

Application of the NRP Group, LLC
Property: 115 South Macquesten Parkway
(Section 164.75, Block 1060, Lots 1, 2, 3, 6, 8, and 29.
Zone: MVW Hub Zone (the “MVW-H Zone”) of the Mount Vernon Transit Oriented
Development Zone (“MVW District”)

RESOLUTION
CITY OF MOUNT VERNON PLANNING BOARD
(Adopted November 3, 2021)

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Resolution of Site Plan Approval

After due deliberation, on motion by Commissioner Whites, seconded by Commissioner Thompson and carried, the following resolution was adopted:

Background

1. On February 4, 2021, NRP Group, LLC (the “Applicant”) filed an application for site plan approval to permit the redevelopment of property located at 115 South Macquesten Parkway, Mount Vernon, which property is also known and designated on the tax assessment map of the City of Mount Vernon as Section 164.75, Block 1060, Lots 1, 2, 3, 6, 8, and 29 (the “Property”) with a mixed-use transit oriented development consisting of two residential towers containing a total of 315 residential units, approximately 4,833 square feet of commercial space, approximately 1,952 square feet of amenity space, and a community facility containing approximately 8,380 square feet, together with 273 structured parking spaces and related infrastructure (the “Project”).

2. The Property consists of a total of 75,699 square feet (1.73 acres), and is located in the MVW Hub Zone (the “MVW-H Zone”) within the Mount Vernon West Transit Oriented Development Zone of the City (the “MVW District”). It is located on the east side of South Macquesten Parkway, with frontage on Grove Street and South Terrace Avenue.

3. The Project has been designed in accordance with the form-based requirements of the MVW District as a “Tower on Podium,” and consists of two residential towers above a three-level podium. The ground floor of the building creates an active streetscape designed to support the local neighborhood. It includes 4,833 square feet of commercial space on Macquesten Parkway, currently envisioned to be a local restaurant or food hall; a residential lobby is located at the northwest corner of the Property ensuring active space with windows along the street. 3,200 square feet of classrooms and offices are intended to provide community programming

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space for a local not-for-profit entity located along Grove Street, and an 8,380 square foot community facility will provide recreational space in partnership with local community groups.

4. On March 3, 2021, the Planning Board conducted a duly noticed public hearing, which public hearing was continued on May 5, 2021, June 2, 2021, August 4, 2021, and September 8, 2021, at which all persons attending were given an opportunity to be heard and which public hearing was thereafter closed on September 8, 2021.

5. On September 8, 2021, the Planning Board adopted a Negative Declaration of Environmental Significance under the State Environmental Quality Review Act (“SEQRA”) for the Project. In making its determination the Planning Board reviewed the Full Environmental Assessment Form (Full EAF), and all application materials that were submitted by the Applicant, including but not limited to: the supplemental report (the “Supplemental Report”) demonstrating compliance with the Findings adopted by the City Council of the City of Mount Vernon (the “City Council”), acting as lead agency under SEQRA in connection with its adoption of the MVW District regulations (the “Findings”), and upon the criteria contained in Section 617.7 of the SEQRA Regulations, the site plan application and all materials submitted in support of the Project, including Project plans and renderings, a stormwater pollution prevention plan (SWPPP), and a trip generation analysis (collectively, the “Application”).

6. The Planning Board has carefully considered the Application, and has also received and considered comments from City professional staff including the Planning Administrator and the City Engineer, the Board of Water Supply, the Police and Fire Departments, the Metropolitan Transit Authority, the City of Yonkers, and the Westchester County Planning Department. In addition, all comments and concerns of the public have been given careful consideration.

7. The Planning Board closed its public hearing on September 8, 2021. After closing the public hearing, the Planning Board deliberated in public on the Application.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.

I. **Findings:**

The Planning Board considered the standards set forth in Article V, Section 4(A)(10)(B) and Article VII, Sections 4 (A) and (B) of the Zoning Code of the City of Mount Vernon Zoning Code (the “Zoning Code”) and finds that the proposed site plan is consistent with the site plan design and development principles set forth therein and is approved subject to the conditions set forth below.

