

**COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
APRIL 4, 2016
7:30 P.M.**

PLEDGE TO THE FLAG:

Hon. John Kirkpatrick

ROLL CALL:

City Clerk

LOCAL LAW:

1. Communication from Commissioner of Building in relation to proposed amendments to Local Law Introductory No. 1 of 2015, by offering Local Law Introductory No. 1 of 2016, and scheduling a public hearing for May 9, 2016. **F/S**
2. Local Law Introductory No 1 of 2016 amending Local Law No.1 of 2015, adopted May 4, 2015, codified in Title IX of the White Plains Municipal Code Section 9-6 entitled, "Historic Preservation" by amending Sections 9-6-2 and 9-6-3, relating to recommendations of landmarks or historic districts and notice. **OFFERED ONLY**
3. Resolution of the Common Council of the City of White Plains scheduling a public hearing for May 9, 2016, in relation to Local Law Introductory No. 1 of 2016, amending Local Law No. 1 of 2015, adopted May 4, 2015, entitled, "A Local Law amending Title IX of the White Plains Municipal Code by adding Section 9-6, to the White Plains Municipal Code to be entitled, 'Historic Preservation'." **ADOPTED**

**SECOND READING
ORDINANCES:**

4. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings. **F/S**
5. Ordinance authorizing the settlement of certain tax review proceedings. **ADOPTED 5 - 0.**

6. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5347, City Hall Rehabilitation Electrical Systems. **F/S**
7. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by amending Capital Project No. C5347, entitled, City Hall Rehabilitation Electrical Design to City Hall Rehabilitation Electrical Systems. **ADOPTED 5 - 0.**
8. Bond Ordinance dated April 4, 2016, authorizing the issuance of \$707,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York to finance the costs of the construction of electrical system improvements to City Hall. **ADOPTED 5 - 0**
9. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5475, Renaissance Fountain Led Light Replacement. **F/S**
10. Communication from Environmental Officer **F/S**
11. Environmental Findings Resolution **ADOPTED**
12. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5475, Renaissance Fountain Led Light Replacement. **ADOPTED 5 - 0**
13. Communication from Commissioner of Public Works in relation to the closure of a portion of the public right-of-way on Friday, May 20, 2016 to Monday, May 23, 2016, for the Annual Spring Exhibition in the Arts Exchange Building at 31 Mamaroneck Avenue. **F/S**
14. Ordinance of the Common Council of the City of White Plains authorizing the closure of a portion of a public right-of-way on Mamaroneck Avenue on Friday morning, May 20, 2016, to early Monday morning, May 23, 2016, for the Annual Spring Exhibition in the Arts Exchange Building at 31 Mamaroneck Avenue, with a preview reception to be held on Friday, May 20, 2016, and sponsored by the Arts Westchester/Westchester Arts Council. **ADOPTED 5 - 0**
15. Communication from Deputy Commissioner of Public Safety in relation to proposed amendments to the Municipal Code Chapter 4-15 Taxicabs. **F/S**
16. Ordinance repealing Chapter 4-15 of the White Plains Municipal Code and adding a new Chapter 4-15 of the White Plains Municipal Code entitled, "Taxicabs." **ADOPTED 5 - 0**

17. Communication from Commissioner of Recreation and Parks in relation to a revocable license agreement between the City and 707/709 Westchester Avenue Owner SPE LLC, and 925/1025 Westchester Avenue Owner SPE LLC, for use of parking lots in connection with the City of White Plains Independence Day Fireworks Display Celebration. **F/S**
18. Ordinance authorizing the Mayor or his designee to enter into a revocable license agreement between the City and 707/709 Westchester Avenue Owner SPE LLC, and 925/1025 Westchester Avenue Owner SPE LLC, for use of parking lots in connection with the City of White Plains Independence Day Fireworks Display Celebration. **ADOPTED 5 - 0**
19. Communication from Deputy Commissioner of Planning in relation to an amendment to the Community Development Fund Budget by appropriating Fund Balance and allocating the increase to the Rehabilitation Revolving Fund Program. **F/S**
20. Ordinance amending the Community Development Fund Budget by appropriating Fund Balance and allocating such increase to the Rehabilitation Revolving Fund Program. **ADOPTED 5 - 0**
21. Communication from Commissioner of Finance in relation to the acceptance of the 2016-2017 Budget for the White Plains Downtown Business Improvement District. **F/S**
22. Ordinance accepting the 2016-2017 Budget for the White Plains Downtown Business Improvement District and directing the preparation of an assessment roll based thereon. **ADOPTED 5 - 0**
23. Communication from Director, Youth Bureau, in relation to a contract with the Nepperhan Community Center to accept an award of \$6,000 from the U.S. Department of Health and Human Services Administration for Children and Families, to provide services for the Lower Hudson Valley Healthy Families and Relationships Initiative. **F/S**
24. Ordinance authorizing the Mayor or his designee, to enter into a contract with the Nepperhan Community Center to accept an award funded through the U. S. Department of Health and Human Services Administration for Children and Families (AFC) in the amount of \$6,000 for the White Plains Youth Bureau to partner with the Nepperhan Community Center to provide Healthy Marriage and Relationship Services for the Lower Hudson Valley Healthy Families and Relationship Initiative (LHVHFR), and to authorize the Budget Director to amend the FY 2015/2016 Youth Development Fund to reflect this grant. **ADOPTED 5 - 0**
25. Communication from Director, Youth Bureau, in relation to additional funding of \$500, for a Town Hall Meeting on underage drinking prevention education, under a grant in the amount of \$183,662 from the New York State OASAS to continue the Project Hope Program. **F/S**

26. Ordinance of the Common Council of the City of White Plains amending an ordinance adopted January 4, 2016, entitled, "An ordinance of the Common Council of the City of White Plains authorizing the Mayor to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive \$183,662, in funding to continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuses Services (OASAS) providing alcohol and substances preventions services to the City of White Plains." **ADOPTED 5 - 0**
27. Communication from Acting Chairman, Transportation Commission, in relation to proposed amendments to the Traffic Ordinance at various locations around the City. **F/S**
28. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to creating a "Left Turn on Red Prohibited" on Westchester Avenue at South Broadway; modifying "Overnight Flashing of Intersection Traffic Control Signals - Under Computer Control," for the intersection of Mamaroneck Avenue at Main Street; modifying "Overnight Flashing of Intersection Traffic Control Signals - Under Computer Control," for the intersection of Martine Avenue at E. J. Conroy Drive (City Center Parking Garage Driveway); and modifying a "No Parking At Any Time" Zone on the south side of Russell Street. **ADOPTED 5 - 0**

RESOLUTIONS:

29. Communication from Corporation Counsel in relation to an application submitted by Wild Fusion for a Special Permit for Cabaret Use at 250 Main Street. **F/S**
30. Communication from Commissioner of Building **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
31. Resolution of the Common Council of the City of White Plains scheduling a public hearing for May 9, 2016, in relation to the application submitted on behalf of Wild Fusion 2 Inc., ("Applicant"), for a Special Permit to operate an Accessory Cabaret at Wild Fusion located at 250 Main Street. **ADOPTED**
32. Communication from Commissioner of Finance in relation to the scheduling of a public hearing for May 9, 2016, in the proposed Tax Budget of the City of White Plains Fiscal Year 2016 - 2017. **F/S**
33. Resolution of the Common Council of the City of White Plains in relation to setting a public hearing for Fiscal Year 2016-2017 Tax Budget. **ADOPTED 7 - 0**
34. Communication from Corporation Counsel in relation to the Westchester County

Industrial Development Agency's issuance of Sales Tax and Tax Exemptions on the conversion of an apartment building at 121 Westmoreland Avenue. **F/S**

35. Resolution of no objection to Westchester County Industrial Development Agency's issuance of Sales Tax and Tax Exemptions to convert an existing structure to a 65 unit apartment building at 121 Westmoreland Avenue, on behalf of Norden Lofts, LLC, by leasing and subleasing said building . **ADOPTED**
36. Communication from Commissioner of Building in relation to a site plan application submitted on behalf of Esplanade of White Plains Venture Partnership for Site Plan Approval to re-purpose the buildings located at 95 South Broadway and 4 Lyon Place to residential multi-family from The Esplanade Assisted Living Facility. **F/S**

ITEMS 37 - 47 F/S

37. Communications received from City Clerk
38. Design Review Board
39. Commissioner of Planning
40. Planning Board
41. Commissioner of Public Safety
42. Commissioner of Public Works
43. Deputy Commissioner, Traffic Division
44. Transportation Commission
45. Commissioner of Parking
46. Westchester County Planning Board
47. Environmental Officer

48. Environmental Findings Resolution **ADOPTED**

49. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Esplanade White Plains Venture Partnership ("Applicant"), the owner of The Esplanade, consisting of buildings currently located at 95 South Broadway and 4 Lyon Place (Section 125.84, Block 4, Lot 8, and Section 125.84, Block 5, Lot 2), for site plan approval pursuant to Section 7.1 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), to re-purpose and re-develop the buildings located at 95 South Broadway and 4 Lyon Place as a mixed use development on a single development site, from its current assisted living facility and hotel use, the residential component consisting of the construction of 212 upscale rental apartments, 13 units (6%) of which will be affordable units, and supported by amenities, including a pool, fitness center and outdoor gathering spaces, with 2,116 square feet of retail, 6,750 square feet of restaurant and 9,000 square feet of medical office space at the ground level, all of which will be located within the existing structures, with associated parking, and payment by the Applicant of fee-in-lieu in the amount of \$626,500 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property, to mitigate the recreational impact of the new multi-family project, in accordance with General City Law Section **ADOPTED**

50. Communication from Personnel Officer in relation to salary increases for the Deputy

Director and Business Assistant at the White Plains Housing Authority. **F/S**

51. Resolution of the Common Council of the City of White Plains for the approval of the compensation for certain positions of the White Plains Housing Authority.
ADOPTED

ITEMS FOR REFERRAL:

52. Communication from Commissioner of Building in relation to an application submitted on behalf of LCOR 55 Bank Street LLC, for an extension to a previously approved site plan application for the construction of a mixed use development at 55 Bank Street.
F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., CONSERVATION BOARD, URBAN RENEWAL AGENCY, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.
53. Communication from Commissioner of Building in relation to an application submitted on behalf of 120 Bloomingdale Road LLC, for an extension to a previously approved site plan and special permit for an addition at 120 Bloomingdale Road to be know as Heritage White Plains, (formerly The Venue). **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., CONSERVATION BOARD, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
54. Communication from Commissioner of Building in relation to a proposed amendment to the Zoning Ordinance of the City of White Plains to add “Nursery Business” as a Special Permit Use and adding “Organic Manufacturing” as a Principal Permitted Use.
F/S AND REFERRED TO LAW, PLANNING BOARD AND ENVIRONMENTAL OFFICER.

ITEM FOR INFORMATION:

55. Communication from Commissioner of Building in relation to an application for submitted on behalf of the Hospital for Special Surgery a minor amendment to a previously approved site plan for exterior and interior changes to the building at 1133 Westchester Avenue, to include new exterior cladding, a new drop off lane, new landscaping, canopy and signage, as well as construction of a new outpatient facility.
F/S AND APPROVED.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

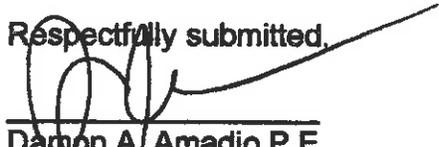
Kevin M. Hodapp, P.E.
Deputy Commissioner

**TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Submitted herewith, for your review and appropriate action (including the scheduling a public hearing), is a proposed amendment to section 9-6-2 and 9-6-3 of Local Law No. 1 of 2015. This law is codified in Title IX of the White Plains Municipal Code.

The proposed changes: (1) correct an inconsistency relating to the recommendation for the designation of landmarks and historic districts by the Historic Preservation Commission; (2) clarifies the length of time the Council has to consider the recommendation; and (3) provides that notice of a proposed designation be sent by certified rather than registered mail.

Respectfully submitted,



Damon A. Amadio P.E.
Commissioner of Building

Dated: March 24, 2016 (for the April 4, 2016 Common Council Meeting)
Related Documents: Local Law Introductory No.1 for 2016.

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

LOCAL LAW INTRODUCTORY NO. 1 OF 2016 AMENDING LOCAL LAW NO. 1 OF 2015 ADOPTED MAY 4, 2015, CODIFIED IN TITLE IX OF THE WHITE PLAINS MUNICIPAL CODE SECTION 9-6 ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTIONS 9-6-2 AND 9-6-3 RELATING TO RECOMMENDATION OF LANDMARKS OR HISTORIC DISTRICTS AND NOTICE.

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Title IX, Chapter 9-6-2(H)(7), of the White Plains Municipal Code is hereby amended as follows:

H. Duties and Powers.

7. Recommending [Designating] designation of local landmarks or districts.

Section 2. Title IX, Chapter 9-6-3(B), of the White Plains Municipal Code is hereby amended as follows:

B. Criteria.

1. Individual Landmarks. The Commission may recommend [designate] designation of an individual property as a local landmark if it:

- a. Possesses special character, historic, aesthetic interest or value as part of the cultural, political, economic or social history of the City, region, state or nation; or
- b. Derives its primary significance from architectural or artistic distinction or historical importance; or
- c. Identifies with persons or events significant in local, state, or national history; or
- d. Is a cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. Is the birthplace or grave of a historical figure of outstanding importance; or
- f. Embodies the distinguishing characteristics of an architectural style; or
- g. Is the work of a noted designer, architect, or builder; or
- h. The property has yielded or may be likely to yield information important to the study of the prehistory or history of the region, state, or nation.



2. Historic Districts.

- a. The Commission may recommend the [designate] designation of a group of properties as a historic district if the majority of properties contained therein meet one or more of the criteria for designation of an individual landmark.

Section 3. Title IX, Chapter 9-6-3(C), of the White Plains Municipal Code is hereby amended as follows:

C. Decision Making Requirements.

1. Public Notice. Notice of a proposed designation shall be sent by [registered] certified mail, return receipt requested, to the owner of the property proposed for designation, describing the property and announcing a public hearing by the Commission to consider the designation. Notice shall be published in the official newspaper designated by the City, not less than 10 nor more than 30 days prior to the date of the public hearing and on the City website.

3. Decision. Within sixty-two days after the close of the public hearing, the commission shall issue a report to the common council recommending approval, approval with modifications, or denial of the requested designation. The report shall set forth the reasons for the recommendation. The commission's recommendation shall be deemed approved forty-five (45) days after it first appears on the common council's agenda, unless by resolution, the council disapproves the proposed action.

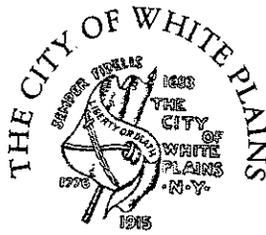
§ 4. EFFECTIVE DATE

This Local Law shall take effect upon the filing with the Secretary of State.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR MAY 9, 2016 IN RELATION TO LOCAL LAW INTRODUCTORY NO. 1 FOR 2016, AMENDING LOCAL LAW NO. 1 FOR 2015 ADOPTED MAY 4, 2015, ENTITLED "A LOCAL LAW AMENDING TITLE IX OF THE WHITE PLAINS MUNICIPAL CODE BY ADDING SECTION 9-6 TO THE WHITE PLAINS MUNICIPAL CODE TO BE ENTITLED 'HISTORIC PRESERVATION'."

RESOLVED, that a public hearing will be held on May 9, 2016, at 7:30 p.m. before the Common Council of the City of White Plains in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York, concerning Local Law Introductory No. 1 for 2016, amending Local Law No. 1 for 2015, entitled, "A Local Law Amending Title IX of the White Plains Municipal Code by Adding Section 9-6 to the White Plains Municipal Code to be Entitled 'Historic Preservation;'" and be it further

RESOLVED, that the City Clerk be and hereby is directed to give due notice of such hearing.



DEPARTMENT OF LAW
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

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JOHN G. CALLAHAN
Corporation Counsel

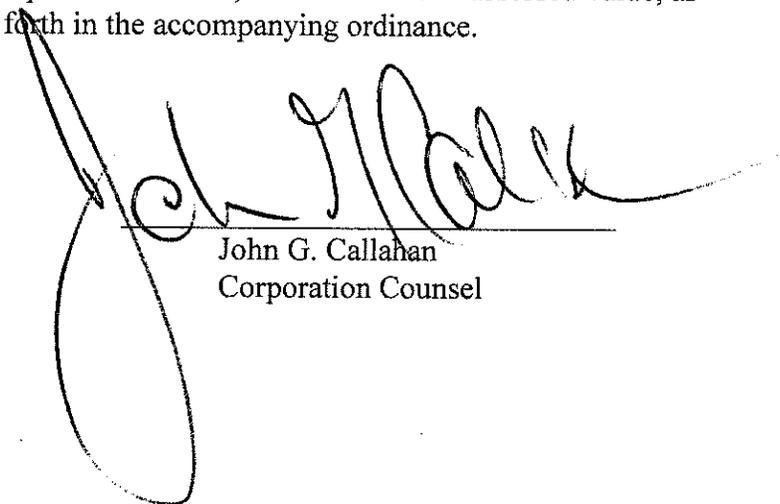
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

To the Honorable Mayor and Members of the Common Council of The City of White Plains:

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the properties located at 1 Broad Parkway and the outside plant and equipment of the Consolidated Edison Company of NY, Inc. at various locations, White Plains, NY.

The Law Department has reviewed the proposed settlements with our Assessor, who recommends them. Based upon our review, it is my opinion that the settlements are appropriate and should be accepted. The locations of the properties involved, the reductions in assessed value, as well as the amounts to be refunded, are set forth in the accompanying ordinance.



John G. Callahan
Corporation Counsel

Dated: March 29, 2016
(For the Common Council Meeting
of April 4, 2016)

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.

WHEREAS, various petitioners have brought proceedings to review the assessed valuation of their premises; and

WHEREAS, the respective attorneys for the petitioners have offered and agreed to settle and discontinue said proceedings on condition that the assessed valuations of said properties be reduced and credits paid according to the following list in accord with the applicable tax rate for said years with no interest thereon:

**Broad Parkway Owners, Inc.
1 Broad Parkway
SBL: 126.61-1-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2008/09	\$ 219,000	\$ 200,000	\$ 19,000	\$ 2,801.93
2009/10	\$ 219,000	\$ 208,000	\$ 11,000	\$ 1,727.66
			Total:	<u>\$ 4,529.59</u>

**Consolidated Edison Company of NY, Inc.
100 Alex Drive
SBL: 999.99-999-5**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 32,738	\$ 27,780	\$ 4,958	\$ 995.27
			Total:	<u>\$ 995.27</u>

Arborwood Lane
SBL: 999.99-999-6

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 13,430	\$ 11,395	\$ 2,035	\$ 408.51
			Total:	<u>\$ 408.51</u>

Audrey Lane
SBL: 999.99-999-7

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u>\$ 76.48</u>

Barton Road
SBL: 999.99-999-8

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 23,531	\$ 19,960	\$ 3,571	\$ 716.84
			Total:	<u>\$ 716.84</u>

Brook Hills Circle
SBL: 999.99-999-9

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 30,226	\$ 25,650	\$ 4,576	\$ 918.59
			Total:	<u>\$ 918.59</u>

**Brook Hills Drive
SBL: 999.99-999-10**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u>\$ 76.48</u>

**Bryant Crescent
SBL: 999.99-999-11**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 813	\$ 680	\$ 133	\$ 26.70
			Total:	<u>\$ 26.70</u>

**Cobblefield Lane
SBL: 999.99-999-12**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 16,758	\$ 14,218	\$ 2,540	\$ 509.88
			Total:	<u>\$ 509.88</u>

**Cobblefield Road
SBL: 999.99-999-13**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u>\$ 76.48</u>

**Eastdale Road
SBL: 999.99-999-14**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u>\$ 204.75</u>

**Easthaven Lane
SBL: 999.99-999-15**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 11,727	\$ 9,950	\$ 1,777	\$ 356.71
			Total:	<u>\$ 356.71</u>

**Gabriel Court
SBL: 999.99-999-16**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u>\$ 76.48</u>

**Glenbrook Drive
SBL: 999.99-999-17**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u>\$ 204.75</u>

**Ingleside Lane
SBL: 999.99-999-18**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 8,360	\$ 7,095	\$ 1,265	\$ 253.94
			Total:	<u><u>\$ 253.94</u></u>

**Jared Drive
SBL: 999.99-999-19**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 29,375	\$ 24,925	\$ 4,450	\$ 893.29
			Total:	<u><u>\$ 893.29</u></u>

**Leir Court
SBL: 999.99-999-20**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 3,367	\$ 2,855	\$ 512	\$ 102.78
			Total:	<u><u>\$ 102.78</u></u>

**Middale Road
SBL: 999.99-999-21**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,101	\$ 8,300	\$ 1,801	\$ 361.53
			Total:	<u><u>\$ 361.53</u></u>

**Moss Run
SBL: 999.99-999-22**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,101	\$ 8,300	\$ 1,801	\$ 361.53
			Total:	<u><u>\$ 361.53</u></u>

**Mulberry Lane
SBL: 999.99-999-23**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 813	\$ 680	\$ 133	26.70
			Total:	<u><u>\$ 26.70</u></u>

**Northdale Road
SBL: 999.99-999-24**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 11,727	\$ 9,950	\$ 1,777	\$ 356.71
			Total:	<u><u>\$ 356.71</u></u>

**Pepperidge Lane
SBL: 999.99-999-25**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 4,180	\$ 3,547	\$ 633	\$ 127.07
			Total:	<u><u>\$ 127.07</u></u>

**Purdy Avenue
SBL: 999.99-999-26**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u><u>\$ 76.48</u></u>

**Roger Place
SBL: 999.99-999-27**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u><u>\$ 204.75</u></u>

**Saxon Woods Park Drive
SBL: 999.99-999-28**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 22,641	\$ 19,220	\$ 3,421	\$ 686.73
			Total:	<u><u>\$ 686.73</u></u>

**Southdale Road
SBL: 999.99-999-29**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,883	\$ 4,990	\$ 893	\$ 179.26
			Total:	<u><u>\$ 179.26</u></u>

**Sycamore Lane
SBL: 999.99-999-30**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,883	\$ 4,990	\$ 893	\$ 179.26
			Total:	<u>\$ 179.26</u>

**Topland Road
SBL: 999.99-999-31**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u>\$ 204.75</u>

**Westfield Circle
SBL: 999.99-999-32**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,031	\$ 4,268	\$ 763	\$ 153.16
			Total:	<u>\$ 153.16</u>

**Westfield Lane
SBL: 999.99-999-33**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,875	\$ 9,227	\$ 1,648	\$ 330.82
			Total:	<u>\$ 330.82</u>

**Westfield Road
SBL: 999.99-999-34**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 12,578	\$ 10,674	\$ 1,904	\$ 382.21
			Total:	<u>\$ 382.21</u>

**Westhaven Lane
SBL: 999.99-999-35**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 8,360	\$ 7,095	\$ 1,265	\$ 253.94
			Total:	<u>\$ 253.94</u>

**Woodbrook Road
SBL: 999.99-999-36**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,875	\$ 9,227	\$ 1,648	\$ 330.82
			Total:	<u>\$ 330.82</u>

**Wood Hollow Road
SBL: 999.99-999-37**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 3,367	\$ 2,855	\$ 512	\$ 102.78
			Total:	<u>\$ 102.78</u>

**Woods Way
SBL: 999.99-999-38**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,883	\$ 4,990	\$ 893	\$ 179.26
			Total:	<u><u>\$ 179.26</u></u>

**Wyndham Close
SBL: 999.99-999-39**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 13,430	\$ 11,395	\$ 2,035	\$ 408.51
			Total:	<u><u>\$ 408.51</u></u>

WHEREAS, the county and sewer taxes and the school taxes should be payable by the county and school separately if collected and if the settlement is approved by the Supreme Court.

NOW, THEREFORE, the Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and the same hereby is approved.

§2. The Commissioner of Finance, under the direction of the Corporation Counsel, be and is hereby authorized and directed to pay the amount of the refunds stated above, without interest to the petitioners or persons paying such tax or other levy in the manner provided by Section 726

of the Real Property Tax Law. All payments for current year taxes shall be payable from budget code A021- 01110 and all payments for prior year's taxes shall be payable from budget code A021 - 4.201. Payment of the refunds authorized herein with respect to any one of the aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

§3. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

§4. This ordinance shall take effect immediately.



**CAPITAL PROJECTS BOARD
MUNICIPAL BUILDING
255 MAIN STREET, WHITE PLAINS, NY 10601
Ph. (914) 422-1206 Fax: (914) 422-1269**

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended rehabilitation work to the City's Municipal Building (City Hall) electrical systems. The Council already approved the first phase of the project, which was the design, and now authorization is needed to amend the capital project to include the replacement of a new electrical room and to replace the aged electrical service to meet current needs, along with provisions for an emergency generator.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts as necessary and further to direct the Budget Director to amend the Capital Projects fund by amending **A City Hall Rehabilitation – Electrical Design** to **“City Hall Rehabilitation-Electrical Systems,”** and by amending the budget as follows:

INCREASE REVENUES:

C5347-08810	Serial Bonds	<u>\$707,000</u>
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INCREASE EXPENSES

C5347-4.005	Finance and Audit	\$ 7,000
C5347-8.106	Major Additions/Improvements	<u>700,000</u>
		<u>\$707,000</u>

Finally, it is requested that the sale of \$707,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds as necessary from the General Fund, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

April 4, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY AMENDING CAPITAL PROJECT NO. C5347, ENTITLED, "CITY HALL REHABILITATION-ELECTRICAL DESIGN" TO "CITY HALL REHABILITATION-ELECTRICAL SYSTEMS."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Capital Projects Board has recommended rehabilitation work to the City's Municipal Building (City Hall) electrical systems. The first phase of the project, design, was previously approved by the Common Council and this phase of the project includes the replacement of a new electrical room and the replacement of the aged electrical service to meet current needs.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to complete the project. Said contract(s) shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by amending Capital Project No. C5347, entitled, "**City Hall Rehabilitation-Electrical Design,**" to "**City Hall Rehabilitation-Electrical Systems,**" by amending the budget as follows:

INCREASE REVENUES:

C5347-08810	Serial Bonds	<u>\$707,000</u>
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INCREASE EXPENDITURES:

C5347-4.005	Finance and Audit	\$ 7,000
C5347-8.106	Major Additions/Improvements	<u>700,000</u>
		<u>\$ 707,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$707,000 and to advance funds for this project, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED APRIL 4, 2016, AUTHORIZING THE
ISSUANCE OF \$707,000 AGGREGATE PRINCIPAL AMOUNT SERIAL
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS
OF THE CONSTRUCTION OF ELECTRICAL SYSTEM
IMPROVEMENTS TO CITY HALL.**

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the construction of electrical system improvements to City Hall, including planning and design work, and including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$707,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of White Plains, in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$707,000, pursuant to the Local Finance Law, in order to finance the costs of the construction of electrical system improvements to City Hall, including planning and design work (the "Project").

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$707,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the



Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of "Class A" construction as that term is defined in the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal

officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

Section 5. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in *The Journal News*, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond ordinance, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as

the same shall become due.

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond ordinance by the City.

The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby

implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance shall take effect immediately upon its due adoption by the Common Council of the City.



**CAPITAL PROJECTS BOARD
MUNICIPAL BUILDING
255 MAIN STREET, WHITE PLAINS, NY 10601
Ph. (914) 422-1206 Fax: (914) 422-1269**

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

Included in the FY 2015-16 Capital Improvement Program adopted by the Capital Projects Board is a project entitled "Renaissance Fountain LED Light Replacement" at an estimated cost of \$150,000. The project is the responsibility of the Commissioner of Public Works and includes replacing inoperative lighting with LED lights, which are more energy efficient. Submitted herewith is legislation which authorizes the Commissioner of Public Works to enter into various purchase orders and contracts, as required, to complete the project.

The legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5475 entitled "**Renaissance Fountain LED Light Replacement**," as follows:

REVENUES:

C5475-09910	General Fund Contribution (Open Space and Recreation Reserve)	<u>\$ 150,000</u>
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EXPENDITURES:

C5475-8.106	Major Additions/Improvements	<u>\$ 150,000</u>
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To provide the General Fund Contribution, it is also requested the General Fund Budget for FY 2015-16 to be amended as follows:

REVENUES:

A021-09996	Open Space and Recreation Reserve	<u>\$ 150,000</u>
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EXPENDITURES:

A022-9.401	Contribution to Capital Projects Fund	<u>\$ 150,000</u>
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Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

April 4, 2016



ENVIRONMENTAL OFFICER

Planning Department, 70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301, E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

March 23, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO.C5475
RENAISSANCE FOUNTAIN LED LIGHT REPLACEMENT

The proposed Capital Project No.C5475 entitled "Renaissance Fountain LED Light Replacement," has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves replacing inoperative fountain lighting with LED lights, which are more energy efficient, in Renaissance Park at Main Street and Mamaroneck Avenue.

The Proposed Action represents a Type II Action under SEQR regulations in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities. Type II actions are determined under SEQR regulations not to have a significant effect on the environment.

It is recommended that the Common Council, (a) designate itself as the Lead Agency for the environmental review of the Proposed Action; and (b) find the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings.

Respectfully submitted,

Rod Johnson
Environmental Officer

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ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT C5475, RENAISSANCE FOUNTAIN LED LIGHT REPLACEMENT.

WHEREAS, Capital Project No.C5475, entitled “Renaissance Fountain LED Light Replacement,” has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, this project involves replacing inoperative fountain lighting with LED lights, which are more energy efficient, in Renaissance Park at Main Street and Mamaroneck Avenue; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, declare itself to be the Lead Agency for the environmental review of the Proposed Action; and

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations at 6 NYCRR §617 in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; now, therefore, be it

RESOLVED, that the Common Council hereby designates itself Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, that the Common Council hereby determines that the Proposed Action is Type II Action and that no additional SEQR review or finding is necessary.

//

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5475 ENTITLED, "RENAISSANCE FOUNTAIN LED LIGHT REPLACEMENT."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Included in the FY 2015-2016 Capital Projects Improvement Program adopted by the Capital Projects Board is a project entitled "Renaissance Fountain LED Light Replacement." This project is the responsibility of the Commissioner of Public Works and includes replacing inoperative lighting with LED lights which are more energy efficient.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various purchase orders and contracts, as necessary, to complete the project. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5475, entitled, "Renaissance Fountain LED Light Replacement," with a budget as follows:

REVENUES:

C5475-09910 General Fund Contribution (Open Space and Recreation Reserve) \$150,000

EXPENDITURES:

C5475-8.106 Major Additions/Improvements \$150,000

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Section 4. To provide the General Fund Contribution, the Mayor is hereby authorized to direct the Budget Director to amend the General Fund Budget for 2015/16 as follows:

REVENUES:

A021-09996	Open Space and Recreation Reserve	<u>\$150,000</u>
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EXPENDITURES:

A022-9.401	Contribution to Capital Projects Fund	<u>\$150,000</u>
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Section 5. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 6. This ordinance shall take effect immediately.



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

ANTHONY R. CARR, P.E., CFM
DEPUTY COMMISSIONER

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

**TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

We have received a request from the Arts Westchester/Westchester Arts Council for permission to conduct its annual spring exhibition in the Arts Exchange with a preview reception of AbstrAction which will be held on Friday, May 20, 2016. They propose to have a canopy over the sidewalk in front of 31 Mamaroneck Avenue with two 8-foot tables and chairs. This canopy will remain in place from 9 am Friday, May 20th to early Monday morning, May 23, 2016.

The sponsoring agency will secure insurance for the event, and it is understood that the Common Council desires to waive all Department of Public Works deposits and permit fees.

Submitted for your deliberation is legislation authorizing the Mayor to direct the Commissioner of Public Works to issue the necessary permits for closure(s) of the portions of public rights-of-way.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated April 4, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CLOSURE OF A PORTION OF A PUBLIC RIGHT-OF-WAY ON MAMARONECK AVENUE ON FRIDAY MORNING, MAY 20, 2016, TO EARLY MONDAY MORNING, MAY 23, 2016, FOR THE ANNUAL SPRING EXHIBITION IN THE ARTS EXCHANGE BUILDING AT 31 MAMARONECK AVENUE WITH A PREVIEW RECEPTION TO BE HELD ON FRIDAY, MAY 20, 2016 SPONSORED BY THE ARTS WESTCHESTER/WESTCHESTER ARTS COUNCIL.

WHEREAS, the City of White Plains has received a request from the Arts Westchester/Westchester Arts Council for permission to conduct its annual spring exhibition in the Arts Exchange building with a preview reception on Friday, May 20, 2016; and

WHEREAS, in conjunction with this exhibition, the Westchester Arts Council proposes to have a canopy over the sidewalk in front of the Arts Exchange Building at 31 Mamaroneck Avenue with two 8-foot tables and chairs; and

WHEREAS, the aforementioned sidewalk canopy will remain in place from 9:00 a.m. Friday, May 20, 2016 to early Monday morning, May 23, 2016; and

WHEREAS, the aforementioned event entails the closure(s) of the portions of public rights-of-way; and

WHEREAS, the City of White Plains is desirous of permitting the event; now, therefore,

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The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The closure of the portions of public rights-of-way is hereby authorized for the purpose of the annual spring exhibition with a preview reception, an event conducted by the Arts Westchester/Westchester Arts Council, which will be held on Friday, May 20, 2016, featuring a canopy over the sidewalk in front of the Arts Exchange Building at 31 Mamaroneck Avenue with two 8-foot tables and chairs. The sidewalk canopy will remain in place throughout the weekend and shall be removed early in the morning on Monday, May 23, 2016.

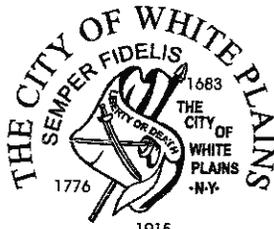
Section 2. Any fee or deposit for the issuance of a roadway permit as may be required by an ordinance establishing Rules and Regulations for Sidewalks, Curbs and Driveways, and Controlling Street Openings and Street Obstructions are hereby waived. The Arts Westchester/Westchester Arts Council shall provide, however, all necessary insurance coverage for this event.

Section 3. No more than 40% of the width of any sidewalk shall be permitted to be occupied by equipment and/or merchandise or otherwise obstructed, in any event a clear, unobstructed passage not less than six (6) feet in width shall be maintained at all times. In addition, no motor vehicles of any kind may be operated or parked on any sidewalk.

Section 4. Since the extended use of sidewalk areas, will significantly increase the

level of cleanup efforts required of the City, and that although these additional cleanups are most practically performed by the City's Department of Public Works, this shall not relieve the individual merchants and property owners of their responsibilities to remove as often as necessary, litter which accumulates around individual vending and display sites on the sidewalks.

Section 5. This ordinance shall take effect immediately.



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DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
(914) 422-6400 • FAX: (914) 422-6373

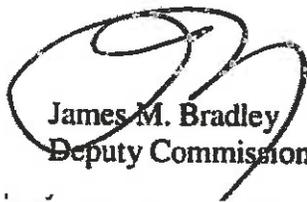
TO THE HONORABLE THOMAS M. ROACH, MAYOR AND MEMBERS OF THE COMMON COUNCIL OF
THE CITY OF WHITE PLAINS

Submitted, herewith, for your review and appropriate action, is a proposed ordinance repealing Chapter 4-15 of the White Plains Municipal Code and adding a new Chapter 4-15 of the White Plains Municipal Code entitled, "Taxicabs."

This law comprehensively updates the City's Taxicab Ordinance to better meet the needs of our growing city. In particular, this ordinance will:

- Authorize five (5) additional White Plains taxicab medallions to be assigned to accessible vehicles only;
- Allow hailing within a defined 'Hail Zone' located in the downtown area;
- Replace the Zone Map, which currently governs fares, with a requirement that all White Plains taxicabs utilize taximeters;
- Require that all White Plains licensed taxicabs be painted a uniform color and attach a White Plains taxicab medallion sticker (to be provided by the WPPD) to the vehicle so that the riding public as well as the Police Department can easily identify licensed White Plains taxicabs;
- Require that all White Plains licensed taxicab drivers submit to annual drug testing;
- Reduce the overall age and of the City's taxi fleet by requiring that cars be taken out of service when they exceed 400,000 miles;
- Simplify the rate structure and provide a rate increase for all White Plains licensed taxicabs;
- Require that owners and drivers of taxicabs maintain vehicles in a clean and safe condition; and

We believe that, taken together, these changes will enhance the customer experience and strengthen the value of the White Plains taxicab medallion.



James M. Bradley
Deputy Commissioner of Public Safety

DATED: March 23, 2016

AN ORDINANCE REPEALING CHAPTER 4-15 OF THE WHITE PLAINS MUNICIPAL CODE AND ADDING A NEW CHAPTER 4-15 OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED, "TAXICABS."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Chapter 4-15 of the White Plains Municipal Code, entitled "Taxicabs," last amended by ordinance adopted March 2, 2015, is hereby repealed except as otherwise provided herein.

Section 2. The White Plains Municipal Code is hereby amended by adding a new Chapter 4-15 entitled, "Taxicabs," to read as follows:

CHAPTER 4-15

Sec. 4-15-1. Definitions

As used in this chapter, unless the context requires otherwise, the following terms shall mean as indicated below:

- (1) **Accessible taxicab:** An accessible taxicab is a vehicle that complies with the Americans with Disabilities Act (ADA) of 1990 and all regulations promulgated thereunder, and meets the minimum requirements of an accessible vehicle as specified by the Department of Public Safety.
- (2) **Base station:** A central facility which manages, organizes, and/or dispatches taxicabs. Base stations must be located within the City of White Plains in compliance with the Zoning Ordinance of the city.
- (3) **Driver's license:** The permission granted by the State of New York to a person to operate a vehicle.
- (4) **Fleet:** Five (5) or more taxicabs, owned and licensed by the same individual, or owned and licensed by individuals but operated in conjunction with the same corporate identity.
- (5) **Hailing:** A request, either through a verbal action such as calling out, or whistling, and/or a visible physical action such as raising one's hand or arm, by a person who is currently ready to travel. Hailing shall be permitted only in the Hail Zone.
- (6) **Hail zone:** The business and parking district that encompasses the following area: Ferris Avenue south of Water Street to Martine Avenue; Martine Avenue east to South Lexington Avenue; South Lexington Avenue south to West Post Road; West Post Road southwest to Soundview Avenue; West Post Road northeast to Maple Avenue; Maple Avenue east to Mamaroneck Avenue; Mamaroneck Avenue southeast to Bloomingdale Road; Bloomingdale Road north to Westchester Avenue; Westchester Avenue east to South Kensico Avenue; South Kensico Avenue north to Lake Street; Lake Street west to North Broadway; North Broadway north to Barker Avenue; Barker Avenue west to Water Street; and Water Street west to Ferris Avenue.
- (7) **Rate card:** a rate card is the official listing of rates issued by the Department of Public Safety, The rate card shall be displayed at all times, in the interior of the taxicab where it can be readily seen by the

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passengers.

