



**COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
July 6, 2015
7:30 P.M.**

PLEDGE TO THE FLAG:

Hon. John Martin

ROLL CALL:

City Clerk

ADJOURNED

PUBLIC HEARINGS:

1. Public Hearing in relation to the application submitted by Daniel J. Coughlan, Proprietor, on behalf of Coughlan, Inc., for a renewal of a Special Permit to operate a cabaret at The Coliseum located at 15 South Broadway. **OPEN/ADJOURNED TO AUG 3, 2015.**
2. Public Hearing in relation to the application submitted on behalf of Executive Billiards Inc., ("Applicant") for a Special Permit to operate a cabaret at Executive Billiards located at 109 Mamaroneck Avenue. **OPEN/ADJOURNED TO AUG 3, 2015**
3. Public Hearing in relation to the application submitted on behalf of Ron Blacks Beer Hall for a renewal of a Special Permit to operate a Cabaret at Ron Blacks Beer Hall, located at 181 Mamaroneck Avenue. **OPEN/ADJOURNED TO AUG 3, 2015.**
4. Public Hearing in relation to an application submitted on behalf of Ichiro Asian Fusion, Inc., ("Applicant"), for a Special Permit to operate a Cabaret at Ichiro Restaurant, located at 80 Mamaroneck Avenue. **OPEN/ADJOURNED TO AUG 3, 2015**

PUBLIC HEARING:

5. Public Hearing in relation to the application submitted on behalf of the applicant, Hastings Tea Corp., d/b/a/ Hastings Tea, for a Special Permit for Outdoor Dining on private property adjacent to the facility located at 235 Main Street. **OPEN/CLOSED**

ITEMS 6 - 15 F/S

- 6. Communications from Commissioner of Building
- 7. Design Review Board
- 8. Acting Commissioner of Planning
- 9. Planning Board
- 10. Commissioner of Public Safety
- 11. Commissioner of Public Works
- 12. Deputy Commissioner, Traffic Division
- 13. Transportation Commission
- 14. Commissioner of Parking
- 15. Environmental Officer

- 16. Environmental Findings Resolution **ADOPTED**

- 17. Resolution of the Common Council of the City of White Plains granting the application made on behalf of Hastings Tea Corp., d/b/a Hastings Tea (“Applicant”) located at 235 Main Street for a Special Permit to allow Outdoor Dining on private property in the courtyard area of the office building at 235 Main Street in the Central Parking Area (CPA) subject to the conditions contained herein. **ADOPTED**

- 18. Public Hearing in relation to a proposed amendment to the Zoning Ordinance to establish a new Light Industrial Mixed Use (LI-M) Zoning District, and re-zoning certain parcels in the Light Industrial (LI) Zoning District. **OPENED/ADJOURNED TO AUG 3, 2015**

ITEMS 19 - 29 F/S

- 19. Communications from Commissioner of Building
- 20. Design Review Board
- 21. Acting Commissioner of Planning
- 22. Planning Board
- 23. Commissioner of Public Safety
- 24. Commissioner of Public Works
- 25. Deputy Commissioner, Traffic Division
- 26. Transportation Commission
- 27. Commissioner of Parking
- 28. Westchester County Planning Board
- 29. Environmental Officer

- 30. Environmental Findings Resolution **TABLED TO AUG 3, 2015**

- 31. Ordinance amending an ordinance entitled, “The Zoning Ordinance of the City of White Plains” with respect to creating a new Light Industrial Mixed Use (LI-M) Zoning District and re-zoning certain properties in the Light Industrial (L-I) Zoning District to Light Industrial Mixed Use (LI-M) Zoning District. **TABLED TO AUG 3, 2015.**

SECOND READING

ORDINANCE:

32. Communication from Commissioner of Building in relation to proposed amendments to the White Plains Municipal Code as it relates to Cabarets. **F/S**
- 32a Ordinance of the Common Council of the City of White Plains amending Title IV of the White Plains Municipal Code entitled, "Cabarets" by amending Article 1 of Chapter 4-4 in its entirety and amending Section 4-4-30 of Article II of Chapter 4-4. **ADOPTED 6 - 1. Nay: Mrs. Smayda**

FIRST READING

ORDINANCES:

33. Communication from Corporation Counsel in relation to certain tax review proceedings. **F/S**
34. Ordinance authorizing the settlement of certain tax review proceedings. **ADOPTED 7 - 0**
35. Communication from Corporation Counsel in relation to the granting of a non-exclusive franchise to TVC Albany, Inc., d/b/a First Light, to construct, erect, operate and maintain a fiber optic telecommunications system in the City of White Plains. **F/S**
36. Ordinance granting of a non-exclusive franchise to TVC Albany, Inc., d/b/a First Light, to construct, erect, operate and maintain a fiber optic telecommunications system in the City of White Plains. **ADOPTED 7 - 0**
37. Communication from Corporation Counsel in relation to the retention of Special Counsel to provide services relating to the disposition of cases involving injuries or long term illness in the Department of Public Safety in an amount not to exceed \$50,000. **F/S**
38. Ordinance authorizing the Corporation Counsel to employ Special Counsel to provide services relating to the disposition of cases involving injuries or long term illness in the Department of Public Safety. **ADOPTED 7 - 0**
39. Communication from Corporation Counsel in relation to the renewal of the annual contract for the operation of the Thomas H. Slater Center. **F/S**
40. Ordinance authorizing the Mayor to renew the annual contract with the Thomas H. Slater Center, Inc., for the operation of the Thomas H. Slater Center. **ADOPTED 7 - 0**

41. Communication from Corporation Counsel in relation to the retention of Special Counsel to act as Labor Counsel for the City of White Plains for the period July 1, 2015 to June 30, 2016. **F/S**
42. Ordinance authorizing the Corporation Counsel to retain Labor Counsel from July 1, 2015 to June 30, 2016. **ADOPTED 7 - 0**
43. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5457, City Hall Rehabilitation Steam Pipe. **F/S**
44. Communication from Environmental Officer. **F/S**
45. Environmental Findings Resolution **ADOPTED**
46. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5457 entitled, City Hall Rehabilitation Steam Pipe. **ADOPTED 7 - 0**
47. Bond Ordinance dated July 6, 2015, authorizing the issuance of \$303,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the reconstruction of Class "A" Buildings. **ADOPTED 7 - 0**
48. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5456, Fire Hose Replacement. **F/S**
49. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5456 entitled, Fire Hose Replacement. **ADOPTED 7 - 0**
50. Bond Ordinance dated July 6, 2015, authorizing the issuance of \$75,550 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the purchase of Fire Fighting Apparatus. **ADOPTED 7 - 0**
51. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5460, Library Interior Renovations First Floor. **F/S**
52. Communication from Environmental Officer. **F/S**
53. Environmental Findings Resolution **ADOPTED**
54. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5460 entitled, Library Interior Renovations First Floor. **ADOPTED 7 - 0**