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The Planning Board has reviewed the Application to permit the redevelopment of the Property with the Project. The Project has been designed in accordance with the form-based requirements of the MVW District as a “Tower on Podium,” and consists of two residential towers above a three-level podium. The ground floor of the building creates an active streetscape designed to support the local neighborhood. It includes 4,833 square feet of commercial space on Macquesten Parkway, currently envisioned to be a local restaurant or food hall; a residential lobby is located at the northwest corner of the Property ensuring active space with windows along the street. 3,200 square feet of classrooms and offices are intended to provide community programming space for a local not-for-profit entity located along Grove Street, and an 8,380 square foot community facility will provide recreational space in partnership with local community groups.

The residential towers have been referred to in the architectural plans as “Phase 1 – Macquesten” (“Tower 1”) and “Phase 2 – Terrace” (“Tower 2”). Although the Project was designed to be constructed in two phases, it is currently contemplated that the entire Project will be constructed in a single phase. Tower 1, to be located at the corner of South Macquesten Parkway and Grove Street, is proposed to be a thirteen (13) story building containing 214 dwelling units. Residential units are located on floors 2 through 13 above the first-floor retail/commercial podium, with parking located in the cellar and on floors 1 through 3. Tower 2, to be located along South Terrace at southern end of the Property, is proposed to be nine (9) stories, containing 101 residential units on floors 2 through 9, above the first-floor retail/commercial podium, with parking located on floors 1 through 3.

An outdoor courtyard at the fourth level of the podium will provide open space to residents of both Towers. Other project amenities include fitness rooms and laundry rooms in each of the Towers.

The prime location of the Property near the Mount Vernon West Metro North train station, and the mixed-income housing affordability is intended to draw a workforce and family population. The residential units are intended to be offered as affordable to households with incomes ranging from 40% to 90% of area median income for Westchester County.¹

The Project complies in all respects with the recently created Mount Vernon West Transit Oriented Development Zoning Ordinance, and is consistent with and will assist in fulfilling the City’s vision to create a transit-oriented, mixed-use residential neighborhood.

¹ At the time the Application was filed, the Applicant stated that the units would be offered as affordable to households with incomes ranging from 30% to 90% of area median income for Westchester County (AMI); at the request of the Planning Board at its meeting of September 8, 2021, the Applicant agreed to amend its application to offer the residential units as affordable to households ranging from 40% to 90% of AMI.

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II. Approved Plans:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to and hereby approved by the Planning Board as follows:

DRAWING NUMBER	TITLE	PREPARED BY	DATED OR LAST REVISED
C-000	Cover Sheet	JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC (“JMC”)	2/4/2021
C-010	Existing Conditions and Constraints Map	JMC	2/4/2021
C-020	Preliminary Site Demolition Plan	JMC	2/4/2021
C-100	Preliminary Site Layout and Landscaping Plan Plan	JMC	
C-200	Preliminary Site Grading Plan	JMC	2/4/2021
C-300	Preliminary Site Utilities Plan	JMC	2/4/2021
C-400	Preliminary Site Erosion and Sediment Control Plan	JMC	2/4/2021
C-900	Construction Details	JMC	2/4/2021
C-901	Construction Details	JMC	2/4/2021
C-902	Construction Details	JMC	2/4/2021
C-903	Construction Details	JMC	2/4/2021
TS-1	Topographic and Utility Survey	JMC	11/24/2020
A-000	Cover Sheet	GF55	2/4/2021
A-001	Sheet Index & Project Data	GF55	2/4/2021
A-005	Zoning Analysis	GF55	2/4/2021
A-100	Cellar Plan	GF55	2/4/2021
A-101	1 st Floor Plan	GF55	2/4/2021
A-102	2 nd Floor Plan	GF55	2/4/2021
A-103	3 rd Floor Plan	GF55	2/4/2021
A-104	4 th Floor Plan	GF55	2/4/2021
A-105	5 th -9 th Floor Plan	GF55	2/4/2021
A-106	10 th -13 th Floor Plan	GF55	2/4/2021
A-107	Roof Plan	GF55	2/4/2021
A-108	Open Space Strategy	GF55	2/4/2021
A-900	Perspective Views	GF55	2/4/2021
A-901	Perspective Views	GF55	2/4/2021
A-902	Aerial Views	GF55	2/4/2021