- (8) **Service animal:** any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheel chair or fetching dropped items.
- (9) **Special Patrol Officer:** An employee of the City of White Plains who shall have duties as prescribed by the Public Safety Commissioner with respect to the orderly operation of taxicabs and shall be assigned to the White Plains TransCenter or such other location as the Commissioner deems necessary.
- (10) **Taxicab:** Any motor vehicle having a seating capacity of not more than seven (7) persons in addition to the driver bearing a taxi license plate issued by the NY State Department of Motor Vehicles, a City of White Plains Taxicab medallion, and engaged in the business of picking up passengers within the city, and transporting passengers within or outside the City of White Plains, for compensation. A taxicab may operate from a taxi stand, may respond to calls from a base station or may respond to a hail only in the business and parking district more fully described herein.
- (11) **Taxicab driver:** Any person holding a Class A, B, C or E license from the NY State Department of Motor Vehicles, and a White Plains Taxicab operator's license, whether such a person be the owner of such taxicab or employed by a taxicab medallion owner.
- (12) **Taxicab operator's license:** the license issued by the City of White Plains Department of Public Safety authorizing the driver to operate a taxicab in the City of White Plains.
- (13) **Taxicab operator's badge:** An identification badge issued by the Department of Public Safety to be worn by the driver at all times while operating the taxicab. The badge shall bear the driver's photo and display the driver's name and taxicab operator's license number.
- (14) **Taximeter:** A mechanical instrument or device, approved by the Department of Public Safety, by which the charge for hire of a White Plains taxicab is mechanically calculated and on which said charge is plainly indicated.
- (15) **Taxicab decal:** Decals issued exclusively by the Department of Public Safety which shall be placed on both the rear driver and passenger side doors identifying the taxicab as a licensed White Plains taxicab.
- (16) **Taxicab medallion license:** A taxicab medallion license is issued by the Department of Public Safety, authorizing the use of the described vehicle as a taxicab.
- (17) **Taxicab medallion license owner:** An individual, partnership, corporation, or any other entity in whose name the state registration is issued pursuant to the New York State Vehicle and Traffic Law and who has been issued a White Plains taxicab medallion license for such vehicle.
- (18) **Taxicab medallion sticker:** The sticker issued exclusively by the Department of Public Safety, and placed on the vehicle by the licensing officer, certifying the vehicle as a licensed White Plains taxicab as defined in this chapter. The sticker shall state the taxicab medallion license number and the year for which it is issued.

- (19) **Taxicab stand:** Any place alongside the curb of a street or elsewhere which is exclusively reserved for the use of taxicabs. Only taxicabs with a White Plains taxicab medallion may use taxi stands in the city.

Sec. 4-15-2. Issuance of Taxicab Medallion Licenses

- A. *Limitation on taxicab medallion licenses:* Two hundred (200) taxicab medallion licenses are hereby found adequate to serve the needs of the public and the city; and such number is hereby established as the maximum amount of taxicab medallion licenses to be issued pursuant to this chapter. Of the 200 taxicab medallion licenses authorized, five (5) shall be specifically designated for accessible taxicabs, and shall be designated thus in perpetuity. The 5 accessible medallions shall be sold for \$20,000.00 each.
- B. *Change in the number of taxicab medallion licenses:* The Common Council may review the number of taxicab medallion licenses to determine whether a change in the maximum number of taxicab medallion licenses is warranted. The Council shall make a determination based upon the input of the Commissioner of Public Safety.
- C. If a determination is made that additional taxicab medallion licenses are necessary, or if an existing medallion is forfeited, then such medallions shall be sold at public auction with a minimum opening bid of \$25,000.

Sec. 4-15-3. Unlicensed Operation Prohibited

It shall be unlawful, without a valid White Plains operator's license and a White Plains medallion license, to:

- A. Pick up passengers for a fare within the City of White Plains by prearrangement or in response to a street hail.
- B. Park or otherwise occupy a taxi stand located in the City of White Plains.
- C. Await employment or solicit riders by standing on any public street within the City of White Plains.
- D. Have affixed to the vehicle a White Plains Taxicab decal or a facsimile of the White Plains decal.

Sec. 4-15-4. Taxicab Medallion Licensing

Each applicant for a White Plains taxicab medallion license shall comply with the requirements of and the application process set forth in this section.

A. General Requirements

- (1) *Age:* Applicant must be at least eighteen (18) years of age.
- (2) *Character:* Applicant must be of good character and reputation.
- (3) *Citizenship or status as alien:* Upon submission of the application, the applicant shall show proof of citizenship of the United States or proof of legal alien status.

- (4) *Vehicle ownership and insurance:* Upon submission of the application, the applicant shall show proof that he/she is the true owner of the vehicle; which vehicle is insured pursuant to the requirements of state law.
- (5) *Application fees:* All new White Plains taxicab medallion license applicants and all renewal applicants shall pay the required application fees as set forth in **section 4-15-14** of this chapter.

B. Application

An application for a taxicab medallion license shall be made by the vehicle owner on forms provided by the Commissioner of Public Safety. Such application shall contain but shall not be limited to:

- (1) *Licensee information:*
 - a) Applicant's Full Name
 - b) Date of birth
 - c) Proof of citizenship status
 - d) Current residence
 - e) Contact phone number
 - f) Corporation or DBA name if applicable, business phone number and corporation contact name, date of birth and name and address of corporate designee for acceptance of legal service and notices.
 - g) Previous medallion ownership history
 - h) Criminal convictions
- (2) *Vehicle information:*
 - a) Make
 - b) Model
 - c) Year
 - d) Color
 - e) Mileage
 - f) NY State inspection
 - g) Seating capacity
 - h) Vehicle Identification number
 - i) Vehicle Registration
- (3) *Criminal record:* Applicant shall not have been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, driving while under the influence of alcohol, gambling, or illegal use or possession of drugs. The Commissioner of Public Safety shall, nevertheless, apply the standards for licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in article 23-a of the Correction Law.
- (4) *Fingerprinting:* Each individual applicant and, if applicable, each corporate officer, as well as all those who hold at least a 25 percent ownership interest in the corporation, shall submit to fingerprinting by the Department of Public Safety. The Commissioner of Public Safety shall cause an investigation to be made relative to the character and criminal record, if any, of said applicant and pay any state or federal required fee for the fingerprinting process. The city shall be entitled to an additional processing fee as set forth in **section 4-15-14** of this chapter.

- (5) *Maximum vehicle mileage:* Remove from service any licensed taxicab that has an odometer reading of more than 400,000 miles. The taxicab medallion license shall be transferred to a vehicle that meets the mileage requirements of this chapter or surrendered to the Department of Public Safety.
 - (6) *Vehicle inspection:* The vehicle has been inspected under the direction of the Commissioner of Public Safety and found to be completely safe and operable for the transportation of passengers.
 - (7) *Accessible taxicabs:* Owners of accessible taxicab medallions must provide an original letter from an approved vehicle modifier indicating that the modifications to the vehicle have been made in accordance with ADA regulations and specifications, and the minimum requirements for an accessible vehicle as specified by the Department of Public Safety.
- C. *Compliance:* The criteria necessary to obtain a taxicab medallion license, as set forth in (A) and (B) of this section, shall be continually maintained for the license to remain in effect. Any lapse of a required condition of this chapter may result in the suspension or revocation of the taxicab medallion license.
- D. *Annual renewal:*
Renewals shall be processed annually and shall be upon the same basis as a new application, provided the application is filed not less than thirty (30) days, nor more than sixty (60) days prior to expiration of current license on forms supplied by the Commissioner of Public Safety.
- E. *Authorization to investigate:*
Authorization to the Commissioner of Public Safety to obtain proof of financial capability of the owner including authorizations for the release of information from bank accounts or any other places where assets of the applicant are said to be maintained.

Sec. 4-15-5. Taxicab Operator's Licensing

Each applicant for a White Plains taxicab operator's license shall comply with the requirements of and the application process set forth in this section.

A. General Requirements

- (1) *Age:* Applicant must be eighteen (18) years of age or older.
- (2) *NY State driver's license:* Applicant must hold a valid NY State Class A, B, C or E.
- (3) *Physical condition:* Each application shall include a medical certificate signed by a physician duly licensed by the State of New York, certifying that he/she has examined the applicant within the thirty-day period prior to the filing of the application and that in his/her opinion the applicant is not afflicted with any disease or physical or mental condition or infirmity which might make the applicant an unsafe or unsatisfactory driver of a taxicab.
- (4) *Drug testing:* Applicant shall submit to a drug test. Such testing shall be performed by an individual or entity designated by the Commissioner of Public Safety, and possessing the requisite permit by the New York State Department of Health pursuant to the authority contained in Title V of

Article 5 of the New York State Public Health Law.

- (5) *Defensive driving course*: Applicant shall complete/pass a New York State Department of Motor Vehicles certified defensive driving course within six (6) months prior to the date of the initial application, and within 3 years prior to the date of any renewal application.
- (6) *Criminal record*: Applicant shall not have been convicted of a felony, or any offense involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, driving while under the influence of alcohol, gambling, or illegal use or possession of drugs. The Commissioner of Public Safety shall, nevertheless, apply the standards for licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in article 23-a of the Correction Law.
- (7) *Literacy*: Applicant must be able to read, write and speak the English language.
- (8) *Character*: Applicant shall be of good character and reputation.
- (9) *Application fees*: All new White Plains taxicab license applicants and all renewal applicants shall pay the required application fees as set forth in **section 4-15-14**.

B. Application

- (1) *Application*: Applicant must complete a White Plains taxicab operator's license application as approved by the Commissioner of Public Safety. Such application shall contain but not be limited to:
 - a) Full name and place of residence for past (5) years;
 - b) The applicant's age, height, gender, ethnicity, eye color, hair color, place of birth, citizenship status;
 - c) Previous employment history;
 - d) Criminal convictions;
 - e) Proof of completion of an accessible taxicab passenger assistance training course, if applicable.
- (2) *Photographs*: Each applicant for a White Plains taxicab operator's license shall be photographed by the Department of Public Safety.
- (3) *Fingerprinting*: Each applicant shall submit to fingerprinting by the Department of Public Safety and pay any state or federal fee required for the fingerprinting process. In addition, the city shall be entitled to an additional processing fee as set forth in **section 4-15-14** of this chapter.
- (4) *Written examination*: Each applicant shall take a written exam to ascertain the applicant's knowledge of the provisions of this chapter, the traffic regulations and geography of the City of White Plains, as well as the vehicle and traffic laws of the State of New York.
- (5) *Investigation*: The Commissioner of Public Safety shall investigate the character and criminal record, if any, of said applicant. Each application shall include a signed authorization permitting the Commissioner of Public Safety to conduct a background investigation of the applicant including any matter which might otherwise be confidential without limitation. No license shall be issued under

the provisions of this chapter until the Commissioner of Public Safety has completed the background investigation and has indicated, in writing; his approval.

- (6) *Citizenship or status as alien*: Upon submission of the application, the applicant shall show proof of citizenship of the United States or proof of legal alien status.

C. Probationary Period

There shall be a six (6) month probationary period for all newly licensed taxicab drivers. During this probationary period, the Commissioner of Public Safety may revoke the license upon the determination that the licensee failed to comply with the requirements enumerated herein.

D. Annual Renewal

Renewals shall be processed annually and shall be upon the same basis as a new application, provided the application is filed not less than thirty (30) days, nor more than sixty (60) days prior to expiration of current license on forms supplied by the Commissioner of Public Safety.

E. Refusal of Taxicab Operator's License

Each applicant for a White Plains taxicab operator's license shall comply with the taxicab operator licensing requirements as set forth in this section. If the applicant fails to meet any of the general requirements or the results of any of the examinations are unsatisfactory, as determined by the Commissioner of Public Safety, the applicant shall be refused a license.

Sec. 4-15-6. Duties and Responsibilities of Taxicab Medallion Owners

The owner of every vehicle licensed under the provisions of this chapter operating within the City of White Plains, shall comply with the following requirements:

A. Responsibilities relating to drivers

- (1) *Authorized driver employees*: Employ only drivers who hold a valid White Plains taxicab operator's license.
- (2) *Work shift limitation*: Prohibit any taxi driver from operating any vehicle:
 - a) For longer than twelve (12) hours of any twenty-four-hour period; or
 - b) For longer than twelve (12) hours in any one (1) tour or shift of duty; or
 - c) With less than eight (8) hours relief from duty after working twelve (12) hours of the twenty four hour period preceding the commencement of such relief from duty.
- (3) *Reports on drivers*: Report any driver to the Commissioner of Public Safety who no longer meets the qualifications to hold a taxi driver's license, stating the reason therefore.

- (4) *Trip sheets*: Provide each driver with a trip sheet to be used during daily operations that shall, at a minimum, identify:
 - a) The name and taxicab operator's license number of the driver operating such vehicle for the trips recorded on the trip sheet;
 - b) The taxicab medallion license number of the vehicle;
 - c) The time the vehicle commenced and ceased operation and the mileage on the vehicle at such times;
 - d) The date, commencement time in hour and minute(s), and origin point for each trip for each passenger in chronological order;
 - e) The date, drop off or termination time in hour and minute(s), and destination or termination location for each trip for each passenger in chronological order;
 - f) The fare charged and collected for each trip from each passenger;
 - g) The date, time in hour and minute(s), and location of any accident or breakdown causing an interruption or discontinuance of the operation of such taxicab.
 - h) The date and time in hour and minute(s) of any other incident, such as lost property or assistance to the police.
 - i) Trip sheets: Shall be retained and made available for audit, examination, and inspection by the Commissioner of Public Safety at all reasonable times for a minimum period of three years.
- (5) *List of drivers*: Maintain a current list of driver employees and furnish the list, upon request, to the Commissioner of Public Safety or his/her designee.
- (6) *Driver discharge notification*: Notify the Department of Public Safety regarding the discharge of any driver.
- (7) *Supervisory responsibility*: Diligently supervise his or her employees to assure compliance with this chapter. Multiple convictions of employees for violations under this chapter, shall be construed as evidence of failure to supervise and may result in fines or the revocation or suspension of the owner's taxicab medallion license.

B. Responsibilities related to vehicles

- (1) *Maximum vehicle mileage*: Remove from service any licensed taxicab that has an odometer reading of more than 400,000 miles. The taxicab medallion license shall be transferred to a vehicle that meets mileage requirements of this chapter or surrendered to the Department of Public Safety.
- (2) *Vehicle cleanliness and maintenance*: Maintain and make appropriate repairs to the exterior and interior of taxicab including but not limited to body work, rusting metal, hanging fenders, missing hub caps and torn or worn upholstery. Maintain interior and exterior of taxicab in a clean and sanitary condition. Vehicles found to be improperly maintained will be taken out of service until such time as repairs are made.
- (3) *Safety inspections*: Inspect the vehicle for any equipment violations at least daily, and make such repairs as may be required by the New York State Vehicle and Traffic Law.
- (4) *Vehicle inspections*: Submit vehicles for inspection whenever required by the Commissioner of Public Safety or his designee.

- (5) *Rate card*: Display the rates of fare on a rate card provided by the Department of Public Safety as outlined in **section 4-15-19**. The rate card shall be displayed in the interior portion of the vehicle in such a manner as to be visible at all times to all passengers and shall not obstruct the driver's view of the windshield.
- (6) *Taxi user's bill of rights*: Display a copy of the Taxi user's bill of rights as provided by the Commissioner of Public Safety inside each taxicab, where it can be readily seen by the riding public.

C. Responsibilities related to administration

- (1) *Vehicle transfer*: Promptly report to the Commissioner of Public Safety the transfer of any vehicle medallion issued hereunder and concurrently turn in to the Commissioner of Public Safety the taxicab medallion issued for the use of such vehicle.
- (2) *Insurance*: Insure all taxicabs in accordance with the New York State Motor Vehicle Law. It shall be the duty of the owner to report a cancellation or revocation of insurance immediately to the Commissioner of Public Safety.

Sec. 4-15-7 Duties and Responsibilities of Taxicab Drivers

Taxicab drivers operating within the City of White Plains shall have the following duties and responsibilities:

A. Duties related to passengers

- (1) *Conveyance of passengers*: No driver shall refuse or neglect to convey any orderly person upon request in the city unless previously engaged or unable to, based on the provisions of this chapter.
- (2) *Exclusive use*: Taxicab drivers shall not carry any person other than the person first employing the taxicab unless such person consents to the acceptance of an additional passenger. However, during times of peak demand the Commissioner of Public Safety or his designee may direct taxicab drivers to accept multiple passengers.
- (3) *Child safety seats*: Taxicab driver shall not prevent a passenger from using his or her own child safety seat while employing the vehicle.
- (4) *Courtesy*: Taxicab drivers shall be courteous to passengers and others.
- (5) *Appearance and dress*: Taxicab drivers shall be neat in dress and appearance, at all times, when on duty. Taxicab drivers shall also comply with any dress code which may be required by the Commissioner of Public Safety.
- (6) *Identification*: A taxicab driver shall state his or her name, badge number, and employer while on duty, to any passenger or police officer upon request.
- (7) *Soliciting prohibited*: A taxicab driver may not yell, shout, use his or her vehicle horn, disrupt the normal flow of traffic, or make physical contact with a prospective passenger in solicitation of a

fare.

- (8) *Route*: Taxicab drivers shall proceed with passengers to the destination by the shortest possible route unless otherwise directed.
- (9) *Responding to a hail*: Taxicab drivers may only respond to a street hail in the Hail Zone which is the area in which taxicabs are permitted to accept passengers by hail in the street and specifically defined in **Section 4-15-1 (6)**.
- (10) *Climate control*: All vehicles bearing White Plains medallions shall maintain working air conditioning and heating systems. Taxicab drivers shall adjust air conditioning and heating systems in the vehicle at the request of a passenger.
- (11) *Over and under charging*: No taxicab driver shall solicit tips, gratuities, credit card surcharge, or any charges other than those authorized herein for transporting a passenger. No taxicab driver shall charge rates different than those specified on the Taxicab Rate card or taximeter.
- (12) *Receipts to passengers*: Upon the request of a passenger, taxicab drivers shall issue a receipt for fares paid by the passenger; and if the Commissioner of Public Safety has prescribed a particular form of receipt, he shall use that particular form, identifying the taxicab owner, taxicab identification number, date of trip, amount paid and be signed by the driver.

B. Duties related to vehicle operations

- (1) *Vehicle cleanliness*: Taxicab drivers shall maintain exterior and interior of taxicab in a clean and sanitary condition during their work shift.
- (2) *Transport of animals*: There shall be no additional charge for transporting a service animal accompanying its handler. Non service animals must be transported in a carrier and will be charged according to the baggage rate provided in **section 4-15-19**.
- (3) *Lost articles*: Taxicab drivers shall examine the interior of the vehicle after the termination of each trip for any articles left or lost in the vehicle and immediately take any such property to the desk officer at the police department in compliance with Article 7-B of the Personal Property Law of the State of New York.
- (4) *Smoking*: Smoking is prohibited at all times in vehicles bearing White Plains taxicab medallions.
- (5) *Locked doors*: Taxicab drivers shall not operate a vehicle with a passenger therein while the passenger doors are locked.
- (6) *Passenger seating*: Passengers are prohibited from using the front seat unless the passenger is infirm and cannot use the rear door or unless the back seat is fully occupied by other passengers. Under no circumstance shall the number of passengers plus the driver exceed the number of seatbelts in the vehicle.
- (7) *Driver seating*: Taxicab drivers shall not sit in any part of the vehicle except the driver's seat.

- (8) *Nonpaying passengers:* Taxicab drivers shall not permit any passenger in a taxicab, except a paying fare passenger during such time as the taxi is being used for business purposes or is being made available for the carrying of paying passengers.

C. Duties related to administration

- (1) *Change of residence:* Taxicab drivers shall report each change of residence within ten (10) days after such change to the Commissioner of Public Safety.
- (2) *Suspended, canceled or revoked license:* A taxicab driver shall not operate any such vehicle while his/her New York State Class A, B, C or E driver's license is suspended or revoked or canceled. It shall be the duty of the licensee to report the suspension or revocation of his New York State Class A, B, C or E driver's license immediately to the Commissioner of Public Safety.
- (3) *Operations records (Trip Sheets):* Taxicab drivers shall keep a record of all operations as set forth in section **4-15-6 A (4)** of this chapter.
- (4) *Badge and license use and display:* A taxicab driver shall not operate a taxicab without being in actual possession of both his/her identification card and badge, and in the event of loss of either such item shall immediately notify the license division of the Department of Public Safety. The badge issued to a licensed taxi driver must be worn by the taxi driver when on duty, on the outermost garment, centered two (2) inches from the left arm and about ten (10) inches below the collarbone. At all times while on duty, have displayed in the interior of the vehicle in a place visible to any passenger, his/her taxicab operator's license. A taxicab driver shall not permit his/her badge or license to be used by another person.
- (5) *Work shift limitation:* Prohibit any taxi driver from operating any vehicle:
 - a) For longer than twelve (12) hours of any twenty-four-hour period; or
 - b) For longer than twelve (12) hours in any one (1) tour or shift of duty; or
 - c) With less than eight (8) hours relief from duty after working twelve (12) hours of the twenty four hour period preceding the commencement of such relief from duty.
- (6) *Sanitation and disease:* Taxicab drivers shall immediately report to the police department the fact of having carried any person affected with a contagious disease and if so instructed thereafter shall bring his vehicle to a suitable place for such cleaning or fumigation as may be directed by the health authorities having jurisdiction in the city.
- (7) *Reporting of arrests, personal summonses and traffic tickets:* Taxicab drivers shall report all arrests, personal summonses and traffic tickets, issued to them by law enforcement while operating a licensed taxicab to the taxicab medallion owner within 24 hours of being arrested or served such summons or traffic ticket.
- (8) *Reporting of accidents:* Notwithstanding the requirements of the Vehicle and Traffic Law of the State of New York regarding the reporting of accidents, all accidents, regardless of the amount of personal injury or property damage, must be reported to the taxicab medallion owner and the Department of Public Safety within 48 hours of occurrence.

- (9) *Cooperation with police:* Taxicab drivers shall not conceal any evidence of crime, nor voluntarily aid violators to escape arrest. He shall report as soon as possible to police any unlawful act connected with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime. He shall fully cooperate with the police in all official matters.

Sec. 4-15-8. Suspension, Revocation or Refusal to Renew Taxicab Operator License and Medallion License

A. Reasons for suspension, revocation or refusal to renew

The Commissioner of Public Safety, or the commissioner's designee with the approval of the Commissioner, may suspend, cancel or revoke a taxicab operator's license or taxicab medallion owner's license and may refuse to approve an application or a renewal for any of the following reasons:

- (1) *Conviction:* The conviction of the applicant or licensee of a felony or misdemeanor under the New York Penal Law of any crime or offense involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, gambling or the illegal use, sale or possession of drugs. The Commissioner of Public Safety shall nevertheless, apply the standards for licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in Article 23-a of the Correction Law.
- (2) *False application:* If the licensee or applicant has made a material false statement or concealed a material fact in connection with the application for a license or the renewal thereof.
- (3) *Drug testing:* For taxicab drivers, upon a positive drug test result, or failure to submit to a drug test.
- (4) *Defensive Driving Course:* For taxicab drivers, failure to complete/pass a New York State Department of Motor Vehicle certified defensive driving course.
- (5) *Violations:* If the licensee has been convicted or has pled guilty to any violation of the provisions of this chapter.
- (6) *Prior revocation or suspension:* If the applicant, any officer, director, stockholder, or partner or any other person directly or indirectly interested in the application for a taxicab medallion license was the former holder, was an officer, director, partner or stockholder in a corporation or a partnership which was the former holder of a taxicab medallion license which had been revoked or suspended.
- (7) *Unfit applicant or licensee:* If the applicant, in the opinion of the Commissioner of Public Safety, is not fit to be a licensee, based upon the requirements enumerated in this chapter; or if in the opinion of the Commissioner, approval of the application is not in the best interest of the general public welfare and safety.

B. Cancellation of medallion license for nonuse

A taxicab medallion license may be canceled by the Commissioner for failure of the owner of the license to operate the licensed vehicle in the city for at least thirty-five (35) hours per week, taken over a calendar

quarter. For such periods of operation where the owner operates the vehicle pursuant to this chapter, both inside and outside the city, the time used for paid trips outside the city shall be credited as operating time under this chapter, provided the trip originated or terminated within the city. The failure of a taxicab licensee to produce the manifest records required to be maintained at a hearing provided hereunder, shall be prima facie proof of a charge of inadequate use of the license, subject to rebuttal by other evidence to be produced by the licensee at the hearing provided in this section.

C. Hearings

- (1) *Notice to licensee:* Notice of an order of suspension or revocation of a license or refusal to renew a license shall be given personally or by certified mail, return receipt requested to the licensee, directed to the address appearing on the records of the Department of Public Safety for the licensee. Said notice shall include a statement that the applicant or licensee is entitled to request a hearing provided such request is made in writing to the Commissioner of Public Safety.
- (2) *Request for hearing:* Any request for a hearing must be made in writing and given personally or by certified mail directed to the Commissioner of Public Safety. Such request shall be made within thirty (30) days from the date of personal service or service by mail of the order.
- (3) *Scheduling of hearing:* A hearing shall be conducted by the Commissioner or his designee within two (2) business days after the written request is received if such suspension or cancellation of a license was imposed with less than (7) days notice. Where notice of at least seven (7) days has been given with respect to a suspension or cancellation of a license, a hearing shall be held within seven (7) days after receipt of written request.
- (4) *Surrender of license:* In the event of a suspension, revocation or refusal to renew a license, the holder shall deliver the license and any badge issued in conjunction therewith to the Commissioner of Public Safety.

Sec. 4-15-9. Substitution of Vehicle without Transfer of Ownership

If during a calendar year, an owner licensee desires to substitute a vehicle for the one that has been licensed, he shall make application on a form provided by the Commissioner of Public Safety and pay the required inspection fee as set forth in **Section 4-15-14**. The vehicle may be substituted, provided there is furnished proof that said vehicle has within the last thirty (30) days successfully passed a NY State inspection by an authorized inspection station regardless of the time within which the vehicle would ordinarily require the inspection.

Sec. 4-15-10. Transfer of Taxicab Medallion License Ownership

A taxicab medallion license may be sold, but may not be rented or leased. The purchaser of a taxicab medallion license must present the Bill of Sale signed by both parties to the transaction as well as proof showing the source of funds to the Commissioner of Public Safety. The purchaser must then apply for a license in accordance with the requirements of this Chapter, and pay the required fee as set forth in **Section 4-15-14** to the Department of Public Safety for the cost and expense of the processing and investigation thereof. If the purchaser shall qualify for a license, a license may be issued to such new owner provided that the prior owner of such license shall consent to

the cancellation of his license so that the total number of licenses authorized to be issued under this chapter shall remain the same.

Sec. 4-15-11. Form of License and Badge

- A. *Form of license:* The license shall be in a form to be prescribed by the Department of Public Safety and shall contain thereon, as a minimum adequate identification of the driver, a photograph of the driver and the signature of the driver.
- B. *Form of badge:* Concurrent with the issuance of a taxicab operator's license there shall be issued to such approved applicant a driver's badge of such material, form and style as the Department of Public Safety may prescribe with the license number imprinted thereon which shall be the same number as on the driver's license issued hereunder.
- C. *Defaced licenses and badges:* Taxicab operator licenses and badges shall not be defaced, altered or obliterated in any way. Defaced, altered or obliterated licenses and badges shall be rendered invalid if any entry is made thereon by other than the Commissioner of Public Safety or his designee.

Sec. 4-15-12. Replacement of Lost License, Badge, Medallion Sticker or Decal

In the event that an operator's license or badge or medallion sticker or decal has been lost, destroyed, stolen, or otherwise requires physical replacement, the licensee shall complete the appropriate replacement form and pay the required replacement fee to the Department of Public Safety.

Sec. 4-15-13. Records

All records pertaining to the issuance of licenses, under this chapter and the records of all hearings conducted herein shall be maintained by the Department of Public Safety.

Sec. 4-15-14. Fees

The following fees shall be in effect as of the date of this ordinance:

Taxicab Operator's License and Annual Renewals	\$ 100.00
Taxicab Medallion License Renewals	\$ 300.00
Taxicab Vehicle Change or Company Change	\$ 50.00
Taxicab Driver Fingerprinting (includes New York State processing fee)	\$100.00
Taxi Ordinance Books	\$10.00
Replacement of Lost Badge/License/Medallion/Decal	\$ 25.00
Taxicab Medallion License Transfer of Ownership	\$1,000.00

Sec. 4-15-15. Type of Vehicles/Equipment Authorized

- A. *Vehicle type:* All taxicabs shall be of a four door sedan, station wagon or minivan type.
- B. *Seatbelts:* Every taxicab must be equipped with seatbelts for both front seat positions and all rear seat positions. All seatbelts must be clearly visible, accessible and in good working order.
- C. *Interior lighting:* All taxicabs must be equipped with operable interior lights which are set to illuminate automatically upon the opening of any of the vehicle doors.
- D. *Roof light:* A roof light is required on all taxicabs to clearly indicate to the public when a taxicab is available for hire and when the taxicab is off duty; and to provide the public with a simplified method of identification of taxicabs during all hours of expected operation.
- E. *Climate control:* All taxicabs must be equipped with operable air conditioning and heating systems.
- F. *Taximeter:* All taxicabs must be equipped with a taximeter which has been approved by the Department of Public Safety, and installed, tested, and certified by an approved and licensed New York State taximeter business. A taximeter shall not be operated from any wheel to which the power is applied but shall be geared to the transmission or main drive shaft of the taxicab by a cable in a tamperproof or sealed casing. The taximeter of each taxicab shall be so arranged and lighted that the meter will be at all times discernible and capable of being read by any passenger in the taxicab.

Sec. 4-15-16. Accessible Taxicabs

- A. An accessible taxicab is a vehicle that complies with the Americans with Disabilities Act (ADA) of 1990 and all regulations promulgated thereunder, and meets the minimum requirements of an accessible vehicle as specified by the Department of Public Safety.
- B. Owners of accessible taxicab medallions must provide an original letter from an approved vehicle manufacturer or vehicle modifier indicating that the vehicle, or the modifications made to the vehicle, have been done so in accordance with ADA regulations and specifications and the minimum requirements of an accessible vehicle, as specified by the Department of Public Safety.
- C. Taxicab drivers that will operate accessible taxicabs shall complete a passenger assistance training course from a vendor that has been approved by the Department of Public Safety and maintain certification for as long as the driver operates such vehicle.

Sec. 4-15-17. Inspections Generally

The Commissioner of Public Safety or his designee is authorized to inspect all licensed White Plains taxicabs in order to protect the public health and safety, and all such vehicles shall be made readily available to him for such inspection upon demand.

Sec. 4-15-18. Color, Emblem and Identification

- A. All licensed White Plains taxicabs shall be painted white.
- B. All lettering and numbers are to be of an approved color which contrasts with white and which shall be applied with self-stick, permanent adhesive markings.
- C. The taxicab business name or emblem and telephone number shall be applied on both the driver and front passenger doors in such a manner which shall be prescribed by the Commissioner of Public Safety.
- D. The words "White Plains, NY" shall be affixed to the driver and front passenger doors and to the rear and front of the taxicab in such a manner which shall be prescribed by the Commissioner of Public Safety.
- E. White Plains taxi decals shall be affixed to both the rear driver and passenger side doors in a manner which shall be prescribed by the Commissioner of Public Safety.
- F. The taxicab medallion number shall be affixed to the driver and front passenger doors and to the rear, front and roof of each taxicab licensed hereunder in such a manner as shall be prescribed by the Commissioner of Public Safety. The size of the taxicab medallion number shall not be less than three (3) inches in height on the rear and front of the taxicab and not less than (10) ten inches in height on the roof of the taxicab.
- G. The Commissioner of Public Safety may conduct a hearing for the purpose of resolving any dispute as to the use of a taxicab business name or emblem where such use might cause confusion as to the identity of the vehicle, the identity of the owner of the vehicle, or where the use of such business name or emblem potentially could create an unfair competition or unfair or inappropriate business practice.

Sec. 4-15-19. Taxicab Rate Schedule

- A. All White Plains medallion taxicabs shall be equipped with a certified taximeter that is in good working condition. Until such date, the Taxicab Zone and Rate Schedule put in to effect February 1, 2002 shall remain in effect.
- B. For transporting passengers the first $\frac{2}{8}$ of a mile or less: \$4.00.
- C. For transporting passengers any distance exceeding $\frac{2}{8}$ of a mile, there shall be a charge of \$0.25 per each additional $\frac{1}{8}^{\text{th}}$ of a mile. There shall be a charge of two dollars (\$2.00) for every 5 minutes of waiting time.
- D. For an out-of-town trip originating or terminating within the City of White Plains, an agreed upon flat rate shall be charged inclusive of any tolls required.
- E. There shall be a surcharge of one dollar (\$1.00) for each additional passenger in the same party traveling to the same destination.
- F. For purposes of payment of fare, one child five (5) years of age or under will ride free if accompanied by an adult passenger.

- G. There shall be a surcharge of a dollar (\$1.00) per trip for trips occurring between the hours of 10:00 p.m. and 5:00 a.m. and on the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).
- H. The taxicab medallion license owner and taxicab drivers shall display the rates of fare on a rate card provided by the Department of Public Safety as outlined in subsections A, B and C of this section. It shall be displayed in the interior portion of the vehicle in such a manner as to be visible at all times to all passengers and shall not obstruct the driver's view of the windshield.
- I. The taxicab driver who demands a greater price or rate, than determined by the meter, or as outlined in subsections A, B and C of this section shall not be entitled to receive any pay for the transportation of any passenger.

Sec. 4-15-20. Taxicab Stands

- A. *Permitted vehicles:* Only taxicabs with a White Plains Taxicab medallion may use taxi stands in the city. Any other vehicle occupying a space at a designated taxicab stand shall be in violation of this section.
- B. *Location:* The Commissioner of Public Safety, in consultation with the Transportation Commission, is hereby authorized to locate and designate taxicab stands.
- C. *Number of taxicabs at stand:* The Transportation Commission shall designate the number of such taxicabs that shall be allowed at any designated taxicab stand.
- D. *Signs:* The Parking and Traffic Department shall post suitable signs at each stand designating the number of vehicles allowed and indicating that the taxi stand is to be used solely by White Plains taxicab medallion holders.
- E. *Standing in non-designated areas:* No taxicab, while awaiting employment, shall stand on any public street or public place other than at or upon a taxicab stand designated or established in accordance with this chapter.
- F. *Placement and selection of taxicabs at taxicab stands:* Only the number of taxicabs as set forth on the official sign posted for such taxicab stand may remain at the stand while waiting for employment and then shall stand in single file only. A passenger may select any taxicab in a taxicab line without regard to the order in which the taxicabs are standing at said taxicab stand or line. As the taxicab leaves the taxicab stand, those behind the taxicab so leaving shall move forward so as to stop as near as possible to the front of the taxicab stand. No taxicab shall stand within ten (10) feet of any crosswalk, nor shall any taxicab remain unattended at any taxicab stand.
- G. *Unattended taxicabs:* A driver shall not leave his taxicab unattended while parked at an official taxicab stand.
- H. *Special Patrol Officer:* Taxicab drivers shall follow any lawful order of a Special Patrol Officer performing his or her official duties while assigned to a taxicab stand, the White Plains Transcenter, or any other location designated by the Commissioner of Public Safety.

Sec. 4-15-21. Violations

- A. A taxicab medallion owner or taxicab driver, while licensed hereunder, who violates any provision of this chapter shall, upon a guilty plea or a conviction, be punished by a fine of not more than five hundred dollars (\$500) or imprisonment not exceeding fifteen (15) days, or by both for the first violation, and by a fine of not more than one thousand dollars (\$1,000) or imprisonment not exceeding fifteen (15) days or both for a second or any subsequent violation. Each and every day such violation exists constitutes a separate and distinct violation.

- B. Any person who violates Section 4-15-3 shall upon a guilty plea or conviction be punished by a fine of up to twenty five hundred dollars (\$2500) or imprisonment not exceeding (15) days or by both.

Sec. 4-15-22. Effective Date

This act shall take effect immediately, except that the provisions of **Sec. 4-15-4 (B)(5)** shall take effect one hundred eighty days from enactment, and the provisions of **Sec. 4-15-18 (A)** shall take effect upon the next annual medallion renewal after enactment, and the provisions of **Sec. 4-15-19** shall take effect ninety days from enactment. The Taxicab Zone and Rate Schedule put in to effect February 1, 2002 shall remain in effect until such time as the provisions of **Sec. 4-15-19** become effective.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER
FRAN CROUGHAN
DEPUTY COMMISSIONER

DEPARTMENT OF RECREATION AND PARKS

85 GEDNEY WAY
WHITE PLAINS, NEW YORK 10605

(914) 422-1336 Phone
(914) 422-1250 Fax

TO: THE HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF WHITE PLAINS

Re: Off-Site Parking for City of White Plains Fourth of July Celebration

This year, the City's Independence Day Celebration is scheduled to take place on Friday, July 1, 2016 with Wednesday, July 6, 2016, as the rain date.

As has been the practice for many years, the City of White Plains Department of Recreation and Parks is desirous of utilizing the private parking lots located at 707/709 Westchester Avenue and 925/1025 Westchester Avenue to support the parking in connection with the annual Independence Day Celebration held at White Plains High School.

The owners of the property are willing to allow the City to use these parking lots from 5:30 p.m. through 10:30 p.m. as usual, with no cost to the City so long as the City indemnifies the owners for the use of their property.

Permission is thereby requested to authorize the Mayor to enter into a license agreement with the owners of said properties with an appropriate indemnification provision as required by the Corporation Counsel's office.

Respectfully submitted,

Wayne D. Bass, Commissioner
Department of Recreation and Parks

Date: April 4, 2016

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AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH 707/709 WESTCHESTER AVENUE OWNER SPE LLC AND 925/1025 WESTCHESTER AVENUE OWNER SPE LLC FOR USE OF THEIR PARKING LOTS IN CONNECTION WITH THE CITY OF WHITE PLAINS INDEPENDENCE DAY FIREWORKS DISPLAY CELEBRATION.