55. Communication from Chairman, Capital Projects Board, in relation to Capital Project Nos. C5458, Rolling Stock Acquisition Heavy Duty Vehicles 2015-2016 and W5459, Rolling Stock Acquisition Heavy Duty Vehicles 2015 - 2016. **F/S**
56. Ordinance of the Common Council of the City of White Plains to amend the Capital Project Fund by establishing Capital Project No. C5458, Rolling Stock Acquisition Heavy Duty Vehicles 2015 - 2016, and Capital Project No. W5459 entitled, Rolling Stock Acquisition Heavy Duty Vehicles 2015-2016. **ADOPTED 7 - 0**
57. Bond Ordinance dated July 6, 2015, authorizing the issuance of \$1,747,300 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the purchase of machinery and apparatus for construction and maintenance. **ADOPTED 7 - 0**
58. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5466 entitled, Public Safety Computer System. **F/S**
59. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5455 entitled, Public Safety Computer System. **ADOPTED 7 - 0**
60. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5454 entitled, Electronic Device Replacement: Fire and Police FY 16. **F/S**
61. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5454 entitled, Electronic Device Replacement: Fire and Police FY 16. **ADOPTED 7 - 0**
62. Bond Ordinance dated July 6, 2015, authorizing the issuance of \$1,323,100 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the purchase or installation of fire or police alarm, telegraph or telephone system or any other system of communication or transmission. **ADOPTED 7 - 0**
63. Communication from Acting Commissioner of Public Works in relation to a transfer of funds from Reserve for Financing in the amount of \$70,685 for temporary repairs to the Library Plaza Surface. **F/S**
64. Ordinance of the Common Council of the City of White Plains authorizing the transfer of \$70,685 from Reserve for Financing in relation to providing funding for temporary repairs to the Library Plaza Surface. **ADOPTED 7 - 0**
65. Communication from Commissioner of Public Safety in relation to a three (3) year agreement between the City and Carfax, Inc. for enrollment in the Carfax Police Crash

Assistance Program which would provide the City with access to investigative tools and data sharing capabilities. **F/S**

66. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute a three (3) year agreement on behalf of the City of White Plains with Carfax, Inc., for enrollment in the Carfax Police Crash Assistance Program to provide the City's Department of Public Safety access to investigative tools and data sharing capabilities that the program offers, and to allow the City's Department of Public Safety to provide motor vehicle accident reports online to those who request same. **ADOPTED 7 - 0**
67. Communication from Commissioner of Public Safety in relation to a five (5) year Intermunicipal Agreement (IMA) with the County of Westchester for participation in a Mutual Aid and Rapid Response Plan. **F/S**
68. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a five (5) year Intermunicipal Agreement (IMA) with the County of Westchester for participation in a Mutual Aid and Rapid Response Plan. **ADOPTED 7 - 0**
69. Communication from Commissioner of Recreation and Parks in relation to an award in the amount of \$4,738 from AAA Transportation through the Westchester County Department of Senior Programs and Services. **F/S**
70. Ordinance authorizing the Mayor or his designee to execute an agreement with the County of Westchester ("County") whereby the City of White Plains will receive an amount not to exceed \$4,738 to furnish to the County various transportation services for seniors in accordance with the terms and conditions of the New York State AAA Transportation Program for a period from April 1, 2015 through March 31, 2016, and directing the Budget Director to amend the 2015-2016 General Fund Budget in order to reflect an award from AAA Transportation in the amount of \$4,738 to the City of White Plains to be used for the White Plains Recreation and Parks Senior Citizens Program. **ADOPTED 7 - 0**
71. Communication from Director, Youth Bureau, in relation to a contract between the City and the County of Westchester in the amount \$125,000 for the Workforce Investment Act funding from Friends of the White Plains Youth Bureau in the amount of \$30,000 in support of the WIOA Youth Employment Services to In School and Out of School Youth Program. **F/S**
72. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee (acting by and through the Youth Bureau) to: (1) enter into a contract with the County of Westchester, acting on behalf of the Westchester Putnam Investment Board through the Westchester Workforce Development Academy for Youth (WDAY), to receive \$125,000 in funding for Workforce Investment Act (WIOA) Youth Employment Services to In School and Out of School Youth, 14 to 21 years of age for the period beginning July 1, 2015 and ending June 30, 2016; and (2) accept a \$30,000 contribution from the Friends of

the White Plains Youth Bureau to support the Youth Bureau's WIOA Youth Employment Services In School and Out of School Youth Program. **ADOPTED 7 - 0**

73. Communication from Director, Youth Bureau, in relation to a contract between the City and the Westchester Putnam Workforce Investment Board to provide Private Sector Summer Employment Services to youth ages 18 to 24 years. **F/S**
74. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee (acting by and through the Youth Bureau) to enter into a contract with the County of Westchester (acting on behalf of the Westchester Putnam Workforce Investment Board) to receive \$5,000 in funding for Private Sector Summer Employment Services to a minimum of thirty (30) youth 18 to 24 years of age under the Workforce Investment Act (WIA) for the period beginning April 1, 2015 to September 30, 2015. **ADOPTED 7 - 0**
75. Communication from Director, Youth Bureau, in relation to funding from the Friends of the White Plains Youth Bureau in an amount not to exceed \$35,000 to provide summer jobs for up to twenty five (25) youth between the ages of 14 and 21 years. **F/S**
76. Ordinance authorizing the Mayor or his designee to enter into a contract with the Friends of the White Plains Youth Bureau to accept, on behalf of the City of White Plains, an award in an amount not to exceed \$35,000 from the Friends of the White Plains Youth Bureau to be used for the Youth Bureau's Summer Employment Services (YES) Program for 2015 to provide summer employment for up to twenty five (25) additional White Plains youth between the ages of 14 and 21 years. **ADOPTED 7 - 0**
77. Communication from the Director, Youth Bureau, in relation to a grant from the Junior Tennis Foundation, Inc., to support the Youth Bureau Tennis Program in the After School Programs. **F/S**
78. Ordinance authorizing the Mayor to accept, on behalf of the City of White Plains, a grant from the Junior Tennis Foundation, Inc., to support the Youth Bureau's Tennis Program in the After School Programs. **ADOPTED 7 - 0**
79. Communication from Deputy Commissioner of Parking in relation to proposed amendments to the Traffic Ordinance. **F/S**
80. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a "No Parking 10:00 a.m. to 11:00 a.m. Monday thru Friday" Zone on both sides of Benedict Avenue; creating a "No Parking 10:00 a.m. to 11:00 a.m. Monday thru Friday" Zone on both sides of Hawthorne Street; modifying a "No Standing Any Time" Zone on the south side of Bond Street; modifying a "12 Hour Meter Parking" Zone on the north side of Bond Street; and creating a "Right Turn Prohibited" on North Broadway at Otis Avenue. **ADOPTED 7 - 0**