and the “Stormwater Pollution Prevention Plan” prepared by JMC and dated February 4, 2021 (collectively, the “Approved Plans”).

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III. General Conditions:

- a. Requirement to Obtain Approvals: No construction may take place and no Building Permit issued until the Applicant has obtained approval from the Architectural Review Board in accordance with the City Code. Further, the Planning Board’s approval is conditioned upon the Applicant receiving all approvals required by any other governmental agencies without material deviation from the Approved Plans.
- b. Changes to Approved Plans: If, as a condition of this approval, modifications are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution except as considered by condition d, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If the final plans comply with all requirements of this Resolution as determined by the Building Commissioner, they shall be considered the “Approved Plans.”
- c. Force and Effect: No portion of this approval shall take effect until: (i) all conditions contained herein are satisfied; (ii) this Resolution is signed by the Planning Board Chair; and (iii) this Resolution is filed in the office of the City Clerk.
- d. Field Changes: In the event that as a result of conditions in the field, minor modifications are necessary to complete the Project, such modifications may be permitted by the Building Commissioner subject to any applicable amendment to the approved Building Permit(s). If the proposed modifications are not deemed “minor” in the discretion of the Building Commissioner, such modifications shall be referred to the Planning Board for amended site plan approval. In all cases, amended plans reflecting the approved field changes shall be submitted.
- e. Commencement of Work: No work on any portion of the Property shall commence without first contacting the Building Commissioner to ensure that all permits and approvals have been obtained and to establish an inspection schedule.
- f. Property Taxes: All property taxes shall be paid and current prior to the Issuance of a Building Permit. The Applicant shall provide a Property Tax Account Status Statement for the Property from the City of Mount Vernon Office of the Comptroller indicating all taxes have been paid prior to the issuance of a Building Permit.

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- g. Tax Lot Merger: Prior to the issuance of a Building Permit, all tax parcels constituting the Property shall be merged through the Office of the City Tax Assessor.
- h. Security: The Applicant will provide security cameras at the Project. The Applicant shall provide access to building surveillance cameras to the Police Department to aid in ongoing police investigations.
- i. Police and Fire: The Applicant shall permit the City Fire and Police Departments space on the roof of the building (in a mutually acceptable location) for the installation of radio equipment (repeaters).

IV. Specific Conditions:

- a. Construction Staging and Management:
 - i. Construction Management and Maintenance and Protection of Traffic: Prior to any site disturbance or the mobilization of any equipment on the Property (and prior to the issuance of a Building Permit), the Applicant shall submit to the Building Commissioner a “Construction Management Plan” The Construction Management Plan shall include a “Maintenance and Protection of Traffic” plan (“MPT Plan”) as well as details regarding staging, drainage, dewatering, utilities, erosion control and curb cut details, and details of how materials, construction vehicles and heavy trucks will circulate on the Property and move to/from the site. This plan shall provide for the staging of construction in a manner which least impacts neighboring properties to the extent practicable, and shall ensure adequate parking for construction workers and construction vehicles on-site.
- b. Utilities and Infrastructure: The Applicant has committed to the investment of approximately \$1,750,000 in infrastructure and utility improvements as part of the Project, including the relocation of public utility lines underground, sanitary sewer improvements, and stormwater improvements.
 - i. Approval of SWPPP: Prior to the issuance of a Building Permit, the Applicant shall seek and obtain from the City Engineer written acceptance of the Stormwater Pollution Prevention Plan (SWPPP). Any modifications recommended by the City Engineer or Department of Public Works shall be incorporated into the SWPPP. Proof of written acceptance of the SWPPP shall be submitted to the Planning Department, Building Department and Department of Public Works.