WHEREAS, the City of White Plains desires to utilize the private parking lots located at 707/709 and 925/1025 Westchester Avenue for parking in connection with the annual fireworks display held at White Plains High School scheduled for Friday July 1, 2016 with a rain date of Wednesday, July 6, 2016; and

WHEREAS, the owners of said properties, 707/709 Westchester Avenue Owner SPE LLC and 925/1025 Westchester Avenue Owner SPE LLC are willing to allow the use of their property from 5:30 PM to 10:30 PM on July 1, 2016, with a rain date of July 6, 2016, at no cost to the City of White Plains provided the City indemnifies said owners for the use of the property; and

WHEREAS, this license agreement would appear to be in the best interests of the City; now, therefore

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor or his designee is hereby authorized to execute a revocable license agreement with 707/709 Westchester Avenue Owner SPE LLC and 925/1025 Westchester Avenue Owner SPE LLC for use of their parking lots on July 1, 2016 with a rain date of July 6,

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2016 for parking purposes in connection with the City of White Plains fireworks display, for no monetary consideration, but with an appropriate indemnification provision, and upon such other terms and conditions as are in the best interest of the City, in a form to be approved by the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.



COMMUNITY DEVELOPMENT PROGRAM

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

March 21, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Subject: Appropriation of fund balance in the Community Development Rehabilitation Program Revolving Fund

Funds to support the Community Development Rehabilitation Program are expended from the Community Development Program Revolving Fund accounts established with local banks pursuant to HUD regulations at 24 CFR 570.513 and 24 CFR 570.504.

Since the last appropriation in 2014, the City's Community Development Rehabilitation Program has expended over \$400,000 in direct costs and fees on eligible Neighborhood and Special Rehabilitation projects, and received \$384,196 in revenue in the form of loan repayments, grant/lien satisfactions, interest income, and miscellaneous reimbursements in the Rehabilitation Program Revolving Fund.

In order for the Rehabilitation Program to expend funds on new projects, the revenue received during the 2014-15 fiscal year and additional unobligated and unexpended funds from prior years must be appropriated by the Common Council, and the Rehabilitation Program budget must be amended to reflect the new revenue and authorize its expenditure. The amount estimated to be necessary to meet the Rehabilitation Programs current obligations and anticipated needs is approximately \$400,000. It is recommended that this funding be approved by the appropriation of fund balance in the amount of \$400,000.

Submitted herewith for your consideration is an ordinance amending the Community Development Program budget to appropriate unrestricted fund balance and to establish Rehabilitation Program revenue and expenditure budgets in the amount of \$400,000.

Respectfully submitted,

Linda Puoplo
Deputy Commissioner of Planning

ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT FUND BUDGET BY
APPROPRIATING FUND BALANCE AND ALLOCATING SUCH INCREASE TO THE
REHABILITATION REVOLVING FUND PROGRAM.

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Amendment of the Community Development Fund Budget is hereby authorized to appropriate fund balance in the Community Development Rehabilitation Revolving Fund Program and to establish revenue and expenditure budgets accordingly.

Section 2. The Mayor is hereby authorized to direct the Budget Director to amend the Community Development Budget as follows:

Increase Revenues

RPRGM – 09999	Appropriate Fund Balance	\$400,000
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Increase Appropriations

RPRGM – 4.760	Rehabilitation Revolving Program Services	\$400,000
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Section 3. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect as of April 1, 2016.





DEPARTMENT OF FINANCE

255 Main Street – Suite 102 – White Plains, New York 10601
TEL: (914) 422-1235 - Fax: (914) 422-1273

Thomas M. Roach
Mayor

Michael A. Genito
Commissioner of Finance

Carol Endres
Deputy Commissioner

To the Honorable Mayor and Members of the Common Council:

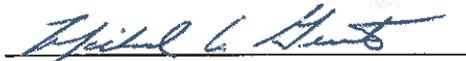
On October 6, 1997 the Common Council adopted Local Law No. 4 of 1997, which established the White Plains Downtown Business Improvement District (District) and provided that the District would be operated by the White Plains Downtown District Management Association Inc. (Association) in accordance with the District Plan (Plan) filed in the City Clerk's office on June 23, 1997.

Pursuant to Local Law No. 4 of 1997, as amended by Local Laws No. 1 of 2002 and No. 1 of 2006 the amount of the special assessments to be imposed on the properties in the District was to be set by the Association in an amount not to exceed \$750,000 for subsequent fiscal years

The Association has notified the City Commissioner of Finance that by unanimous consent of the Association's Board of Directors on March 16, 2016 the Association adopted a budget for the District requesting \$665,000 be levied as District charges for the 2016-2017 fiscal year ending June 30, 2017.

The \$665,000 requested for 2016-2017 is the same amount that has been requested by the Association each year for the past four years.

Submitted for your consideration is an ordinance accepting the budget approved by the Association and directing the City Commissioner of Finance to prepare an assessment roll in a total amount of \$665,000 based upon the District Plan of the White Plains Downtown Business Improvement District, which requires the special assessment to be apportioned as detailed in Section V(B)(2) of the District Plan adopted by Local Law No. 4 of 1997.



Michael A. Genito
Commissioner of Finance

Dated: March 21, 2016
(For the Common Council Meeting of April 4, 2016)

AN ORDINANCE ACCEPTING THE 2016-2017 BUDGET FOR THE WHITE PLAINS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL BASED THEREON.

WHEREAS, pursuant to Local Law No. 4 of 1997, the Common Council created the White Plains Downtown Business Improvement District, which would be operated in accordance with the White Plains Downtown Business Improvement District Plan filed in the City Clerk's office on June 23, 1997, as amended; and

WHEREAS, pursuant to Local Law No. 4 of 1997, as amended by Local Laws No. 1 of 2002 and No. 1 of 2006 the amount of the special assessments to be imposed on the properties in the White Plains Downtown Business Improvement District was to be set by the White Plains Downtown District Management Association, Inc. in an amount not to exceed \$750,000 for subsequent fiscal years; and

WHEREAS, on March 16, 2016, the White Plains Downtown Business Improvement District notified the Commissioner of Finance that Board of Directors of the White Plains Downtown District Management Association, Inc., by unanimous consent, had adopted a budget for the District requesting \$665,000 be levied as district charges for the 2016-2017 fiscal year ending June 30, 2017; now therefore

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The amount of the budget proposed by the White Plains Downtown District Management Association, Inc. is hereby accepted. The Department of Finance is directed to prepare an assessment roll in a total amount of \$665,000 based upon the District Plan of the White Plains Downtown Business Improvement District which requires the special assessment to be apportioned as detailed in Section V(B)(2) of the District Plan adopted by Local Law No. 4 of 1997.

Section 2. This ordinance shall take effect immediately.

**White Plains Downtown Management Association
Resolution Adopted by Unanimous Consent of the Board of Directors
March 16, 2016**

WHEREAS, the White Plains Downtown District Management Association (WPDDMA) is required to submit to the City of White Plains an annual budget for the 2016-2017 fiscal year, and

WHEREAS, the WPDDMA desires to formally adopt a 2016-2017 budget, and

WHEREAS, the WPDDMA desires to keep BID Assessments at \$665,000 for the sixth year in a row,

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2016 that the WPDDMA Board of Directors hereby approves and adopts the attached budget; and be it further,

RESOLVED, that the Executive Director of the WPDDMA is authorized and empowered in the name and on behalf of the WPDDMA, to do or cause to be done all such acts or things, and to sign and deliver, or cause to be signed and delivered, all such documents, instruments and certificates in the name and on behalf of the WPDDMA, as may be necessary, advisable or appropriate to effectuate or carry out the purposes and intent of the foregoing resolution and to perform the obligations of the WPDDMA hereunder.

FY 2016/2017 Budget

FY 16/17 Budget

Income

4000-00 · Interest	
4000-85 · Webster Bank -50133	900.00
Total 4000-00 · Interest	<u>900.00</u>
4001-00 · Contract - City of White Plains	665,000.00
4100-00 · Special Events and Promotions	
4100-27 · Dining Guide	2,000.00
4100-60 · New Year's Eve Gala	26,000.00
4100-52 · Jazz Fest	8,000.00
4100-79 · Shop White Plains Discount Card	100.00
4100-64 · Oktoberfest	75,000.00
4100-10 · Cinco De Mayo	32,000.00
4100-55 · Lifestyle and Leisure Expo	0.00
4100-55 · White Plains Centennial Concert	2,500.00
4100-93 · White Plains Earth Week	10,000.00
4100-82 · Small Business Expo	250.00
Total 4100-00 · Special Events and Promotions	<u>155,850.00</u>
Total 4200-00 · Banner Income	940.00
Total 4203-00 · Donations	21,500.00
Total Income	<u><u>844,190.00</u></u>

Expense

5001-00 · Salaries	228,000.00
5002-00 · Employee Benefits	8,000.00
5003-00 · Insurance	0.00
5004-00 · Payroll Taxes	20,000.00
Total BID Salaries, Payroll Taxes and Benefits	<u>256,000.00</u>

FY 2016/2017 Budget**FY 16/17 Budget****5500-00 · BID Operating Expense**

5500-02 · Advertising	2,500.00
5500-04 · Bank Charges	200.00
5500-05 · Bank/Credit Card Fees	25.00
5500-11 · Computer Maintenance	2,000.00
5500-12 · Conference, Seminars & Training	1,500.00
5500-16 · Depreciation	1,000.00
5500-19 · Dues and Subscriptions	1,500.00
5500-22 · Equipment	4,000.00
5500-26 · Insurance Commercial Liability	3,500.00
5500-29 · Meals	1,000.00
5500-30 · Meetings	4,000.00
5500-31 · Miscellaneous	400.00
5500-32 · New York State- Filing Fees	200.00
5500-33 · Office Furniture	1,000.00
5500-34 · Office Supplies	3,000.00
5500-39 · Payroll - Processing & Delivery	5,000.00
5500-40 · Permits	1,000.00
5500-41 · Petty Cash	600.00
5500-42 · Postage and Fed Ex	400.00
5500-44 · Printing	500.00
5500-45 · Public Relations & Marketing	18,000.00
5500-47 · Real Estate Taxes	500.00
5500-48 · Rent and Utilities	52,000.00
5500-52 · Telephone	8,000.00
5500-48 · Travel	800.00

Total 5500-00 · BID Operating Expense 112,625.00

5501-00 · BID Operating -Professional Fees

5500-01 · Accounting	7,500.00
5500-13 · Consultant- Other	8,000.00
5500-13 · Consultant- Graphic Design	25,000.00
5500-28 · Legal	6,000.00

Total BID Operating Expense Professional Fees 46,500.00

5600-00 · Clean Sweep Program

5600-01 · Clean Sweep - Equipment	4,000.00
5600-02 · Clean Sweep Supplies	7,000.00
5600-03 · Clean Sweep Mthly/Maint. Costs	120,000.00
5600-04 · Gumbusters	15,000.00

Total 5600-00 · Clean Sweep Program 146,000.00

Total 5602-00 · Street Planters 15,000.00

FY 2016/2017 Budget**FY 16/17 Budget****6000-00 · BID-Special Events & Promotions**

6000-03 · Art in Vacant Spaces	10,000.00
6000-11 · Cinco De Mayo	55,000.00
6000-48 · Jazz Fest	17,000.00
6000-50 · Lifestyle & Leisure	0.00
6000-53 · Movie Screening	1,000.00
6000-56 · New Years Eve Gala	47,000.00
6000-60 · Oktoberfest	72,000.00
6000-75 · St. Patrick's Day	2,000.00
6000-78 · Shop White Plains Discount Card	1,200.00
6000-79 · Shopping Promotion	4,000.00
6000-84 · Small Business Saturday	4,500.00
6000-85 · White Plains Concert	20,000.00
6000-86 · Dinner & Show Promotion	6,000.00
6000-69 · Dining Guide	10,000.00
6000-98 · White Plains Earth Week	12,500.00
6000-00 · BID Special Events and Promotions Other	600.00
Total 6000-00 · BID-Special Events & Promotions	262,800.00

Total Expense

838,925.00

Net Ordinary Income5,265.00



YOUTH BUREAU
OFFICE OF THE MAYOR
11 AMHERST PLACE - WHITE PLAINS, NEW YORK 10601
(914) 422-1378 - FAX (914) 422-6489
www.WhitePlainsYouthBureau.org

THOMAS M. ROACH
Mayor

FRANK WILLIAMS, JR.
Executive Director

March 24, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Nepperhan Community Center is partnering with the White Plains Youth Bureau to provide Healthy Marriage and Relationship Services for the Lower Hudson Valley Healthy Families and Relationships Initiative (LHVHFR) grant funded through the U.S. Department of Health and Human Services Administration for Children and Families (ACF). The contract awarded for such services shall be in the amount of \$6,000 and the contract period is April 1, 2016 to September 30, 2016. I am requesting that the Mayor be authorized to enter into a contract with the Nepperhan Community Center to receive these funds. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Funds as follows:

Increased Estimated Revenue:

ACF16 - 02220	US Dept of Health & Human Services	<u>\$6,000</u>
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Increase Appropriations:

ACF16 - 1.800	Part Time Salary	\$5,371
ACF16 - 2.001	FICA	\$411
ACF16 - 2.020	MTA Pr. Tax	\$18
ACF16 - 2.101	NYS Pension	<u>\$200</u>
	Total	<u>\$6,000</u>

Respectfully submitted,

Frank Williams, Jr.
Director Youth Bureau

For: April 4, 2016 Common Council Meeting

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH THE NEPPERHAN COMMUNITY CENTER TO ACCEPT AN AWARD FUNDED THROUGH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF) IN THE AMOUNT OF \$6,000 FOR THE WHITE PLAINS YOUTH BUREAU TO PARTNER WITH THE NEPPERHAN COMMUNITY CENTER TO PROVIDE HEALTHY MARRIAGE AND RELATIONSHIP SERVICES FOR THE LOWER HUDSON VALLEY HEALTHY FAMILIES AND RELATIONSHIP INITIATIVE (LHVHFR) AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2015/16 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT.

The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor, or his designee, is hereby authorized to enter into a contract with the Nepperhan Community Center, to accept an award, funded through the U.S. Department of Health and Human Services Administration for Children and Families (ACF), in an amount of \$6,000, for the White Plains Youth Bureau to partner with the Nepperhan Community Center to provide healthy marriage and relationship services for the Lower Hudson Valley Healthy Families and Relationship Initiative (LHVHFR). The contract period is April 1, 2016 through September 30, 2016. Said contract shall be in a form to be approved by the Corporation Counsel.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor, or his designee, is hereby authorized to direct the Budget Director to amend the FY 2015 - 2016 Youth Development Fund as follows:

Increase Estimated Revenue:

ACF16-02220	U.S. Dept of Health & Human Services	<u>\$6,000</u>
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Increase Appropriations:

ACF16-1.800	Part Time Salary	\$5,371
ACF16-2.001	FICA	411
ACF16-2.020	MTA Pr. Tax	18
ACF16-2.101	NYS Pension	<u>200</u>
	Total	<u>\$6,000</u>

Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purposes.

Section 4. This ordinance shall take effect as of April 1, 2016.



YOUTH BUREAU
OFFICE OF THE MAYOR
11 AMHERST PLACE - WHITE PLAINS, NEW YORK 10601
(914) 422-1378 - FAX (914) 422-6489
www.WhitePlainsYouthBureau.org

THOMAS M. ROACH
Mayor

FRANK WILLIAMS, JR.
Executive Director

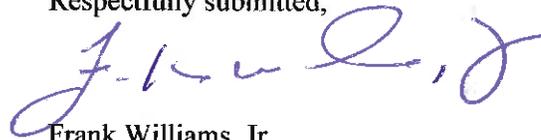
March 17, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On January 4, 2016, the Common Council enacted an ordinance accepting a grant in the amount of \$183,662 from The New York State OASAS to continue its Project Hope Program, providing alcohol and substance prevention services to the City of White Plains. The contract period is January 01, 2016 to December 31, 2016. The Substance Abuse and Mental Health Services Administration (SAMHSA) has awarded a onetime funding of \$500 to host a Town Hall Meeting on underage drinking prevention education. I am requesting that the Mayor be authorized to enter into a contract with the The Substance Abuse and Mental Health Services Administration (SAMHSA) to receive these funds and it is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Fund as follows:

<u>Increase Estimated Revenue:</u>	<u>Current Budget</u>	<u>New Budget</u>
OAS16 – 02266 NYS OASAS	\$183,662	\$184,162
<u>Increase Appropriations:</u>		
OAS16 – 1.100 Appt. Salaries	\$91,046	\$91,046
OAS16 – 1.800 Part time salaries	\$40,471	\$40,471
OAS16 – 2.001 FICA	\$10,062	\$10,062
OAS16 – 2.020 MTA Pr. Tax	\$447	\$447
OAS16 - 2.101 NYS Emp. Pension	\$19,153	\$19,153
OAS16 – 2.201 Employee Health Ins.	\$19,656	\$19,656
OAS16- 2.204 NYS Health Adm. Charge	\$36	\$36
OAS16 –2.301 Dental Insurance	\$1,240	\$1,240
OAS16 – 2.407 Optical Insurance	\$346	\$346
OAS16 – 4.910 Program Supplies	\$420	\$420
OAS16 – 4.950 Direct Services	\$685	\$1,185
OAS16 – 4.970 Travel Expenses	\$100	\$100
TOTAL	<u>\$183,662</u>	<u>\$184,162</u>

Respectfully submitted,



Frank Williams, Jr.
Director, Youth Bureau

For : April 4, 2016 Council Meeting

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING AN ORDINANCE ADOPTED JANUARY 4, 2016, ENTITLED “AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE COUNTY OF WESTCHESTER (DEPARTMENT OF COMMUNITY MENTAL HEALTH) IN ORDER TO RECEIVE \$183,662 IN FUNDING TO CONTINUE THE PROJECT HOPE PROGRAM THROUGH THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES (OASAS) PROVIDING ALCOHOL AND SUBSTANCE PREVENTION SERVICES TO THE CITY OF WHITE PLAINS.”

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. On January 4, 2016, the Common Council of the City of White Plains adopted an ordinance accepting a grant in the amount of \$183,662 from the New York State Office of Alcoholism and Substance Abuse Services to continue its Project Hope Program, providing alcohol and substance prevention services to the City of White Plains. The contract period is from January 1, 2016 through December 31, 2016. The Substance Abuse and Mental Health Services Administration (SAMHSA) has awarded a onetime funding of \$500 to host a Town Hall Meeting on underage drinking prevention education.

Section 2. To reflect the additional \$500 in funding from SAMSHA, Section 1 of an ordinance adopted January 4, 2016, entitled “An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester

(Department of Community Mental Health) in order to Receive \$183,662 in Funding to Continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains” is hereby amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive funding for Project Hope through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) in the amount of [\$183,662] \$184,162, for the period beginning January 1, 2016 and ending December 31, 2016, to provide alcohol and substance prevention services to the City of White Plains through its Youth Bureau. Said contract shall be in a form approved by the Corporation Counsel.

Section 3. Section 2 of an ordinance adopted by the Common Council on January 4, 2016, entitled, “An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester (Department of Community Mental Health) in order to Receive \$183,662 in Funding to Continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains,” is hereby amended to read as follows:

Section 2. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year 2015/16 Youth Development Fund as follows:

Increase Estimated Revenues:

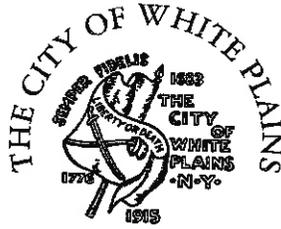
OAS16-02266	NYS OASAS	<u>[\$183,662]</u>	<u>\$184,162</u>
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Increase Appropriations:

OAS16-1.100	Appt. Salaries	\$91,046	
OAS16-1.800	Part-time Salaries	40,471	
OAS16-2.001	FICA	10,062	
OAS16-2.020	MTA PR Tax	447	
OAS16-2.101	NYS Emp. Pension	19,153	
OAS16-2.201	Employee Health Insurance	19,656	
OAS16-2.204	NYS Health Ins. Admin Charge	36	
OAS16-2.301	Dental Insurance	1,240	
OAS16-2.407	Optical Insurance	346	
OAS16-4.910	Program Supplies	420	
OAS16-4.950	Direct Services	[685]	<u>\$1,185</u>
OAS16-4.970	Travel Expenses	<u>100</u>	
		<u>[\$183,662]</u>	<u>\$184,162</u>

Section 4. All other provisions of the aforementioned ordinance adopted January 4, 2016, shall remain in full force and effect.

Section 5. This ordinance shall take effect immediately.



TRANSPORTATION COMMISSION
255 MAIN STREET - ANNEX BUILDING • WHITE PLAINS, NEW YORK 10601
(914) 422-1232 • FAX: (914) 422-1274

THOMAS M. ROACH
MAYOR

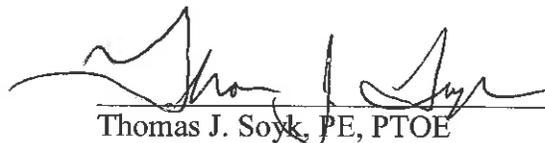
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

TO THE HONORABLE MAYOR AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF WHITE PLAINS

Submitted herewith is an ordinance amending the Traffic Ordinance of the City of White Plains as follows:

- 1.) Create a "Left Turn on Red Prohibited" on Westchester Avenue at South Broadway as described in Section 306-a Subdivision 10.
- 2.) Modify "Overnight Flashing of Intersection Traffic Control Signals – Under Computer Control" for the intersection of Mamaroneck Avenue at Main Street as described in Section 308-d. Subdivision 23.
- 3.) Modify "Overnight Flashing of Intersection Traffic Control Signals – Under Computer Control" for the intersection of Martine Avenue at E.J. Conroy Drive (City Center Parking Garage Driveway) as described in Section 308-d. Subdivision 30.
- 4.) Modify a "No Parking Any Time" zone on the south side of Russell Street as described in Section 202 Subdivisions 174.

This amendment is in accordance with the recommendations of the Transportation Commission and is to become effective upon adoption by the Common Council.



Thomas J. Soyk, PE, PTOE

Acting Chairman

Dated: March 24, 2016 (for the April 4, 2016 Common Council Meeting)

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING A “LEFT TURN ON RED PROHIBITED” ON WESTCHESTER AVENUE AT SOUTH BROADWAY; MODIFYING “OVERNIGHT FLASHING OF INTERSECTION TRAFFIC CONTROL SIGNALS-UNDER COMPUTER CONTROL” FOR THE INTERSECTION OF MAMARONECK AVENUE AT MAIN STREET; MODIFYING “OVERNIGHT FLASHING OF INTERSECTION TRAFFIC CONTROL SIGNALS-UNDER COMPUTER CONTROL” FOR THE INTERSECTION OF MARTINE AVENUE AT E.J. CONROY DRIVE (CITY CENTER PARKING GARAGE DRIVEWAY); AND MODIFYING A “NO PARKING AT ANY TIME” ZONE ON THE SOUTH SIDE OF RUSSELL STREET.

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Left Turn on Red Prohibited

Section 1. Article III, Section 306-a of an ordinance adopted by the Common Council of the City of White Plains on the third day of September 1946, entitled, “An ordinance regulating traffic in the City of White Plains and providing penalties for the violations of its provisions,” as last amended on the 4th day of April 1994, is hereby amended by adding a new Subdivision 10 to read as follows:

<u>10. Westchester Avenue & South Broadway</u>	<u>From westbound Westchester Avenue to southbound South Broadway</u>
--	---

Overnight Flashing of Intersection Traffic Control Signals-Under Computer Control

Section 2. Article III, Section 308-d of said ordinance, as last amended on the 3rd day of March 2014, is hereby amended by deleting Subdivisions 23 and 30 to read as follows:

28

~~23. Mamaroneck Avenue and Main Street-Church Street.~~

~~30. Martine Avenue and E.J. Conroy Drive.~~

No Parking at Anytime

Section 3. Article II, Section 202, Subdivision 174 of said ordinance, as last amended on the 2nd day of April 2012, is hereby amended to read as follows:

174. Russell Street, on the southerly side, between ~~Wilson~~ Fulton Street and a point approximately 70 feet east of the easterly curb of Harding Avenue and for approximately 110 feet east from a point approximately 425 feet east of the easterly curb line of Harding Avenue, and on the north side from the east curb of Aqueduct Road to Tarrytown Road.

Section 4. This ordinance shall take effect immediately.



DEPARTMENT OF LAW
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

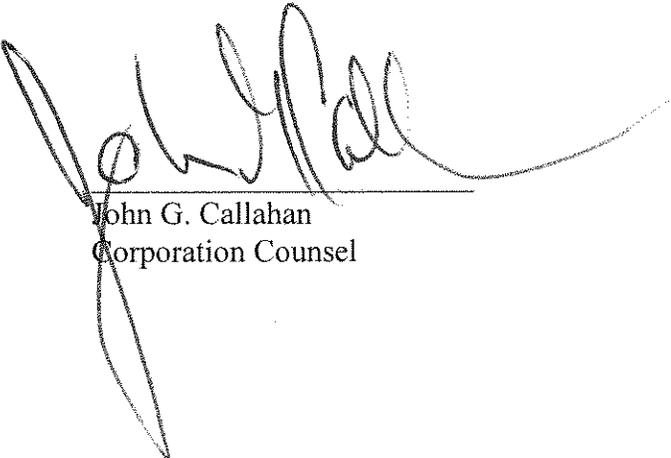
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS

The Law Department has received the application submitted on behalf of Wild Fusion 2 Inc. ("Applicant") for a special permit to operate an "accessory cabaret" at the Wild Fusion located at 250 Main Street.

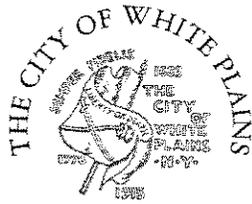
Special permits require a public hearing to be held prior to taking action. Accordingly, a resolution scheduling a public hearing on this application for May 10, 2016 is submitted herewith for your consideration.



John G. Callahan
Corporation Counsel

Dated: March 23, 2016
(For the Common Council Meeting
of April 4, 2016)

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

**TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

A Special Permit application for a cabaret at 250 Main Street was referred to the Common Council in December of 2015. The applicant, Mr. Lin Bin Xiao, submitted plans and the requisite forms for an accessory cabaret at "Wild Fusion", a restaurant located on the second floor of 250 Main Street. At the Council's January 4, 2016 meeting the documents were referred out to the appropriate boards and departments for review and comment.

Since the Cabaret ordinance stipulates that a cabaret function be located only on the grade level of a building the applicant was informed that their proposal did not meet the requirement.

The applicant is requesting reconsideration of this requirement due to the fact that their occupancy is solely located on the second floor of the building with no grade level presence. Their space opens to a second floor outdoor terrace which is accessed by way of two exterior escalators and an elevator.

Please refer this request to the appropriate boards and departments and schedule a Public Hearing.

Respectfully Submitted,



Damon A. Amadio P.E.
Deputy Commissioner of Building

Dated: March 22, 2016
(For the April 4, 2016 Common Council meeting)

Related documents:

A letter from Mr. Salvatore Lagonia, Attorney at Law dated March 17, 2016.

30

Salvatore A. Lagonia

Attorney At Law
360 Underhill Avenue, Suite 2
Yorktown Hts., NY 10598
Telephone: 914-245-7500
Fax: 914-245-7563

17 March 2016

To the Honorable Mayor and
Members of the Common Council
255 Main Street
White Plains, NY 10601

RECEIVED

MAR 21 2016

CITY OF WHITE PLAINS
DEPT OF BUILDING

Re: Wild Fusion II / Lin Bin Xiao

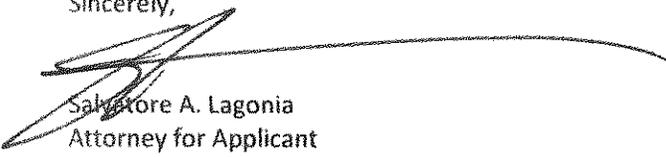
Our office represents Wild Fusion II, a restaurant located at 250 Main Street, in downtown White Plains. Our client Lin Bin Xiao, has made a request through the Building Department, for a Cabaret Use Accessory Permit for his restaurant. Unfortunately, the City ordinance which pertains to such permits expressly omits the issuance of such to a restaurant that is not located on the street level. Mr. Xiao's restaurant is located in a new downtown building which does not have street access, but does include outside patio areas.

We are asking the Common Council to re-consider the Accessory Use Cabaret for Wild Fusion as it will broaden the appeal of our offering for our current clientele. This venue will be attractive to enhancing the night life for the city and provide a place for special events/parties during the holiday season. We would respectfully request the Council to grant an exemption to allow us to operate an Accessory Cabaret in our restaurant as it is within their authority to do so. We believe the Accessory Cabaret use will be critical to our success as a business in downtown White Plains

While the law may have been written without consideration of such building designs, we all understand that construction techniques sometimes lead to new challenges in crafting laws that are both fair and equitable. This is one of those situations.

Our office is prepared to cooperate as required to rectify this situation and we would appreciate your input.

Sincerely,



Salvatore A. Lagonia
Attorney for Applicant

Cc: Damon Amadio
Commission of Buildings

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR MAY 9, 2016 IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF WILD FUSION 2 INC. ("APPLICANT") FOR A SPECIAL PERMIT TO OPERATE AN "ACCESSORY CABARET" AT THE WILD FUSION LOCATED AT 250 MAIN STREET.

RESOLVED, that a public hearing in relation to the application submitted on behalf of Wild Fusion 2 Inc. ("Applicant") for a special permit to operate an "accessory cabaret" at the Wild Fusion located at 250 Main Street will be held before the Common Council on May 9, 2016 at 7:30 p.m. in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is directed to give notice of said public hearing pursuant to and in accordance with Sections 6.4.2, 12.2.2 and 12.7 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"); and be it further

RESOLVED, that the City Clerk is hereby directed to forward a certified copy of this resolution to the Applicant; and

RESOLVED, that the City Clerk is further directed to refer the instant application to the appropriate City departments, boards, commissions, agencies and officers and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance.



DEPARTMENT OF BUDGET

Municipal Building - 255 Main Street - White Plains, New York 10601

TEL: (914) 422-1365 - Fax: (914) 422-1440

Thomas M. Roach
Mayor

Michael A. Genito
Budget Director

To the Honorable Mayor and Members of the Common Council:

Section 68 of the City Charter provides that the Budget Director shall transmit a proposed budget for the forthcoming fiscal year to the Common Council at their stated meeting in April; that a public hearing be held on the proposed budget prior to adoption of the final budget and that a final budget be adopted on or before May 30.

Submitted herewith for your consideration are the Proposed Budgets for the General Fund, Library Fund, Self-Insurance Fund, Water Fund, Sewer Rent Fund and Debt Service Fund of the City of White Plains for the fiscal year beginning July 1, 2016 and ending June 30, 2017, and a resolution setting a public hearing on these Proposed Budgets for Monday, May 9, 2016 at 7:30 p.m.

Respectfully submitted,

Michael A. Genito
Budget Director

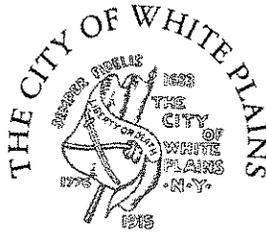
Dated: March 23, 2016
(For the Common Council Meeting of April 4, 2016)

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS IN
RELATION TO SETTING A PUBLIC HEARING FOR FISCAL YEAR 2016-2017
BUDGET**

WHEREAS, pursuant to Section 68 of the Charter of the City of White Plains final action shall not be taken on the proposed budget until a public hearing has been held thereon after notice of such public hearing has been published in the official newspaper for three days, the first publication of which shall be at least ten days prior to the date set for such public hearing; now, therefore, be it

RESOLVED, that a public hearing on the proposed budget of the City of White Plains for the fiscal year commencing on July 1, 2016 and terminating on June 30, 2017 shall be held in the Common Council Chambers, Municipal Building, in said City on Monday, May 9, 2016 at 7:30 p.m.; and be it further

RESOLVED, that the City Clerk is hereby directed to cause notice of such public hearing to be published in the official newspaper for three days, the first publication of which shall be at least ten days prior to the date set for such public hearing.



DEPARTMENT OF LAW
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

To the Honorable Mayor and Members of the Common Council of The
City of White Plains

On March 14, 2016, the Westchester County Industrial Development Agency ("WCIDA") mailed notice to the Mayor of the City of White Plains, in accordance with Section 923-a of the General Municipal Law, which notice was received on March 17, 2016, that the Westchester County Industrial Development Agency intended to issue sales tax and tax exemptions to convert an existing structure to a 65 unit apartment building at 121 Westmoreland Avenue, White Plains, on behalf of Norden Lotfs, LLC, pursuant to an inducement resolution of the WCIDA dated March 10, 2016, by leasing the property from Norden Lofts, LLC ("the Applicant") and subleasing it back to said party. The WCIDA may only undertake a project if they provide thirty (30) days prior notice to the municipality within which the project is located and the legislative body fails to adopt and deliver a resolution objecting to the project to the WCIDA within those 30 days.

Allowing the WCIDA to undertake the project would result in the City of White Plains ("the City") losing substantial dollars in sales tax and mortgage recording tax revenue over two years - making it difficult for the City to stay within the New York State real property tax cap. In consideration for the Common Council not objecting to the WCIDA undertaking the project, the Applicant has agreed to pay to the City the equivalent of the sales tax and the mortgage recording tax which the City would have received if the property was not granted exemptions by the WCIDA as can be seen from the accompanying letter of William S. Null, Applicant's attorney, dated March 22, 2016, authorized by the Applicant.

Accordingly, submitted for your consideration is an resolution that provides that the Common Council will not object to the WCIDA undertaking the project, based upon the Applicant's agreement that it will make payments to the City equivalent to the mortgage recording tax for the mortgage loan and payment over approximately two years which will equal the amount of City sales tax which would have been imposed upon the project but for the exemption granted by the WCIDA.



John G. Callahan
Corporation Counsel

Dated: March 28, 2016
(for the April 4, 2016 meeting
of the Common Council)

March 22, 2016

VIA E-MAIL AND BY HAND

John G. Callahan, Esq., Chief-of-Staff and
Corporation Counsel
City of White Plains
Municipal Building
255 Main Street
White Plains, New York 10601

Re: Norden Lofts, LLC
Application for Site Plan & Special Permit Approval
Premises: 121 Westmoreland Avenue, White Plains, New York

Dear Mr. Callahan:

On behalf of Norden Lofts, LLC (the "Applicant") the owner of the Premises, we respectfully submit this letter in connection with the development, construction and maintenance of the building and improvements detailed in the Site Plan and Special Permit approved by the Common Council on March 7, 2016 for the redevelopment of the existing building.

As you know, the Applicant has applied to Westchester County Industrial Development Agency (the "County IDA") for benefits to facilitate the redevelopment of these Premises, which benefits include real property tax abatements (which will be obtained by entering into an Agreement for Payments-in-Lieu-of-Taxes ("PILOT")), sales tax and mortgage recording tax exemptions (collectively the "IDA Benefits"). The feasibility of this project, as proposed, depends upon receipt of the IDA Benefits.

We have been advised that, due to its concern about the loss of revenue anticipated by exemptions obtained through IDA Benefits and limitations in raising revenue that affect the City as a result of New York State's tax "cap," the City of White Plains is considering sending notification to the County IDA that it objects to the Applicant's receipt of the IDA Benefits. Such an objection would prevent the Applicant from receiving the IDA Benefits which, in turn, would jeopardize this project moving forward. Accordingly, we are writing to request your forbearance in sending any such notification, or otherwise objecting to the Applicant's receipt of IDA Benefits. In order to obtain your commitment not to object, we propose the following:

1. Sales Tax:

The Applicant will make the City whole on any sales tax that it otherwise would have received in connection with the construction of the development, but which sales tax has been exempted in connection with the IDA Benefits, as follows:

- a. The redevelopment of the Premises will take approximately 12 months.
- b. The City of White Plains will receive its allocable portion of the sales tax. It is projected that the City's portion of the sales tax is approximately \$125,000 (2.5%

March 22, 2016

Page -2-

of the \$5,000,000 of goods, materials, etc., for the redevelopment subject to sales tax). The IDA Benefits will provide the Applicant with \$418,750 (8.375% of \$5,000,000) in sales tax savings and, as such, \$125,000 of such amount will be "reimbursed" to the City of White Plains.

- c. It is proposed that the sales tax "reimbursement" to the City of White Plains for its portion would be paid over an approximately 2-year period with a "true-up" at the end, based upon documents that will be filed with the County IDA confirming the amount of the sales tax exemption utilized by the Applicant, or such other reasonable documents that the Applicant may provide to document sales tax amounts.
- d. The first year of "reimbursement" would require a payment of \$35,000 by December 31, 2016, and the second year would require an additional payment of \$65,000 by December 31, 2017, subject to the "true-up"; the "true-up" would occur within 30 days of the Applicant filing documents with the County IDA confirming the total amount of the sales tax exemption utilized by the Applicant, or such other reasonable documents that the Applicant may provide to document such sales tax amounts, which documents will be filed in the second year. This final payment will constitute the "true-up" crediting prior payments and balancing amounts the City would have been entitled to receive, but for the exemption from the IDA Benefits for this project.

2. **Mortgage Recording Tax:**

The City of White Plains will receive its allocable portion of the mortgage recording tax from the filing of the mortgage financing for the development. It is projected that the City's portion of the mortgage recording tax on the mortgage is approximately \$58,000 (.50% of the \$11,600,000 mortgage amount). The IDA Benefits will provide the Applicant with \$150,800 in mortgage tax savings and, as such, \$58,000 of such amount will be "reimbursed" to the City of White Plains. In the event that the mortgage recording tax savings are greater or less than \$150,800, the projected "reimbursement" to the City will be increased or decreased as necessary so that the City will only be "reimbursed" for any mortgage tax that it otherwise would have received in connection with the financing of the development. The "reimbursement" due to the City will be paid to the City within thirty (30) days of the closing of such mortgage loan.

We understand that there is limited time within which the City must act to respond to the County IDA and, therefore, we respectfully request your consideration of these terms and, in consideration thereof, your confirmation that you will not object to the Applicant's receipt of the IDA Benefits.

**CUDDY &
FEDER^{LLP}**

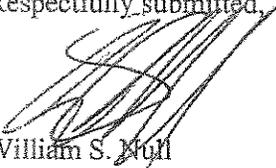
March 22, 2016

Page -3-

Please incorporate this letter into the Official Record of the Proceedings.

Thank you for your consideration.

Respectfully submitted,



William S. Mull

WSN:yp

Cc: Arthur Gutekunst, Esq.; Messrs. Sam Kaller and Efraim Hirsch; and Eon S. Nichols, Esq.

THE TERMS SET FORTH HEREIN ARE
AUTHORIZED BY AND ACCEPTABLE TO
THE UNDERSIGNED:

NORDEN LOFTS, LLC

By: Sam Kaller, member

Sam Kaller, a Member

RESOLUTION OF NO OBJECTION TO WESTCHESTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S ISSUANCE OF SALES TAX AND TAX EXEMPTIONS TO CONVERT AN EXISTING STRUCTURE TO A 65 UNIT APARTMENT BUILDING AT 121 WESTMORELAND AVENUE ON BEHALF OF NORDEN LOFTS, LLC BY LEASING AND SUBLEASING BACK SAID BUILDING.