RESOLUTIONS:

81. Communication from the Environmental Officer in relation to the adoption of the Scoping Document for the preparation of a Draft Environmental Impact Statement on proposed amendments to the Zoning Ordinance and site plan approvals related to the proposed development of property known as 60 - 96 Westchester Avenue on behalf of Saber White Plains LLC and Chauncey White Plains LLC., "The Collection". **F/S**
82. Resolution adopting the Scoping Document for the preparation of a Draft Environmental Impact Statement regarding proposed amendments to the Zoning Ordinance and site plan approvals related to the development of property known as 60 - 96 Westchester Avenue on behalf of Saber White Plains LLC and Chauncey White Plains LLC. **ADOPTED 7 - 0**
83. Communication from the Environmental Officer in relation to an amendment to a previously approved site plan submitted on behalf of St. Gregory the Enlightener Armenian Church for construction of an addition at 1131 North Street. **F/S Recusal: Mr. Krolian**
- 83a. Environmental Findings Resolution regarding the amended site plan approval on behalf of St. Gregory the Enlightener Armenian Church at 1131 North Street. **ADOPTED 6 - 0. Recusal: Mr. Krolian**
84. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of St. Gregory the Enlightener Armenian Church ("Applicant"), located at 1131 North Street on an environmentally sensitive site, for an amendment to its existing site plan to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children's Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage all attached to the existing community building; (2) approval of partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance of the City of White Plains, waiving the construction of eighteen (18) parking spaces to provide a total of 61 waived spaces, or 33% (one-third) of the 183 parking spaces required for the Church use; (3) relief from the new fifty (50) foot restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the Zoning Ordinance. **ADOPTED 6 - 0. Recusal: Mr. Krolian**

ITEMS FOR REFERRAL:

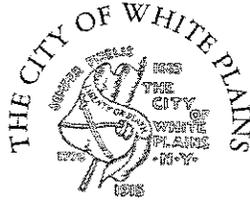
85. Communication from Commissioner of Building in relation to a proposed amendment to a previously approved site plan submitted on behalf of OSG Mamaroneck LLC, d/b/a Onyx Equities, to add additional parking spaces, directional signage, landscaping upgrades and enhanced site lighting at 1311 Mamaroneck Avenue. **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.**

86. Communication from Commissioner of Building in relation to a proposed amendment to a previously approved site plan submitted on behalf of the White Plains Hospital Center, to install new illuminated logo signs and lettering at locations around the hospital campus at 71 East Post Road and 2-4 Longview Avenue. **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.**

ITEM FOR INFORMATION:

87. Communication from Commissioner of Finance transmitting the City's Summary Adopted Budget for Fiscal Year 2015-2016. **F/S AND ATTACHMENT FILED.**
88. Communication from Acting Commissioner of Public Works in relation to an Outdoor Yoga Event scheduled for July 9, 2015, and transmitting a change in sponsorship to be the City of White Plains and the White Plains Hospital Center. **F/S**

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 May 5, 2015, the Department of Building has reviewed an application for a Special Permit for outdoor dining located at 235 Main Street, submitted on April 20, 2015, by Mr. Robert Peirce on behalf of Hastings Tea Corp d/b/a "Hastings Tea". The proposed outdoor dining area is located on private property adjacent to the facility.

These premises are situated within a CB-3 (Core Business- 3) Zoning District within which the proposed "Outdoor Dining Use" is a "Special Permit Use" subject to the requirements of Section 6.7.8 of the Zoning Ordinance. An outdoor seating plan has been submitted for the proposed work which indicates eight (8) tables & sixteen (16) seats for patrons.

The applicant understands that any seat used outside must be accomplished by relocating an indoor seat to the outdoors so as to maintain a "zero net" change in their off-street parking requirement.

This department has no objection to this permit being granted.



Damon A. Amadio P.E.
Commissioner of Building
Dated: May 19, 2015



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH
Mayor

DAMON A. AMADIO, P.E.
Commissioner of Building

NORMAN DICHIARA, AIA
Chairman

KEVIN M. HODAPP, P.E.
Deputy Commissioner of Building
NICK PUJA
Secretary

May 28, 2015

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

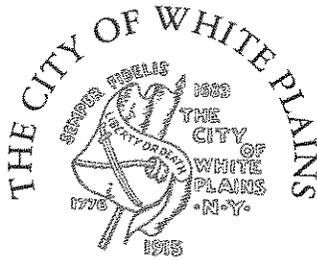
Dear Mayor and Council Members:

The Design Review Board, at its meeting on May 27, 2015, reviewed the application for a Special permit for outdoor dining for Hastings Tea Corp (Hastings Tea) located at 235 Main Street, White Plains, NY.

OUTCOME: The Design Review Board reviewed this application and had no comment at this time.

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



PLANNING DEPARTMENT
Thomas M. Roach, Mayor
Linda Puopolo, Acting Commissioner

TO: TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

RE: SPECIAL PERMIT FOR OUTDOOR DINING AT HASTINGS TEA, 235 MAIN STREET,
LOCATED IN THE CENTRAL PARKING AREA

Application

By letter dated April 20, 2015, Robert Pierce, on behalf of Hastings Tea (the "Applicant") submitted an application for a Special Permit for outdoor seating in the courtyard of the office building at 235 Main Street, located in the Core Business-3 (CB-3) zoning district. This is the applicant's first request for a Special Permit. The Applicant has also submitted a letter from Steven Caspi, the owner of 235-245 Main Street, granting permission to use the courtyard for outdoor seating. The Planning Department has reviewed the application with regard to the compatibility with the Zoning Ordinance and the Comprehensive Plan, and offers the following analysis and recommendations for Common Council consideration.

Project Summary

Hastings Tea is located on Main Street in the heart of the Central Business District and within the Central Parking Area (CPA). The application includes the placement of tables and chairs in a 324 square foot area along the westerly wall of the courtyard and adjacent to the main entrance of the office building. The entrance to Hastings Tea is on Main Street. The outdoor seating plan proposes 16 seats located at eight tables. The applicant understands that any seat used outside must be accomplished by relocating an indoor seat to the outdoors so as to maintain a "zero net" change in their off-street parking requirement.

Zoning Compliance Review

This section summarizes the findings of the Planning Department with regard to conformance of the project with all applicable sections of the Zoning Ordinance, including relevant special permit standards.

Section 5.2, Schedule of Use Regulations and Zoning Map

The application proposes outdoor dining on private property in the CB-3 district.

Planning Department Finding: Consistent with Section 5.2 of the Zoning Ordinance and the Zoning Map, "Outdoor Dining," is a use allowed by Special Permit on private property in the CB-3 district.

Section 6.5 General Special Permit Standards

All special permit "uses" shall comply with the following standards.

6.5.1: Consistent with this section, the location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.

