portion of the property suitable for park purposes and that a fee-in-lieu-of-parkland shall be required; and

Applicant Signature

Date

214 Central Avenue Subdivision (SUB#346)

Final Subdivision Plat

Planning Commission Resolution No. 20-2017

October 3, 2017

Page 3 of 7

BE IT FURTHER RESOLVED, that the Planning Commission hereby approves the application for Final Subdivision Plat Approval SUB#346, subject to the conditions list hereafter.

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

1. The applicant shall provide a subdivision plat compliant with the requirements of the City of Rye and include all relevant notes as approved by the City.
2. The subdivision plat shall include the lot designations to City section/lot/block numbers as assigned and approved by the City Tax Assessor.
3. The subdivision plat shall include a note referencing the tree preservation plan and that no tree over eight-inch caliper shall be removed unless shown to be removed on the tree preservation plan.
4. Prior to endorsement of the plat, the Applicant shall sign and return one (1) copy of the approved resolution to the Planning Commission indicating acceptance of all conditions of approval. Failure to sign this resolution of conditional approval within sixty (60) days will deem this approval null and void.
5. Prior to endorsement of the plat, the Applicant shall submit the plans one (1) reproducible duplicate of the plat on mylar, and shall, upon endorsement of the plat by the Chairman and Secretary Planning Commission, submit two (2) assembled paper copy sets of the plat and accompanying plans to the City Planner.
6. Prior to endorsement of the plat, 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 \$550.
7. The plat shall be endorsed by the Westchester County Department of Health.
8. The applicant shall pay the fee-in-lieu of parkland fee.

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

Applicant Signature

Date

214 Central Avenue Subdivision (SUB#346)

Final Subdivision Plat

Planning Commission Resolution No. 20-2017

October 3, 2017

Page 4 of 7

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.
3. No lots may be sold or building permits applied for or issued for residences on the lots in the subdivision until the applicant has provided evidence of the filing of the subdivision plat and all easements and other property restrictions in the County Office of Land Records, and copies of the approved plat and all related plans have been transmitted by the City Planner to the City Staff.

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, as approved by City Staff, shall be installed. In the event that the permit is related to a subdivision, an anti-tracking pad shall be installed on each lot. A single pad may be installed, if all of the lots are being developed simultaneously by the same Applicant or developer. All anti-tracking pads shall be properly maintained throughout the duration of construction to the satisfaction of the City Building Inspector or Engineer.
4. Prior to the start of any construction of the required subdivision improvements, the applicant shall submit letters from utility companies agreeing to service the lots in the subdivision.

Applicant Signature

Date

214 Central Avenue Subdivision (SUB#346)

Final Subdivision Plat

Planning Commission Resolution No. 20-2017

October 3, 2017

Page 5 of 7

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.
2. No certificate of occupancy shall be issued for a lot until all improvements shown on the approved plans have been provided for said lot and applicable conditions of this approval have been complied with to the satisfaction of the City Planner, Building Inspector and Engineer.
3. Monument, lot corner markers and the stone conservation easement markers shall be installed as shown on the plat and as required by Section 170-15.C. of the Land Subdivision Regulations. Prior to the issuance of a certificate of occupancy relating to monuments and lot corner markers, the applicant shall submit a map showing the location of all monuments and lot corner markers as installed, prepared by a land surveyor, licensed in the State of New York, to the City Engineer.
4. The City Building department shall add the following note on the applicant's Certificate of Occupancy for each lot in this subdivision:

“This property is subject to the restrictions and conditions of Final Subdivision Plat Approval, approved by the Rye City Planning Commission on October 3, 2017 in Resolution No. 20-2017.”

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. In the event that a field drain, spring or other water condition is encountered during construction, the City Engineer may require the Applicant to install such drainage improvements as deemed necessary to reasonably eliminate the water condition and, if a Certificate of Occupancy is also required, the Building Inspector shall not issue a Certificate of Occupancy until such improvements have been made to the satisfaction of the City Engineer.

Applicant Signature

Date

214 Central Avenue Subdivision (SUB#346)

Final Subdivision Plat

Planning Commission Resolution No. 20-2017

October 3, 2017

Page 6 of 7

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 has been approved by the Planning Commission.
5. The Applicant shall comply with all applicable Federal, State and Local laws and regulations governing construction noise and related activities.
6. Tree removal, landscaping, house, garage and driveway locations shall be in accordance with the approved site plan. No tree designated to be preserved on the Tree Preservation Plan shall be removed without authorization from the Planning Commission. If such removal is approved by the Commission it shall be replaced with not less than two (2) five inch (5") caliper trees of a species and in locations specified by the Planning Commission. In addition, no tree identified for removal on the approved tree preservation plan may be removed until such time as it is in fact necessary to remove the tree to permit approved construction or demolition and all permits required for such construction or demolition have been obtained.
7. All utilities shall be underground. All utility company or cable television company on-grade service pedestals and transformers shall be screened with landscaping to the satisfaction of the Building Inspector.
8. All exterior heating, ventilation and air conditioning equipment shall be screened with landscaping sufficient to obscure public view of such equipment from abutting properties and the street to the satisfaction of the Building Inspector.
9. The applicant shall strictly adhere to the requirements of Section 170-8.B, Inspection of improvements.
10. There shall be no deviation from the approved plans and City specifications except in accordance with Section 170-8.A(4), Modification of Design of Improvement, of the Land Subdivision Regulations and, further, no modification may be made unless plans for the

Applicant Signature

Date

214 Central Avenue Subdivision (SUB#346)

Final Subdivision Plat

Planning Commission Resolution No. 20-2017

October 3, 2017

Page 7 of 7

modification, prepared by the applicant's engineer, have been submitted to the City Engineer and endorsed by the City Engineer.

AND, BE IT FURTHER RESOLVED, that this resolution of final subdivision plat approval shall expire within 180 days of the date of the filing of this resolution with the office of the City Clerk unless the plat has been endorsed by the Chairman and Secretary of the Planning Commission or an extension of time of not more than two additional periods of 90 days each has been approved by the Planning Commission.

I certify that the foregoing resolution is a correct copy of Planning Commission Resolution #20-2017, which was duly adopted on October 3, 2017.



Christian K. Miller, AICP
City Planner

October 4, 2017

Date

Applicant Signature

Date