WHEREAS, on March 14, 2016, the Westchester County Industrial Development Agency ("WCIDA") mailed notice to the Mayor of the City of White Plains, pursuant to Section 923-a of the General Municipal Law, which notice was received on March 17, 2016, that the Westchester County Industrial Development Agency intended to issue sales tax and tax exemptions to convert an existing structure to a 65 unit apartment building at 121 Westmoreland Avenue, White Plains, on behalf of Norden Lofts, LLC, pursuant to an inducement resolution of the WCIDA dated March 10, 2016, by leasing the property from Norden Lofts, LLC ("the Applicant") and subleasing it back to said party; and

WHEREAS, the City of White Plains ("the City") has complied with the New York State real property tax cap since its inception; and

WHEREAS, it is difficult, in light of the State real property tax cap, for the City to forego any sales tax income or mortgage recording tax; and

WHEREAS, pursuant to General Municipal Law §923-a, the WCIDA may only undertake a project if they provide thirty (30) days prior notice to the municipality within which the project is located and the legislative body fails to adopt and deliver a

resolution objecting to the project to the WCIDA within those 30 days; and

WHEREAS, the City is entitled to object to tax exemptions for a project which would cost the treasury of the City substantial money over two years; and

WHEREAS, the Applicant, through its attorney, in a letter dated March 22, 2016 and authorized by the Applicant, has agreed to pay to the City the amount of sales tax revenue which the City would have received without the exemption over an approximately two year period: i.e. (1) \$35,000 by December 31, 2016; (2) \$65,000 by December 31, 2017; and (3) a final payment representing the balance of the total amount of City sales tax benefit received during the project less the amount of the prior payments, within 30 days after the Applicant files its final report with the WCIDA of the total amount of the sales tax benefit received during construction and has agreed that the City will receive the City's allocable share of the mortgage recording tax on the mortgage financing for the project, said payment to be due 30 days after the closing of the mortgage loan; and

WHEREAS, based upon the Applicant's agreement to pay the above-referenced items, the Common Council of the City of White Plains ("Common Council") hereby agrees that it will not object to the WCIDA project approved on March 10, 2016; and

WHEREAS, such failure to object to the aforesaid project pursuant to General Municipal Law §923-a in no way binds the Common

Council to approve any approval needed for the aforesaid project to be submitted to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that, for the reasons stated above, the Common Council does hereby not object to the issuance of sales tax and tax exemptions by the WCIDA to finance the conversion of an existing structure to a 65 unit apartment building at 121 Westmoreland Avenue on behalf of Norden Lofts, LLC, pursuant to an inducement resolution of the WCIDA dated March 10, 2016, by leasing the property from Norden Lofts, LLC and subleasing it back to said party.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

**TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Per referral by the Common Council on February 1, 2016, the Department of Building has reviewed a site plan amendment for a project located at 95 South Broadway and 4 Lyon Place known as the Esplanade. The applicant, Esplanade of White Plains Venture Partnership, proposes re-purposing the existing building into residential apartments.

These premises are situated within the CB-1 Zoning District where "Multi-Family Dwellings" are a permitted principal use.

The Department of Building has reviewed this application and has no objection to this amendment being approved.

A handwritten signature in black ink, appearing to be "Damon A. Amadio".

Damon A. Amadio, P.E.
Commissioner of Building

Dated: March 21, 2016
(for the April 4, 2016 Common Council meeting)



OFFICE OF THE CITY CLERK
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NY 10601
(914) 422-1227 • (914) 422-1330 Fax

Anne M. McPherson CMC
City Clerk/Registrar

Elizabeth Scardino
Deputy Registrar

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On February 1, 2016, the Common Council referred an application for a site plan approval submitted on behalf of The Esplanade of White Plains Venture Partnership to re-purpose the buildings located at 95 South Broadway and 4 Lyon Place to residential multi-family.

Subsequently changes were made to the original site plan and on March 10, 2016, the Mayor authorized an administrative referral of supplemental/ revised plans to the Design Review Board.

In order to memorialize the action taken, this Office requests that this communication be filed and spread in full upon the minutes, and that a copy be filed with the Official Proceedings of February 21, 2016.


Anne M. McPherson, CMC
City Clerk

DATED: March 29, 2016

ARCHITECTURE

March 10, 2016

SITE PLANNING

Damon A. Amadio, PE

URBAN DESIGN

Commissioner
70 Church Street
White Plains, New York 10601

Re: One Lyon Place (Formerly Esplanade)

Dear Commissioner Amadio,

In response to your request, please find the enclosed copies of our current design proposed for the repurposing of One Lyon Place (i.e. 95 South Broadway and 4 Lyon Place). Included are the following drawings all dated March 10th, 2016:

One Lyon Place/North

- A 1.1 Aerial Perspective
- A 1.2 Street Level Perspective
- A 1.3 South Elevation
- A 1.4 East Elevation
- A 1.5 North Elevation
- A 1.6 West Elevation

One Lyon Place/South

- A 2.1 Perspective Rendering
- A 2.2 North and West Elevations
- A 2.3 South and East Elevations

One Lyon Place

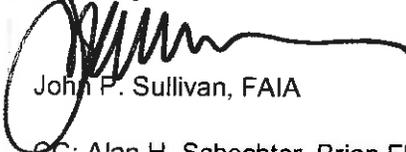
- SP.1 Site Concept Plan and Street Improvements (March 3rd, 2016)

These drawings reflect our continued designs of this proposed project. We are prepared to present these as well as, photo illustrations, material boards and other supporting information at the City's Design Review Board meeting on Monday, March 14th, 2016.

Our office and on behalf of the owner, are excited about the proposed project and look forward to discussing our design with the City.

If you have any questions or need additional information, please give me a call.

Sincerely,



John P. Sullivan, FAIA

CC: Alan H. Schechter, Brian Flanagan, David S. Steinmetz, Chris Pelella, and Matt Pisciotta

RECEIVED
 MAR 10 2016
 CITY OF WHITE PLAINS
 DEPT OF BUILDING



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

DAMON A AMADIO, P.E.
Commissioner of Building

KEVIN M. HODAPP, P.E.
Deputy Commissioner of Building

NICK PUJA
Secretary

March 17, 2016

TO THE HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF WHITE PLAINS

Dear Mayor and Council Members:

The Design Review Board, at its meeting on March 14, 2016, reviewed the application for Site Plan approval on behalf of Esplanade of White Plains Venture Partnership, with respect to the re-purposing of the Esplanade, consisting of buildings currently located at 95 So Broadway & 4 Lyon Place, White Plains, NY.

OUTCOME: The Design Review Board recommends the approval of this application with the following comments.

1. Building design and site plan approved including materials.
2. Board requests any changes in design or material be resubmitted for review.

Kent Johnsson

Kent Johnsson, Member
Design Review Board

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<http://www.cityofwhiteplains.com>

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PLANNING DEPARTMENT

70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ESPLANADE OF WHITE PLAINS VENTURE PARTNERSHIP
95 SOUTH BROADWAY AND 4 LYON PLACE
SITE PLAN APPLICATION TO CONVERT THE BUILDINGS TO MULTI-FAMILY RESIDENTIAL USE

By letter dated January 15, 2016, David S. Steinmetz, on behalf of Esplanade of White Plains Venture Partnership, owner of the premises, submitted an application for site plan approval to the White Plains Common Council for the proposed adaptive reuse and redevelopment of two existing buildings located at 95 South Broadway and 4 Lyon Place that are connected via an enclosed pedestrian “skybridge” crossing above Lyon Place

The existing building at 95 South Broadway (SBL: 125.84-4-8) is a 178,921 square foot, 15-story structure that was constructed in 1963 as a 305 room hotel (the White Plains Hotel), and converted to a “domiciliary care facility” over a number of years, beginning in 1994. The building has ground floor commercial uses, including a restaurant and personal services along the South Broadway frontage. Parking is provided in the City-owned Lyon Place garage immediately to the west side of the structure at Lyon Place and Waller Avenue.

The existing building at 4 Lyon Place is a 74,951 square foot, five-story structure that was approved in 1968 as an expansion of the White Plains Hotel. It included ground floor office uses and a 25-space at-grade parking immediately adjacent to the structure to the west of the building. Like 95 Broadway, 4 Lyon Place was also converted to “domiciliary care facility.” The total number of domiciliary care facility residential rooms approved in 1994 was 284.

The project site is located in the Core Area of the downtown, as defined by the City’s comprehensive plan, and within the Central Parking Area. It is bordered on the north by a four-story office building at 75 South Broadway; on the east by the South Broadway street frontage

and 60 South Broadway, which was recently approved for a mixed use development consisting of two 24-story residential towers with 707 residential rental dwelling units and 93,840 square of retail/restaurant space fronting on South Broadway and Maple Avenue; on the south by Ballard-Durand Funeral Home; and on the west by the Lyon Place Municipal Parking Garage and the American Cancer Society office building.

PROPOSED PROJECT

95 South Broadway

The Applicant proposes to convert the 95 South Broadway building from 163 domiciliary care units to 146 apartments, with a pool, fitness center, and other tenant amenity space. The proposed multi-family development will consist of 37 studio apartments, 79 one bedroom apartments, and 30 two bedroom apartments. In addition 5,900 square feet of medical office space will be on the lobby level of the building, and the lower level will have 6,750 square feet of restaurant space and 2,116 square feet of non-restaurant retail space accessed from South Broadway.

4 Lyon Place

The Applicant proposes to convert 4 Lyon Place 73 hotel rooms into 66 apartments, with tenant amenity space and 3,100 square feet of medical office space on the lower level of the building, and a roof garden with dog run on top of the five story building. Residents will have access to the tenant amenities in the 95 South Broadway building as well. The proposed multi-family development will consist of 25 studio apartments, 28 one bedroom apartments, and 13 two bedroom apartments. Access to 4 Lyon will be from either its own lobby or the lobby in the 95 Broadway building, which will have the mail room, and then across the skybridge. The first level of the building will have eleven loft apartments, five of which are described as “maisonettes” because they have direct access from the sidewalk on Lyon Place. The six lofts at the rear of the building do not have sidewalk access, but they do have at-grade terraces.

Parking

The residential component of the project requires 212 spaces, or one parking space per apartment due to its location within the downtown Central Parking Area. The Applicant proposes to meet this residential parking requirement by:

- Restriping the at-grade parking lot at 4 Lyon Place to provide 30 parking spaces; and
- Using the 161 parking spaces in the Lyon Place garage as dedicated pursuant to a 2012 parking agreement with the City of White Plains; and
- Obtaining 20 reduced rate parking permits in the Lyon Place Garage; and
- Payment of a fee-in-lieu of parking for one space (\$5,000.00).

The non-residential component of the project requires 60 parking spaces, which are proposed to be met through 42 joint use parking spaces, as provided in Section 8.5.3 of the Zoning Ordinance, and through payment of a fee-in-lieu of 18 parking spaces (\$5,000.00 x 9 spaces + \$20,000.00 x 9 spaces = \$225,000.00). Both joint use and fee-in-lieu require approval by the Common Council, and must meet requirements discussed below under Zoning Compliance. The applicant has also agreed to pay a fee-in-lieu of providing one additional parking space at \$20,000 for a total fee-in-lieu payment to the city of \$250,000.00.

The Planning Department has reviewed the application for consistency with the Comprehensive Plan and for compliance with site plan approval requirements pursuant to Section 7.5 of the Zoning Ordinance and offers the following comments and recommendations for Common Council consideration:

I. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains Comprehensive Plan. It is located within the City's Core Area – defined as “a place to live, work, shop and spend quality leisure time.” In addition, the Plan states that downtown residential development is a major economic tool for the City to create a truly livable, "walkable" urban environment with a 24/7 character that supports office and retail. In particular, the Vision Statement for the Core Area includes the following recommendation pertaining to the project area location (Comprehensive Plan page II-I-4):

- *The trend toward more residential development in the Core Area should be encouraged.*
(Vision Statement for the Core Area - Comprehensive Plan page II-I-4)

The propose project is a mixed-use development featuring retail, restaurant, and medical office uses on the ground floor and residential apartments above that benefits the City by creating new residential dwelling units and generating increased economic activity and tax revenues. These new residents will support nearby businesses and help to spur further reinvestment in, and revitalization of, the surrounding area.

The proposed development is also consistent with the Westchester County Planning Board's long range planning policies set forth in *Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning*, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* as it represents development in an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

II. ZONING COMPLIANCE

The Project Site is located in the CB-1 zoning district, in which multi-family residential, professional offices, retail, and restaurants are permitted principal uses. No changes are proposed to the existing dimensions of the buildings; therefore, any dimensional non-conformity is pre-existing and legal.

Zoning Amendment

On February 1, 2016, the Common Council adopted an amendment to the City of White Plains Zoning Ordinance, Schedule of Dimensional Regulations to add footnote (jj) which states:

“No minimum area per dwelling unit shall be applied to existing building(s) on a lot or a development site for which there is no net increase in the floor area of the building(s) and no reduction in any yard is proposed.”

This amendment allows for the conversion of existing non-residential space to multi-family residential units at a density that makes adaptive reuse economically viable.

Area Variance

On November 4, 2015, the Zoning Board of Appeals granted an area variance for height on the building at 95 South Broadway. Although highest point of the building will be lower when the rooftop bulkhead is lowered by ten feet, an area variance was required for height because the building is legally non-conforming with respect to height, and the construction of the rooftop addition is an intensification of the legally non-conforming condition.

“S” Zone

The property at 4 Lyon Place is classified as a Special “S” Zone, with specific provisions governing the design of the building. In this case, the “S” Zone provides a maximum allowable height of 55 feet for this property, which exceeds the 45-foot height permitted in the CB-1 District. Since the 4 Lyon Place building has a height of 53'-2" it conforms to the “S” Zone requirements.

Site Plan Standards

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As identified previously, the proposed project is consistent with many recommendations of the City’s Comprehensive Plan including the 2006 Core Area Vision Statement: “Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, walkable urban environment with 24/7 character...” In addition, the recommendation to encourage upgrading and modernizing of the light industrial zone districts,

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

7.5.2.1 The effect of the proposed development on traffic conditions on existing "streets."

The applicant has submitted a Full Environmental Assessment Form – dated October 19, 2015, and additional analyses, prepared by Richard J. Pearson, P.E., PTOE, and Marc Petraro of JMC, dated October 20, 2015, evaluating the potential impact on traffic associated with the project. Based on the traffic analysis submitted by the applicant, and upon confirmation by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The site plan shows a driveway into the Lyon Place parking lot and a loading dock area on Lyon Place to serve 95 South Broadway. The remainder of parking is in the Lyon Place Garage, which has access from Lyon Place and Waller Avenue. Pedestrian access to both residential buildings will be from entrances on Lyon Place. Both sides of the street have sidewalks.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site is adequate as confirmed by the City's Deputy Commissioner of Parking.

7.5.2.4 The location, arrangement and adequacy of off-“street” "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The Applicant has proposed to provide a total of 211 parking spaces; 42 joint use parking spaces; and payment of a fee-in-lieu of 19 parking spaces (one residential and 18 commercial).

Pursuant to requirements of Section 8.5.3.1, the Common Council may allow joint use "provided the applicant demonstrates to the satisfaction of the approving agency that the capacity of such [parking] facility will meet the intent of the requirements by reason of the provision of non-reserved parking spaces and variation in the probable time of maximum use by residents,

visitors, patrons, and employees among such uses."

Pursuant to the requirements of Section 8.5.1.1, the Applicant may make a cash payment in lieu of providing up to ten required off-street parking spaces, but according to Section 8.5.1.2, the Common Council must grant permission for payment of a fee-in-lieu of providing 11 or more additional required off-street parking spaces.

- 7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

There is no inter-connection of parking lots on the site.

- 7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The existing dedicated loading spaces provided on the site will continue to be used. A "drop off zone" will be provided on Lyon Place at the entrances to both the 4 Lyon Place and the 95 South Broadway buildings.

- 7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

Sidewalks are provided along both sides of Lyon Place and South Broadway, and they connect to the overall sidewalk system.

- 7.5.2.8 The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved "parking spaces."

Appropriate provisions for the physically disabled will be provided on the sidewalk. As these buildings were previously a domiciliary care facility, they are equipped for handicapped accessibility.

- 7.5.2.9 The location, arrangement and adequacy of landscaping within and bordering "parking lots" and "loading spaces," which shall, at a minimum, meet the requirements of Section 8.7.5 of this Ordinance.

The landscape plan shows planting strips along the street frontage of the 95 South Broadway on both private property and enhancements within the public right-of-way. There is very limited landscaping shown along the Lyon Place building, but the entrance to the at-grade parking lot shows some planting in two 8'x21' planter strips adjacent to the sidewalk..

7.5.2.10 Adequacy of fire lanes and other emergency zones.

The Commissioner of Public Safety will ensure the adequacy of fire lanes as have been required for the previous hotel and domiciliary care uses.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

7.5.3.1 The location, height and materials of walls, fences, hedges and plantings so as to insure harmony with adjacent development, screen "parking lots" and "loading spaces," and conceal storage areas, refuse areas, utility installations and other such features. Such walls, fences, hedges and plantings shall, at a minimum, meet the requirements of Sections 4.4.16, 4.4.19 and 8.7.5 of this Ordinance.

Landscaped areas are proposed around the perimeter of the site. The refuse storage area is within the loading area of the building at 95 South Broadway. These features of the project will enhance the property values in the neighboring area, and have been designed in consideration of the approved landscaping at 60 South Broadway.

7.5.3.2 The prevention of dust and erosion, both during and after construction, through the planting of ground cover or the installation of other appropriate ground surfaces.

The City's construction management protocols will be implemented.

7.5.3.3 The preservation of natural features of the site such as wetlands, unique wildlife habitats, historic "structures," major trees and scenic views both from the site and onto or over the site.

The site is completely built-out. Therefore, there are no natural features, wetlands or unique wildlife habitat on the site.

7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

The applicant is not proposing significant changes to the lighting plan.

7.5.3.5 The design and arrangement of "buildings," "structures" and accessory facilities (such as air conditioning systems, public address systems, etc.) so as to achieve minimum and acceptable noise levels at the property boundaries.

The proposed mixed-use project will not generate significant noise levels.

- 7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

The stormwater management plan has been reviewed by the Commissioner of Public works, and will be subject to any recommended conditions.

- 7.5.3.7 Access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping, meeting at a minimum the requirements of Section 4.4.21 of this Ordinance.

No solar energy systems are proposed.

- 7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed redevelopment will greatly enhance the character and protect property values of the adjacent neighborhood. The reuse of the subject property, which is in dire need of renovation from both an aesthetic and energy efficiency perspective, will greatly benefit the surrounding area. New fenestration, glass enclosed balconies and aesthetic enhancements to the façade, along with new streetscape landscaping will enhance the character of the neighborhood as approved by the City's Design Review Board.

III. AFFORDABLE HOUSING

Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, dated revised January 1, 2012, the project qualifies as an Applicable Rental Project which requires a 10% affordable rental unit set aside by virtue of being located in the CB-1 Core Business Zoning District where a minimum of 10% of the total units in the development must be affordable to Families at 60% to 100% of Median Family income, the average of which being no more than 80% of Family Income.

However, the applicant is requesting a reduction of the 10% affordable unit requirement to 6% of total units in accordance with the White Plains Affordable Rental Housing Program Rules and Procedures which state: "*At the option of the Common Council, the number of affordable rental units may be established at 6% where all required affordable rental units in a specified ARHP Applicable Rental Project are affordable to Families at incomes between 60% and 79% of Median Family Income.*"

Based on an analysis of the current White Plains Affordable Rental Housing Program with respect to existing unit inventory and housing needs of the community, the Planning Department recommends that the Common Council establish a 6% affordable component for this project for families earning 60%-79% of Median Family Income, for a total of 13 affordable

units comprised of four (4) studios, seven (6) one-bedrooms, and (3) two-bedrooms as listed and designated in the table below:

Bedroom Size	Unit Composition	95 So. Broadway	4 Lyon Place	Total
Studios	62 = 29% of total	2 units	2 units	4 units
One Bedrooms	107 = 50% of total	5 units	1 units	6 units
Two Bedrooms	43 = 20% of total	2 units	1 units	3 units
Total Units	212 = 100% total	9 units	4 units	13 units

In accordance with the Program guidelines, the affordable units must be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no *smaller* than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 13 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program and pursuant to existing program guidelines.

IV. OPEN SPACE AND PARKLAND

Although the proposed development scheme includes limited open space amenities for residents, the site plan, as an adaptive reuse of existing structures, provides no publicly accessible usable open space onsite. Further, the estimated 346 future residents of the repurposed buildings will utilize the existing park and recreation resources of the City.

Therefore, pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof, it is recommended that the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted site plan does not provide adequate land for park and recreation facilities based on the project’s anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City’s present and anticipated future needs for park and recreation facilities presented to the Common Council in the Planning Commissioner’s communication, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

Under the per unit fee schedule previously established by the Common Council, \$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom unit or larger, the current 212 unit mix proposed for 95 South Broadway and 4 Lyon Place would result in a total fee-in-lieu payment to the City of \$626,500 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee shall be paid by the applicant in three installments, as follows: \$313,250.00 prior to the issuance of the first building permit; \$219,275.00 upon issuance of any Certificate of

Occupancy for the building presently known as 95 South Broadway; and \$93,975.00 prior to issuance of any Certificate of Occupancy for 4 Lyon Place.

V. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 7.5 Site Plan Standards, the Planning Department finds the project as proposed:

1. Is an appropriate adaptive reuse of an existing building in the downtown core.
2. Will enhance the aesthetic appeal of the neighborhood, revitalize the area by attracting additional residents downtown, and further reinforce the retail presence on South Broadway in conjunction of the recent approval of the 60 South Broadway project immediately across the street.
3. Will increase the City's property and sales tax revenues.
4. Provides a new type of housing stock downtown in "Maisonette" style apartments at 4 Lyon Place in response to market demands.
5. Will bring additional residents to the area that will support existing commercial uses and further contribute to the economic revitalization of the Mamaroneck, Post, and South Broadway corridors.

Therefore, the Department of Planning recommends that the Common Council grant site plan approval subject to the following conditions:

1. The project shall contain a 6% affordable component for families earning 60%-79% of Median Family Income, for a total of 13 affordable units comprised of nine (9) units located within the 95 South Broadway tower; two studios, five one-bedrooms, and two two-bedrooms; and four (4) units located in 4 Lyon Place building comprised of two studios, one one-bedroom, and one two-bedroom.

The dedicated affordable units must remain in perpetuity for the life of the project and be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 13 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program pursuant to existing program guidelines.

2. The Common Council make the requisite finding pursuant to New York State General City Law § 27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as

presented in the Planning Department communication to the Common Council, dated January 4, 2015, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

3. The Common Council assess a fee-in-lieu of providing adequate park and recreation facilities for the 212 dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$626,500 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee shall be paid by the applicant in three installments, as follows: \$313,250.00 prior to the issuance of the first building permit; \$219,275.00 upon issuance of any Certificate of Occupancy for the building presently known as 95 South Broadway; and \$93,975.00 prior to issuance of any Certificate of Occupancy for 4 Lyon Place.
4. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
5. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
6. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review

the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.

7. Prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.

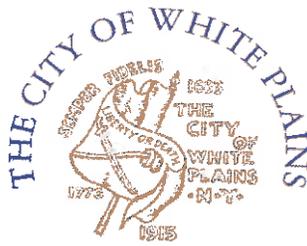
Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: March 23, 2016

For the April 4, 2016 Common Council Meeting



PLANNING BOARD

70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

March 24, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ESPLANADE OF WHITE PLAINS VENTURE PARTNERSHIP - 95 SOUTH BROADWAY AND 4 LYON PLACE - SITE PLAN APPLICATION TO CONVERT THE BUILDINGS TO MULTI-FAMILY RESIDENTIAL

At its February 23, 2016 meeting, the Planning Board reviewed the site plan application made by Esplanade of White Plains Venture Partnership to convert two existing senior residential buildings to multi-family residential buildings. The Board previously heard presentations on the proposed conversion in connection with the petition to amend the Zoning Ordinance to add note (jj) to the Schedule of Dimensional Regulations, which eliminates the 500 square foot lot area per dwelling unit requirement when a project is proposed in an existing building. In connection with the petition, the Board stated its support of adaptive reuse of existing buildings, and of increasing pedestrian activity in the downtown to support businesses and restaurants.

The Board finds the proposed changes to the building at 95 South Broadway are an aesthetic improvement over the existing conditions, and that the lowering of the rooftop bulkhead improves the roofline. The Board offers the following comments and recommendations for the Common Council's consideration:

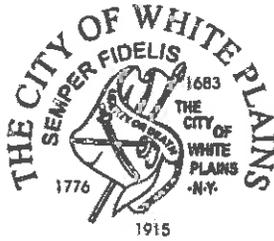
1. The proposed "green" features of the project will be an improvement over the existing, dated building. The Board recommends that that applicant provide the Commissioner of Building with a statement of what features have been included to meet LEED standards.
2. The Board believes the recreational amenities for the residents are a nice feature of the project, and recognizes that there are very limited opportunities for provision of open space in the adaptive reuse of a fully developed site and building. The Board encourages the applicant to provide planter strips along South Broadway to enhance the pedestrian experience. The landscaping should complement the planting at the 60 South Broadway project, and should be subject to approval by the Commissioner of Public Works.

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3. The payment of a recreation fee will help to offset the impact of new residents on recreation resources of the City.

Planning Board members voting in favor of the motion to recommend approval of the site plan, with the above comments in a letter to the Common Council: M. Quinn, A. Cabrera, J. Ioris, L. Oliva, and R. Stackpole (5); Opposed: None (0); Absent: J. Durante and J. Westlund (2).

Respectfully submitted,
MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board



DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
(914) 422-6400 • FAX: (914) 422-6373

DAVID E. CHONG
Commissioner
422-6350
ANNE FITZSIMMONS
Chief of Police
422-6258

THOMAS M. ROACH
Mayor
422-1200

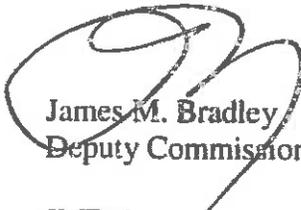
JAMES M. BRADLEY
Deputy Commissioner
422-6230
RICHARD L. LYMAN
Fire Chief
422-6360

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF
THE CITY OF WHITE PLAINS:

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed these plans. There are no objections.

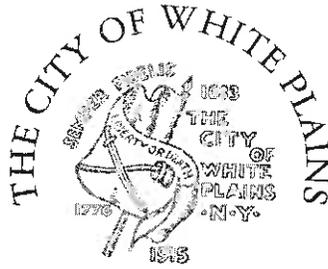
The Esplanade
95 South Broadway
Request for site plan approval



James M. Bradley
Deputy Commissioner of Public Safety

JMB:dmc

Date: March 1, 2016



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

ANTHONY R. CARR, P.E., CFM
DEPUTY COMMISSIONER

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

In response to the Building Department referral received February 3, 2016, the Department of Public Works has reviewed materials previously submitted by Zarin & Steinmetz, on behalf of Esplanade of White Plains Venture Partnership (Esplanade Partnership) applicant, requesting site plan approval for the proposed re-purposing and redevelopment of The Esplanade at 95 South Broadway and 4 Lyon Place.

Included in the submissions are 'Design Proposal, The Esplanade Plans'; set of drawings, revised October 20, 2015, prepared by Sullivan Architecture, P.C.; 'Esplanade Floor Area Analysis', dated October 20, 2015, prepared by Sullivan Architecture, P.C.; 'Zoning Compliance Analysis For The Esplanade', dated October 1, 2015, prepared by Sullivan Architecture, P.C. and 'Esplanade Design Proposal (Unit Analysis)', dated October 20, 2015, prepared by Sullivan Architecture, P.C.. Also included is the Full Environmental Assessment Form – EAF Part 1, dated 10/19/15, as prepared by JMC Site Development Consultants; a 'Parking & Traffic Study', dated October 20, 2015, prepared by JMC Site Development Consultants; a cover letter from Zarin & Steinmetz, dated November 20, 2015, describing the basic proposals of the project, and a letter addressed to the Common Council, dated January 15, 2016, prepared by Zarin & Steinmetz.

We offer the following comments for the Common Councils consideration:

1. The applicant must provide a property survey for each address, which should include topo, all utilities, and all existing right-of-way features that may be impacted by the site improvements.
2. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater Permit for both addresses prior to the issuance of a Building Department Permit.
3. The applicant must contact the City Of White Plains Department Of Public Works Code Enforcement for all necessary permits prior to commencing any work in the City right-of-way.
4. The plans reviewed represent a conceptual design of the proposed buildings renovations, which include improvements within the public right-of-way of South Broadway and Lyon Place. The applicant must provide more detailed site plan information and all technical issues within the City right of Way must be addressed to the satisfaction of the Commissioner of Public Works, prior to the issuance of any DPW permits within the City right-of-way.

5. Prior to the issuance of any City Of White Plains Right of Way Permits, a Solid Waste Management Form and plan must be submitted for review and approval. The plan must show a designated location for each of the conventional waste materials and recyclable materials (glass, tin, metal, plastic, cardboard) with separate storage containers shown for the recyclables. Conventional waste and recyclable materials may be stored in dedicated locations shown on the site plan and in detail. Disclose an internal routing plan for removal of the waste and recyclable materials from within the buildings to the outdoor collection point, where it could be removed by the City's municipal collection services or a private carter. If a private carter is to be utilized, a letter must accompany the DPW solid waste form from the contractor providing the services.
6. Design calculations must be provided from the applicant's M.E.P. engineer of record (EOR) for the building's water and sanitary sewer service lines including the new pool facilities. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the applicant's New York State licensed design professional responsible for ensuring that the project's service lines are adequate for its intended inhabitants and uses. Include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the storm water flow from the buildings, parking and rooftop areas, to confirm that the sizes of the water and sewer services are designed in conformance with the current New York State Plumbing Code.

Additionally, a flow metering device must be installed in a downstream manhole located on South Broadway, to ensure the existing line has adequate capacity to service the re-purposing of the buildings and may need to be upgraded in size at the expense of the applicant, and is subject to the approval of the Commissioner of Public Works.

7. During construction, all work under the jurisdiction of the Department of Public works (DPW) must be in conformance with DPW standards, regardless of what may be shown on the plans.
8. The proposed walking path light bollards must be located within the applicant's property and not within the City right-of-way.
9. Prior to the issuance of a Temporary Certificate of Occupancy (TCO), backflow prevention devices must be installed on the domestic and fire lines for each building. These devices must be located in a utility room that must accommodate a master water meter. The applications must be prepared by a licensed New York State professional engineer and submitted to this department for review, prior to subsequent final approval by the WCHD. WCHD also requires adequate drainage provisions be made within the building for a catastrophic discharge of the reduced zone pressure device (RPZ).
10. All tree species proposed to be installed within the City's right-of-way (ROW) will require approval from the Commissioner of Public Works and the City's arborist, prior to planting.
11. All proposed tree grates located within the City right-of-way must be in conformance with city standards and be ADA compliant.
12. All construction work shall be subjected to the City's Construction Management Protocol. This protocol includes, among other things, a construction management plan; erosion and sedimentation control measures; hours of operation; parking site access, etc.

13. The plans illustrate multiple planting areas being proposed to be installed within the municipal ROW, along the north side of Lyon Place and the west side of South Broadway. These planting areas will require that a maintenance agreement with the City be executed, along with all necessary permits, and will remain in effect with the transfer of the property. Prior to issuance of a DPW permit, this document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said planting areas. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City, through the Department of Public Works, shall receive 20% of all the construction maintenance costs as an administrative fee.
14. Revise plans to clearly show the locations of all proposed ADA compliant ped-ramps with the required tactile pads, along the perimeter of the site and any other locations where new sidewalks are to be installed or restored under this project.

**Requirements for the White Plains Construction Management Protocol
for the proposed redevelopment of the site known as, "The Esplanade"**

- A. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating construction or other construction in the area (if any), including City projects, which will be going on contemporaneously with this project. The plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area such as, but not limited to, hours of operation of construction vehicles and construction work on the site; hours of deliveries to the site; location of deliveries; requirements for loading/unloading and storage of materials on the Project site; length of time travel lanes can be encumbered; sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians; controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water); noise; pest control; street cleaning; site security; scheduling of periodic meetings with nearby residents and city staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, Planning and the Environmental Officer.
- B. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the applicant; use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted); pile driving; sheeting and shoring around the excavation area; and any other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the city departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting. In developing the excavation and construction procedures, the applicant shall consult with residents within the construction impact area regarding their needs and concerns and to provide adequate understanding of the construction process, as well as to ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.

- C. The Construction Management Plan for the proposed project shall require that the applicant ensure, through appropriate measures to be agreed upon between the City and the applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the applicant shall submit a parking plan for construction workers, which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles. These routes must be approved by the Deputy Commissioner of Parking for transportation engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets, if deemed necessary, to access the construction site. For core area development, it is anticipated that parking for construction workers will be arranged through the city's Department of Parking. The applicant should commence discussions with the Parking Department as soon as possible to address this issue, if parking in a municipal lot parking garage is proposed for construction worker parking.
- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on city streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- E. As to "fugitive dust", the applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts. The Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
- (1). The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late models (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building, upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted; these are the quietest of the three main categories and is consistent with what the City uses for its own fleet.
 - (2). All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to ensure reduced emissions during the construction phase.

- (3). All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra-low sulfur diesel, having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
 - (4). "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
 - (5). "Non-road engines" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle, used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.
- G. Prior to the issuance of any building or excavation permits, the applicant and its construction management team, including principal contractors, must meet together with representatives of the city departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that plan.
 - H. The applicant shall equip all construction equipment with "back up" sound attenuation devices.
 - I. The applicant shall be responsible to ensure that all streets and/or roadway infrastructure, which is damaged as a result of construction activities, will be repaired to city standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the applicant, for such damage is not covered by the bond or insurance.
 - J. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the project applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
 - K. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the applicant which is inconsistent with those standards.
 - L. The applicant shall include a note on both the approved permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into the city streets and storm drainage system and, where applicable, the requirements of the approved SWPPP.
 - M. The applicant shall submit to the Commissioner of Public Works for review and approval, a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The applicant shall provide coordinates in NAD 83 on the property survey.
 - N. The applicant shall provide to the Commissioner of Public Works for his review and approval, profiles of the proposed service utilities, depicting existing utility crossings.

- O. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.

- P. The applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.

In conclusion, we have no objection to conditioned approval provided the comments are addressed to the sole satisfaction of the Commissioner of Public Works prior to the issuance of a Building Department permit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Hope", with a long horizontal flourish extending to the right.

Richard G. Hope
Commissioner of Public Works

Dated: April 4, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER/
CITY TRANSPORTATION ENGINEER

DEPARTMENT OF PARKING
255 MAIN ST. - ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

(914) 422-1232 Phone
(914) 422-1274 Fax

TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the application for site plan approval from the Esplanade (95 South Broadway & 4 Lyon Place) which was referred by the Common Council on February 2, 2016.

The Department of Parking/ Traffic Division has no objection to the proposed plan.



Thomas J. Soyk, PE, PTOE
Deputy Commissioner
City Transportation Engineer

Dated: March 23, 2016
(for the April 4, 2016 Common Council Meeting)



TRANSPORTATION COMMISSION
255 MAIN STREET - ANNEX BUILDING • WHITE PLAINS, NEW YORK 10601
(914) 422-1232 • FAX: (914) 422-1274

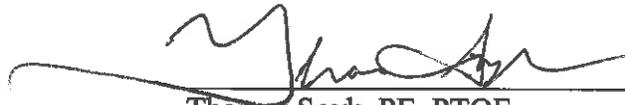
THOMAS M. ROACH
MAYOR

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

TO THE HONORABLE MAYOR AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Transportation Commission, at its meeting held on March 16, 2016, reviewed a request for a site plan approval from The Esplanade, 95 South Broadway and 4 Lyon Place as referred by the Common Council on February 2, 2016.

The Transportation Commission had no objection to the proposed changes.



Thomas Soyk, PE, PTOE
Acting Chairman

Dated: March 24, 2016 (for the April 4, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER/
CITY TRANSPORTATION ENGINEER

DEPARTMENT OF PARKING
255 MAIN ST. - ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

(914) 422-1232 Phone
(914) 422-1274 Fax

**TO THE HONGRABLE MAYOR AND COMMON COUNCIL
OF THE CITY OF WHITE PLAINS**

**Re: #142 – Esplanade White Plains Venture Partnership
95 South Broadway and Lyon Place**

The Department of Parking has received and reviewed the above-noted application for site plan approval.

The Parking Department has no objection to this proposal to repurpose the buildings located at 95 South Broadway and Lyon Place to “Residential Multi-Family” Use from its current “Assisted Living Facility” Use.

Respectfully submitted,


John P. Larson, Commissioner
CWP – Department of Parking

Date: March 7, 2016

Robert P. Astorino
County Executive

County Planning Board

February 12, 2016

Anne M. McPherson, City Clerk
City of White Plains
Municipal Building
255 Main Street
White Plains, NY 10601-2479

Subject: Referral File No. WHP 16-001B — The Esplanade; Site Plan

Dear Ms. McPherson:

The Westchester County Planning Board has received a notification for a site plan review for the above referenced application to renovate an existing senior apartment building known as the Esplanade so as to convert it into a non-age-restricted building containing 212 apartments, 8,866 square feet of retail space, 9,000 square feet of office space with associated parking. The subject property is two parcels located at 95 South Broadway and 4 Lyon Place. We previously received site plans (dated October 20, 2015) for this application as part of an earlier referral.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the proposed site plan is a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for calling this matter to our attention.

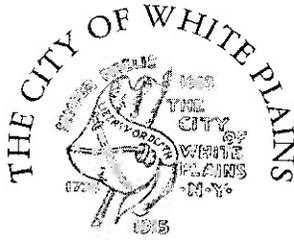
Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By: 

Edward Buroughs, AICP
Commissioner

EEB:LH

46



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

March 29, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ESPLANADE OF WHITE PLAINS VENTURE PARTNERSHIP
95 SOUTH BROADWAY AND 4 LYON PLACE
SITE PLAN AMENDMENT FOR A NEW A MULTI-FAMILY RESIDENTIAL USE.

The petition submitted on behalf of Esplanade of White Plains Venture Partnership ("Applicant") regarding a site plan amendment to change the use of the buildings located at 95 South Broadway and 4 Lyon Place from a special permit "domiciliary care facility" use to a multi-family residential use on a single development site with limited retail, restaurant and medical office uses ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves modifications to adaptively reuse the existing buildings located at 95 South Broadway and 4 Lyon Place, which were formerly the Esplanade Hotel, then principally a senior assisted living facility, to create a new mixed use multi-family, residential development with approximately 212 units, ground floor retail/restaurant/ medical office uses, as well as tenant amenities and associated parking.