Consistent with this section, the size (324 square feet) and location of the proposed outdoor dining area is similar to existing outdoor dining areas in the neighborhood, and is consistent with prior Common Council approvals and public policy. The location of the use on Main Street, a major commercial thoroughfare, is "in harmony with the appropriate and orderly development of the area". The proposed outdoor seating will be in the existing courtyard and represents

the seasonal relocation of indoor seating; there is no increase in the overall seating capacity of the restaurant. No site plan changes are proposed.

6.5.2 The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."

No construction is proposed in connection with the outdoor seating. Consistent with this section, the outdoor seating will not alter any building or structural exteriors. Neither use will "hinder or discourage appropriate development and use of adjacent property".

6.5.3: Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.

The requested outdoor dining area is located in a courtyard area along a busy commercial corridor adjacent to City Hall. No amplified sound, exterior lighting, or other activities with potential off-site effects are proposed.

6.5.4: "Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.

Hastings Tea, located in the CPA, is legally non-conforming with respect to parking. Public parking is available on Church Street, Main Street, and in nearby public parking lots including the City Center Garage and the Main – Hamilton Garage. Moreover, the Planning Department notes that many patrons come on foot especially at lunchtime.

6.7.8 Special Permit Standards for Outdoor Dining

6.7.8.1 Outdoor "cabarets," and outdoor dining in conjunction with "fast food eating establishments" are specifically prohibited.

Consistent with this section, there is no cabaret or fast food eating establishment currently operating on the project site, and no such uses are proposed.

6.7.8.2 The approving agency may prohibit or limit the hours of operation of any activities which would cause an adverse impact on adjacent or nearby residential properties, such as dancing, the operation or use of musical instruments or sound reproduction devices, or any noise emanating from the outdoor dining area.

Consistent with this section, no such activities or uses exist on the site or are proposed.

6.7.8.3 No exterior lighting shall be permitted which would cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 foot candles. Hours of lighting may be limited by the approving agency.

Consistent with this section, no additional exterior lighting has been proposed by the Applicant.

6.7.8.4 Off-"street parking spaces" shall be provided as required for "restaurants" in Section 8.3 of this Ordinance, except that where outdoor seating represents only a relocation of indoor seating and there is no increase in overall capacity of the "restaurant" or where the outdoor seating will be in the form of a sidewalk café on public property, no additional off-"street parking spaces" need be provided.

It is understood by the applicant that the proposed outdoor seating represents a relocation of indoor seating and there is no permitted increase in the overall seating capacity of the restaurant. Therefore, the application complies with this section.

6.7.8.5 Outdoor dining located on public property, such as a sidewalk, may be permitted pursuant to a separate ordinance adopted by the Common Council for such purposes. Where so permitted no approval under the provisions of this Ordinance shall be required.

The proposed outdoor dining is located on private property in the courtyard of the property so this section does not apply.

6.7.8.6 *A sidewalk café incident to and in conjunction with a bona fide "restaurant" is permitted on public property only in the White Plains Promenade System and such other "streets" as may be designated for such "use" in the separate ordinance adopted by the Common Council for such purposes, but only in the zoning districts of such "streets" where "restaurants" are permitted.*

This section does not apply because the outdoor seating is located on private property.

Consistency with the Comprehensive Plan

Outdoor seating at Hastings Tea is consistent with the City's Comprehensive Plan in that the Plan emphasizes that the Core Area should remain the commercial and retail hub of Westchester County while also containing vibrant residential areas and limiting negative impacts on surrounding Close-In Area neighborhoods. It is appropriate that the Common Council, in the granting of special permit uses which are essentially leisure uses, place appropriate controls to ensure that these uses remain desirable for the patrons as well as for downtown and Close-In neighborhood residents.

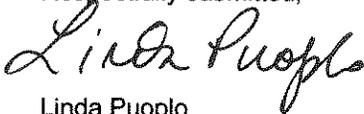
Recommended Conditions of Approval:

The Planning Department recommends that the Common Council make the following conditions a part of the approval resolution for the proposed special permit use:

1. The special permit shall be effective for one year, subject to renewals, upon a demonstration that the use has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. Consistent with other outdoor dining uses located in the Core Area, the outdoor dining shall not operate after 1:00 am.
3. No exterior lighting has been proposed by the Applicant. However, if any exterior lighting is proposed it must be removable lighting and be subject to the approval of the Commissioners of Building and Planning.

Subject to the conditions listed above, the Planning Department has no objection to granting the special permit.

Respectfully submitted,



Linda Puoplo
Acting Commissioner

Dated: May 20, 2015



PLANNING BOARD

MUNICIPAL BUILDING • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

LINDA PUOPLO
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN
SECRETARY

May 20, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HASTINGS TEA CORP. - 235 MAIN STREET - SPECIAL PERMIT FOR
OUTDOOR DINING

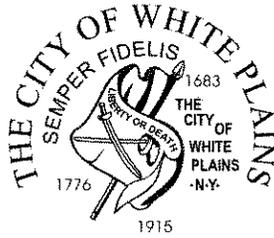
At its May 19, 2015 meeting, the Planning Board reviewed the application made by Hastings Tea for outdoor dining in the plaza at 235 Main Street.

The Planning Board believes that this is an enhancement to the area and strongly recommends approval of the application.

Planning Board members voting in favor of the motion to strongly recommend approval to the Common Council: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and (6); Opposed: None (0); Absent: J. Westlund (1).

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

9



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

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Chief of Police
422-6230

DAVID E. CHONG
Commissioner
422-6350

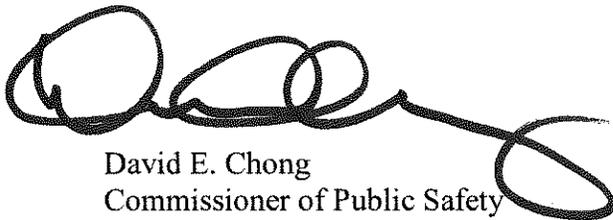
RICHARD L. LYMAN
Fire Chief
422-6360

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 the following plans.
There are no objections.

Hastings Tea Outdoor Dining
Special Permit
235 Main Street



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: May 19, 2015



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

RICHARD G. HOPE
1ST DEPUTY COMMISSIONER

JOSEPH J. NICOLETTI, Jr., P.E.
COMMISSIONER / CITY ENGINEER

BRIAN M. MURPHY
2ND DEPUTY COMMISSIONER

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

The Department of Public Works has completed its review of a Special Permit application by Robert Peirce on behalf of Hastings Tea Corp. d/b/a Hastings Tea, located at 235 Main Street for outdoor dining located at-grade in a courtyard area adjacent to the facility. Their proposed outdoor dining area is located entirely within the applicant's property, and no City property will be encumbered.

We have no objection to the issuance of a Special Permit for outdoor dining.