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- ii. Sanitary Sewer Improvements: The Applicant has committed to repairing the city sanitary sewers in the area of the Project at a ratio of 3:1 of the impact of the proposed Project flow. The Applicant shall coordinate with the City’s Department of Public Works and City Engineer to identify targeted inflow and infiltration sanitary sewer improvements to accomplish this 3:1 reduction in sewer flow. The implementation of such measures shall be certified in writing and submitted to the Planning Department, Building Department, and Department of Public Works prior to the issuance of a Certificate of Occupancy.
- iii. Stormwater Agreement: Prior to the issuance of a certificate of occupancy, and as required by Section 226-15 of the City Code, the Applicant shall execute a *Stormwater Inspection and Management Agreement* for future maintenance and repair of the stormwater management and erosion and sediment control facilities to be constructed as part of the Project. The Agreement shall be filed with the City Clerk and recorded in the Office of the Westchester County Clerk, Division of Land Records prior to the issuance of a Certificate of Occupancy for the Project, and shall be binding the Applicant and all subsequent landowners.
- iv. Utilities:
 1. Water: Prior to the issuance of a building permit, the Applicant shall submit plans indicating water service lines and sprinkler system to the satisfaction of the Building Commissioner, Fire Department, Water Department, and Department of Public Works.
 2. Public Utilities: All public utility lines shall be relocated underground to the satisfaction of the Department of Public Works prior to the issuance of a Certificate of Occupancy at the Applicant’s sole cost and expense
- v. Right-of Way: The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure damaged or disturbed as a part of construction activities are repaired to City standards prior to the issuance of a Final Certificate of Occupancy at the Applicant’s sole cost and expense.
- vi. Generator: The Project shall include a generator(s) in accordance with the requirements of the New York State Building Code which shall be appropriately sized for the development, and which shall provide power to maintain critical safety systems at the Project in the event of power outage.

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- c. Streetscape/Landscape: In addition to the investment in utilities and infrastructure noted above, the Applicant has committed to the investment of approximately \$200,000 in improvements to the public right-of-way surrounding the Property, including the addition of landscaping improvements to the median on South Macquesten Parkway adjacent to the Property, and new sidewalks, new curbs, new streetlights, and new landscaping in the right-of-way along the Property’s frontage on South Macquesten Parkway, Grove Street and South Terrace Avenue.
- i. Landscaping Plan: Prior to the issuance of a Building Permit, the Applicant shall provide a revised landscaping plan, which shall be subject to the approval of the Planning Administrator, and which includes details of streetscape plantings, the planting plan for the median on South Macquesten Parkway (which shall be consistent with the concept plan presented to the Planning Board), and the podium courtyard. All required landscaping shall be installed in accordance with the landscape plan and shall be maintained in good condition and replaced, as necessary. All newly planted landscaping which fails to survive shall be replaced by the Applicant within (fifteen) 15 days following written notification from the Building Commissioner. If planting or replacement planting is required between October 31 and April 1, planting or replacement planning shall occur at the beginning of the next growing season.
 - ii. Streetscape: The Applicant shall replace the existing street lights in the right-of-way along the Property’s frontage on South Macquesten Parkway, Grove Street and South Terrace Avenue with new LED/dark sky compliant fixtures. The new fixtures shall be consistent with City standards for the MVW District, and shall be subject to approval of the Department of Public Works.
- d. Community Facility / Recreation Space:
- i. Drop-off/Pick up Area: Prior to the issuance of a Building Permit, the Applicant shall submit revised plans showing a drop-off/pick-up area along the Grove Street frontage of the Property.
 - ii. Community Facility: The Project includes a community facility containing approximately 8,380 square feet that is intended to provide recreational space in partnership with local community groups. If the Applicant seeks to eliminate the community facility from the Project, amended site plan approval from the Planning Board shall be required if any proposed change in use results in an increase in the requirement for off-street parking or loading spaces.