The Proposed Action involves the following approvals of the Common Council:

1. A determination that the two separate parcels at 95 South Broadway (SBL; 125.84-4-8.3) and 4 Lyon Place (SBL; 125.84-5-2) are a single "Development Site" as defined in Section 2 of the Zoning Ordinance to which the dimensional and "use" regulations of the Zoning Ordinance shall apply, notwithstanding the subdivision or divided ownership of such site. In addition, consistent with the 2012 Parking Agreement between the City of White Plains and the owners of the Esplanade, the parking spaces located with the City's Lyon Place Parking Garage at 1 Lyon Place (SBL; 125.84-4-8.2) are included within the Development Site.
2. Approval of a site plan amendment for 95 South Broadway and 4 Lyon Place to change the use of the existing buildings from a "domiciliary care facility" special permit use to permitted principal uses including multi-family residential, medical office and retail uses, pursuant to Section 7.5.1 of the Zoning Ordinance.
3. Approval of Joint Use Parking pursuant to Section 8.5.3 of the Zoning Ordinance for approximately 42 parking spaces.
4. Approval of fee-in-lieu of parking pursuant to Section 8.5. 1 of the Zoning Ordinance for approximately 20 parking spaces.

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5. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for families earning 60% of Median Family Income, for a total of 13 affordable units comprised of nine (9) units located within the 95 South Broadway tower; two studios, five one-bedrooms, and two two-bedrooms; and four (4) units located in 4 Lyon Place building comprised of two studios, one one-bedroom, and one two-bedroom.
6. Approval of a fee-in-lieu of providing adequate park and recreation facilities for the 212 dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$626,500 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in three installments; the first of \$313,250.00, shall be made prior to issuance of the first building permit, the second of \$219,275.00, prior to issuance of any Certificate of Occupancy by the Commissioner of Building for the building presently known as 95 South Broadway and the third of \$93,975.00 prior to issuance of any Certificate of Occupancy by the Commissioner of Building for the building presently known as 4 Lyon Place.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

1. The project shall contain a 6% affordable component for families earning 60% of Median Family Income, for a total of 13 affordable units comprised of nine (9) units located within the 95 South Broadway tower; two studios, five one-bedrooms, and two two-bedrooms; and four (4) units located in 4 Lyon Place building comprised of two studios, one one-bedroom, and one two-bedroom.

The dedicated affordable units must remain for the life of the project and be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 13 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program pursuant to existing program guidelines.

2. The Common Council makes the requisite finding pursuant to New York State General City Law § 27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the Planning Department communication to the Common Council, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
3. The Common Council shall assess a fee-in-lieu of providing adequate park and recreation facilities for the 212 dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$626,500 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in three installments; the first of \$313,250.00, shall be made prior to issuance of the first building permit, the second of \$219,275.00, prior to issuance of any Certificate of Occupancy by the

Commissioner of Building for the building presently known as 95 South Broadway and the third of \$93,975.00 prior to issuance of any Certificate of Occupancy by the Commissioner of Building for the building presently known as 4 Lyon Place.

4. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
5. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
6. A pre-construction meeting must be held with the Applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and Applicant responsibilities during construction.
7. Prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver for redevelopment and New York State Energy Star standards.
8. The conditions recommended by Commissioner of Public Works by correspondence dated April 4, 2016.

At this time, it is recommended that the Common Council, as approving agency of the Proposed Action (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action: (b) determination that the parcels at 95 South Broadway and 4 Lyon Place and the associated parking facilities located in the City's Lyon Place Parking Garage at 1 Lyon Place, are a single "Development Site" (c) find the Proposed Action does not exceed 250 residential units connected to existing community public water and sewerage systems and is an Unlisted Action under SEQR regulations; and (d) find that the Proposed Action when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment for the following reasons:

- (a) The Proposed Action is consistent with the White Plains Zoning Ordinance and the Comprehensive Plan.

Consistency with the Comprehensive Plan

The Comprehensive Plan for the City of White Plains offers the following Vision Statement for the Core Area:

“Downtown residential development has become, and will continue to be, a major economic tool for the City to create a truly livable, “walkable” urban environment with a 24/7 character that supports the other two major economic generators – office and retail. Demand will be strong for downtown housing, and for moderately priced housing at any location. New residential demand will remain highly sensitive to the interest rate market.”

The Comprehensive Plan also offers the following Strategies for the Mamaroneck Avenue Central Business District:

- * *The increase in high-density market-rate residential development has benefited the downtown by diversifying the economic base, creating a better balance among the income groups, and bringing discretionary income into the downtown to support a more diverse retail base, cultural and entertainment activities, and uses supportive of a “walkable” urban setting.*
- * *Maintain the existing height and bulk limitations of the Core Area.*
- * *Encourage owners of private properties, including office buildings, to upgrade their buildings, and, where appropriate, assist owners in adaptive reuse of such buildings.*
- * *Pedestrian traffic in the downtown should be encouraged for both its value in creating a positive environment for residents and visitors to the City, and for its value in reducing the use of automobiles and thereby reducing air pollution.*
- * *The trend toward more residential development in the Core Area should be encouraged.*

The proposed project is a mixed-use development at 95 South Broadway and 4 Lyon Place featuring retail, restaurant, and medical office uses on the ground floor and residential apartments above that benefit the City by creating new residential dwelling units and generating increased economic activity and tax revenues. These new residents will support nearby businesses and help to spur further reinvestment in, and revitalization of, the surrounding area.

The proposed development is also consistent with the Westchester County Planning Board’s long range planning policies set forth in *Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning*, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* as it represents development in an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

Background and Previous Zoning Approvals

The Proposed Action involves modifications to adaptively reuse the existing buildings on two separate properties located at 95 South Broadway and 4 Lyon Place to create a new multi-family, residential rental development with approximately 212 units, ground floor retail/restaurant/office space, as well as tenant amenities associated parking.

The existing building at 95 South Broadway (SBL: 125.84-4-8) is a 178,921 square foot, 15-story structure that was constructed in 1963 as a 305 room hotel (the White Plains Hotel), and converted to a “domiciliary care facility” over a number of years, beginning in 1994. The existing building has ground floor commercial uses, including a restaurant and personal services along the South Broadway frontage. Parking for 95 South Broadway has been provided in the City-owned Lyon

Place Parking Garage at 1 Lyon Place, pursuant to the 2012 Parking Agreement between the City of White Plains and the owners of the Esplanade.

The existing building at 4 Lyon Place is a 74,951 square foot, five-story structure that was approved in 1968 as an expansion of the White Plains Hotel. It included ground floor office uses and a 25-space at-grade parking immediately adjacent to the structure to the west of the building. Like 95 Broadway, 4 Lyon Place was also principally converted to "domiciliary care facility." Parking for this building was provided in the at-grade parking lot located on-site.

The total, combined number of domiciliary care facility residential rooms approved in 1994 in both 95 Broadway and 4 Lyon Place was 284.

At its meeting of February 19, 1962, after a duly noticed public hearing, the Common Council rezoned the lots comprising the property known as 95 S. Broadway on northerly side of Lyon Place between Waller Avenue and South Broadway from R-5 Residential Multi-family District to B-4 Central Retail and Office District under the 1949 Zoning Ordinance, as amended.

At the time of the rezoning of the property to B-4, the maximum height permitted was 65 feet with an exception at Section 6 of the Zoning Ordinance, adopted July 6, 1960, that properties with a minimum lot area of 20,000, average frontage and width of 100 feet, with principal building having coverage of no more than 60%, and meeting additional special conditions may be more than 7 stories up to 15 stories in height.

At its November 19, 1962 meeting, the Common Council approved the plans for the White Plains Hotel to be constructed on the property known as 95 S. Broadway.

In 1968, the City of White Plains sold the approximately 56,016 square foot municipal parking lot along Lyon Place to a private entity for development that included the 13 story White Plains Hotel and a garage structure that provided approximately 313 parking spaces for the hotel use and approximately 153 spaces on the first two levels to be leased by the City for municipal parking.

The White Plains Hotel is shown on the Sanborn Maps for the City of White Plains as being constructed to 15 stories.

On November 4, 1968, the Common Council, after a duly noticed public hearing rezoned the Lots 23, 24, and 25, Block 28A, Ward 3, located south of Lyon Place, and known as 4 Lyon Place, from R-5 Residence-Multifamily District to B-3 Intermediate Retail District. The site consisting of the three lots was approved for the expansion of the hotel.

The zoning amendment approving the Annex rezoning provides for specific design detail which approved the Annex at 4 floors of hotel and office use, and a ground floor of parking for a total height of 55 feet and provided that it must operate in conjunction with the White Plains Hotel on the north side of Lyon Place.

In June 1981, the Common Council, after numerous public meetings and a public hearing adopted the 1981 Zoning Ordinance superceding the 1940 Zoning Ordinance, as amended.

The 1981 Zoning Ordinance provided at Section 3.6 that the zoning regulations specific to certain lots or assemblages of lots that included specific design criteria and requirements were classified as Special "S" Zones, with specific provisions governing such Special "S" Zones, providing, among other things, that if any change in use or dimensions are proposed to such Special "S" Zones, which

changes in use or dimensions are consistent with the 1981 Zoning Ordinance, as amended, then the change(s) are to be treated as site plan or, if applicable, special permit amendments, not as a "S" Zoning rezoning.

The portion of the project then known as the White Plains Hotel, located on the south side of Lyon Place at 4 Lyon Place was mapped as a Special "S" Zone pursuant to Section 3.6 of the 1981 Zoning Ordinance.

The portion of the project then known as the White Plains Hotel, located on the north side of Lyon Place at 95 S. Broadway was not mapped and did not become a Special "S" Zone with the adoption of the 1981 Zoning Ordinance, but became dimensionally legally non-conforming pursuant to Section 4.3.3 of the Zoning Ordinance.

Both 95 S. Broadway and 4 Lyon Place were in conformance with the use, height and coverage dimensional standards of the 1981 Zoning Ordinance for the B-4 and the Special "S" Zone districts, respectively.

At its April 7, 1986 meeting, after a duly noticed public hearing, the Common Council further amended the 1981 Zoning Ordinance, as amended, to eliminate the B-4 District and, among other things, created the CB-1, CB-2, CB-3 and CB-4 Districts. 95 S. Broadway and 4 Lyon Place were among the parcels remapped to CB-1. This made 95 S. Broadway legally non-conforming with respect to height and other dimensions. This did not change the status of 4 Lyon Place as a Special "S" Zone; and

On May 3, 1993, the Common Council received a letter written on behalf of the owner of the premises known as the White Plains Hotel dated May 3, 1993 applying to (1) convert the legally non-conforming hotel at 95 S. Broadway to a "domiciliary care facility" to be called The Esplanade of White Plains, with a text amendment to the 4 Lyon Place Special "S" Zone provisions to permit a "domiciliary care facility" to be operated in the Annex at 4 Lyon Place along with office and hotel uses; and (2) for a Special Permit to operate the Hotel main building ("Main Building") at 95 S. Broadway as a "hotel" and "domiciliary care facility" transitioning to a full "domiciliary care facility."

At its January 18, 1994 meeting, the Common Council, after a duly noticed public hearing, amended the zoning for the Special "S" Zone at 4 Lyon Place to permit "domiciliary care facility" use. The Ordinance amending the Zoning Ordinance for the "S" Zone provided that "Domiciliary Care Facility" was a permitted use of the Annex if a special permit for such use is issued therefor in accordance with Section 6 of the Zoning Ordinance "to be operated in conjunction with the hotel building located on the north side of Lyon Place."

Also at its January 18, 1994 meeting, after a duly noticed public hearing on the special permit use, the Common Council approved the site plan and special permit application for the "domiciliary care facility" use of the 95 S. Broadway in the former Hotel building in conjunction with the Annex at 4 Lyon Place, with defined controls on conversion from hotel to full "domiciliary care facility" use over time. The approved height of the proposed "domiciliary care facility" use at 95 South Broadway was 15 stories.

With the amendment to Section 5.3 Schedule of Dimensional Regulations of the Zoning Ordinance adding a new footnote 5.3jj adopted by the Common Council on February 1, 2016, the lot area per dwelling unit requirement in the CB-1 District was eliminated.

On November 4, 2015, a zoning variance was granted by the Board of Appeals to permit additional height for construction of the rooftop addition at 95 S. Broadway.

At its February 1, 2016 meeting, the Common Council adopted environmental findings regarding the CB-1 Amendment that included a finding that the separate SEQR determination of the CB-1 Amendment and any subsequent application on behalf of the Applicant, for site plan approval regarding the property located at 95 South Broadway and 4 Lyon Place is appropriate and no less protective of the environment.

At its February 1, 2016 meeting, the Common Council adopted an "Ordinance amending an ordinance entitled, "The Zoning Ordinance of the City of White Plains," at Section 5.3 of the Zoning Ordinance regarding Schedule of Dimensional Regulations, Non-residential Table, to add a new footnote with respect to the CB-1 District ("CB-1 Amendment")"

Current Application

The Application submitted by the Esplanade to convert the properties at 95 S. Broadway and 4 Lyon Place from "domiciliary care facility" with limited office, retail and restaurant uses to residential use with limited medical office/retail/restaurant uses, all permitted principal uses in the CB-1 District, is based upon the Common Council designating the two properties as a single "development site" as defined in Section 2 of the Zoning Ordinance.

The Proposed Action requires no special permits since the proposed change in use to multi-family residential is a permitted principal use in the CB-1 District, and since the proposed residential use decreases the intensity of the non-conformity.

Compliance with Zoning Ordinance Permitted Use and Building Bulk Requirements.

The proposed new multi-family residential, retail, restaurant and medical office uses are all principal permitted uses in the CB-1 Zoning District.

The property at 4 Lyon Place is classified as a Special "S" Zone, with specific provisions governing the design of the building. In this case, the "S" Zone provides a maximum allowable height of 55 feet for this property, which exceeds the 45-foot height permitted in the CB-1 District. Since the 4 Lyon Place building has a height of 53'-2" it conforms to the "S" Zone requirements.

The proposed site plan amendments to the 4 Lyon Place site are consistent with the Special "S" Zone and the current CB-1 zoning requirements and therefore, qualify for review under Section 3.6.1 of the Zoning Ordinance, as amended, requiring review as a substantial site plan amendment under Section 7.7.2 of the Zoning Ordinance; and

With the amendment to Section 5.3 Schedule of Dimensional Regulations of the Zoning Ordinance adding a new footnote 5.3jj adopted by the Common Council on February 1, 2016, the 500 sq. ft. lot area per dwelling unit requirement in the CB-1 District was eliminated. With the adoption of the zoning amendment, the Proposed Action is consistent with the Zoning Ordinance with regard to the number of proposed dwelling units for both the 4 Lyon Place site and the 95 S. Broadway.

95 South Broadway Height Area Variance: The Proposed Action includes the construction of additional interior floor area (approximately 4,000 sq. ft.) on the roof top or fifteenth floor. Although highest point of the addition will be lower than the rooftop bulkhead, an area variance is required for height because the building is legally non-conforming with respect to height, and the construction of

the rooftop addition would otherwise be an intensification of the legally non-conforming condition. On November 4, 2015, the Zoning Board of Appeals granted an area variance for height of the building at 95 South Broadway.

With the approved height variance, the proposed modifications to the dimensionally legally non-conforming building at 95 S. Broadway do not intensify any existing or create any new dimensional non-conformities, and are therefore consistent with Section 4.3 of the Zoning Ordinance, as amended.

As a single development site, the combined coverage of the buildings located on 95 S. Broadway and 4 Lyon Place is within 80%, the permitted maximum for the CB-1 District; and

Proposed Floor Area

	<u>Existing</u>	<u>Proposed</u>	<u>Change</u>
95 South Broadway	178,921 sq. ft.	175,170 sq. ft.	-3,751 sq. ft.
4 Lyon Place	74,951 sq. ft.	76,527 sq. ft.	+ 1,576 sq. ft.
Total:	253,872 sq. ft.	251,697 sq. ft.	-2,175 sq. ft.

Zoning Compliance Analysis for CB-1 zoning requirements

The Proposed Action conforms to the dimensional regulations of the CB-1 District for the Development Site that includes both properties at 95 South Broadway and 4 Lyon Place.

	<u>Permitted</u>	<u>Proposed</u>
Min. Lot Area	30,000 sq. ft.	24,213 sq. ft. - 4 Lyon Place <u>21,587 sq. ft. - 95 South Bdwy.</u> 45,800 sq. ft.
Max. Building Coverage	80 % or 36,640 sq. ft.	70.0 % or 11,816 sq. ft. - 4 Lyon Place <u>20,659 sq. ft. - 95 South Bdwy.</u> 32,475 sq. ft. -- Development Site
Floor Area Ratio: (Non –Residential) (Residential)	2.0 or 91,600 sq. ft. NA	0.39 FAR or 17,875 sq. ft.
Max, Height stories: 4 Lyon Pl. - Special “S” Zone	45 ft.	53. 2 ft. - 4 Lyon Pl.
95 South Broadway Existing Non-conforming	15 Stories	15 Stories.

Required Parking

The combined parking requirement for the two properties at 95 South Broadway and 4 Lyon Place has varied over the years and reflected changes in use from hotel to “domiciliary care facility” and changes in amount of floor area devoted to other uses including restaurants, banquet facilities, retail and office uses.

Based on the maximum parking requirement, a total of 272 parking spaces would be required for the

sum of the requirements for each of the individual uses.

<u>Proposed New Uses</u>	<u>Size/ Units</u>	<u>Rate</u>	<u>Spaces</u>
Residential	212 Units	1 / DU	212
Medical Office	9,000 sq. ft.	3.3 / 1,000 sq. ft.	30
Restaurant	6,759 sq. ft.	3.3 / 1,000 sq. ft.	23
Retail	2,116 sq. ft.	3.3 / 1,000 sq. ft.	7
Total required			272 spaces.

The Applicant has proposed to provide a total of 210 parking spaces; 42 joint use parking spaces; and payment of a fee-in-lieu of 20 parking spaces.

In April 2012, the City approved an agreement which granted the owners of Esplanade the right to occupy two floors consisting of at least 160 spaces and the right to purchase at a discount permits for up to 20 additional parking spaces in the in the City’s new Lyon Place Garage.

Pursuant to requirements of Section 8.5.3.1, the Common Council may allow joint use “provided the applicant demonstrates to the satisfaction of the approving agency that the capacity of such [parking] facility will meet the intent of the requirements by reason of the provision of non-reserved parking spaces and variation in the probable time of maximum use by residents, visitors, patrons, and employees among such uses.” The Parking and Traffic Study prepared by JMC Engineering, dated October 20, 2015, indicates that up to 42 parking spaces would be shared.

Pursuant to the requirements of Section 8.5.1.2, the Common Council may grant permission for payment of a fee-in-lieu of providing required off-street parking spaces. The City Departments have recommended the payment of fee-in-lieu of parking for 20 Spaces.

Proposed Parking

Parking spaces provides on site.

• Restriping the at-grade parking lot at 4 Lyon Place	30 spaces
• Lyon Place garage pursuant to a 2012 Parking Agreement	161 spaces
• <u>Additional reduced rate parking permits in the Lyon Place Garage</u>	<u>20 spaces</u>
Subtotal	211 spaces

Parking Joint Use Deductions and Fee-In-Lieu of Parking

• Credit for Joint use spaces (deducted from total 272 required spaces).	42 spaces
• <u>Payment of a fee-in-lieu of parking for 20 spaces</u>	<u>20 spaces</u>
Subtotal	62 spaces
Grand total	273 spaces

Based on the above discussion, the Proposed Action involving the adaptive reuse of the existing buildings conforms to the requirements of the Zoning Ordinance.

Open Space And Parkland

The proposed development scheme includes limited open space amenities for residents, the site plan, as an adaptive reuse of existing structures, provides no publicly accessible usable open space onsite. Further, the estimated 346 future residents of the repurposed buildings will utilize the existing park and recreation resources of the City.

Pursuant to the recommendations from the Planning Department, dated March 23, 2016, it is

recommended that the Common Council make the requisite finding that the submitted site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities.

Under the per unit fee schedule previously established by the Common Council, \$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom unit or larger, the current 212 unit mix proposed for 95 South Broadway and 4 Lyon Place would result in a total fee-in-lieu payment to the City of \$626,500 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

- (b) The Proposed Action should not cause a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production levels or potential for erosion, flooding, leaching or drainage problems.

The Proposed Action involves the adaptive reuse of the existing buildings at 95 South Broadway and 4 Lyon Place and does not represent any significant changes to the arrangement or design of the existing facilities.

As a condition of the project approval, a final storm water management plan must be approved by the Department of Public Works.

The proposed change of use from a "domiciliary care facility" to a multi-family residential use will not result in any significant changes in traffic or noise levels, solid waste production

The Applicant has submitted a Full Environmental Assessment Form -- dated October 19, 2015, and additional analyses, prepared by Richard J. Pearson, P.E., PTOE, and Marc Petraro of JMC, dated October 20, 2015, evaluating the potential impact on traffic associated with the project. Based on the traffic analysis submitted by the Applicant, and upon confirmation by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

As a condition of the Proposed Action, all construction work was subject to the White Plains Building Code and City's Construction Management Protocol which provides measures and procedures to avoid potential construction impact. This Protocol includes, among other things, a Construction Management Plan that addresses property maintenance, hours of operation and scheduling of construction deliveries, erosion, sedimentation and fugitive dust control measures, noise control and air quality measures, pest control, street cleaning, site security, etc. This also involves scheduling of periodic meetings with City staff, the construction management team and principal contractors to ensure that all responsible parties understand their responsibilities under the Construction Management Plan.

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.

There are no natural features, historic structures, major trees or scenic views on or within proximity to the proposed project development site.

The site is completely built-out. Therefore, there are no natural features, wetlands or unique wildlife habitat on the site.

The landscape plan shows planting strips along the street frontage of the 95 South Broadway on both private property and enhancements within the public right-of-way. There is very limited landscaping shown along the Lyon Place building, but the entrance to the at-grade parking lot shows some planting in two 8'x 21' planter strips adjacent to the sidewalk..

- (d) The character or quality of important historical, archeological, architectural or aesthetic resources of the City or any neighborhood will not be adversely affected by the Proposed Action.

The Proposed Action involves the adaptive reuse the existing buildings located at 95 South Broadway and 4 Lyon Place, which were formerly the Esplanade Hotel, then a senior assisted living facility, to create an new multi-family, residential rental development on a single development site with approximately 212 units, ground floor retail/restaurant/ medical office, as well as tenant amenities and associated parking.

The 15-story Esplanade building at 95 South Broadway and 5-story building at 4 Lyon Place were constructed in the 1960's. Various retail, restaurant, office and medical office tenant uses have been located with these facilities since that time.

The proposed mixed uses are similar in character to the commercial and retails uses in the nearby White Plains downtown area and the recently approved Pavilion redevelopment project at 60 South Broadway with 707 residential dwelling units and 95,000 sq. ft. of commercial uses.

The project will bring additional residents to the area that will support existing commercial uses and further contribute to the economic revitalization of the Mamaroneck Avenue and East Post Road corridor.

Although the proposed development scheme includes limited open space amenities for residents, the site plan, as an adaptive reuse of existing structures, provides no publicly accessible usable open space onsite. Further, the estimated 346 future residents of the repurposed buildings will utilize the existing park and recreation resources of the City.

Therefore, pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof, the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented to the Common Council in the Planning Commissioner's communication, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

- (e) No major change in type or quantity of energy used will result from the Proposed Action.
- (f) No hazard to health or human safety will be created.

There is no reason to expect any hazard to human health or safety resulting from this Proposed Action. All development is subject to the appropriate municipal safety codes and approved by the Departments of Building, Public Safety, and Public Works.

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or

other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.

- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.
- (i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.
- (j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.
- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geographic scope, magnitude and number of people affected.

A resolution which makes these findings is offered for the Common Council's consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Rod Johnson". The signature is written in a cursive style with a large, stylized "R" and "J".

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING SITE PLAN APPROVAL FOR 95 SOUTH BROADWAY AND 4 LYON PLACE ON BEHALF OF ESPLANADE OF WHITE PLAINS VENTURE PARTNERSHIP.

WHEREAS, the petition submitted on behalf of Esplanade of White Plains Venture Partnership regarding a site plan amendment to change the use of the buildings located at 95 South Broadway and 4 Lyon Place from a special permit "domiciliary care facility" use to a multi-family residential use on a single development site with limited retail, restaurant and medical office uses ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves modifications to adaptively reuse the existing buildings located at 95 South Broadway and 4 Lyon Place, which were formerly the Esplanade Hotel, then principally a senior assisted living facility, to create a new mixed use multi-family, residential development with approximately 212 units, ground floor retail/restaurant/ medical office uses, as well as tenant amenities and associated parking; and

WHEREAS, the Proposed Action involves the following approvals of the Common Council:

1. A determination that the two separate parcels at 95 South Broadway (SBL; 125.84-4-8.3) and 4 Lyon Place (SBL; 125.84-5-2) are a single "Development Site" as defined in Section 2 of the Zoning Ordinance to which the dimensional and "use" regulations of the Zoning Ordinance shall apply, notwithstanding the subdivision or divided ownership of such site. In addition, consistent with the 2012 Parking Agreement between the City of White Plains and the owners of the Esplanade, the parking spaces located with the City's Lyon Place Parking Garage at 1 Lyon Place (SBL; 125.84-4-8.2) are included within the Development Site.
2. Approval of a site plan amendment for 95 South Broadway and 4 Lyon Place to change the use of the existing buildings from a "domiciliary care facility" special permit use to permitted principal uses including multi-family residential, medical office and retail uses, pursuant to Section 7.5.1 of the Zoning Ordinance.
3. Approval of Joint Use Parking pursuant to Section 8.5.3 of the Zoning Ordinance for approximately 42 parking spaces.
4. Approval of fee-in-lieu of parking pursuant to Section 8.5. 1 of the Zoning Ordinance for approximately 20 parking spaces.
5. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for families earning 60% of Median Family Income, for a total of 13 affordable units comprised of nine (9) units located within the 95 South Broadway tower; two studios, five one-bedrooms, and two two-bedrooms; and four (4) units located in 4 Lyon Place building comprised of two studios, one one-bedroom, and one two-bedroom.
6. Approval of a fee-in-lieu of providing adequate park and recreation facilities for the 212 dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$626,500 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in three

installments; the first of \$313,250.00, shall be made prior to issuance of the first building permit, the second of \$219,275.00, prior to issuance of any Certificate of Occupancy by the Commissioner of Building for the building presently known as 95 South Broadway and the third of \$93,975.00 prior to issuance of any Certificate of Occupancy by the Commissioner of Building for the building presently known as 4 Lyon Place; and

WHEREAS, the Applicant has submitted the following documents in support of the Proposed Action (“Application Materials”):

1. A letter from David S. Steinmetz, dated November 20, 2015 regarding a Petition for Zoning Ordinance Amendment regarding the CB-1 Zoning District and related redevelopment of property at 95 South Broadway and 4 Lyon Place.
2. Petitioners Verified Petition for a Zoning Ordinance Amendment.
3. Drawings generally titled “Esplanade of White Plains Venture Partnership” prepared by Sullivan Architecture, P.C., dated October 20, 2015, numbered, entitled and revised as follows:

<u>Dwg. #</u>	<u>Title</u>	<u>Revised as noted</u>
- - -	Title sheet and Drawing Index	
AI.0	Envelope & Massing Study	
AI.1	Aerial Image	
AI.2	Aerial Image	
AI.3	Proposed Site Concept ;Plan & Street Improvements	
SK.1	The Esplanade - 95 South Broadway Proposed Lower Level floor Plan	
SK.2	The Esplanade - 4 Lyon Place Proposed Lower Level floor Plan	
SK.3	The Esplanade - 95 South Broadway Proposed Lobby Floor Plan	
SK.4	The Esplanade - 4 Lyon Place Proposed Lobby Floor Plan	
SK.5	The Esplanade - 4 Lyon Place Proposed Loft Floor Plan	
SK.6.	The Esplanade - 95 South Broadway Proposed Mezzanine Floor Plan	
SK.7	The Esplanade - 4 Lyon Place Proposed First Floor Plan	
SK.8	The Esplanade - 95 South Broadway Proposed Fourth Floor Plan	
SK.9	The Esplanade - 4 Lyon Place Proposed second, Third and Fourth Floor Plans	
SK.10	The Esplanade - 4 Lyon Place Proposed Roof Plan	
SK.11	The Esplanade - 95 South Broadway Proposed Fifth Floor Plan	
SK.12	The Esplanade - 95 South Broadway Proposed Sixth, Seventh, Eighth & Ninth Floor Plans	

- SK.13 The Esplanade - 95 South Broadway
Proposed Tenth, Eleventh, Twelfth & Fourteenth Floor Plans
- SK.14 The Esplanade - 95 South Broadway
Proposed Fifteenth Floor Plan
- SK.15 The Esplanade - 95 South Broadway
Proposed 1 & 2 Bedroom Unit Plans
- SK.16 The Esplanade - 4 Lyon Place
Proposed 2 Bedroom Floor Plan - Maisonnette
- SK.17 The Esplanade - 4 Lyon Place
Proposed Third Floor Unit Plans
- SK.18 The Esplanade - 95 South Broadway
East Exterior Elevation
- SK.19 The Esplanade - 95 South Broadway
South Exterior Elevation

4. Esplanade Floor Area Analysis , prepared by Sullivan Architecture, P.C., dated October 20, 2015.
5. Zoning Compliance Analysis for The Esplanade, prepared by Sullivan Architecture, P.C., dated October 1, 2015.
6. Esplanade Unit Analysis, prepared by Sullivan Architecture, P.C., dated October 20, 2015.
7. Environmental Assessment Form Part 1, prepared by JMC Site Development Consultants, dated October 19, 2015.
8. Parking and Traffic Study, prepared by JMC Site Development Consultants, dated October 20, 2015.

This study includes the Drawing No. P-1, entitled "Parking Plan," prepared by JMC Site Development Consultants, dated June 15, 2015 and revised June 22, 2015. This plan provides details for a reconfigured 30-space, at-grade parking lot at 4 Lyon Place.

9. A letter from David S. Steinmetz, dated January 15, 2016, regarding an application for Site Plan Approval for the redevelopment of property at 95 South Broadway and 4 Lyon Place, which references the previously submitted Preliminary Site Development Plan drawing set and Parking and Traffic Study, both dated October 20, 2015; and

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

1. The project shall contain a 6% affordable component for families earning 60% of Median Family Income, for a total of 13 affordable units comprised of nine (9) units located within the 95 South Broadway tower; two studios, five one-bedrooms, and two two-bedrooms; and four (4) units located in 4 Lyon Place building comprised of two studios, one one-bedroom, and one two-bedroom.

The dedicated affordable units must remain for the life of the project and be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 13 affordable units within the project shall be

depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program pursuant to existing program guidelines.

2. The Common Council makes the requisite finding pursuant to New York State General City Law § 27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the Planning Department communication to the Common Council, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
3. The Common Council shall assess a fee-in-lieu of providing adequate park and recreation facilities for the 212 dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$626,500 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in three installments; the first of \$313,250.00, shall be made prior to issuance of the first building permit, the second of \$219,275.00, prior to issuance of any Certificate of Occupancy by the Commissioner of Building for the building presently known as 95 South Broadway and the third of \$93,975.00 prior to issuance of any Certificate of Occupancy by the Commissioner of Building for the building presently known as 4 Lyon Place.
4. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
5. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
6. A pre-construction meeting must be held with the Applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and Applicant responsibilities during construction.
7. Prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver for redevelopment and New York State Energy Star standards.

8. The conditions recommended by Commissioner of Public Works by correspondence dated April 4, 2016; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action: (b) determine that the parcels at 95 South Broadway and 4 Lyon Place and the associated parking facilities located in the City's Lyon Place Parking Garage at 1 Lyon Place, are a single "Development Site" (c) find the Proposed Action does not exceed 250 residential units connected to existing community public water and sewerage systems and is an Unlisted Action under SEQR regulations; and (d) find that the Proposed Action when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment for the following reasons; and

WHEREAS, the Common Council has considered the application, supporting materials, and reports from the various City departments, boards or commissions and involved agencies, and public comments which, when considered together, constitute the Environmental Review Record which serves as a basis for the SEQR determination; now, therefore, be it

RESOLVED, based on the foregoing reasons, that the Common Council hereby designates itself Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the Proposed Action is an Unlisted Action under SEQR; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council has examined the potential environmental effects of the Proposed Action and makes the following environmental findings:

- (a) The Proposed Action is consistent with the White Plains Zoning Ordinance and the Comprehensive Plan.

Consistency with the Comprehensive Plan

The Comprehensive Plan for the City of White Plains offers the following Vision Statement for the Core Area:

"Downtown residential development has become, and will continue to be, a major economic tool for the City to create a truly livable, "walkable" urban environment with a 24/7 character that supports the other two major economic generators – office and retail. Demand will be strong for downtown housing, and for moderately priced housing at any location. New residential demand will remain highly sensitive to the interest rate market."

The Comprehensive Plan also offers the following Strategies for the Mamaroneck Avenue Central Business District:

- * *The increase in high-density market-rate residential development has benefited the downtown by diversifying the economic base, creating a better balance among the income groups, and bringing discretionary income into the downtown to support a more diverse retail base, cultural and entertainment activities, and uses supportive of a "walkable" urban setting.*

* *Maintain the existing height and bulk limitations of the Core Area.*

- * *Encourage owners of private properties, including office buildings, to upgrade their buildings, and, where appropriate, assist owners in adaptive reuse of such buildings.*
- * *Pedestrian traffic in the downtown should be encouraged for both its value in creating a positive environment for residents and visitors to the City, and for its value in reducing the use of automobiles and thereby reducing air pollution.*
- * *The trend toward more residential development in the Core Area should be encouraged.*

The proposed project is a mixed-use development at 95 South Broadway and 4 Lyon Place featuring retail, restaurant, and medical office uses on the ground floor and residential apartments above that benefit the City by creating new residential dwelling units and generating increased economic activity and tax revenues. These new residents will support nearby businesses and help to spur further reinvestment in, and revitalization of, the surrounding area.

The proposed development is also consistent with the Westchester County Planning Board's long range planning policies set forth in *Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning*, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* as it represents development in an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

Background and Previous Zoning Approvals

The Proposed Action involves modifications to adaptively reuse the existing buildings on two separate properties located at 95 South Broadway and 4 Lyon Place to create a new multi-family, residential rental development with approximately 212 units, ground floor retail/restaurant/office space, as well as tenant amenities associated parking.

The existing building at 95 South Broadway (SBL: 125.84-4-8) is a 178,921 square foot, 15-story structure that was constructed in 1963 as a 305 room hotel (the White Plains Hotel), and converted to a "domiciliary care facility" over a number of years, beginning in 1994. The existing building has ground floor commercial uses, including a restaurant and personal services along the South Broadway frontage. Parking for 95 South Broadway has been provided in the City-owned Lyon Place Parking Garage at 1 Lyon Place, pursuant to the 2012 Parking Agreement between the City of White Plains and the owners of the Esplanade.

The existing building at 4 Lyon Place is a 74,951 square foot, five-story structure that was approved in 1968 as an expansion of the White Plains Hotel. It included ground floor office uses and a 25-space at-grade parking immediately adjacent to the structure to the west of the building. Like 95 Broadway, 4 Lyon Place was also principally converted to "domiciliary care facility." Parking for this building is provided in the at-grade parking lot located on-site.

The total, combined number of domiciliary care facility residential rooms approved in 1994 in both 95 Broadway and 4 Lyon Place was 284.

At its meeting of February 19, 1962, after a duly noticed public hearing, the Common Council rezoned the lots comprising the property known as 95 S. Broadway on northerly side of Lyon Place between Waller Avenue and South Broadway from R-5 Residential Multi-family District to B-4

Central Retail and Office District under the 1949 Zoning Ordinance, as amended.

At the time of the rezoning of the property to B-4, the maximum height permitted was 65 feet with an exception at Section 6 of the Zoning Ordinance, adopted July 6, 1960, that properties with a minimum lot area of 20,000, average frontage and width of 100 feet, with principal building having coverage of no more than 60%, and meeting additional special conditions may be more than 7 stories up to 15 stories in height.

At its November 19, 1962 meeting, the Common Council approved the plans for the White Plains Hotel to be constructed on the property known as 95 S. Broadway.

In 1968, the City of White Plains sold the approximately 56,016 square foot municipal parking lot along Lyon Place to a private entity for development that included the 13 story White Plains Hotel and a garage structure that provided approximately 313 parking spaces for the hotel use and approximately 153 spaces on the first two levels to be leased by the City for municipal parking.

The White Plains Hotel is shown on the Sanborn Maps for the City of White Plains as being constructed to 15 stories.

On November 4, 1968, the Common Council, after a duly noticed public hearing rezoned the Lots 23, 24, and 25, Block 28A, Ward 3, located south of Lyon Place, and known as 4 Lyon Place, from R-5 Residence-Multifamily District to B-3 Intermediate Retail District. The site consisting of the three lots was approved for the expansion of the hotel.

The zoning amendment approving the Annex rezoning provides for specific design detail which approved the Annex at 4 floors of hotel and office use, and a ground floor of parking for a total height of 55 feet and provided that it must operate in conjunction with the White Plains Hotel on the north side of Lyon Place.

In June 1981, the Common Council, after numerous public meetings and a public hearing adopted the 1981 Zoning Ordinance superceding the 1940 Zoning Ordinance, as amended.

The 1981 Zoning Ordinance provided at Section 3.6 that the zoning regulations specific to certain lots or assemblages of lots that included specific design criteria and requirements were classified as Special "S" Zones, with specific provisions governing such Special "S" Zones, providing, among other things, that if any change in use or dimensions are proposed to such Special "S" Zones, which changes in use or dimensions are consistent with the 1981 Zoning Ordinance, as amended, then the change(s) are to be treated as site plan or, if applicable, special permit amendments, not as a "S" Zoning rezoning.

The portion of the project then known as the White Plains Hotel, located on the south side of Lyon Place at 4 Lyon Place was mapped as a Special "S" Zone pursuant to Section 3.6 of the 1981 Zoning Ordinance.

The portion of the project then known as the White Plains Hotel, located on the north side of Lyon Place at 95 S. Broadway was not mapped and did not become a Special "S" Zone with the adoption of the 1981 Zoning Ordinance, but became dimensionally legally non-conforming pursuant to Section 4.3.3 of the Zoning Ordinance.

Both 95 S. Broadway and 4 Lyon Place were in conformance with the use, height and coverage

dimensional standards of the 1981 Zoning Ordinance for the B-4 and the Special "S" Zone districts, respectively.