Respectfully submitted,

Joseph J. Nicoletti, Jr., P.E.
Commissioner of Public Works /
City Engineer

//

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

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

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

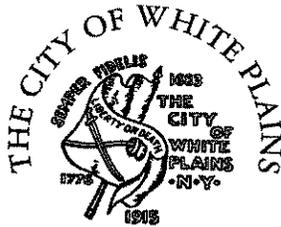
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the application from Hastings Tea Corp at 235 Main Street for a special permit to operate outdoor dining which was referred by the Common Council on May 4, 2015.

The Department of Parking/ Traffic Division has no objection to approving this special permit.

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

Dated: May 14, 2015



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

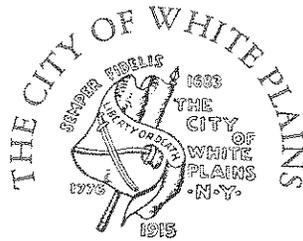
The Transportation Commission, at its meeting held on May 20, 2015, reviewed the request from "Hastings Tea" 239 Main Street for a special permit to operate an outdoor dining area as referred by the Common Council on May 5, 2015.

The Traffic Commission determined that this matter does not involve traffic considerations.

Thomas Soyk
Acting Chairman

Dated: May 21, 2015

THOMAS M. ROACH
MAYOR



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

(914) 422-1232 Phone
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JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

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

RE: #83 - Hastings Tea, 255 Main Street – Application for
Special Permit for Outdoor Dining at 235 Main Street

The Department of Parking has received and reviewed the above-noted application for a
Special Permit for outdoor dining located at 235 Main Street.

The Parking Department has no objection to approval of this application.

Respectfully submitted,

John P. Larson,
Commissioner of Parking

Date: June 1, 2015

14



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601
(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

July 1, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HASTINGS TEA
235 MAIN STREET
SPECIAL PERMIT FOR OUTDOOR DINING

The application submitted by Mr. Robert Pierce, on behalf of Hasting Tea (the "Applicant") regarding a special permit for an outdoor dining use at 235 Main Street ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the installation of an outdoor dining area with eight a maximum of eight (8) tables, with seating for up to 16 patrons, located on private property in the existing paved plaza area at 235 Main Street.

Based on the reports and recommendations of the City departments, Boards and Commissions, it is recommended that the following conditions be adopted by the Common Council as part of the special permit approval ("Conditions"):

1. The special permit should be effective for a period of one year, subject to renewals, upon a demonstration that the use has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. Only seating for 16 persons at four tables should be permitted and the outdoor dining seating should require the removal of 16 seats tables from use inside the cafe during the period of outdoor dining.
3. Consistent with other outdoor dining uses located in the Core Area, the outdoor dining should not operate after 1:00 am.
4. A lighting plan for removable lighting, if any, must be submitted by the Applicant for approval by the Commissioners of Building and Planning prior to the issuance of any certificate of compliance, use or occupancy.
 - a. All exterior lighting, including the lighting of signs, should 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 prevent objectionable

glare observable from such streets or properties.

- b. All lighting accessory to the outdoor dining use should be limited to the hours of operation of the outdoor dining area.
5. Any sound reproduction in the outdoor dining area should be limited in sound level to no more than permitted by the Common Council on the street outside of cabaret uses .
6. No cabaret uses should be permitted as part of the Outdoor Dining use.
7. In order to properly manage the refuse from the restaurant and its outdoor dining, the owner must submit to, and obtain approval from the Commissioner of Public Works of a Solid Waste Management Plan, prior to the issuance of any certificate of compliance, use or occupancy of the outdoor dining area. The Solid Waste Management Plan should identify how refuse, including recyclables is stored and where it is set out and collected, whether by the City or by private carter.
8. The design of the outdoor dining area should enhance the visual character of the site and the adjacent area. This area will be visible from Main Street and should be well maintained and kept clear of litter, refuse and obstructions both when in use and when not in use.

It is recommended that the Common Council (a) declare its intent to serve as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be an Unlisted Action under SEQR regulations; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

- (a) The Proposed Action is consistent with the White Plains 1997 Comprehensive Plan, the 2006 Update and the Zoning Ordinance.

The 1997 Comprehensive Plan, as amended, emphasizes that the Core Area should remain the commercial and retail hub of Westchester County while also containing vibrant residential areas and limiting negative impacts on surrounding Close-In Area neighborhoods.

The following strategies to implement the above Comprehensive Plan objective for the Core Area are set forth in the Plan:

- * Encourage the development of cultural and entertainment uses in this section of the Core Area and build on these to attract restaurants, cafes and entertainment uses.
- * Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck Avenue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck Avenue will be pursued to strengthen this prominent area.
- * Encourage retail, service, commercial, entertainment and leisure time uses in the Core

Area that would reinforce the residential quality of the city's Core Area.

- * Work with private property owners in the Central Business District to develop connections between Mamaroneck Avenue stores and at-grade parking lots to the rear of the stores.
- * Strictly control Core Area uses that would detract from the residential quality of the Core Area.
- * Ensure that new development and conversions of uses in the Core Area have adequate off-street parking available.
- * Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses and their impacts
- * Protect the residential neighborhoods of Eastview and Carhart, which abut the Core Area's Specialty Retail Area and Westchester Avenue, from intrusion of commercial uses, accessory uses and their impacts including parking, traffic and conversion of residential uses to non-residential uses.

The objective of the Comprehensive Plan for the Core Area and the strategies to implement same, identify a clear demarcation. Office, retail, restaurant and entertainment uses are encouraged and supported by the Comprehensive Plan, but only to the extent that they "[e]nsure that new development and conversion of uses in the Core Area have adequate off-street parking available," and do not detract from the "residential quality of the Core Area," or have "negative impacts on surrounding Close-in Area neighborhoods."

It is both necessary and appropriate that the Common Council, in the granting of special permit uses which are essentially leisure uses, place appropriate controls to ensure that these uses remain desirable for the patrons as well as for downtown and Close In neighborhood residents.

The Proposed Action with the conditions recommended by the City Staff, Boards and Commissions conform to the strategies of the Comprehensive Plan.

Compliance with Zoning Ordinance

The Comprehensive Plan is implemented through the rules and regulations of the City of White Plains, most particularly the City's Zoning Ordinance.

The premises are situated in the CB-3 District in which an "Outdoor Dining" use is a special permit with a site plan regulated under Sections 6 and 7 of the Zoning Ordinance.

Special Permit Uses

Section 6 of the Zoning Ordinance addresses special permit uses. Section 6 provides that:

"Special permit 'uses' for which conformance to additional requirements is mandated by this Ordinance (see Sections 5.1 and 5.2) shall be deemed to be permitted 'uses' in their respective districts, subject to the satisfaction of the conditions and standards set forth in this Section in addition to all other requirements of this Ordinance. All such 'uses' are declared to possess characteristics of such unique and special form that each specific 'use' must be considered as an individual case."

General Special Permit Standards

Section 6.5 lists the general standards applicable to all special permit uses. The proposed outdoor dining at Hastings Tea is assessed below in light of the general standards for a special permit use.