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- e. Commercial /Retail Space: The Project includes approximately 4,833 square feet of commercial space that the Applicant envisions as a local restaurant or food hall, or other retailer, restaurant or personal service establishment consistent with the uses permitted in the MVW-H District. The Applicant has agreed to condition this site plan approval on the exclusion from the Property of any discount retail establishment of the same character as “Dollar Tree”, “Dollar General” or “Family Dollar” without further approval from the Planning Board.

- f. Fiscal Measures / Socioeconomics: The Project is anticipated to provide a number of public benefits and will meet a number of the City’s socioeconomic goals. The Project is anticipated to generate over 300 full-time construction jobs, approximately 12 full-time permanent jobs, and ongoing sales tax revenue from the nearly 5,000 square feet of commercial space. The Project is also anticipated to generate approximately 24-32 public school children. The Applicant has acknowledged that it may seek financial assistance from the City of Mount Vernon Industrial Development Agency (the “IDA”) which may include a partial real property tax exemption through a Payment in Lieu of Taxes (PILOT) Agreement. The Planning Board notes that under State law, if the IDA grants financial assistance to the Applicant, it is required to consider recapture or “claw-back” provisions in the “project agreement” between the IDA and the Applicant that would allow the IDA to recoup previously granted financial assistance if the Project does not meet measurable goals such as the creation of local jobs, or potentially if the demonstrated cost to the School District of students actually generated by this Project exceeds the agreed PILOT amount to the School District. Accordingly, the Planning Board recommends that the IDA impose appropriate recapture requirements in connection with any financial assistance it grants for this Project.

- g. Income Mix: The Applicant has acknowledged that it may finance construction of the Project through the New York State Housing Financing Agency. The Applicant originally intended that the units would be offered as affordable to households with incomes ranging from 30% to 90% of area median income for Westchester County (AMI); at the request of the Planning Board at its meeting of September 8, 2021, the Applicant agreed to amend its application to offer the residential units as affordable to households ranging from 40% to 90% of AMI. Accordingly, all units shall be offered as affordable to households earning between 40% and 90% of AMI.

- h. Sustainability: The Project has been designed with a goal of LEED silver standards and will contain myriad green building features, including rooftop photo-voltaic panels, LED lighting, high-performance windows, low-flow fixtures, and efficient heating and cooling equipment. Prior to the issuance of a

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Building Permit, the Building Commissioner should ensure that the Applicant has provided documentation demonstrating the extent to which the Project would meet LEED certification standards.

i. Community:

i. Job training: The Planning Board finds and determines that the redevelopment of the MVW District provides a crucial opportunity for advancing programs that help to prepare youth and unskilled adults for entry into the labor force and to provide job training to economically disadvantaged and other individuals facing barriers to employment. Accordingly, to the extent practicable, the Applicant shall coordinate with the Mount Vernon Youth Bureau WDAY (Workforce Development Academy for Youth), the Mount Vernon School District and/or other local job training programs to match potential job applicants with the employment needs of the Applicant in connection with the development of the Project.

j. All Conditions to be Included on Plans: Pursuant to Article VII §267-32(B) of the Zoning Code, all of the above conditions shall be noted on the original and all copies of the site plan. All of the above conditions shall be satisfied prior to issuance of the Certificate of Occupancy. Failure to comply with any of the above conditions may be deemed grounds for revocation of the Certificate of Occupancy.

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Vote Record

Motion By: Commissioner Whites

Seconded By: Commissioner Thompson

Resolution Re: 115 South Macquesten Parkway

Date: November 3, 2021

Ayes: 4

Nays: 2

	Yes/Aye	No/Nay	Abstain	Absent
Chair Darryl Selsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cathlin Boncardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jamel Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helene Thompson-Njenga	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Trolio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charles Whites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesley Zamor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date Approved: November 3, 2021

Date Signed: 11/10/2021

By: 
Darryl Selsey, Chair