At its April 7, 1986 meeting, after a duly noticed public hearing, the Common Council further amended the 1981 Zoning Ordinance, as amended, to eliminate the B-4 District and, among other things, created the CB-1, CB-2, CB-3 and CB-4 Districts. 95 S. Broadway and 4 Lyon Place were among the parcels remapped to CB-1. This made 95 S. Broadway legally non-conforming with respect to height and other dimensions. This did not change the status of 4 Lyon Place as a Special "S" Zone; and

On May 3, 1993, the Common Council received a letter written on behalf of the owner of the premises known as the White Plains Hotel dated May 3, 1993 applying to (1) convert the legally non-conforming hotel at 95 S. Broadway to a "domiciliary care facility" to be called The Esplanade of White Plains, with a text amendment to the 4 Lyon Place Special "S" Zone provisions to permit a "domiciliary care facility" to be operated in the Annex at 4 Lyon Place along with office and hotel uses; and (2) for a Special Permit to operate the Hotel main building ("Main Building") at 95 S. Broadway as a "hotel" and "domiciliary care facility" transitioning to a full "domiciliary care facility."

At its January 18, 1994 meeting, the Common Council, after a duly noticed public hearing, amended the zoning for the Special "S" Zone at 4 Lyon Place to permit "domiciliary care facility" use. The Ordinance amending the Zoning Ordinance for the "S" Zone provided that "Domiciliary Care Facility" was a permitted use of the Annex if a special permit for such use is issued therefor in accordance with Section 6 of the Zoning Ordinance "to be operated in conjunction with the hotel building located on the north side of Lyon Place."

Also at its January 18, 1994 meeting, after a duly noticed public hearing on the special permit use, the Common Council approved the site plan and special permit application for the "domiciliary care facility" use of the 95 S. Broadway in the former Hotel building in conjunction with the Annex at 4 Lyon Place, with defined controls on conversion from hotel to full "domiciliary care facility" use over time. The approved height of the proposed "domiciliary care facility" use at 95 South Broadway was 15 stories.

With the amendment to Section 5.3 Schedule of Dimensional Regulations of the Zoning Ordinance adding a new footnote 5.3jj adopted by the Common Council on February 1, 2016, the lot area per dwelling unit requirement in the CB-1 District was eliminated.

On November 4, 2015, a zoning variance was granted by the Board of Appeals to permit additional height for construction of the rooftop addition at 95 S. Broadway.

At its February 1, 2016 meeting, the Common Council adopted environmental findings regarding the CB-1 Amendment that included a finding that the separate SEQR determination of the CB-1 Amendment and any subsequent application on behalf of the Applicant, for site plan approval regarding the property located at 95 South Broadway and 4 Lyon Place is appropriate and no less protective of the environment.

At its February 1, 2016 meeting, the Common Council adopted an "Ordinance amending an ordinance entitled, "The Zoning Ordinance of the City of White Plains," at Section 5.3 of the Zoning Ordinance regarding Schedule of Dimensional Regulations, Non-residential Table, to add a new footnote with respect to the CB-1 District ("CB-1 Amendment")"

Current Application

The Application submitted by the Esplanade to convert the properties at 95 S. Broadway and 4 Lyon Place from “domiciliary care facility” with limited office, retail and restaurant uses to residential use with limited medical office/retail/restaurant uses, all permitted principal uses in the CB-1 District, is based upon the Common Council designating the two properties as a single “development site” as defined in Section 2 of the Zoning Ordinance.

The Proposed Action requires no special permits since the proposed change in use to multi-family residential is a permitted principal use in the CB-1 District, and since the proposed residential use decreases the intensity of the non-conformity.

Compliance with Zoning Ordinance Permitted Use and Building Bulk Requirements.

The proposed new multi-family residential, retail, restaurant and medical office uses are all principal permitted uses in the CB-1 Zoning District.

The property at 4 Lyon Place is classified as a Special “S” Zone, with specific provisions governing the design of the building. In this case, the “S” Zone provides a maximum allowable height of 55 feet for this property, which exceeds the 45-foot height permitted in the CB-1 District. Since the 4 Lyon Place building has a height of 53'-2" it conforms to the “S” Zone requirements.

The proposed site plan amendments to the 4 Lyon Place site are consistent with the Special “S” Zone and the current CB-1 zoning requirements and therefore, qualify for review under Section 3.6.1 of the Zoning Ordinance, as amended, requiring review as a substantial site plan amendment under Section 7.7.2 of the Zoning Ordinance; and

With the amendment to Section 5.3 Schedule of Dimensional Regulations of the Zoning Ordinance adding a new footnote 5.3jj adopted by the Common Council on February 1, 2016, the 500 sq. ft. lot area per dwelling unit requirement in the CB-1 District was eliminated. With the adoption of the zoning amendment, the Proposed Action is consistent with the Zoning Ordinance with regard to the number of proposed dwelling units for both the 4 Lyon Place site and the 95 S. Broadway.

95 South Broadway Height Area Variance: The Proposed Action includes the construction of additional interior floor area (approximately 4,000 sq. ft.) on the roof top or fifteenth floor. Although highest point of the addition will be lower than the rooftop bulkhead, an area variance is required for height because the building is legally non-conforming with respect to height, and the construction of the rooftop addition would otherwise be an intensification of the legally non-conforming condition. On November 4, 2015, the Zoning Board of Appeals granted an area variance for height of the building at 95 South Broadway.

With the approved height variance, the proposed modifications to the dimensionally legally non-conforming building at 95 S. Broadway do not intensify any existing or create any new dimensional non-conformities, and are therefore consistent with Section 4.3 of the Zoning Ordinance, as amended.

As a single development site, the combined coverage of the buildings located on 95 S. Broadway and 4 Lyon Place is within 80%, the permitted maximum for the CB-1 District; and

Proposed Floor Area

	<u>Existing</u>	<u>Proposed</u>	<u>Change</u>
95 South Broadway	178,921 sq. ft.	175,170 sq. ft.	-3,751 sq. ft.
4 Lyon Place	74,951 sq. ft.	76,527 sq. ft.	+ 1,576 sq. ft.
Total:	253,872 sq. ft.	251,697 sq. ft.	-2,175 sq. ft.

Zoning Compliance Analysis for CB-1 zoning requirements

The Proposed Action conforms to the dimensional regulations of the CB-1 District for the Development Site that includes both properties at 95 South Broadway and 4 Lyon Place.

	<u>Permitted</u>	<u>Proposed</u>
Min. Lot Area	30,000 sq. ft.	24,213 sq. ft. - 4 Lyon Place <u>21,587 sq. ft. - 95 South Bdwy.</u> 45,800 sq. ft.
Max. Building Coverage	80 % or 36,640 sq. ft.	70.0 % or 11,816 sq. ft. - 4 Lyon Place <u>20,659 sq. ft. - 95 South Bdwy.</u> 32,475 sq. ft. – Development Site
Floor Area Ratio: (Non –Residential) (Residential)	2.0 or 91,600 sq. ft. NA	0.39 FAR or 17,875 sq. ft.
Max, Height stories: 4 Lyon Pl. - Special “S” Zone	45 ft.	53. 2 ft. - 4 Lyon Pl.
95 South Broadway Existing Non-conforming	15 Stories	15 Stories.

Required Parking

The combined parking requirement for the two properties at 95 South Broadway and 4 Lyon Place has varied over the years and reflected changes in use from hotel to “domiciliary care facility” and changes in amount of floor area devoted to other uses including restaurants, banquet facilities, retail and office uses.

Based on the maximum parking requirement, a total of 272 parking spaces would be required for the sum of the requirements for each of the individual uses.

<u>Proposed New Uses</u>	<u>Size/ Units</u>	<u>Rate</u>	<u>Spaces</u>
Residential	212 Units	1 / DU	212
Medical Office	9,000 sq. ft.	3.3 / 1,000 sq. ft.	30
Restaurant	6,759 sq. ft.	3.3 / 1,000 sq. ft.	23
Retail	2,116 sq. ft.	3.3 / 1,000 sq. ft.	7
Total required			272 spaces.

The Applicant has proposed to provide a total of 210 parking spaces; 42 joint use parking spaces; and payment of a fee-in-lieu of 20 parking spaces.

In April 2012, the City approved an agreement which granted the owners of Esplanade the right to occupy two floors consisting of at least 160 spaces and the right to purchase at a discount permits for up to 20 additional parking spaces in the in the City's new Lyon Place Garage.

Pursuant to requirements of Section 8.5.3.1, the Common Council may allow joint use "provided the applicant demonstrates to the satisfaction of the approving agency that the capacity of such [parking] facility will meet the intent of the requirements by reason of the provision of non-reserved parking spaces and variation in the probable time of maximum use by residents, visitors, patrons, and employees among such uses." The Parking and Traffic Study prepared by JMC Engineering, dated October 20, 2015, indicates that up to 42 parking spaces would be shared.

Pursuant to the requirements of Section 8.5.1.2, the Common Council may grant permission for payment of a fee-in-lieu of providing required off-street parking spaces. The City Departments have recommended the payment of fee-in-lieu of parking for 20 Spaces.

Proposed Parking

Parking spaces provides on site.

• Restriping the at-grade parking lot at 4 Lyon Place	30 spaces
• Lyon Place garage pursuant to a 2012 Parking Agreement	161 spaces
• <u>Additional reduced rate parking permits in the Lyon Place Garage</u>	<u>20 spaces</u>
Subtotal	211 spaces

Parking Joint Use Deductions and Fee-In-Lieu of Parking

• Credit for Joint use spaces (deducted from total 272 required spaces).	42 spaces
• <u>Payment of a fee-in-lieu of parking for 20 spaces</u>	<u>20 spaces</u>
Subtotal	62 spaces
Grand total	273 spaces

Based on the above discussion, the Proposed Action involving the adaptive reuse of the existing buildings conforms to the requirements of the Zoning Ordinance.

Open Space And Parkland

The proposed development scheme includes limited open space amenities for residents, the site plan, as an adaptive reuse of existing structures, provides no publicly accessible usable open space onsite. Further, the estimated 346 future residents of the repurposed buildings will utilize the existing park and recreation resources of the City.

Pursuant to the recommendations from the Planning Department, dated March 23, 2016, it is recommended that the Common Council make the requisite finding that the submitted site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities.

Under the per unit fee schedule previously established by the Common Council, \$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom unit or larger, the current 212 unit

mix proposed for 95 South Broadway and 4 Lyon Place would result in a total fee-in-lieu payment to the City of \$626,500 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

- (b) The Proposed Action should not cause a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, solid waste production levels or potential for erosion, flooding, leaching or drainage problems.

The Proposed Action involves the adaptive reuse of the existing buildings at 95 South Broadway and 4 Lyon Place and does not represent any significant changes to the arrangement or design of the existing facilities.

As a condition of the project approval, a final storm water management plan must be approved by the Department of Public Works.

The proposed change of use from a “domiciliary care facility” to a multi-family residential use will not result in any significant changes in traffic or noise levels, solid waste production

The Applicant has submitted a Full Environmental Assessment Form – dated October 19, 2015, and additional analyses, prepared by Richard J. Pearson, P.E., PTOE, and Marc Petrero of JMC, dated October 20, 2015, evaluating the potential impact on traffic associated with the project. Based on the traffic analysis submitted by the Applicant, and upon confirmation by the City’s Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

As a condition of the Proposed Action, all construction work was subject to the White Plains Building Code and City’s Construction Management Protocol which provides measures and procedures to avoid potential construction impacts. This Protocol includes, among other things, a Construction Management Plan that addresses property maintenance, hours of operation and scheduling of construction deliveries, erosion, sedimentation and fugitive dust control measures, noise control and air quality measures, pest control, street cleaning, site security, etc. This also involves scheduling of periodic meetings with City staff, the construction management team and principal contractors to ensure that all responsible parties understand their responsibilities under the Construction Management Plan.

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.

There are no natural features, historic structures, major trees or scenic views on or within proximity to the proposed project development site.

The site is completely built-out. Therefore, there are no natural features, wetlands or unique wildlife habitat on the site.

The landscape plan shows planting strips along the street frontage of the 95 South Broadway on both private property and enhancements within the public right-of-way. There is very limited landscaping shown along the Lyon Place building, but the entrance to the at-grade parking lot shows some planting in two 8’x 21’ planter strips adjacent to the sidewalk..

- (d) The character or quality of important historical, archeological, architectural or aesthetic resources of the City or any neighborhood will not be adversely affected by the Proposed Action.

The Proposed Action involves the adaptive reuse the existing buildings located at 95 South Broadway and 4 Lyon Place, which were formerly the Esplanade Hotel, then a senior assisted living facility, to create an new multi-family, residential rental development on a single development site with approximately 212 units, ground floor retail/restaurant/ medical office, as well as tenant amenities and associated parking.

The 15-story Esplanade building at 95 South Broadway and 5-story building at 4 Lyon Place were constructed in the 1960's. Various retail, restaurant, office and medical office tenant uses have been located with these facilities since that time.

The proposed mixed uses are similar in character to the commercial and retails uses in the nearby White Plains downtown area and the recently approved Pavilion redevelopment project at 60 South Broadway with 707 residential dwelling units and 95,000 sq. ft. of commercial uses.

The project will bring additional residents to the area that will support existing commercial uses and further contribute to the economic revitalization of the Mamaroneck Avenue and East Post Road corridor.

Although the proposed development scheme includes limited open space amenities for residents, the site plan, as an adaptive reuse of existing structures, provides no publicly accessible usable open space onsite. Further, the estimated 346 future residents of the repurposed buildings will utilize the existing park and recreation resources of the City.

Therefore, pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof, the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented to the Common Council in the Planning Commissioner's communication, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

- (e) No major change in type or quantity of energy used will result from the Proposed Action.
- (f) No hazard to health or human safety will be created.

There is no reason to expect any hazard to human health or safety resulting from this Proposed Action. All development is subject to the appropriate municipal safety codes and approved by the Departments of Building, Public Safety, and Public Works.

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

- (i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.
- (j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.
- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geographic scope, magnitude and number of people affected; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council determines that the Proposed Action will not have a significant effect on the environment; and be it further

RESOLVED, that the Environmental Officer is authorized to file the appropriate notice as required by SEQR.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF ESPLANADE WHITE PLAINS VENTURE PARTNERSHIP (“APPLICANT”), THE OWNER OF THE ESPLANADE, CONSISTING OF BUILDINGS CURRENTLY LOCATED AT 95 SOUTH BROADWAY AND 4 LYON PLACE (SECTION 125.84, BLOCK 4, LOT 8 AND SECTION 125.84, BLOCK 5, LOT 2) , FOR SITE PLAN APPROVAL PURSUANT TO SECTION 7.1 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS (“ZONING ORDINANCE”), TO RE-PURPOSE AND RE-DEVELOP THE BUILDINGS LOCATED AT 95 SOUTH BROADWAY AND 4 LYON PLACE AS A MIXED USE DEVELOPMENT ON A SINGLE DEVELOPMENT SITE, FROM ITS CURRENT ASSISTED LIVING FACILITY AND HOTEL USE, THE RESIDENTIAL COMPONENT CONSISTING OF THE CONSTRUCTION OF 212 UPSCALE RENTAL APARTMENTS, 13 UNITS (6%) OF WHICH WILL BE AFFORDABLE UNITS, AND SUPPORTED BY AMENITIES, INCLUDING A POOL, FITNESS CENTER AND OUTDOOR GATHERING SPACES, WITH 2,116 SQUARE FEET OF RETAIL, 6,750 SQUARE FEET OF RESTAURANT AND 9,000 SQUARE FEET OF MEDICAL OFFICE SPACE AT THE GROUND LEVEL, ALL OF WHICH WILL BE LOCATED WITHIN THE EXISTING STRUCTURES, WITH ASSOCIATED PARKING, AND PAYMENT BY THE APPLICANT OF FEE-IN-LIEU IN THE AMOUNT OF \$626,500 TO BE USED EXCLUSIVELY FOR PARK, PLAYGROUND AND OTHER RECREATIONAL PURPOSES, INCLUDING THE ACQUISITION OF REAL PROPERTY, TO MITIGATE THE RECREATIONAL IMPACT OF THE NEW MULTI-FAMILY PROJECT, IN ACCORDANCE WITH GENERAL CITY LAW SECTION 27-A.

WHEREAS, at a Special Meeting of the Common Council of the City of White Plains held on November 30, 2015, representatives from Esplanade White Plains Venture Partnership, the owner of the Esplanade, consisting of a fifteen (15) story residence located at 95 South Broadway and a five (5) story residence at 4 Lyon Place, including a senior residential facility, hotel, and office uses, presented plans to re-purpose and re-develop the existing buildings at 95 South Broadway (“Main Building”) and 4 Lyon Place (“Annex”), as a mixed-use development consisting of a total of 212 studios and one and two bedroom rental apartments (146 units in the Main Building and 66 in the Annex), with supporting amenities, including a pool, fitness center and outdoor gathering spaces, 9,000 square feet of medical office, 6,750 square feet of restaurant and 2,116 square feet of

retail use; and

WHEREAS, the aforementioned property is presently located in the City's CB-1 Zoning District, and as such, had been subject to a provision of the Zoning Ordinance of the City of White Plains under which the total number of "dwelling units" that may be located in a multi-family residence in the CB-1 Zoning District and therefore had been restricted to the total square footage of the lot divided by 500 square feet; and

WHEREAS, at the November 30, 2015 Special Meeting, representatives from the Esplanade stated that a rezoning petition would be submitted for the December 7, 2015 meeting of the Common Council seeking to eliminate the above mentioned requirement only for existing buildings in the CB-1 Zoning District in which there will be no net increase in floor area and there is no reduction in an existing yard, and thus allowing the Esplanade to re-purpose the existing, dated Esplanade buildings with an economically feasible, attractive, and desirable project; and

Background of 95 South Broadway and 4 Lyon Place

WHEREAS, the Common Council of the City of White Plains ("Common Council"), at a Special Meeting held on February 19, 1962, after a duly notice public hearing, adopted legislation rezoning the lots comprising the property known as 95 South Broadway on the northerly side of Lyon Place between Waller Avenue and South Broadway from a R-5 (Residential Multi-Family Zoning District) to B-4 (Business Central Retail and Office Zoning District) under the 1949 Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), as amended; and

WHEREAS, at the time of the rezoning of the property to the B-4 Zoning District, the maximum height permitted was 65 feet, with an exception at Section 6 of the Zoning Ordinance, adopted July 6, 1960, that properties with a minimum lot area of 20,000 square feet, average frontage and width of 100 feet, with the principal building having coverage of no more than 60%, and meeting additional special conditions, may be more than seven (7) stories up to fifteen (15) stories in height; and

WHEREAS, the Common Council, at a Special Meeting of November 19, 1962, approved the plans for the White Plains Hotel to be constructed on the property known as 95 South Broadway; and

WHEREAS, the existing building at 95 South Broadway (Section 125.84, Block 4, Lot 8) is a 178,921 square foot, 15-story structure constructed in 1963 as a 305 room hotel; and

WHEREAS, the Common Council, at a meeting held on November 4, 1968, after a duly noticed public hearing, adopted legislation rezoning Lots 23, 24, and 25, Block 28A, Ward 3, located on the south side of Lyon Place, and known as 4 Lyon Place, from the R-5 (Residential-Multi-Family) Zoning District to the B-3 (Intermediate Retail) Zoning District; the site consisting of the three lots was approved for the expansion of the White Plains Hotel (“Annex”); and

WHEREAS, the zoning amendment approving the Annex rezoning provides for specific design detail for four (4) floors of hotel and ground floor office uses, and a ground floor of

parking for a total height of fifty-five (55) feet, and provided that it must operate in conjunction with the White Plains Hotel on the north side of Lyon Place; and

WHEREAS, the existing building at 4 Lyon Place is a 74,951 square foot, five-story structure to the west of the building; and

WHEREAS, the Common Council in June of 1981, after numerous public hearings and meetings, adopted the 1981 Zoning Ordinance superseding the 1940 Zoning Ordinance, as amended; and

WHEREAS, the 1981 Zoning Ordinance provided at Section 3.6, that the zoning regulations specific to certain lots or assemblages of lots that included specific design criteria and requirements were classified as Special "S" Zones, with specific provisions governing such Special "S" Zones, providing, *inter alia*, that if any change in use or dimensions are proposed to such Special "S" Zones, which changes in use or dimensions are consistent with the 1981 Zoning Ordinance, as amended, then the change(s) are to be treated as a site plan amendment, or, if applicable, special permit amendments, not as Special "S" Zoning rezonings; and

WHEREAS, the portion of the project known as the White Plains Hotel, located on the south side of Lyon Place at 4 Lyon Place was mapped as a Special "S" Zone pursuant to Section 3.6 of the 1981 Zoning Ordinance; and

WHEREAS, the portion of the project then known as the White Plains Hotel, located on the north side of Lyon Place at 95 South Broadway was not mapped as and did not become a Special “S” Zone with the adoption of the 1981 Zoning Ordinance, but became dimensionally legally non-conforming pursuant to Section 4.3.3 of the Zoning Ordinance; and

WHEREAS, both 95 South Broadway and 4 Lyon Place were in conformance with the use, height and coverage dimensional standards of the 1981 Zoning Ordinance for the B-4 Zoning District and the Special “S” Zone Districts, respectively; and

WHEREAS, the Common Council, at its April 7, 1986 meeting, after a duly noticed public hearing, further amended the 1981 Zoning Ordinance, as amended, to eliminate the B-4 Zoning District, and *inter alia*, to create the CB-1, CB-2, CB-3 and CB-4 Zoning Districts; and

WHEREAS, the Common Council, at a meeting held on May 3, 1993, received a petition dated April 21, 1993, submitted on behalf of the owner of the premises known as the White Plains Hotel, requesting to (1) convert the legally non-conforming hotel at 95 South Broadway to a “domiciliary care facility” to be called “The Esplanade of White Plains,” with a text amendment to the 4 Lyon Place Special “S” Zoning District provisions to permit a “domiciliary care facility” to be operated in the Annex at 4 Lyon Place along with office and hotel uses; and (2) for a Special Permit to operate the Main Building at 95 South Broadway as a “hotel” and “domiciliary care facility” transitioning to a full “domiciliary care facility;” and

WHEREAS, the Common Council, at a Special Meeting held on January 18, 1994, after a duly noticed public hearing, amended the zoning for the Special “S” Zone at 4 Lyon Place to permit “domiciliary care facility” use; and

WHEREAS, the ordinance amending the Zoning Ordinance for the “S” Zone provided that “Domiciliary Care Facility” was a permitted use of the Annex if a special permit for such use is issued therefor in accordance with Section 6 of the Zoning Ordinance “to be operated in conjunction with the Hotel building located on the north side of Lyon Place;” and

WHEREAS, the Common Council, at its January 18, 1994 Special Meeting, after a duly noticed public hearing on the special permit use, approved the site plan and special permit application for the “domiciliary care facility” use of 95 South Broadway in the former Main Building in conjunction with the Annex at 4 Lyon Place, with defined controls on conversion from hotel to full “domiciliary care facility” use over time; the approved height of the proposed “domiciliary care facility” use at 95 South Broadway was fifteen (15) stories; and

WHEREAS, the total number of domiciliary care facility residential rooms approved in 1994 was 284; and

WHEREAS, the two buildings located at 4 Lyon Place and 95 South Broadway are presently located in the CB-1 Zoning District; and

WHEREAS, the project site is in the Core Area of the downtown, as defined by the City's 1997 Comprehensive Plan and 2006 Plan Update adopted July 11, 2006, and within the City's Central Parking Area (CPA); it is bordered on the north by a four-story office building at 75 South Broadway, on the east by the South Broadway street frontage and 60 South Broadway, which was recently approved by the Common Council on February 1, 2016, for a mixed use development consisting of two 24-story residential towers with 707 residential rental dwelling units and 98,840 square feet of retail/restaurant space fronting on South Broadway and Maple Avenue; on the south by Ballard-Durand Funeral Home; and on the west by the Lyon Place Municipal Parking Garage and the American Cancer Society office building; and

Re-Zoning Petition Submitted on Behalf of
Esplanade of White Plains Venture Partnership

WHEREAS, the Common Council of the City of White Plains ("Common Council"), at a meeting held on December 7, 2015, received a communication from the Commissioner of Building, dated November 27, 2015, transmitting on behalf of Esplanade of White Plains Venture Partnership, owner of property located at 95 South Broadway and 4 Lyon Place, known as the Esplanade Hotel, a petition dated November 18, 2015, from David S. Steinmetz, Esq., of Zarin & Steinmetz, requesting an amendment to the Zoning Ordinance "Schedule of Dimensional Regulations" for the CB-1 Zoning District, adding a new footnote jj to Section 5.3 of the Zoning Ordinance, eliminating the minimum square footage per dwelling unit requirement in the CB-1 Zoning District for existing buildings on a lot or development site in which there is no net increase in the floor area of the building and no reduction in an existing yard is proposed; the text change was proposed to facilitate the redevelopment of the Esplanade as rental units; the proposed change was

designed to effect the dimensional requirements in only the CB-1 Zoning District; and

WHEREAS, the Common Council, at a meeting held on January 4, 2016, adopted a resolution scheduling a public hearing for February 1, 2016, in relation to the zoning petition submitted on behalf of Esplande of White Plains Venture Partnership to amend the Zoning Ordinance Schedule of Dimensional Regulations, Non-Residential (Section 5.3) to add a new footnote jj, which would eliminate the CB-1 Zoning District requirement of 500 square feet of lot area per dwelling unit when a project is proposed in an existing building; and

WHEREAS, the Common Council, at its meeting of February 1, 2016, opened the public hearing on the re-zoning petition, received testimony, and closed the public hearing; and

WHEREAS, the Common Council, at its February 1, 2016 meeting, received communications in relation to the re-zoning petition from the Deputy Commissioner of Building, dated January 19, 2016; the Commissioner of Planning, dated January 21, 2016; the Commissioner of Public Safety, dated January 20, 2016; the Commissioner of Public Works, dated February 1, 2016; the Commissioner of Parking, dated February 1, 2016; the Deputy Commissioner of Parking for Transportation Engineering, dated January 21, 2016; the Chair of the Planning Board, dated January 22, 2016; the Acting Chair of the Transportation Commission, dated January 21, 2016; the Environmental Officer, dated January 20, 2016; and the Westchester County Planning Board, dated January 11, 2016; and

WHEREAS, the Common Council, at a meeting held on February 1, 2016, adopted an environmental findings statement issued under SEQRA regarding the petition on behalf of Esplanade of White Plains Venture Partnership for an amendment to the Zoning Ordinance Schedule of Dimensional Regulations (Section 5.3) to eliminate the minimum requirement in the CB-1 Zoning District for 500 square feet of lot area per dwelling unit when a project is proposed in an existing building; and

WHEREAS, the Common Council, at the February 1, 2016 meeting, adopted an ordinance amending the Zoning Ordinance at Section 5.3 regarding the Schedule of Dimensional Regulations, Non-Residential Table to add a new footnote jj with respect to the CB-1 Zoning District; and

WHEREAS, the Common Council, at a meeting held on February 1, 2016, received a communication from the Deputy Commissioner of Building dated January 20, 2016, transmitting on behalf of Esplanade of White Plains Venture Partnership (“Applicant”), an application for Site Plan approval to re-purpose and re-develop the buildings located at 95 South Broadway and 4 Lyon Place to a predominantly Residential Multi-Family use, with limited retail, restaurant and medical office uses, from its principal current use as a domiciliary care facility (“Application”); and

WHEREAS, the proposed re-purposing and redevelopment consists of the construction of 212 upscale rental apartments with 2,116 square feet of retail, 6,750 square feet of restaurant and 9,000 square feet of medical office space at the ground floor level, all of which will be located within

the existing structures; and

WHEREAS, specifically, the Applicant proposes to convert the 95 South Broadway Building from 163 domiciliary care units to 146 apartments, with a pool, fitness center, and other tenant amenity space; the proposed multi-family development will consist of 37 studio apartments, 79 one bedroom apartments, and 30 two bedroom apartments; in addition, 5,900 square feet of medical office space will be on the lobby level of the building, and the lower level will have 6,750 square feet of restaurant space and 2,116 square feet of non-restaurant retail space accessed from South Broadway; and

WHEREAS, specifically, the Applicant proposes to convert 4 Lyon Place from 73 hotel rooms into 66 apartments, with tenant amenity space and 3,100 square feet of medical office space on the lower level of the building, and a roof garden with dog run on top of the five story building; residents will have access to the tenant amenities in the 95 South Broadway Building as well; and

WHEREAS, the proposed multi-family development at 4 Lyon Place will consist of 25 studio apartments, 28 one bedroom apartments, and 13 two bedroom apartments; access to 4 Lyon Place will be from either its own lobby or the lobby in the 95 South Broadway Building, which will have the mail room, and then across the skybridge; the first level of the building will have eleven loft apartments, five of which are described as “maisonettes” because they have direct access from the sidewalk on Lyon Place; the six lofts at the rear of the building do not have sidewalk access, but have at-grade terraces; and

WHEREAS, an existing enclosed bridge over Lyon Place will remain and continue to provide a protected pedestrian connection between the structures; and

WHEREAS, pedestrian access to and from the structures will continue to be provided via South Broadway and Lyon Place; and

WHEREAS, the residential component of the project requires 212 parking spaces, or one parking space per apartment due to its location within the downtown CPA; and

WHEREAS, the Common Council approved an agreement on April 2, 2012, with the owners of the Esplanade to acquire title to the 95 South Broadway parking garage, demolish it, and construct a new parking garage with the Esplanade having the right to occupy at least 160 parking spaces and the right to purchase at a discount permit rate for up to 20 additional parking spaces in the City's Lyon Place Parking Garage; and

WHEREAS, the Applicant proposes to meet this residential parking requirement for the project by: (1) restriping the at-grade parking lot at 4 Lyon Place to provide 30 parking spaces (currently there are 25 parking spaces); (2) using the 161 parking spaces in the Lyon Place Garage as dedicated parking pursuant to the parking garage agreement approved by the Common Council on April 2, 2012 with the City of White Plains; (3) obtaining 20 reduced rate parking permits in the Lyon Place Garage as per the aforementioned parking garage agreement approved April 2, 2012; and (4)

payment of a fee-in-lieu of parking for one space (\$5,000); and

WHEREAS, the non-residential component of the project requires 60 parking spaces, which the Applicant proposes to meet through 42 joint use parking spaces, as provided in Section 8.5.3 of the Zoning Ordinance, and through payment of a fee-in-lieu of 18 parking spaces ($\$5,000 \times 9 \text{ spaces} + \$20,000 \times 9 \text{ spaces} = \$225,000$); and

WHEREAS, the Applicant has agreed to the payment of a fee-in-lieu of one (1) additional parking space in the amount of \$20,000, for a total fee-in-lieu payment in the amount of \$250,000; and

WHEREAS, based on the City of White Plains parking requirements, a total of 272 parking spaces are required for the residential, medical office, restaurant and retail uses; shared parking is proposed (up to 42 parking spaces) for the mixed-use development since the various proposed uses experience peak individual parking demands for each use at different times of the day, and some uses, different times of the week; and

WHEREAS, the Applicant has provided a parking analysis indicating that up to 42 parking spaces will be shared and that the peak parking accumulation will be 230 parking spaces, which occurs on a weekend at 7:00 p.m. and 8:00 p.m.; the weekday peak accumulation is 221 parking spaces at 10:00 p.m.; the minimum composite parking utilization for the mixed-uses with shared parking is 158 spaces on a weekend and 169 parking spaces on a weekday; and

WHEREAS, the Application included the following documents:

A. A cover letter dated January 15, 2016, from David S. Steinmetz, Esq. of the law firm of Zarin & Steinmetz, counsel for the Applicant, forwarding and describing the background and details of the Site Plan Application;

B. Esplanade Floor Area Analysis, prepared by Sullivan Architecture, P.C., dated October 20, 2015;

C. Zoning Compliance Analysis for the Esplanade, prepared by Sullivan Architecture, P.C., dated October 1, 2015;

D. Esplanade Unit Analysis, prepared by Sullivan Architecture, P.C., dated October 20, 2015;

E. A Full Environmental Assessment Form, Part I, dated October 19, 2015, as prepared by JMC Site development Consultants, dated October 19, 2015;

E. Plans prepared by Sullivan Architecture, P.C., generally entitled "Esplanade of White Plains Venture Partnership," consisting of the following:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
---	Title Sheet & Drawing Index	10/4/15
AI.0	Envelope&Massing Study	10/4/15
AI.1	Aerial Image	10/4/15
AI.2	Aerial Image	10/4/15
AI.3	Proposed Site Concept: Plan&Street Improvements	10/20/15
SK.1	The Eplanade- 95 South Broadway Proposed Lower Level Floor Plan	10/20/15
SK.2	The Esplanade-4 Lyon Place Proposed Lower Level Floor Plan	10/20/15
SK.3	The Esplanade-95 South Broadway Proposed Lobby Plan	10/20/15
SK.4	The Esplanade-4 Lyon Place Proposed Lobby Plan	10/20/15
SK.5	The Esplanade-4 Lyon Place Proposed Loft Floor Plan	10/20/15
SK.6	The Esplande-95 South Broadway Proposed Mezzanine Floor Plan	10/20/15
SK.7	The Esplande-4 Lyon Place Proposed First Floor Plan	10/20/15
SK.8	The Esplanade-95 South Broadway Proposed Fourth Floor Plan	10/20/15
SK.9	The Esplanade-4 Lyon Place Proposed Second, Third & Fourth Floor Plans	10/20/15
SK.10	The Esplanade-4 Lyon Place Proposed Roof Plan	10/20/15
SK.11	The Esplande-95 South Broadway Proposed Fifth Floor Plan	10/20/15

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
SK.12	The Esplanade-95 South Broadway Proposed Sixth, Seventh Eighth&Ninth Floor Plans	10/20/15
SK.13	The Esplande-95 South Broadway Proposed Tenth, Eleventh, Twelfth&Fourteenth Floor Plans	10/20/15
SK.14	The Esplande-95 South Broadway Proposed Fifteenth Floor	10/20/15
SK.15	The Esplande-95 South Broadway Proposed 1& 2 Bedroom Unit Plans	10/20/15
SK.16	The Esplande-4 Lyon Place Proposed 2 Bedroom Floor Plan	10/20/15
SK.17	The Esplande-4 Lyon Place Proposed Third Floor Unit Plans	10/20/15
SK.18	The Esplande-95 South Broadway East Exterior Elevation	10/20/15
SK.19	The Esplande-95 South Broadway South Exterior Elevation	10/20/15;

F. Parking and Traffic Study, prepared by JMC Site Development Consultants, dated October 20, 2015; the study includes Drawing No. P-1, entitled, "Parking Plan," prepared by JMC Site Development Consultants, dated June 15, 2015, and revised June 22, 2015; this plan provides details for a reconfigured 30-space parking lot at 4 Lyon Place; and

WHEREAS, the Common Council, at its February 1, 2016 meeting, referred the Application to all necessary City departments, officers, agencies, boards and commissions, and the Westchester County Planning Board for review, comments and recommendations in accordance with

the Zoning Ordinance; and

WHEREAS, based upon staff comments, subsequent changes were made to certain of the original architectural drawings and additional design drawings were submitted on behalf of the Applicant, and on March 10, 2016, the Mayor authorized the Commissioner of Building to administratively refer the supplemental/revised plans to the Design Review Board, in advance of the Board's meeting on March 14, 2016; and

WHEREAS, the supplemental materials for the Application included the following:

A. A cover letter dated March 10, 2016 from John P. Sullivan, FAIA, Sullivan Architecture, P.C., on behalf of the Applicant, describing and detailing the aforementioned architectural design drawings proposed for the re-purposing of 95 South Broadway and 4 Lyon Place;

B. Plans consisting of the following:

1. Drawings prepared by Sullivan Architecture, P.C., entitled "One Lyon Place/North, White Plains, New York," dated March 10, 2016:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
A 1.1	Aerial Perspective	March 10, 2016
A 1.2	Street Level Perspective	March 10, 2016
A 1.3	South Elevation	March 10, 2016
A 1.4	East Elevation	March 10, 2016
A 1.5	North Elevation	March 10, 2016
A 1.6	West Elevation	March 10, 2016; and

2. Drawings prepared by Sullivan Architecture, P.C., entitled “One Lyon Place/South, White Plains, New York,” dated March 10, 2016:

A 2.1	Perspective Rendering	March 10, 2016
A 2.2	North and West Elevations	March 10, 2016
A 2.3	South and East Elevations	March 10, 2016; and

WHEREAS, the Common Council, at its meeting held on April 4, 2016, received communications on the Application from the Commissioner of Building, dated March 21, 2016; the Commissioner of Planning dated March 23, 2016; the Commissioner of the Public Works, dated March 21, 2016; the Deputy Commissioner of Public Safety, dated March 1, 2016; the Commissioner of Parking, dated March 1, 2016; the Deputy Commissioner of Parking for Transportation Engineering, March 23, 2016; the Chair of the Planning Board, dated March 24, 2016; the Acting Chair of the Transportation Commission dated March 24, 2016; the Acting Chair of the Design Review Board, dated March 17, 2016; the Environmental Officer, dated March 29, 2016; and the Westchester County Planning Board, dated February 12, 2016; and

WHEREAS, the Common Council, at its meeting held on April 4, 2016, also received a communication from the City Clerk, dated March 29, 2015, memorializing the administrative referral made by the Commissioner of Building on March 10, 2016, and forwarding to the Common Council the aforementioned architectural drawings previously submitted to the Design Review Board; and

WHEREAS, the Common Council, at its April 4, 2016 meeting, adopted a resolution designating itself to serve as Lead Agency for the environmental review of the Site Plan Application pursuant to the State Environmental Quality Review Act and its accompanying regulations (SEQRA); determining that the Proposed Action, *inter alia*, is an Unlisted Action under SEQRA; and adopted an environmental determination, finding that the Proposed Action when compared to the SEQRA criteria of environmental effect, will not have a significant effect on the environment; and

WHEREAS, the Common Council has reviewed and considered comments from the public, as well as from the various City departments, officers, agencies, boards and commissions, and the Westchester County Planning Board, and has reviewed the application in light of the 1997 Comprehensive Plan and the update to the Comprehensive Plan adopted July 11, 2006, and standards set forth in the Zoning Ordinance, including but not limited to Sections 4, 5, 6, 7 and 8; and

NOW, THEREFORE, be it

RESOLVED, that the following findings are hereby adopted in accordance with the Zoning Ordinance:

Site Plan

Section 7.5 Standards

In considering and approving "site plans," the approving agency shall take into consideration the purposes of this Ordinance, including the purposes of the applicable zoning district or districts, and, as a condition of approval, may require such modifications of the proposed "site plans" as it deems necessary to comply with the spirit as well as the letter of this Ordinance. The approving agency shall specifically take into account the following:

Section 7.5.1 *Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan." Variances granted by the Board of Appeals need not be regarded by the approving agency as satisfying the requirement of conformity with this Ordinance for purposes of this review and approval. The approving agency shall review any such variances and may deny approval or require modifications pursuant to Section 7.5, above, in the event it finds any such variances produce or permit an unsatisfactory condition or arrangement in the "site plan" before it.*

1. The project is consistent with the strategies established in the 1997 Comprehensive Plan and 2006 Update to the Comprehensive Plan. It is located within the City's Core Area defined as "a place to live, work, shop and spend quality leisure time." In addition, the Plan states that downtown residential development is a major economic tool for the City to create a truly livable, "walkable" urban environment with a 24/7 character that supports office and retail. In particular, the Vision Statement for the Core Area Comprehensive Plan at page II-I-4, includes the following recommendation pertaining to the project area location: *"The trend toward more residential development in the Core Area should be encouraged."*

2. The proposed project is a mixed-use development featuring retail, restaurant, and medical office uses on the ground floor and residential apartments above that benefits the City by creating new residential dwelling units and generating increased economic activity and tax revenues. These new residents will support nearby businesses and help to spur further reinvestment in, and revitalization of, the surrounding area.