6.5 Standards

All special permit "uses" shall comply with the following standards in addition to the "site plan" standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.

6.5.1 The location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.

In accordance with Section 6.5.1 of the Zoning Ordinance, the Common Council finds that the proposed outdoor dining use will be in harmony with the appropriate orderly development of the portion of the Core Area in which it is located, subject to certain conditions articulated herein. As noted in the above discussion of the Comprehensive Plan, the Core Area is the principal retail and commercial area of the city. The Comprehensive Plan stresses the importance of restaurants and entertainment uses to the economic vitality and vibrancy of the Core Area, particularly the Main-Mamaroneck corridor within the Central Business District. However, the Comprehensive Plan also raises the concern about potential negative impacts on residential uses in the Core Area and Close In neighborhoods, and raises the issue of the adequacy of available off-street parking for such uses. Section 6.5.1 addresses both the location and size of proposed special permit uses, along with their nature and intensity.

The following discusses the Proposed Action in light of each of the factors listed in Section 6.5.1.

Location: The location of the proposed outdoor dining use is consistent with other outdoor dining uses this section of Main Street and Mamaroneck Avenue.

Size: The area proposed for the outdoor dining is very small, providing only four tables and seating for 16 patrons. The parking spaces for the restaurants are part of the overall 235 Main Street parking requirement. By removing seats from the interior of both restaurants to provide for the outdoor dining seating capacity, no additional parking is required for the outdoor

dining accessory special permit use.

Clear access from Main Street will be provided to both entrances to 235-245 Main Street off of the courtyard. These must be maintained and kept clear of any obstructions at all times for public safety purposes.

Intensity: The amount of seating approved by the Common Council is intended to limit the intensity of the special permit use. The outdoor dining with seating for 16 is appropriate for this location.

With the above restrictions, the Common Council finds that the outdoor dining special permit use will be in conformity with Section 6.5.1.

6.5.2 The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."

Subject to the conditions stated under Section 6.5.2, in accordance with Section 6.5.2 of the Zoning Ordinance, the proposed special permit for outdoor dining use at this location will not hinder or discourage the appropriate development and use of adjacent buildings.

6.5.3 Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.

The principal impacts with respect to the proposed outdoor dining that must be appropriately regulated in any special permit approval are:

Exterior Lighting: Any proposed lighting for the outdoor dining area must be removable and shall be subject to the approval of the Commissioners of Building and Planning.

Noise: The Special Permit Approval should contain a condition that any sound reproduction in association with outdoor dining should not be any louder in the outdoor dining area than the sound level permitted by the Common Council on the street outside a cabaret use in cabaret special permit approvals.

Traffic: The outdoor dining will not generate any greater traffic than is generated by the existing restaurant, with the outdoor dining being provided by the relocation of existing interior seating to the outdoor dining area during the period permitted for the outdoor dining special permit use.

Refuse Location: A critical problem facing this area is the appropriate storage and placement for pick-up of refuse. There is no municipal refuse collection on Saturdays and Sundays, which is the principal period of activity of the cafes and outdoor dining. It is, therefore, imperative that all refuse, including recyclables, be properly stored and only be set out for collection in appropriate containers as determined by Commissioner of Public Works, at the appropriate times. The special permit approval should contain the condition that in order to properly manage the refuse from the restaurant and the outdoor dining, the owner must submit to and obtain approval from the Commissioner of Public Works of a Solid Waste Management Plan, prior to the issuance of any certificate of compliance, use or occupancy of the outdoor dining area. The Solid Waste Management Plan should identify how refuse, including recyclables is stored and where it is set out and collected, whether by the City or by private carter.

Subject to all of the conditions listed above, and in accordance with Section 6.5.3 of the Zoning Ordinance, the operations in connection with the proposed special permit outdoor dining use should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would the operation of other uses not requiring a special permit.

6.5.4 "Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.

The restaurant parking requirement is met by the relocation of 16 seats from the interior restaurant.

Individual Special Permit Standards

Certain special permits also have individual standards established in the Zoning Ordinance which are unique to the particular special permit use. Outdoor dining as an accessory use to a restaurant use has individual standards at Section 6.7.8. With respect to individual standards for special permits, Section 6.7 of the Zoning Ordinance provides that "The following individual standards and requirements are hereby established for certain special permit "uses." They must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them."

6.7.8.1 Outdoor "cabarets," outdoor dining in conjunction with a "cabaret" and outdoor dining in conjunction with a "fast food eating establishment" are specifically prohibited.

The special permit resolution should specifically cite the prohibition of cabarets in conjunction with outdoor dining.

6.7.8.2 The approving agency may prohibit or limit the hours of operation of any activities which would cause an adverse impact on adjacent or nearby residential properties, such as dancing, the operation or use of musical instruments or sound reproduction devices, or any

noise emanating from the outdoor dining area.

Consistent with other outdoor dining uses located in the Core Area, the outdoor dining should not operate after 1:00 am.

6.7.8.3 No exterior lighting shall be permitted which would cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 foot candles. Hours of lighting may be limited by the approving agency.

Subject to the condition with regard to lighting set forth herein above, the lighting for the outdoor dining complies with Section 6.7.8.3 and such lighting should be limited to the hours of operation of the outdoor dining area.

6.7.8.4 Off-"street" "parking spaces" shall be provided as required for "restaurants" in Section 8.3 of this Ordinance, except that where outdoor seating represents only a relocation of indoor seating and there is no increase in overall capacity of the "restaurant" or where the outdoor seating will be in the form of a sidewalk café; on public property, no additional off-"street" "parking spaces" need be provided.

As noted herein above, the outdoor seating represents only the relocation of indoor seating and that there be no increase in the capacity of the restaurant.

6.7.8.5 Outdoor dining located on public property, such as a sidewalk, may be permitted pursuant to a separate ordinance adopted by the Common Council for such purposes. Where so permitted no approval under the provisions of this Ordinance shall be required.

There is no outdoor dining proposed on public property.

6.7.8.6 A sidewalk café; incident to and in conjunction with a bona fide "restaurant" is permitted on public property only in the White Plains Promenade System and such other "streets" as may be designated for such "use" in the separate ordinance adopted by the Common Council for such purposes, but only in the zoning districts of such "streets" where "restaurants" are permitted.

As stated, no outdoor dining is proposed on public property.

Site Plan Standards

As stated at Section 6.5, all special permit uses must also comply with the site plan standards at Section 7.5 of the Zoning Ordinance. The applicable standards are listed and discussed herein below.

7.5 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:

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.

Subject to the Conditions contained in the approval resolution, the outdoor dining will conform to the objectives and strategies of the Comprehensive Plan.

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:

7.5.2.2. 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.

As noted, the special permit use is an accessory use to the restaurant which is a principal permitted use, and itself meets the requirements of Section 7.5 with respect to both pedestrian and vehicular access, having no vehicular access. As further noted herein above, by removing 16 seats from inside the restaurant, the parking requirement for the outdoor dining will be satisfied.

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, 4.4.19 and 8.7.5 of this 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.

There is only no construction associated with the new outdoor dining area.

7.5.3.4 Any special permit approval for the outdoor dining should include the following language:

All exterior lighting accessory to the outdoor dining use, 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 prevent objectionable

glare observable from such streets or properties." As stated herein above, a lighting plan should be approved by the Commissioners of Building, Parking, Public Safety, and Public Works, prior to the issuance of any certificate of compliance, use or occupancy.

7.5.3.5 As previously stated, no amplified music of any kind should be permitted for the outdoor dining or permitted to emanate from the restaurant interior to the outdoor dining as there are residential uses nearby on Mamaroneck Avenue (within 200 feet) and within 500 feet at the Esplanade.

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.

The design of the outdoor dining area should enhance the visual character of the site and the adjacent area. This area will be visible from Main Street. It should be well maintained both when in use and when not in use. The Applicant has chosen railing, tables, chairs, benches, and planters that will enhance the area during the six month operation of the outdoor dining special permit use.

(a) The Proposed Action, with the proposed conditions to be included as part of the approval, meets the Zoning Ordinance requirements the proposed outdoor dining.

(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.

A solid waste management plan must be approved by the Department of Public Works.

The site is fully served by municipal and private utility services.

The outdoor dining will not generate any greater traffic than is generated by the existing or proposed restaurants, with the outdoor dining being provided by the relocation of existing interior seating to the outdoor dining area.

(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.

The proposed outdoor dining area is located within an existing, paved courtyard area. There are no natural landscape conditions on the site.

(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 outdoor dining special permit use is accessory to the restaurant use which is a permitted principle use in the zoning district. The use will be similar to the several outdoor cafes located along Main-Mamaroneck area, which have been encouraged as part of the City's downtown revitalization program.

Subject to the recommended conditions in regard to restrictions for lighting and sound levels, the Proposed Action will not have a significant impact on the nearby uses.

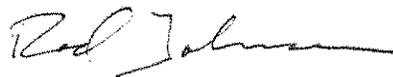
- (e) No major change in type or quantity of energy used will result from the Proposed Action.
- (f) No hazard to health or human safety will be created.

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, Public Works and Traffic.

- (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 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, geography scope, magnitude and number of people affected.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING APPROVAL OF A SPECIAL PERMIT FOR AN OUTDOOR DINING USE ON BEHALF OF HASTINGS TEA AT 235 MAIN STREET

WHEREAS, the application submitted by Mr. Robert Pierce, on behalf of Hastings Tea (the "Applicant") regarding a special permit for an outdoor dining use at 235 Main Street ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the installation of an outdoor dining area with a maximum of eight (8) tables, with seating for up to 16 patrons, located on private property in the existing paved, plaza area at 235 Main Street; and

WHEREAS, Hastings Tea, 235 Main Street, located within the premises shown of the Official Map of the City of White Plains as Section 125.67, Block 8, Lot 4.1; and

WHEREAS, under the New York State Environmental Quality Review (SEQR) regulations (6 NYCRR 617), the Common Council is required to incorporate environmental considerations in approval actions by a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

WHEREAS, SEQR regulations permit the combined environmental review of separate but related actions which when considered cumulatively may achieve the thresholds listed in the criteria for determining significance; and

WHEREAS, based on the reports and recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the special permit approval ("Conditions"):

1. The special permit should be effective for a period of one year, subject to renewals, upon a demonstration that the use has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. Only seating for 16 persons at four tables should be permitted and the outdoor dining seating should require the removal of 16 seats tables from use inside the cafe during the period of outdoor dining.
3. Consistent with other outdoor dining uses located in the Core Area, the outdoor dining should not operate after 1:00 am.
4. A lighting plan for both fixed and removable lighting, if any, must be submitted by the Applicant for approval by the Commissioners of Building and Planning prior to the issuance of any certificate of compliance, use or occupancy.
 - a. All exterior lighting, including the lighting of signs, should 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 prevent objectionable glare observable from such streets or properties.

- b. All lighting accessory to the outdoor dining use should be limited to the hours of operation of the outdoor dining area.
5. Any sound reproduction in the outdoor dining area should be limited in sound level to no more than permitted by the Common Council on the street outside of cabaret uses.
6. No cabaret uses should be permitted as part of the Outdoor Dining use.
7. In order to properly manage the refuse from the restaurant and its outdoor dining, the owner must submit to, and obtain approval from the Commissioner of Public Works of a Solid Waste Management Plan, prior to the issuance of any certificate of compliance, use or occupancy of the outdoor dining area. The Solid Waste Management Plan should identify how refuse, including recyclables is stored and where it is set out and collected, whether by the City or by private carter.
8. The design of the outdoor dining area should enhance the visual character of the site and the adjacent area. This area will be visible from Main Street and should be well maintained and kept clear of litter, refuse and obstructions both when in use and when not in use.

WHEREAS, the Environmental Officer has recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be an Unlisted Action under SEQR regulations; and (c) 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; and

WHEREAS, the Common Council has considered the application, supporting materials, Conditions 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, that, based on the foregoing findings, the Common Council designates itself as Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council determines that the Proposed Action is an Unlisted Action under SEQR regulations 6 NYCRR §617; and be it further

RESOLVED, that, based on the foregoing findings, 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 1997 Comprehensive Plan, the 2006 Update and the Zoning Ordinance.

The 1997 Comprehensive Plan, as amended, emphasizes that the Core Area should remain the commercial and retail hub of Westchester County while also containing vibrant residential areas and limiting negative impacts on surrounding Close-In Area neighborhoods.

The following strategies to implement the above Comprehensive Plan objective for the Core Area are set forth in the Plan:

- * Encourage the development of cultural and entertainment uses in this section of the Core Area and build on these to attract restaurants, cafes and entertainment uses.
- * Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck Avenue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck Avenue will be pursued to strengthen this prominent area.
- * Encourage retail, service, commercial, entertainment and leisure time uses in the Core Area that would reinforce the residential quality of the city's Core Area.
- * Work with private property owners in the Central Business District to develop connections between Mamaroneck Avenue stores and at-grade parking lots to the rear of the stores.
- * Strictly control Core Area uses that would detract from the residential quality of the Core Area.
- * Ensure that new development and conversions of uses in the Core Area have adequate off-street parking available.
- * Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses and their impacts
- * Protect the residential neighborhoods of Eastview and Carhart, which abut the Core Area's Specialty Retail Area and Westchester Avenue, from intrusion of commercial uses, accessory uses and their impacts including parking, traffic and conversion of residential uses to non-residential uses.