3. The proposed development is consistent with the Westchester County Planning Board's long-range planning policies set forth in *Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Westchester County

Planning Board on May 6, 2008, amended January 2, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995, as it represents development in an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

4. The project site is located in the CB-1 Zoning District, in which multi-family, residential, professional offices, retail and restaurants are permitted principal uses. No changes are proposed to the existing dimensions of the buildings; therefore, any dimensional non-conformity is pre-existing and legal.

5. On February 1, 2016, the Common Council adopted an amendment to the Zoning Ordinance, Schedule of Dimensional Regulations, to add footnote jj which provides: “No minimum area per dwelling unit shall be applied to existing building(s) on a lot or a development site for which there is no net increase in the floor area of the building(s) and no reduction in any yard area is proposed.”

6. The aforementioned amendment allows for the conversion of existing non-residential space to multi-family residential units at a density that makes adaptive reuse economically viable.

7. On November 4, 2015, the Board of Appeals (Zoning) granted an area variance for height on the building at 95 South Broadway. Although the highest point of the building will be

lower when the rooftop bulkhead is lowered by ten feet, an area variance was required for height because the building is legally non-conforming with respect to height, and, without a variance, the construction of the rooftop addition would be an intensification of the legally non-conforming condition.

8. The property at 4 Lyon Place is classified as a Special "S" Zone, with specific provisions governing the design of the building. In this instance, the "S" Zone provides a maximum allowable height of 55 feet for this property, which exceeds the 45-foot height permitted in the CB-1 Zoning District. Since the 4 Lyon Place building has a height of 53'-2," it conforms to its "S" Zone requirements of the 1981 Zoning Ordinance, as amended.

9. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, in accordance with Section 7.5.1 of the Zoning Ordinance, the proposed development of the site conforms with the 1997 Comprehensive Plan and the 2006 Update to the Comprehensive Plan adopted by the Common Council on July 11, 2006, and the CB-1 and "S" Zone requirements.

Section 7.5.2 *Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:*

7.5.2.1 The effect of the proposed development on traffic conditions on existing "streets."

1. The Applicant has submitted a Full Environmental Assessment Form, dated

October 19, 2015, and additional analyses, prepared by Richard J. Pearson, P.E., PTOE and Marc Petrero of JMC, dated October 20, 2015, evaluating the potential impact on traffic associated with the project. Based on the traffic analysis submitted by the Applicant, and upon confirmation by the Deputy Commissioner of Parking for Transportation Engineering, the proposed site plan will not have an adverse impact on the existing street network.

2. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, particularly those of the Deputy Commissioner of Parking for Transportation Engineering which incorporates those of the Transportation Commission, the proposed project will not have a negative impact on existing traffic conditions on existing streets at and surrounding the proposed project, and satisfies the requirements of Section 7.5.2.1 of the Zoning Ordinance.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways. Vehicular access to State and County roads must also be approved by the State Department of Transportation or the County Department of Public Works, as appropriate.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

1. The site plan shows a driveway into the Lyon Place parking lot and a loading dock area on Lyon Place to serve 95 South Broadway. The remainder of the parking is in the Lyon Place Garage, which has access from Lyon Place and Waller Avenue. Pedestrian access to both residential buildings will be from entrances on Lyon Place. Both sides of the street have sidewalks.

2. Visibility into and out of the site is adequate as confirmed by the Deputy Commissioner of Parking for Transportation Engineering.

3. After examining the proposed plans and Traffic Study, the Common Council finds that, subject to the Applicant's compliance with the conditions contained in this approval resolution herein, based upon the communications from the Deputy Commissioner of Parking for Transportation Engineering, incorporating comments of the Transportation Commission, and comments of the Public Works Department, and Planning Department, the number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways on and giving access to the proposed project, and the visibility in both directions at all exit points of the site are appropriate and satisfy the requirements of Sections 7.5.2.2 and 7.5.2.3 of the Zoning Ordinance.

7.5.2.4 The location, arrangement and adequacy of off-“street” “parking lots,” which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

1. The Applicant has proposed to provide a total of 211 parking spaces; 42 joint use parking spaces; and payment of a fee-in-lieu of 19 parking spaces (one residential and 18 commercial spaces), plus payment of a fee-in-lieu for an additional one (1) parking space as agreed by the Applicant.

2. Pursuant to the requirements of Section 8.5.3.1 of the Zoning Ordinance, the Common Council may allow joint use “provided the applicant demonstrates to the satisfaction of the

approving agency that the capacity of such [parking] facility will meet the intent of the requirements by reason of the provision of non-reserved parking spaces and variation in the probable time of maximum use by residents, visitors, patrons, and employees among such uses.

3. Pursuant to the requirements of Section 8.5.1.1 of the Zoning Ordinance, the Applicant may make a cash payment in lieu of providing up to ten required off-street parking spaces, but according to Section 8.5.1.2 of the Zoning Ordinance, the Applicant may request permission from the approving agency (Common Council) for the special permit or “site plan” to make said cash payment in lieu of providing 11 or more additional required off-street parking spaces.

4. Subject to the Applicant’s compliance with the conditions set forth in this approval resolution herein relating to the site plan, the location, arrangement and adequacy of the off-“street” parking, the project parking meets the requirements of Section 8 of the Zoning Ordinance.

7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

There is no inter-connection of parking lots on the site.

7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

1. The existing dedicated loading spaces provided on the site will continue to be used.

A “drop off zone” will be provided on Lyon Place at the entrances to both 4 Lyon Place and the 95 South Broadway buildings.

2. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the proposed number of "loading spaces" and the proposed loading design and operation meet the requirements of Section 8 of the Zoning Ordinance.

7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system. Sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Safety and Public Works.

1. Sidewalks are provided along both sides of Lyon Place and South Broadway, and they connect to the overall sidewalk system.

2. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the vehicular and pedestrian circulation both within the boundaries of the proposed project site and in relation to adjoining streets and sidewalk system will enhance pedestrian activity and linkages to other areas of the downtown.

7.5.2.8 The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved "parking spaces."

Appropriate provisions for the physically challenged will be provided on the sidewalk. As these buildings were previously a domiciliary care facility, they are equipped for handicapped accessibility.

7.5.2.9 *The location, arrangement and adequacy of landscaping within and bordering "parking lots" and "loading spaces," which shall, at a minimum, meet the requirements of Section 8.7.5 of this Ordinance.*

The landscape plan shows planting strips along the street frontage of the 95 South Broadway on both private property and enhancements within the public right-of-way. There is very limited landscaping shown along the Lyon Place building, but the entrance to the at-grade parking lot shows some planting in two 8'x21' planter strips adjacent to the sidewalk.

2. The following are the requirements for landscaping at parking lots and loading spaces at Section 8.7.5:

8.7.5 *Landscaping: Except for "parking lots" accessory to a "one" or "two family dwelling," all off-"street" "parking lots" and "loading spaces" shall be curbed, screened and landscaped with appropriate trees, shrubs, ground cover and other plant materials to assure the establishment of a safe, convenient and attractive facility. Such landscaping shall be planted and maintained in accordance with the following requirements:*

8.7.5.1 *In all off-"street" "parking lots" which contain 25 or more "parking spaces" and which are not located in "parking garages," at least 6% of the total "parking lot" shall be so landscaped, and at least 1 tree of not less than 3 inches caliper, shall be provided within such "parking lot" for each 12 "parking spaces."*

8.7.5.2 *Raised planting islands at least 8 feet in width shall be provided as necessary to guide vehicle movement, to separate opposing rows of "parking spaces" and to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such raised planting islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow, to prevent indiscriminate diagonal movement of vehicles and to provide cooling shade and visual relief from the visual monotony and summer heat of a large paved "parking lot." Curbs of such islands shall be designed so as to facilitate surface drainage and to prevent vehicles from overhanging sidewalks and damaging landscaping materials.*

8.7.5.3 *Suitable landscaping shall be provided, as required by the agency approving the "site plan," along the periphery of "parking lots," "parking garages" and "loading spaces" where they abut "streets," public spaces and residential districts. Such screening shall be in accordance with the requirements of Section 4.4.19.*

8.7.5.4 *The selection, amount and location of all landscaping materials shall be subject to approval by the agency approving the "site plan," based upon consideration of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems, including plant care, snow plowing and leaf removal.*

8.7.5.5 *All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next, immediately following, growing season.*

8.7.5.6 *The placement of landscaping shall create no obstruction to driver vision at critical traffic intersection areas.*

Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the Common Council finds that parking with the development site is adequately landscaped.

7.5.2.10 *Adequacy of fire lanes and other emergency zones. The approving agency may require the provision of fire zones and may also require suitable legal agreements for enforcement of any accompanying parking restrictions.*

1. The Commissioner of Public Safety will ensure the adequacy of the fire lanes as have been required by the previous hotel and domiciliary care facility.

2. Subject to all of the conditions set forth in this approval resolution herein, the vehicular and traffic circulation both within and without the site has been reviewed and is acceptable

in accordance with the provisions of Section 7.5.2 of the Zoning Ordinance. This finding specifically includes, but is not limited to, consideration of the effect of the development on traffic conditions on existing “streets;” vehicular and pedestrian access drives and walkways; visibility at all exit points of the site; parking facilities; the driveways connecting such facilities to the roadways; patterns of vehicular and pedestrian circulation; facilities for the physically challenged; and the adequacy of access for emergency purposes.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

7.5.3.1 The location, height and materials of walls, fences, hedges and plantings so as to insure harmony with adjacent development, screen "parking lots" and "loading spaces," and conceal storage areas, refuse areas, utility installations and other such features. Such walls, fences, hedges and plantings shall, at a minimum, meet the requirements of Sections 4.4.16 (Fences), 4.4.19 (Landscaping) and 8.7.5 (parking and loading areas) of this Ordinance.

1. Landscaped areas are proposed around the perimeter of the site. The refuse storage area is within the loading area of the building at 95 South Broadway. These features of the project will enhance the property values in the neighboring area, and have been designed in consideration of the approved landscaping at 60 South Broadway.

2. Subject to the Applicant’s compliance with the conditions set forth in this approval resolution herein, the location, height and materials of walls, fences, hedges and plantings located on the proposed development adequately screen the entrance and exits from the enclosed “parking garage” and “loading spaces,” storage areas, refuse areas, utility installations and other such features,

and meet the requirements of Section 4.4.16 (Fences), 4.4.19 (Landscaping) and applicable subsections of Section 8.7.5 (Parking and Loading areas) of the Zoning Ordinance.

7.5.3.2 The prevention of dust and erosion, both during and after construction, through the planting of ground cover or the installation of other appropriate ground surfaces.

1. The Applicant's implementation of City's Construction Management Protocol, as set forth in this approval resolution herein, will prevent dust and erosion during construction.

2. Landscape plantings and maintenance undertaken pursuant to the requirements of this approval resolution herein, will prevent dust and erosion after construction during the operation of the proposed project.

7.5.3.3 The preservation of natural features of the site such as wetlands, unique wildlife habitats, historic "structures," major trees and scenic views both from the site and onto or over the site.

The site is completely built-out. Therefore, there are no natural features, wetlands or unique wildlife habitat on the site.

7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

4.4.20 *Exterior Lighting: All exterior lighting accessory to multi-family or non-residential "uses," and all exterior lighting of "recreation facilities" accessory to residential "uses," including the lighting of signs, shall be of such type and location and have such shading as will prevent the source of light from being seen from any adjoining "streets" and residential properties and which will prevent objectionable glare observable from such "streets" or properties.*

The Applicant is not proposing significant changes to the lighting plan.

7.5.3.5 The design and arrangement of "buildings," "structures" and accessory facilities (such as air conditioning systems, public address systems, etc.) so as to achieve minimum and acceptable noise levels at the property boundaries.

The proposed mixed-use project has been designed in a manner to minimize noise impacts on the surrounding neighborhood.

7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding. Upon completion of development, the control and retention of storm water runoff shall be provided as directed by the Commissioner of Public Works, who may require the submission of an Engineer's Report.

The stormwater management plan has been reviewed by the Commissioner of Public Works. The Applicant shall be required to comply with all applicable conditions regarding same set forth in this approval resolution herein.

7.5.3.7 Access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping, meeting at a minimum the requirements of Section 4.4.21 of this Ordinance.

4.4.21.3 *Access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping, shall be considered by all approving agencies as a part of their review of any application.*

4.4.21.4 *New construction on any "lot" which would block access to sunlight*

between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time for existing approved solar energy systems or for solar energy systems for which a permit has been issued is prohibited except by permission from the Board of Appeals on a showing that other arrangements are infeasible or impractical, or that the degree of blocking is negligible.

1. The proposed project does not intend to use solar power.

2. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the design of the development is in harmony with the "uses" in the neighboring area and will preserve property values, and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance, given the architectural design of the building, use of lighting, landscaping and plantings.

Section 7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood. On report and recommendation of the Design Review Board, the approving agency shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk dimensions, materials and location on the site and, in relation to development on adjoining properties, the natural terrain and vegetation.

1. The proposed redevelopment will enhance the character and protect property values of the adjacent neighborhood. The re-use of the subject property, which is in dire need of renovation from both an aesthetic and energy efficiency perspective, will benefit the surrounding area. New fenestration, glass enclosed balconies and aesthetic enhancements to the facade, along with new streetscape landscaping will enhance the character of the neighborhood as recommended by the

Design Review Board.

2. Subject to all of the findings and conditions contained in this approval resolution herein, the architectural design of this proposed project will enhance and protect the character and property values of the neighborhood in accordance with Section 7.5.4 of the Zoning Ordinance.

Reservation of Parkland on Site Plan-
Payment of Money-in-Lieu-Findings
in Accordance with Section 27-a of
the New York General City Law

1. In connection with this site plan Application herein, the City of White Plains finds in accordance with Section 27-a of the New York General City Law (“General City Law”), that the provision of parkland and recreation facilities in conjunction with the development of multi-family uses is necessary to meet the needs of its residents.

2. In accordance with Section 27-a of the General City Law, where it is not practical for a particular development to provide parkland and recreational facilities, it is in the best interest of the City of White Plains and its residents to require funds to be paid to the City to be used exclusively for parks, playgrounds or recreational facilities, including the acquisition of property.

3. In accordance with Section 27-a of the General City Law, land for park, playground or other recreational facilities may not be required until the Common Council has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational facilities within the City of White Plains. Such findings shall include an evaluation of

the present and anticipated future needs for park and recreation facilities in the City based on projected population growth to which the particular site plan will contribute.

4. In accordance with Section 27-a of the General City Law, by adoption of this approval resolution herein, the Common Council makes a finding that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreation purposes, but that a suitable park or parks of adequate size cannot be properly located on the 95 South Broadway and 4 Lyon Place, therefore the Common Council shall require a sum of money in lieu thereof, to be established by a resolution of the Common Council. In making such determination of suitability, the Common Council assessed the size and suitability of land shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood or a need for improvements to or the acquisition of parks, playgrounds or recreation facilities or purposes that may be used by the population of the particular site plan. Such fee required by the Common Council in lieu of land for park, playground or other recreation purposes or facilities shall be deposited in a trust fund to be used by the City of White Plains exclusively for park, playground and other recreational purposes, including the acquisition of property. This finding is based on the following information and analysis.

A. As noted in the communication of the Commissioner of Planning, dated January 4, 2016, as White Plains continues to experience strong multi-family development pressure in the downtown core, including the estimated 346 new residents proposed for this project, it is imperative

that the City be proactive in planning for increased population growth and the associated impact on existing park and recreational facilities.

B. The Common Council has assessed both the suitability of possible park and recreation lands on the proposed 95 South Broadway and 4 Lyon Place, as shown on the submitted site plan, and has determined that there is a need for additional facilities Citywide, or acquisition of parks, playgrounds or recreation facilities that could be utilized by the estimated 346 new residents of the proposed development. The Commissioner of Planning in a communication dated January 4, 2016, has provided a comprehensive analysis of the City's projected population trends, current park/recreation inventory, and New York State recreation guidelines for the Common Council's review in making such a determination.

C. Over a twenty (20) year period from 1990-2010, the City's population increased by 16% and a total of 19% through 2014, according to the most recent Census Bureau population estimate. The City's increase in population since the 2000 Census in particular can be attributed to the rise in the number of 20-24 years olds (27% increase) and the number of persons between the ages of 55-84. The 2013 American Community Survey confirms the assertion that the City of White Plains has been successful in attracting young working professionals or "Millennials" and gaining and retaining "empty-nesters." There is also a large cohort of 25-44 year olds as a percent of total City population, which tend to be comprised of larger family sizes and thus require a greater need for adequate recreation facilities.

D. Future population projections provided by the New York Metropolitan Council, the regional metropolitan planning organization that distributes federal transportation monies to local governments, indicate that the City's total population will increase by 27% by the year 2050. The City's downtown population area where the 95 South Broadway and 4 Lyon Place project and other high density multi-family residential projects such as 60 South Broadway, are proposed is projected to grow by some 54% by the year 2050.

E. Further, it is conservatively estimated that approximately over 2,000 new residential units in the downtown core, including 212 units from 95 South Broadway and 4 Lyon Place, will come on-line and an additional 1,000 estimated in the pipeline over the next three to five years. The Common Council finds that this increase in projected downtown population with little opportunity to provide meaningful parkland either on proposed new site plans or elsewhere within the downtown Central Parking Area is the impetus for the establishment of a fee-in-lieu of parkland policy for all new residential development City-wide.

F. According to the communication of the Commissioner of Planning dated January 4, 2016, the New York State Office of Parks, Recreation, and Historic Preservation has developed recreation facility guidelines that include recommended standards for the type and size of recreational facilities that a community should provide given its population size. Large regional parks are not applicable to local government park planning as their purpose is to serve a larger County-wide population.

G. The City of White Plains has a total of 133.1 acres of public parkland or only 44% of the total 305.2 acres recommended by New York State based on current population, amounting to a deficiency of 172 acres of local parkland. Even with the inclusion of 140 acres of County-owned park facilities located within the City, White Plains is still far below the recommended parkland acres per capita with only 273 acres compared to the 595 acres recommended per New York State guidelines.

14. The provision for an applicant to contribute a fee-in-lieu of providing adequate land for park and recreation within its site plan is consistent with the 1997 Comprehensive Plan and 2006 Update adopted on July 11, 2006 and the City's Recreation Vision Statement which states;

“... the Plan contains a vision for open space and recreational resources that includes better integrating public open space into the fabric of the City's neighborhoods through an interconnected open space system ... creating additional recreational opportunities through the construction of ballfields and passive open spaces, **and achieving new parkland through the development review process.**” (emphasis added)

15. Based upon the above, the Common Council finds that the submitted site plan for 95 South Broadway and 4 Lyon Place, does not provide adequate land for park and recreation facilities based on the project's generation of 346 new City residents, projected future overall growth to City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented herein.

16. Further, in accordance with Section 27-a of the General City Law, the Common Council hereby establishes by this approval resolution herein a fee-in-lieu of providing adequate park

and recreation facilities on site plans with residential units on a per residential unit basis:

\$2,500 per studio unit;

\$3,000 per one bedroom unit; and

\$3,500 per two bedroom or larger unit.

17. The aforementioned fee structure is intended to mitigate the recreational impact of new multi-family projects without discouraging the development of sustainable mixed-use residential projects downtown, and is posited after careful analysis of some twenty-six (26) other Westchester County municipalities that currently administer fee-in-lieu parkland programs.

18. Under this fee schedule for 95 South Broadway and 4 Lyon Place set forth in this approval resolution herein, the current 212 unit mix proposed for 95 South Broadway and 4 Lyon Place will result in a total fee-in-lieu payment to the City of White Plains of \$626,500, as agreed by the Applicant, to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

19. The total fee of \$626,500, shall be paid by the Applicant in three (3) installments, as follows: \$313,250.00, prior to the issuance of the first building permit; \$219,275 upon issuance of any Certificate of Occupancy (CO) by the Commissioner of Building for the building presently known as 95 South Broadway; and \$93,975 prior to the issuance of any Certificate of Occupancy (CO) by the Commissioner of Building for 4 Lyon Place.

Affordable Housing

1. Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, revised January 1, 2012, the project qualifies as an Applicable Rental project which requires an affordable rental unit set aside by virtue of being located in the CB-1 (Core Business) Zoning District where a minimum of 10% of the total units in the development must be affordable to Families at 60% to 100% of median Family income, the average of which being no more than 80% of Family Income.

2. However, the Applicant is requesting to exercise an option for a reduction of the 10% affordable unit requirement to 6% of total units in accordance with the White Plains Affordable Rental Housing Program Rules and Procedures which state:

“At the option of the Common Council, the number of affordable rental units may be established at 6% where all required affordable rental units in a specified ARHP Applicable Rental Project are affordable to Families at incomes between 60% and 79% of Median Family Income.”

3. Based on an analysis of the current White Plains Affordable Rental Housing Program with respect to existing unit inventory and housing needs of the community, the Common Council hereby establishes a 6% affordable component for this project for families earning 60% -79% of Median Family Income, for a total of 13 affordable units comprised of four (4) studios, six (6) one-bedrooms and three (3) two-bedrooms.

4. In accordance with the Program guidelines, in addition to the affordable units comprising the same proportional unit mix at the market rate units with respect to bedroom count,

they can be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 13 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning, as Director of the White Plains Affordable Rental Housing Program and pursuant to existing program guidelines; and be it further

RESOLVED, that based upon the above findings, the Common Council hereby designates 95 South Broadway and 4 Lyon Place as single “Development Site” as defined by Section 2 of the Zoning Ordinance to which the dimensional and “use” regulations of the Zoning Ordinance shall apply, notwithstanding the subdivision or divided ownership of such site; in addition, pursuant to the 2012 Parking Agreement between the City of White Plains and the owners of the Esplanade, the parking spaces located with the City’s Lyon Place Parking Garage at 1 Lyon Place (Section 125.84, Block 4, Lot 8.2) are included within the Development Site; and be it further

RESOLVED, that based upon the above findings, the Common Council hereby determines that the joint use of forty-two (42) parking spaces pursuant to Section 8.5.3 of the Zoning ordinance is approved; and be it further

RESOLVED, that based upon the above findings, the Common Council hereby approves the Applicant’s request to pay fee-in-lieu for twenty (20) parking spaces according to Section 8.5.1 of the Zoning Ordinance in the total amount of \$250,000; and be it further

RESOLVED, that based upon the above findings, the Common Council hereby determines that there shall be a 6% affordable component for this project for families earning 60% to 79% of Median Family Income, for a total of 13 affordable units comprised of four (4) studios, six (6) one-bedrooms and three (3) two-bedrooms, in accordance with the White Plains Affordable Rental Housing Program Rules and Procedures; and be it further

RESOLVED, that based upon the above findings, the Common Council finds that the submitted site plan for 95 South Broadway and 4 Lyon Place, does not provide adequate land for park and recreation facilities based on the project's generation of 346 new City residents, projected future overall growth to City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented herein, and in accordance with Section 27-a of the General City Law, the Common Council hereby establishes by this approval resolution herein a total fee-in-lieu of payment to the City of White Plains of \$626,500, as agreed by the Applicant, to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property for the current 212 unit mix proposed for 95 South Broadway and 4 Lyon Place; said total fee of \$626,500 shall be paid by the Applicant in three (3) installments, as follows: \$313,250.00, prior to the issuance of the first building permit; \$219,275 upon issuance of any Certificate of Occupancy (CO) by the Commissioner of Building for the building presently known as 95 South Broadway; and \$93,975 prior to the issuance of any Certificate of Occupancy (CO) by the Commissioner of Building for 4 Lyon Place; and be it further

RESOLVED, that based upon the above findings, the Common Council determines that the standards of Sections 4, 5, 6,7, and 8 of the Zoning Ordinance have been satisfied and that the Site Plan Application be and hereby is granted, subject to the Applicant's compliance with the following conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, the Applicant must provide a property survey for each address, which shall include topographical elements, all utilities, and all existing right-of-way features that may be impacted by the site improvements.

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, the Applicant must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater permit for both addresses prior to the issuance of a Building Department permit.

3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, the Applicant shall contact DPW Code Enforcement for all necessary permits prior to commencing any work in the City right-of-way.

4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, the plans reviewed represent a conceptual design of the proposed renovations to the buildings, which include improvements within the public right-of-way

of South Broadway and Lyon Place. The Applicant must provide more detailed site plan information and all technical issues within the City right-of-way must be addressed to the satisfaction of the Commissioner of Public Works, prior to the issuance of any DPW permits within the City right-of-way.

5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, prior to the issuance of any City of White Plains Right-of-Way Permits, the Applicant shall submit a Solid Waste Management Form and Plan for review and approval by DPW. The plan must show a designated location for each of the conventional waste materials and recyclable materials (glass, tin metal, plastic, cardboard) with separate storage containers shown for the recyclables. Conventional waste and recyclable materials shall be stored in dedicated locations shown on the site plan and in detail. The Applicant shall disclose an internal routing plan for removal of the waste and recyclable materials from within the buildings to an outdoor collection point, where said waste and materials can be removed by the City's municipal collection services or a private carter. If a private carter is to be utilized, a letter must accompany the DPW Solid Waste Management Form from the contractor providing the services.

6. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, design calculations must be provided by the Applicant's M.E.P. engineer of record (EOR) for the buildings' water and sanitary sewer service lines, including the new pool facilities. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant's New York State licensed design

professional responsible for ensuring that the project's service lines are adequate for its intended inhabitants and uses. The Applicant's EOR shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the storm water flow from the buildings, parking and rooftop areas, to confirm that the sizes of the water and sewer services are designed in conformance with the current New York State Plumbing Code.

7. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, a flow metering device must be installed in a downstream manhole located on South Broadway, to ensure the existing line has adequate capacity to service the re-purposing of the buildings and may need to be upgraded in size at the expense of the Applicant, and is subject to the approval of the Commissioner of Public Works.

8. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, during construction, all work under the jurisdiction of the DPW must be in conformance with the DPW's standards regardless of what may be shown or omitted on the plan.

9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, the proposed walking path light bollards must be located within the Applicant's property and not within the City's right-of-way.

10. As per the recommendation set forth in the communication of the Commissioner

of Public Works dated April 4, 2016, prior to the issuance of a Temporary Certificate of Occupancy (TCO), the Applicant must secure the installation of backflow prevention devices on the fire and domestic lines for each building. These devices must be located in a utility room that must also accommodate a master water meter. The applications for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Department of Health. The Westchester Department of Health also requires adequate drainage provisions be made within the buildings for a catastrophic discharge of the reduced zone pressure device (RPZ).

11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, all tree species proposed to be installed within the City's right-of-way will require approval from the Commissioner of Public Works and the City's arborist, prior to planting.

12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, all proposed tree grates located within the City's right-of-way must be in conformance with City standards and be Americans with Disabilities Act (ADA) compliant.

13. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, all construction work shall be subject to the City's Construction Management Protocol. This protocol includes, *inter alia*, a construction management plan, erosion and sedimentation control measures, hours of operation, and parking site access, etc.

14. The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site formerly known as “the Esplande” located at 95 South Broadway and 4 Lyon Place are set forth below:

- a. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Planning, and Public

Works, the Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.

b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.

c. The Construction Management Plan for the proposed project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the

City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers, which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.

e. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.

f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:

i. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

- ii. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.

- iii. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra-low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.

- iv. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.

- v. "Non-road engines" mean an internal combustion engine

(including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

g. Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

h. The Applicant shall equip all construction equipment with “back up” sound attenuation devices.

I. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.

j. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.

k. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.

l. The Applicant shall include a note on both the approved site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.

m. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.

n. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.

o. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.

15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, the plans illustrate multiple planting areas being proposed to be installed within the municipal right-of-way, along the north side of Lyon Place and the west side of South Broadway. These planting areas will require that a maintenance agreement with the City be executed, subject to the approval of the Corporation Counsel, along with all necessary permits, and will remain in effect with the transfer of the property. Prior to issuance of a Building Permit, this document must be completed in accordance with the City's local law requirements and approved by the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said planting areas. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the City through the DPW shall receive 20% of all costs as an administrative fee.

16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 4, 2016, the Applicant shall revise plans to clearly show the locations of all proposed ADA compliant ped-ramps with the required tactile pads, along the perimeter of the site and any other locations where new sidewalks are to be installed or restored under this project.

17. The Applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.

18. As per the recommendation set forth in the communication of the Commissioner of Planning dated March 23, 2016 and as noted previously in this approval resolution herein, the project shall contain a 6% affordable component for families earning 60% to 79% of Median Family Income, for a total of 13 affordable units comprised of nine (9) units located within the 95 South Broadway tower; two (2) studios, five (5) one-bedrooms, and two (2) two-bedrooms; and four (4) units located in the 4 Lyon Place building comprised of two (2) studios, one (1) one-bedroom, and one (1) two-bedroom. The dedicated affordable units must remain for the life of the project and be composed of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 13 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning, as Director of the White Plains Affordable Rental Housing Program pursuant to the existing program guidelines.

19. As per the recommendation set forth in the communication of the Commissioner of Planning dated March 23, 2016, the Common Council has made the requisite findings pursuant to New York State General City Law Section 27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 346 new City residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the communication of the Commissioner of Planning dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money -in-lieu thereof.

20. As per the recommendation set forth in the communication of the Commissioner of Planning dated March 23, 2016, the Common Council has assessed a fee-in-lieu of providing adequate park and recreation facilities for the 212-dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$626,500 to be paid by the Applicant to the City to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee of \$626,500, shall be paid by the Applicant in three (3) installments, as follows: \$313,250.00, prior to the issuance of the first building permit; \$219,275 upon issuance of any Certificate of Occupancy (CO) by the Commissioner of Building for the building presently known as 95 South Broadway; and \$93,975 prior to the issuance of any Certificate of Occupancy (CO) by the Commissioner of Building for 4 Lyon Place.

21. As per the recommendation set forth in the communication of the

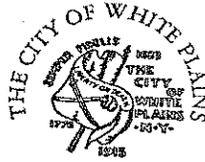
Commissioner of Planning dated March 23, 2016, all landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the “structure” or “use” which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.

22. As per the recommendation set forth in the communication of the Commissioner of Planning dated March 23, 2016, a pre-construction meeting shall be held with the Applicant, the contractor, the Building Inspector, the Environmental Officer, and other City staff, as needed, to review the construction plan and time-line, and to detail City requirements and Applicant responsibilities during construction.

23. As per the recommendation set forth in the communication of the Commissioner of Planning dated March 23, 2016 and the Chair of the Planning Board, dated March 24, 2016, prior to the issuance of a building permit, the Departments of Building and Planning, and the Environmental Officer shall ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification and Silver as proposed by the Applicant, and the New York State Energy Star Standards.

24. As per the recommendation set forth in the communication of the Chair of the Planning Board, dated March 24, 2016, the Board recognizes that there are very limited opportunities for provision of open space in the adaptive reuse of a fully developed site and building. The Board encourages the Applicant to provide planter strips along South Broadway to enhance the pedestrian

experience. The landscaping must complement the planting at the 60 South Broadway project, and shall be subject to approval by the Commissioner of Public Works.



DEPARTMENT OF PERSONNEL
MUNICIPAL BUILDING * 255 MAIN STREET * WHITE PLAINS, NEW YORK, 10601
(914) 422-1257 * FAX (914) 422-6496

Thomas M. Roach
Mayor

Elisabeth Wallace
Personnel Officer

Debra Clay
Deputy Personnel Officer

To The Honorable Mayor and Members of the Common Council of the City of White Plains

Dear Mayor and Council Members:

At the request of the Executive Director of the Housing Authority and based on Resolution #16-09 passed by the White Plains Housing Authority Board, I submit for your approval a Resolution for the approval of salary increases for the following positions which are not represented by a union, as follows:

Deputy Director-WPHA	2%	\$131,315	Effective 4/1/16
Business Assistant	6%	\$ 87,366	Effective 4/1/16

Your Council's approval of this Resolution is required by the provisions of the New York State Public Housing Authority Law and the bylaws of the White Plains Housing Authority in order to implement these salary increases.

Respectfully submitted,

Elisabeth Wallace
Personnel Officer

Dated for: April 4, 2016

50

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS FOR
THE APPROVAL OF THE COMPENSATION FOR CERTAIN POSITIONS OF THE WHITE
PLAINS HOUSING AUTHORITY

WHEREAS, the White Plains Housing Authority by adoption of its Resolution No. 16-09 on March 9, 2016 approved a 2% increase in the compensation of the Deputy Director -WPHA effective April 1, 2016; and

WHEREAS, the White Plains Housing Authority by adoption of its Resolution No. 16-09 on March 9, 2016 approved a 6% increase in the compensation of the Business Assistant effective April 1, 2016; and

WHEREAS, in accordance with Section 32 of the Public Housing Law, the Common Council must approve the compensation for employees of the White Plains Housing Authority; now therefore, be it

RESOLVED that the annual salary of \$131,315 authorized by the Housing Authority for the Deputy Director of the White Plains Housing Authority be and hereby is approved effective April 1, 2016; and be it further

RESOLVED that the annual salary of \$87,366 authorized by the Housing Authority for the Business Assistant of the White Plains Housing Authority be and hereby is approved effective April 1, 2016.

Board Meeting Date
March 8, 2016

Date Submitted
March 8, 2016

RESOLUTION
OF
WHITE PLAINS HOUSING AUTHORITY
Resolution **16-09**

TITLE: Approve salary increases for the Managerial Confidential Employees, Alan Pio and Denise Brooks. The Board of Commissioners recommends that Alan Pio receives 2% and Denise Brooks receive a 6% increase respectively. Following subsequent discussion the Board approves the adjustments effective April 1, 2016.

Commissioner Eller offered the motion:

Commissioner Diggs seconded the motion:

WHEREAS: the White Plains Housing Authority must annually prepare for submission to the United States Department of Housing & Urban Development an annual Operating Budget outlining projected income and expenditures; and

WHEREAS: the Executive Director and the Accounting firm of John G. Cruikshank has recommended a financial plan based on anticipated income and expenses including projected salary increases;

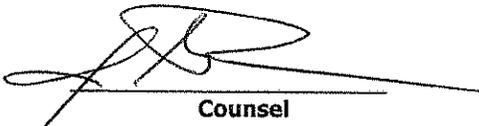
WHEREAS: the Board of Commissioners recommends the Managerial Confidential Employees yearly salary increases, if any; and

WHEREAS: the Board of Commissioners, after due deliberation of the issue, has recommended a 2% increase for the Deputy Director and 6% for Business Assistant effective April 1, 2016: now therefore be it

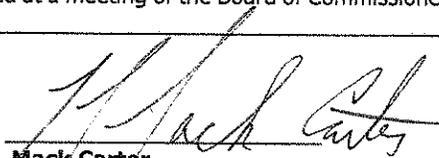
RESOLVED: that the salaries of the Managerial Confidential Employees, Alan Pio and Denise Brooks. The Board of Commissioners recommends that Alan Pio receives 2% and Denise Brooks receive a 6% increase respectively. Following subsequent discussion the Board approves the adjustments effective April 1, 2016.

<u>NV-N VOTING</u>				<u>AB ABSENT</u>					
<u>RECORD OF COMMISSIONER VOTE ON PASSAGE</u>									
<u>COMMISSIONERS</u>	<u>AYE</u>	<u>NAY</u>	<u>NV</u>	<u>AB</u>	<u>COMMISSIONERS</u>	<u>AYE</u>	<u>NAY</u>	<u>NV</u>	<u>AB</u>
<u>BOONE</u>				<u>X</u>	<u>SALLEY</u>				<u>X</u>
<u>DIGGS</u>	<u>X</u>				<u>ELLER</u>	<u>X</u>			
<u>STEWART</u>	<u>X</u>				<u>WOLFF</u>	<u>X</u>			
<u>SMITH</u>									

Approved as to Form
Legality on Basis of Fact
Set Forth


Counsel

I hereby certify that the above resolution was adopted at a meeting of the Board of Commissioners of the White Plains Housing Authority on 3/9/16


Mack Carter
Secretary to the Board

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

TO THE HONORABLE MAYOR THOMAS M. ROACH AND THE COMMON COUNCIL
OF THE CITY OF WHITE PLAINS

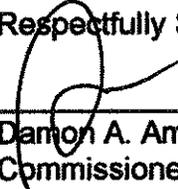
Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by LCOR 55 Bank Street LLC (the owner of the property) for an extension to the Site Plan Approval for their project at 55 Bank Street.

Although site work has commenced, the project is not far enough along to be considered "substantially constructed" and thus the request for an extension to their Site Plan Approval is appropriate.

A letter petition, dated March 15, 2016, prepared by Cuddy and Feder LLP has been submitted on behalf of the owner for a one (1) year extension.

Referrals may be made at this time to appropriate City departments and boards.

Respectfully Submitted,



Damon A. Amadio P.E.
Commissioner of Building

Dated: March 23, 2016
(for the April 4, 2016 Common Council Meeting)

Documents Submitted: A petition letter prepared by Mr. William Null dated March 15, 2016; a Short Building Permit Application Form dated March 15, 2016 and a Short Environmental Assessment Form dated March 24, 2015.

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

52

CUDDY & FEDER^{LLP}

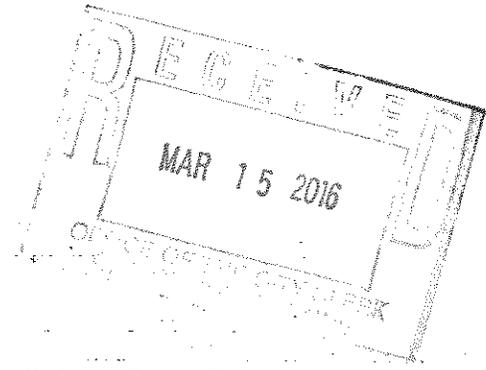
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

March 15, 2016

BY HAND

Hon. Thomas M. Roach, Mayor, and
Members of the Common Council
City of White Plains
255 Main Street
White Plains, New York 10601

Re: LCOR 55 Bank Street LLC
Premises: 55 Bank Street, White Plains, New York



Dear Mayor Roach and Members of the Common Council:

On behalf of LCOR 55 Bank Street LLC ("LCOR"), we respectfully submit this letter requesting an extension of the Site Plan Approval granted by the Common Council of the City of White Plains, which was most recently amended on May 6, 2015 by the granting of a Minor Amendment permitting the swimming pool on the amenity deck to be open to the outdoors, rather than enclosed (the "Prior Approval"). As you know, the development of these Premises also is governed by the "Contract for Sale of Land for Private Redevelopment of the Property known as 55 Bank Street, by and between the White Plains Urban Renewal Agency ("Agency"), the City of White Plains ("City"), and LCOR 55 Bank Street LLC" ("LCOR") (the "LDA") and the "First Amendment to Contract for Sale of Land for Private Redevelopment" (the "First Amendment").

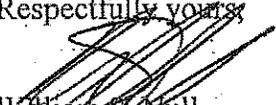
Since the issuance of the Prior Approval, LCOR has commenced construction of the development, which is underway. However, there remains considerable work to complete the project and substantial construction has not yet been achieved. Therefore, we are requesting a one year extension of the Prior Approval and confirm there have been no material changed circumstances that would alter the rationale upon which the Prior Approval was adopted.

In connection with this Application, we respectfully submit the following:

1. Building Permit Short Form; and
2. Short Environmental Assessment Form.

We thank the City, Agency and their respective professional staff and look forward to continuing to work toward the successful redevelopment of these Premises.

Respectfully yours,


William S. Null

WSN:yp
Enclosures

cc: John G. Callahan, Esq.; Arthur Gutekunst, Esq.; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Mr. James M. Driscoll; and Seth Landau, Esq.



CITY OF WHITE PLAINS
DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

<http://www.cityofwhiteplains.com/>

Reset Form

Print Form

1 APPLICATION TYPE:

MULTI-FAMILY DWELLINGS & COMMERCIAL CONSTRUCTION
 RESIDENTIAL (ONE & TWO FAMILY DWELLINGS)

2 PERMIT TYPE: *(Only one permit per application form)*

Legalization SCAN FEE: _____

<input checked="" type="checkbox"/> Building <i>(no volume added)</i>	<input type="checkbox"/> HVAC	<input type="checkbox"/> Plumbing
<input type="checkbox"/> Grading /Excavation	<input type="checkbox"/> Kitchen Exhaust	<input type="checkbox"/> Sign, Awning, Canopy & Bunting
<input type="checkbox"/> Demolition / Scaffold	<input type="checkbox"/> Boiler	<input type="checkbox"/> Fire Alarm
<input type="checkbox"/> Updated & Substitute C.O.	<input type="checkbox"/> Mechanical / Generator	<input type="checkbox"/> Low Voltage Permit
<input type="checkbox"/> Temporary Structures	<input type="checkbox"/> Fire Suppression	<input type="checkbox"/> Electrical

Vertical Transportation
Hoisting
CON ED #: _____

3 Application #: _____ Date Filed: _____ Reviewed by: _____ Ins: _____

Estimated Cost of Work: N/A Fee Amount: _____ Receipt #: _____
(including labor, material & fixtures)

Permit #: _____ Date Issued: _____ Assigned CEO: _____ Assigned Eng: _____

Site Address: 55 Bank Street SBL: 125.74 & 125.82 Zone: CB-4 Set Back: _____

Unit #: _____ Floor #: _____ Sq Ft: _____ Present Use & Occupancy: _____

Sprinkler: _____ Construction Type: _____ Proposed Use & Occupancy: _____

Work Description: _____

4 Applicant: LCOR 55 Bank Street Address: 55 Bank Street, White Plains, NY

Contact: James M. Driscoll
Senior Vice President CELL: _____ PHONE: 212-760-0060 FAX: 212-760-0891
jdricoll@lcor.com
 EMAIL: _____

5 Contractor: _____ Address: _____

Contact: _____ CELL: _____ PHONE: _____ FAX: _____

EMAIL: _____

Signature: _____ Date: _____ Do you have any employees? Yes No

6 Engineer or Architect: _____ Address: _____

Contact: _____ CELL: _____ PHONE: _____ FAX: _____

EMAIL: _____

7 Owner or Tenant: _____ Address: _____

Contact: _____ CELL: _____ PHONE: _____ FAX: _____

EMAIL: _____

COUNTY OF WESTCHESTER }
William S. Null Attorney for the Applicant being duly sworn, deposes and says: that 55 Bank Street LLC
(PRINT NAME) (OWNER, AGENT, BUILDER, CONTRACTOR) (PRINT NAME OWNER)

is the owner in fee of the premises to which this application applies; that he/she (the applicant) is duly authorized to make this application; and that the statements contained here are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations.

Signature of Applicant/Contractor for Westchester County License# Unique # & NYS # (Fire Alarm Only)
Attorney for the Applicant

Applicant Sworn Before Me This
15th Day of March 2016
DANIEL M. LAUB
NOTARY PUBLIC

(NOTE: The filing of this application does not constitute a permit to commence construction)

9 BUILDING OWNER CERTIFICATION (If applicable): (To be signed by Owner)

NOTARY PUBLIC-STATE OF NEW YORK
No. 02LA6224879
Qualified in Westchester County
My Commission Expires July 10, 2014
August 28, 2018

I, _____, hereby certify that I have full knowledge of the proposed alteration described herein and take no exception to such activity.

Signature of Property Owner Date Print Name & Title.

Note: An authorization letter granting the above signed applicant permission to submit this application can be attached to application, in lieu of completing owner certification.
Owner signature not required if work is being done under a Parent Building Permit.
Applicant must provide Parent Building Permit number: _____

10 HOLD HARMLESS (If applicable)

Homeowner to complete only if you will do all the work yourself. (No employees or subcontractors used.)

To: Commissioner of Building Subject: Building Permit Application# _____
Site Address: _____ SBL: _____

I, _____, the permittee, to the fullest extent permitted by law, shall save, keep, indemnify and hold harmless the City of White Plains and their respective officers, officials, employees, and agents from and against all liability, injury, loss or damage, cost or expense in law or in equity that may at any time arise directly or indirectly by reason of or in the course of performing the work pursuant to the Building Permit, which may be occasioned by any act or omission of the permittee, any of the permittee's employees, volunteers or any subcontractor. The foregoing provisions shall not be construed to cause the permittee to indemnify the City of White Plains from its sole negligence.

Applicant/Permittee Name: _____ Signature: _____ Date: _____
Witness Name: _____ Signature: _____ Date: _____

11 PERMIT REQUIREMENT AGREEMENT:

I, _____ (Print Name), understand and will comply with the following: (Initial each requirement and sign)

- 1. Construction shall not begin until the appropriate permit is issued _____.
2. Construction, alterations or repair work shall not start before 7:00am or continue past 7:00pm on weekdays _____.
3. Construction, alterations or repairs shall not start before 9:00am or continue past 7:00pm on weekends _____.
4. Required erosion and sediment control methods will be installed and inspected prior to start of construction _____.
5. Contractor is responsible to call the W.P. Building Dept for all mandatory inspections _____.
6. Revision to work involving structure or life safety systems shall have approved amended plans prior to doing the work _____.

I have read, initialed and fully understand the above requirements _____ Dated: _____.
(SIGNATURE)

12 MUST BE COMPLETED FOR ALL PLUMBING APPLICATIONS:

NOTES: A Licensed master plumber and / or certified journeyman shall be present for all plumbing inspections. Plumbing applications shall only be submitted by a duly licensed Westchester County Master Plumber. File drawings, descriptions, etc. must be per the Plumbing Code of New York State & the White Plains Supplemental Building Code.

DOES THE WESTCHESTER COUNTY LICENSED PLUMBER HAVE ANY EMPLOYEES?: YES NO

THE FOLLOWING IS A LIST OF WORK TO BE DONE:

FLOOR	W.C.	LAV.	BATHS	SINKS	SINK & TUB	LAUNDRY	URINAL	SLOP SINK	DRINKING FOUNTAIN	FLOOR DRAINS	H/W HEATER	H/W HEAT DEVICE	OTHER FIXTURE
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BSMT LEVEL	<input type="checkbox"/>												
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1ST LEVEL	<input type="checkbox"/>												
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2ND LEVEL	<input type="checkbox"/>												
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3RD LEVEL	<input type="checkbox"/>												
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4TH LEVEL	<input type="checkbox"/>												
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5TH LEVEL	<input type="checkbox"/>												
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6TH LEVEL	<input type="checkbox"/>												
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7TH LEVEL	<input type="checkbox"/>												
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8TH LEVEL	<input type="checkbox"/>												
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9TH LEVEL	<input type="checkbox"/>												
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ROOF LEVEL	<input type="checkbox"/>												
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OTHER WORK: _____

GENERAL FILING INSTRUCTIONS : (Building Short Form - No Volume Added)

1. Complete application and have it notarized.
2. File in person at Building Department.
 1. Filing hours are Monday through Friday from 9:00 am to 1:00 pm only.
4. Provide copies of all licenses.
5. Provide certificates of insurance made out to The City of White Plains as Holder.
 - a) General Liability showing The City of White Plains as additionally insured for \$1,000,000 coverage /occurrence.
Exception: Homeowners shall provide proof of General Liability insurance of \$500,000 per occurrence.
 - b) Automobile Liability for \$1,000,000 coverage CSL.
 - c) Statutory Worker's Compensation. (Accord Form not acceptable)
Exception: Contractors with no employees, submit completed NYS Worker's Compensation Board Form#CE-200(12-08).*
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
 - d) Statutory N.Y. State Disability. (Accord Form not acceptable)
Exception: Contractors with no employees, submit approved NYS Worker's Compensation Board Form#CE-200(12-08).*
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
6. Refer to individual instructions for each specific Permit Type. (See below)
7. Incomplete applications will not be processed and will be considered abandoned after six months.
8. Provide all fees in form of check or Money Order payable to The City of White Plains. Scan fee applicable for all applications submitted with attached drawings.
9. Engineers are only available for review & consultations from 9am - 1pm.
10. Legalization work requires signed & sealed drawings and certification letter generated by a NYS licensed Design Professional.

* CONTRACTOR UNDERSTANDS PERMIT ISSUANCE WILL BE DELAYED WITHOUT RECEIPT OF APPROVED FORM#CE-200(06-08).

ADDITIONAL FILING INSTRUCTIONS : (SPECIFIC INSTRUCTIONS AVAILABLE BY PERMIT TYPE)

1. PLUMBING PERMIT requirements.
2. MECHANICAL PERMIT requirements:
 - a) Central Vacuum Systems.
 - b) Oil tanks.
 - c) Chimney Re-Lining
 - d) Battery Room
3. DEMOLITION requirements.
4. HVAC PERMIT requirements.
5. BOILER PERMIT requirements.
6. KITCHEN EXHAUST PERMIT requirements.
7. FIRE ALARM PERMIT requirements.
8. FIRE SUPPRESSION PERMIT requirements.
9. FENCE & WALL requirements.
10. SIGN & AWNING requirements. (Design Review Board Agenda Requirements)
11. RIGGING & HOISTING requirements.

New Residential Building Sustainability Suggestions:

HAVE YOU CONSIDERED.....

1. Using recycled material in any the building elements?
2. Locating the building on the site to maximize the use of natural lighting?
3. Modular building construction?
4. Using high efficiency insulation such as "Spray foam"?
5. A photovoltaic system for power or water heating?
6. A rainwater harvesting system for irrigation purposes?
7. Energy Star Appliances?
8. Ground source heat pump system for space conditioning?
9. Heat recovery ventilation system?
10. Using high efficiency (low E) double or triple pane windows?
11. Radiant floor (hot water) heating
12. Low flow shower heads?
13. LED lamps in light fixtures?
14. Using Ceiling fans?
15. Using low VOC emitting materials for paints, adhesives, carpets, coating, etc...?
16. Recycling post construction waste?

Note: It is not mandatory that any of the above items be incorporated into your building design/construction unless specifically required by one of the New York State Codes. If you have any questions about any of the above items, please feel free to contact our offices for additional information. The intent of this document is to raise awareness of sustainability techniques for your consideration when planning your project.

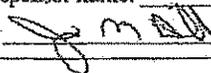
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
LCOR 55 Bank Street LLC			
Name of Action or Project: 55 Bank Street			
Project Location (describe, and attach a location map): 55 Bank Street, White Plains, New York			
Brief Description of Proposed Action: Minor Site Plan Amendment to permit exterior swimming pool in area of amenity deck in which interior swimming pool was approved.			
Name of Applicant or Sponsor: LCOR 55 Bank Street LLC (Att: James M. Driscoll)		Telephone: (212) 760-0060 E-Mail: jdriscoll@lcor.com	
Address: One Penn Plaza, Suite 1801			
City/PO: New York		State: New York	Zip Code: 10119
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?			2.27 acres
b. Total acreage to be physically disturbed?			N/A: pool only acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			N/A acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Railroad <input checked="" type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ Brownfield site that is being remediated: _____	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: LCOR 55 Bank Street LLC		Date: March 24, 2015
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

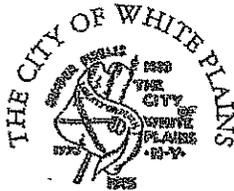
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>LEOR 55 BANK STREET LLC</u>	<u>MARCH 24 2015</u>
Name of Lead Agency	Date
<u>JAMES M DRISCOLL</u>	<u>SENIOR VICE PRESIDENT</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

RESET

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

October 15, 2015

Mr. William Null
Cuddy & Feder
445 Hamilton Avenue 14th floor
White Plains, New York 10601

Re: 55 Bank Street- second floor exterior pool
SBL 125.82-1.7.1

Dear Bill:

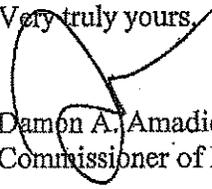
As requested, this letter memorializes our previous discussions regarding the minor amendment submitted by your office on March 24, 2015 on behalf of LCOR 55 Bank Street LLC. We submitted the minor amendment to the Common Council on March 25, 2015 for their April 6, 2015 monthly meeting.

The Council has thirty (30) days to comment on the applications. If no comments are made, our department can process the request.

We did not receive any comments from the Council during the stipulated period and therefore we are considering this amendment approved.

Please note that this approval is only associated with compliance with the City of White Plains Zoning Ordinance site plan submission process.

Very truly yours,


Damon A. Amadio
Commissioner of Building

DAA:ps

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THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
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Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

**TO THE HONORABLE THOMAS M. ROACH MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7.1 Minor Amendments of the White Plains Zoning Ordinance, is a minor amendment, dated March 24, 2015 to a previously approved site plan at 55 Bank Street. The applicant, LCOR 55 Bank Street LLC, is requesting permission to make the second floor pool open to the outdoors. This proposed amendment affects only the second floor outdoor deck area and results in a more desirable amenity for the tenants.

A minor amendment is a modification or change in an approved "site plan" that does not exceed any of the following thresholds:

- a) There is no increase in the mandatory off-street parking or loading requirement.
- b) There is no increase in "use" and no new "use" is established.
- c) There is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

Please be advised that the proposed minor amendment indicates no increase to the mandatory off-street parking or loading requirement. No increase in "use" and no new "use" is established. With respect to the proposed project as a whole, it can be concluded that there is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

If the Common Council does not object to this application being considered a Minor Amendment, within the next thirty (30) days or at their next occurring meeting, the

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THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Danon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

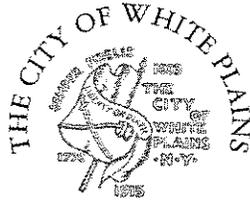
Commissioner of Building shall facilitate appropriate review and approval of such Minor Amendment.

Danon A. Amadio P.E.
Commissioner of Building

DATED: March 25, 2015
(for the April 6, 2015 Common Council Meeting)

**DOCUMENTS
SUBMITTED:** A cover letter prepared by Mr. William Null dated March 24, 2015; a Short Form Building Permit Application dated March 24, 2015; a Short Environmental Assessment Form dated March 24, 2015; two versions of drawing A-103 (showing the condition as originally approved and as proposed) and three (3) renderings of the proposed condition dated March 20, 2015

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

TO THE HONORABLE MAYOR THOMAS M. ROACH AND THE COMMON COUNCIL
OF THE CITY OF WHITE PLAINS

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by 120 Bloomingdale Road LLC (the owner of the property) for an extension to the Site Plan and Special Permit approval for the their project at 120 Bloomingdale Road also known as "Heritage White Plains" (formally known as "The Venue") . A letter petition, dated March 16, 2016, prepared by Cuddy and Feder LLP has been submitted on behalf of the owner for a one (1) year extension. The last extension was granted on June 1, 2015.

Referrals may be made at this time to appropriate City departments and boards.

Respectfully Submitted,



Damon A. Amadio P.E.
Commissioner of Building

Dated: March 23, 2016
(for the April 4, 2016 Common Council Meeting)

Documents Submitted: A petition letter prepared by Mr. William Null dated March 16, 2016; a Short Building Permit Application Form dated March 16, 2016; a Short Environmental Assessment Form dated April 14, 2014 and a Traffic Impact Study dated March 22, 2013.

March 16, 2016

BY HAND

Hon. Thomas M. Roach, Mayor, and
Members of the Common Council
City of White Plains
Municipal Building
255 Main Street
White Plains, New York 10601

Re: Heritage White Plains (f/k/a The Venue on Bloomingdale Road)
(Premises: 120 Bloomingdale Road, White Plains, New York)

Dear Mayor Roach and Members of the Common Council:

On behalf of 120 Bloomingdale Road, LLC (the "Applicant"), we respectfully request the extension of the Site Plan and Special Permit Approval granted for these Premises (the "Prior Approvals"), which Prior Approvals last were issued on May 7, 2013 in accordance with Sections 4.4.25, 6.2.1.7 and 7.4 of the Zoning Ordinance of the City of White Plains (and previously were extended on June 1, 2015 for another year).

The Premises comprise 5.8 acres of land on the westerly side of Bloomingdale Road, southerly of Maple Avenue and northerly of Mamaroneck Avenue, classified in the B-1 "S" District pursuant to the Zoning Ordinance of the City of White Plains. In addition, the Premises includes 0.87 acres of land situated along Hale and Carhart Avenues on a ridge above the main portion of the Premises, classified in the R2-2.5 District, which is improved with an accessory parking lot for office tenants. The renovation and upgrading of the existing office building was recently approved by this Council and has been completed, including façade and other exterior improvements and the opening of a child day-care facility.

The Prior Approvals permit construction of 46,843 square feet of retail space, plus a 6,000 square foot restaurant (with outdoor dining), or a total of 52,843 square feet of space. The Applicant has retained the expertise of SRS Real Estate Partners to market the development, which is proposed to be known as Heritage White Plains. A copy of the marketing brochure is enclosed for your review. We have been advised that there is strong market interest in the site and we expect to be able to provide you with positive news within the next few months. This request for a one-year extension of the Prior Approvals does not involve any changes to the design. Moreover, no materially changed circumstances have arisen to adversely affect the facts or circumstances upon which the Prior Approvals were issued herein.

In connection with this Application, we respectfully submit the following:

1. Building Permit Short Form;

2. A Memorandum from Divney Tung Schwalbe together with a Short Environmental Assessment Form (on the current and updated SEQRA Form¹) to which is annexed the Full Environmental Assessment Form ("EAF") previously submitted herein, all in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively "SEQRA"). The above-referenced Memorandum specifies that this is a Type I Action under Section 4.4.25 of the Zoning Ordinance as an "Environmentally Sensitive Site."
3. A letter from Maser Consulting, P.E. confirming that there have been no changes in traffic from the facts described in the enclosed March 25, 2013 letter regarding traffic impacts from Maser Consulting, P.E. to Commissioner Soyk.

With regard to stormwater drainage, please note that on February 4, 2013 a comprehensive Stormwater Pollution Prevention Plan ("SWPPP") was submitted to the Department of Public Works of the City of White Plains, which Plan included the previously approved March 27, 2008 SWPPP along with NYSDEC correspondence, including current coverage under SPDES General Permit for Stormwater Discharges (NYR10P669) and a new Notice of Intent ("NOI") transferring coverage from the former applicant to 120 Bloomingdale Road, LLC. There are no changes proposed to the SWPPP, or to the drainage.

Based upon the record of the Prior Approvals, as confirmed by the record submitted herein, we respectfully request that the Prior Approvals be extended to 2017 and that Site Plan Approval including but not limited to the Special Permit for a 6,000 square foot restaurant (with outdoor dining).

Thank you for your consideration herein.

Respectfully yours,



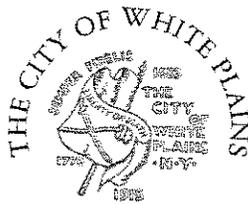
William S. Null

WSN:yp
Enclosures

cc: John G. Callahan, Esq., Chief of Staff and Corporation Counsel; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Mr. Joshua Caspi; Mr. John T. Collins, Ph.D., P.E.; and Ms. Maria Alfaro

¹ The only change to the EAF submitted herewith was to update the form now required by the State. None of the relevant SEQRA data was modified on the enclosed EAF from that provide with the Prior Approvals.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

**TO THE MAYOR AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF WHITE PLAINS**

Submitted herewith, for your review and appropriate action, is an ordinance amending the Zoning Ordinance of the City of White Plains. The proposed amendment adds the following two uses: "Nursery Business" as a Special Permit Use in the C-O and PCD districts; and "Organic Manufacturing" as a Principally Permitted Use in the LI district.

The purpose of this amendment is to address the evolution and expansion of commercial nursery businesses into more industrial manufacturing uses. Historically, a Nursery was a business that sold cultivated shrubs, trees and plants as well as concomitant items such as mulch, fertilizer, top soil, and various garden care products at retail.

Over time certain Nursery businesses began manufacturing some of these items on-site in an effort to market bulk products on a retail and wholesale basis. Specifically, Nurseries began the processing of organic residue, such as grass clippings and leaves into mulch and top soil, as well as the processing of dead tree material into woodchips. Manufacturing of this type requires specialized equipment that is industrial in nature and the process itself requires appropriate management to ensure fire safety and environmental protection.

"Organic manufacturing" is injurious to the public health and welfare when located within residential zoning districts. Such use interferes with the use and enjoyment of residential properties by creating noxious fumes and odors during the decomposition process associated with the production of mulch, wood chips, topsoil and the processing of other raw material necessary for "organic manufacturing." It creates negative visual impacts due to the storage of industrial equipment and raw materials, and produces unsightly vapor and steam as the raw materials decompose. The industrial equipment required to process the raw materials also generates noise that is out of character in the residential zoning districts. Finally, such use negatively impacts residential properties by creating dust and airborne irritants that spreads to adjoining properties. All of the above-noted negative impacts render "organic manufacturing" incompatible with residential districts.

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In an effort to protect the residential zoning districts from the commercial and industrial use of land for the operation of "organic manufacturing," the proposed ordinance differentiates between the less intrusive "nursery business" as defined therein, and the intense industrial use of "organic manufacturing," and provides a mechanism for the orderly abatement of the latter.

The proposed zoning ordinance amendment also regulates where each of the two newly defined uses may be located within the City, and establishes standards as applicable.

The proposed ordinance may be referred to the appropriate departments and boards for review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Damon A. Amadio', written over a horizontal line.

Damon A. Amadio P.E.
Commissioner of Building

Dated: March 29, 2016 (for the April 4, 2016 Common Council Meeting)

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED
"THE ZONING ORDINANCE OF THE CITY OF WHITE
PLAINS" BY ADDING "NURSERY BUSINESS" AS A
SPECIAL PERMIT USE AND ADDING "ORGANIC
MANUFACTURING" AS A PRINCIPALLY PERMITTED USE.

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing," as defined herein, shall be deemed injurious to the public health and welfare in residential zones; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the use and enjoyment of residential properties by creating noxious fumes and odors during the decomposition process associated with the production of mulch, wood chips, top soil and the processing of other raw material necessary for "organic manufacturing;" and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the use and enjoyment of residential properties by creating negative visual impacts from the use and storage of industrial equipment, storage of raw materials and the presence of steam and/or vapor generated during the decomposition process, which occurs during the manufacturing of mulch and other organic materials; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the use and enjoyment of residential properties by creating dust and airborne irritants that spreads to adjoining properties; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the quiet use and enjoyment of residential properties by creating noise that is generated from the use of commercial and industrial equipment utilized in the grinding and processing of raw materials into products such as mulch, topsoil, gravel and woodchips; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts is a safety hazard because of the potential combustibility of the materials associated with "organic manufacturing;" and

WHEREAS, the City of White Plains hereby declares its legislative intent to prohibit the commercial and industrial use of land in residential districts for the operation of "organic manufacturing" and to provide an orderly mechanism for the abatement of this type of non-conforming use of real property being used for commercial purposes located in the residential zoning districts within the City; and

WHEREAS, the City of White Plains further declares that such use of land permitting the operation of “organic manufacturing” is incompatible with and negatively impacts the principally permitted residential uses within the residential districts; and

NOW, THEREFORE the Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Zoning Ordinance of the City of White Plains, as adopted June 1, 1981 and as amended to date, be and it hereby is amended to add provisions regulating “Nursery Business” and “Organic Manufacturing” as follows:

A. Section 2.4 Definitions.

is hereby amended to add the following terms to read as follows:

“Nursery Business”

An establishment, whose primary purpose is the sale and cultivation of trees, shrubs and other plants, including the replanting of said plants grown off-site, and the sale of accessory items such as mulch, fertilizer, top soil, loam, fill, gravel, stone, herbicides, pesticides, lawn tools and lawn, home and garden decorations. “Nursery Business” shall not include the processing or manufacturing of products such as, but not limited to, mulch, fertilizer, topsoil, loam, fill, gravel or stone.

“Manufacturing, Organic”

The processing or manufacturing of products predominately from extracted raw materials, including, but not limited to, outdoor manufacturing, screening, or crushing of raw materials into compost, mulch, fertilizer, topsoil, gravel or fill, primarily for commercial resale.

B. Section 4.3.1, Continuing Existing “Uses,” “Buildings,” and Structures,”

is hereby amended by adding sections 4.3.1.3 and 4.3.1.4 to read as follows:

4.3.1.3 Section 4.3.1.2 notwithstanding, any “use” currently existing and meeting the definition of “Nursery Business,” whether a permitted use, special permit use or non-conforming use, shall conform with all of the requirements of the Zoning Ordinance by May 31, 2021, or cease operations.

4.3.1.4 All non-conforming uses in the residential districts meeting the definition of “Organic Manufacturing” shall cease and be discontinued on or before May 31, 2021.

C. Section 5.1, Schedule of “Use” Regulations

is hereby amended as follows:

1. BUSINESS

by adding a use column before “Mortuaries or funeral homes”, titled “Nursery Business,” as shown on the attached Schedule.

2. INDUSTRIAL

by adding a use column before “Research, experimental or testing laboratories”, titled “Organic Manufacturing,” as shown on the attached Schedule.

D. Section 5.2, List of Use Regulations.

1. Districts C-O and PCD, are hereby amended by adding a use column before “public utility buildings or structures” labeled “Nursery Business” and by adding a type column labeled “SP”.

2. District LI, is hereby amended by adding a use column before research, experimental or testing laboratories labeled “Organic Manufacturing” and by adding a type column labeled “PP”.

E. Section 6.2 Approving Agencies.

is hereby amended by adding Section 6.2.2.10 to read “Nursery Business.”

F. Section 6.5 Standards.

is hereby amended by adding Section 6.5.5 to read as follows:

6.5.5 Violations. It shall be unlawful for any entity or person issued a special permit “use” to operate such “use” in violation of the terms and standards of Section 6.7, or to operate in a manner inconsistent with the conditions imposed or plans approved pursuant to Section 6 of this Ordinance.

G. Section 6.7, Individual Standards and Requirements for Certain Special Permit “Uses.”

is hereby amended by adding section 6.7.32 “Nursery Business” to read as follows:

6.7.32.1 Site material, including but not limited to mulch, top soil, wood or stone shall not be higher than 15 feet and may not be located in any required yard setback.

6.7.32.2 Piles shall be kept moist and mechanically ventilated (turned over) to release heat as required to maintain a temperature no greater than 170 degrees Fahrenheit and separated from adjacent piles by walls or bins of non-combustible construction.

6.7.32.3 Rows of material piles shall be accessible by approved fire apparatus access roads. In addition, the ground surface between

- 6.7.32.4 piles of processed tree debris must be kept free of combustible materials.
Side and rear yards shall contain a minimum 10' landscaped buffer and site material shall be screened by 8' high solid panel fencing and/or 10' high evergreen landscaping.
- 6.7.32.5 Internal roadway/driveway must accommodate on-site deliveries and have proper space for turning movements to prevent backing onto or from public roadways.
- 6.7.32.6 All on-site equipment with back-up alarms shall be variable volume type.
- 6.7.32.7 In addition to the requirements of Section 7 of the Zoning Ordinance, a site plan depicting the location and quantity of outdoor storage of materials, including seasonal storage of materials and displays, must be submitted and approved.

H. Section 8.3, Schedule of Parking and Loading Requirements, is hereby amended by adding a column before “Mortuaries or funeral homes” labeled “Nursery Business” requiring 8 spaces per acre and 1 loading space per two acres.

I. Section 10.3.4, “Non-Conforming Uses” is hereby amended to read as follows:

- 10.3.4 As more fully set out in Section 4.3 of this Ordinance, the Board of Appeals is authorized to:
- 10.3.4.1 Extend the permitted period for cessation of a “non-conforming use” in accordance with the requirements of Section 4.3.1.3 and/or Section 4.3.2.5 of this Ordinance provided:
 - 10.3.4.1.1 An application is made by the owner of at least 120 days prior to the date on which the activities of the use are required to cease and be discontinued.
 - 10.3.4.1.2 Substantial financial expenditures related to the prohibited activities were made during the two year period prior to May 31, 2016. Financial expenditures shall mean the capital outlay made by the applicant to establish the prohibited activities, exclusive of the fair market value of the building in which such activity may be located and exclusive of any improvements unrelated to the prohibited activities.
 - 10.3.4.1.3 The Applicant has not substantially recovered all of the financial expenditures related to the prohibited activities as demonstrated by competent financial evidence.
 - 10.3.4.1.4 The period for which such establishment is permitted to continue is the minimum period sufficient for the applicant

to recover substantially all of the financial expenditures incurred related to the prohibited activities but in no case may the period extend beyond an additional three years.

§ 2. This Ordinance shall take effect immediately.

Section 5.1

ZONING DISTRICTS		
"USES"	R1-30	
	R1-20	
	R1-12.5	
	R1-7.5	
	R1-5	
	R2-4	
	R2-2.5	
	RM-2.5	
	RM-2	
	RM-1.5	
	RM-1.5T	
	RM-1	
	RM-0.7	
	RM-0.4	
	RM-0.35	
	C-O and PCD	SP
	O-R	
	B-1	
	B-2	
	B-3	
	BR-1	
	BR-2	
	CB-1	
CB-2		
CB-3		
CB-4		
UR-4		
B-6		
LI-M		
LI		
BUSINESS		
"Nursery Business		
INDUSTRIAL		
"Organic Manufacturing"		
	PP	

Section 5.2

District: C-O and PCD

USE	TYPE
"Multi-family dwellings" in a "Planned Campus Development" as regulated by Section 5.9	PP
The keeping of "household pets" in a "Planned Campus Development" as regulated by Section 5.9	PA
Commercial indoor "recreation facilities"	SP
"Health Clubs"	SP
Health maintenance, rehabilitation and fitness centers not operated as "Health Clubs"	SP
Auditoria	PA
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary" or "elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	SP
"Universities," "colleges" or seminaries	PP
Business or professional offices	PP
"Planned Campus Development" as regulated in Section 5.9 "Planned Campus Development"	
Offices for individual or group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Section 5.4.2 and Section 5.9 "Planned Campus Development"	PA

District: C-O and PCD

USE	TYPE
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Scientific research, excluding manufacturing of products for sale on premises	SP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobiles, automobile parts or accessories involving installation at point of sale	PA
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," in a "Planned Campus Development" as regulated in Section 5.9, but not including sales of automobiles, automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
"Consumer financial services establishments"	PP
Business or trade schools	PP
Libraries, museums or art galleries	PP
"Hotels"	SP
"Extended Stay Hotels"	SP
Newsstands	PA
"Restaurants" and "cafeterias"	SP
Outdoor dining	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA
Motor vehicle sales or rental, including accessory "repair shops," or accessory outdoor storage of motor vehicles for sale or rental in a "Planned Campus Development" as regulated in Section 5.9	SP
Medical laboratories	PP
Nursery Business	SP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger cars	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains	PP
Stacked attendant parking	SP

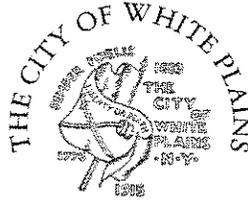
District: LI

USE	TYPE
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	PP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
Business or trade schools	PP
Newsstands	PA
Radio stations	PP
"Restaurants" or "cafeterias"	PP
"Fast food eating establishments"	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA
Veterinary hospitals, including boarding or care of small animals	PP
Motor vehicle sales or rental, including accessory "repair shops," service stations" or outdoor storage of motor vehicles	SP

District: LI

USE	TYPE
Motor vehicle "service stations"	SP
"Motor vehicle "repair shops"	SP
Auto laundries	SP
Manufacturing, fabrication, finishing or assembling of products	PP
"Organic Manufacturing"	PP
Research, experimental or testing laboratories	SP
Medical laboratories	PP
Printing plants	PP
Wholesale businesses, storage or warehousing	PP
"Mini-storage facility"	PP
Outdoor storage of building or other materials	SP
Outdoor storage of commercial or industrial vehicles or construction equipment	PP
Laundry or dry cleaning plants	PP
"Public utility buildings or structures"	PP
Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper or similar materials, provided operations are within a "building" and the "use" is legally existing as of the effective date of this Ordinance	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

**TO THE HONORABLE THOMAS M. ROACH MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7.1 Minor Amendments of the White Plains Zoning Ordinance, is a minor amendment dated March 18, 2016 to a previously approved site plan at 1133 Westchester Avenue. The building is located in the Campus Office (C-O) zone. The applicant, the Hospital for Special Surgery ("HSS"), is requesting permission to make certain exterior modifications to the northern wing of the building in support of their new tenant occupancy. The proposed modifications include new exterior cladding, a new drop-off lane, new landscaping, a new entrance canopy and identification signage.

The interior of the northern wing of the building will be completely "gutted" and HSS will be constructing a new outpatient orthopedic facility on the cellar and first floors. The second floor will initially not be built out and is designated as future expansion space.

The space will consist of examination rooms, modality suites (e.g. MRI, etc.), doctor's offices and related support areas. Outpatient surgery suites are not being proposed at this time.

A minor amendment is a modification or change in an approved "site plan" that does not exceed any of the following thresholds:

- a) There is no increase in the mandatory off-street parking or loading requirement.

The proposed professional office space has a higher parking ratio (5 spaces per 1,000 sq ft) than the business office space (3 spaces per 1,000 sq ft), however, the site has parking in excess of the combined parking requirements.

- b) There is no increase in "use" and no new "use" is established.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

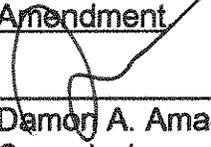
Kevin M. Hodapp, P.E.
Deputy Commissioner

The proposed tenancy does not increase the existing "use" and no new "use" is established. The tenancy is classified as a "professional office" and is therefore consistent with the existing "office" use.

- c) There is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

With respect to the proposed project as a whole, it is this department's opinion that the proposed exterior changes are not readily visible from a public street and do not change the essential characteristics of the site as a whole.

If the Common Council does not object to this application being considered a Minor Amendment, within the next thirty (30) days or at their next occurring meeting, the Commissioner of Building shall facilitate appropriate review and approval of such Minor Amendment.


Damon A. Amadio P.E.
Commissioner of Building

DATED: March 21, 2016
(for the April 4, 2015 Common Council Meeting)

**DOCUMENTS
SUBMITTED:**

A cover letter prepared by Mr David Steinmetz dated March 18 2016; a Short Form Building Permit Application dated March 10, 2016; a Short Environmental Assessment Form dated March 11, 2016; and drawings CS, C1.0 thru C1.7, C2.1, C2.2, C2.3, A 2.0, A 2.1, A 2.2, A2.3, A 3.2.1 and A 3.2.2 as prepared by Ewing Cole Architects.

March 18, 2016

David J. Cooper
Jody T. Cross
Marsha Rubin Goldstein
Jeremy E. Kozin
Helen Collier Mauch
Matthew R. Pisciotta
Daniel M. Richmond
Brad K. Schwartz
Lisa F. Smith
David S. Steinmetz
Michael D. Zarin

Via Hand Delivery and Email (damadio@whiteplainsny.gov)

Also admitted in D.C.
Also admitted in CT
Also admitted in NJ

Mr. Damon Amadio
Building Inspector
City of White Plains
Department of Buildings
70 Church Street
White Plains, New York 10601

**Re: Hospital for Special Surgery – 1133 Westchester Avenue
Filing of Minor Site Plan Application**

Dear Mr. Amadio:

As you know, our firm has been retained by the Hospital for Special Surgery (“HSS”) with regard to its proposed use of approximately 70,000 square feet in RPW’s corporate park, located at 1133 Westchester Avenue, White Plains, New York (the “Property”), for professional medical offices. On March 11, 2016, our Development Team filed with your office eleven (11) sets of application materials regarding this matter; unfortunately, the Short Environmental Assessment Form (“EAF”) was inadvertently omitted from the submission package.

Accordingly, I am now enclosing eleven (11) copies of the EAF for filing and review by your Department and the City Staff with regard to this application.

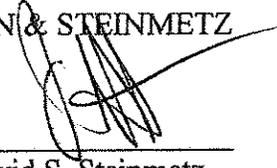
HSS proposes only exterior modifications of, and various improvements to, the Property in order to better facilitate the proposed use. The HSS Site Plan revisions contemplate: upgrades to the exterior building façade; new landscaping, curbing, canopy and signage; and adjustments to the patient drop-off area in front of the building to improve both pedestrian and vehicular access and circulation. In addition, the interior changes will consist of the creation of an orthopedic outpatient facility, including new physician examination rooms, sports rehabilitation areas, and associated administrative space.

As you know, this application is being submitted to your Department as a "Minor Amendment" (to a previously approved Site Plan) under Section 7.7.1 of the City Zoning Ordinance. It is our understanding that your Department shall "transmit notice" of this Minor Amendment to the Common Council, pursuant to Section 7.7.1.3 of the Zoning Ordinance, for its acknowledgement and consent to this matter being processed by your Department. It is our hope that this item can be placed on the Common Council's April 4, 2016 consent agenda.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

ZARIN & STEINMETZ

By: 
David S. Steinmetz

DSS:me

Enclosure

cc: *via Email enclosure*

John Callahan, Esq.

Irene Koch, Esq., General Counsel, HSS

Steven Westort, HSS

Neil Postighone, Specialty Management Company, Inc.

James Ryan, JMC

Joseph Modafferi, Jr., JMC

James Wolters, Ewing Cole