The objective of the Comprehensive Plan for the Core Area and the strategies to implement same identify a clear demarcation. Office, retail, restaurant and entertainment uses are encouraged and supported by the Comprehensive Plan, but only to the extent that they "[e]nsure that new development and conversion of uses in the Core Area have adequate off-street parking available," and do not detract from the "residential quality of the Core Area," or have "negative impacts on surrounding Close-in Area neighborhoods."

It is both necessary and appropriate that the Common Council, in the granting of special permit uses which are essentially leisure uses, place appropriate controls to ensure that these

uses remain desirable for the patrons as well as for downtown and Close In neighborhood residents.

The Proposed Action with the conditions recommended by the City Staff, Boards and Commissions conform to the strategies of the Comprehensive Plan.

Compliance with Zoning Ordinance

The Comprehensive Plan is implemented through the rules and regulations of the City of White Plains, most particularly the City's Zoning Ordinance.

The premises are situated in the CB-3 District in which an "Outdoor Dining" use is a special permit with a site plan regulated under Sections 6 and 7 of the Zoning Ordinance.

Special Permit Uses

Section 6 of the Zoning Ordinance addresses special permit uses. Section 6 provides that:

"Special permit 'uses' for which conformance to additional requirements is mandated by this Ordinance (see Sections 5.1 and 5.2) shall be deemed to be permitted 'uses' in their respective districts, subject to the satisfaction of the conditions and standards set forth in this Section in addition to all other requirements of this Ordinance. All such 'uses' are declared to possess characteristics of such unique and special form that each specific 'use' must be considered as an individual case."

General Special Permit Standards

Section 6.5 lists the general standards applicable to all special permit uses. The proposed outdoor dining at Hastings Tea is assessed below in light of the general standards for a special permit use.

6.5 Standards

All special permit "uses" shall comply with the following standards in addition to the "site plan" standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.

6.5.1 The location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.

In accordance with Section 6.5.1 of the Zoning Ordinance, the Common Council finds that the proposed outdoor dining use will be in harmony with the appropriate orderly development of the portion of the Core Area in which it is located, subject to certain conditions articulated herein. As noted in the above discussion of the Comprehensive Plan, the Core Area is the principal retail and commercial area of the city. The Comprehensive Plan stresses the

importance of restaurants and entertainment uses to the economic vitality and vibrancy of the Core Area, particularly the Main-Mamaroneck corridor within the Central Business District. However, the Comprehensive Plan also raises the concern about potential negative impacts on residential uses in the Core Area and Close In neighborhoods, and raises the issue of the adequacy of available off-street parking for such uses. Section 6.5.1 addresses both the location and size of proposed special permit uses, along with their nature and intensity.

The following discusses the Proposed Action in light of each of the factors listed in Section 6.5.1.

Location: The location of the proposed outdoor dining use is consistent with other outdoor dining uses this section of Main Street and Mamaroneck Avenue.

Size: The area proposed for the outdoor dining is very small, providing only four tables and seating for 16 patrons. The parking spaces for the restaurants are part of the overall 235 Main Street parking requirement. By removing seats from the interior of the cafe to provide for the outdoor dining seating capacity, no additional parking is required for the outdoor dining accessory special permit use.

Clear access from Main Street will be provided to both entrances to 235 Main Street off of the courtyard. These must be maintained and kept clear of any obstructions at all times for public safety purposes.

Intensity: The amount of seating approved by the Common Council is intended to limit the intensity of the special permit use. The outdoor dining with seating for 16 is appropriate for this location.

With the above restrictions, the Common Council finds that the outdoor dining special permit use will be in conformity with Section 6.5.1.

6.5.2 The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."

Subject to the conditions stated under Section 6.5.2, in accordance with Section 6.5.2 of the Zoning Ordinance, the proposed special permit for outdoor dining use at this location will not hinder or discourage the appropriate development and use of adjacent buildings.

6.5.3 Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.

The principal impacts with respect to the proposed outdoor dining that must be appropriately regulated in any special permit approval are:

Exterior Lighting: Any proposed lighting for the outdoor dining area must be removable and

shall be subject to the approval of the Commissioners of Building and Planning.

Noise: The Special Permit Approval should contain a condition that any sound reproduction in association with outdoor dining should not be any louder in the outdoor dining area than the sound level permitted by the Common Council on the street outside a cabaret use in cabaret special permit approvals.

Traffic: The outdoor dining will not generate any greater traffic than is generated by the existing restaurant, with the outdoor dining being provided by the relocation of existing interior seating to the outdoor dining area during the period permitted for the outdoor dining special permit use.

Refuse Location: A critical problem facing this area is the appropriate storage and placement for pick-up of refuse. There is no municipal refuse collection on Saturdays and Sundays, which is the principal period of activity of the cafes and outdoor dining. It is, therefore, imperative that all refuse, including recyclables, be properly stored and only be set out for collection in appropriate containers as determined by Commissioner of Public Works, at the appropriate times. The special permit approval should contain the condition that in order to properly manage the refuse from the restaurant and the outdoor dining, the owner must submit to and obtain approval from the Commissioner of Public Works of a Solid Waste Management Plan, prior to the issuance of any certificate of compliance, use or occupancy of the outdoor dining area. The Solid Waste Management Plan should identify how refuse, including recyclables is stored and where it is set out and collected, whether by the City or by private carter.

Subject to all of the conditions listed above, and in accordance with Section 6.5.3 of the Zoning Ordinance, the operations in connection with the proposed special permit outdoor dining use should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would the operation of other uses not requiring a special permit.

6.5.4 "Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.

The cafe parking requirement is met by the relocation of 16 seats from the interior restaurant.

Individual Special Permit Standards

Certain special permits also have individual standards established in the Zoning Ordinance which are unique to the particular special permit use. Outdoor dining as an accessory use to a restaurant use has individual standards at Section 6.7.8. With respect to individual standards for special permits, Section 6.7 of the Zoning Ordinance provides that "The following individual standards and requirements are hereby established for certain special permit "uses." They must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them."

6.7.8.1 Outdoor "cabarets," outdoor dining in conjunction with a "cabaret" and outdoor dining in conjunction with a "fast food eating establishment" are specifically prohibited.

The special permit resolution should specifically cite the prohibition of cabarets in conjunction with outdoor dining.

6.7.8.2 The approving agency may prohibit or limit the hours of operation of any activities which would cause an adverse impact on adjacent or nearby residential properties, such as dancing, the operation or use of musical instruments or sound reproduction devices, or any noise emanating from the outdoor dining area.

Consistent with other outdoor dining uses located in the Core Area, the outdoor dining should not operate after 1:00 am.

6.7.8.3 No exterior lighting shall be permitted which would cause illumination beyond the boundaries of the property on which it is located in excess of 0.5 foot candles. Hours of lighting may be limited by the approving agency.

Subject to the condition with regard to lighting set forth herein above, the lighting for the outdoor dining complies with Section 6.7.8.3 and such lighting should be limited to the hours of operation of the outdoor dining area.

6.7.8.4 Off-"street" "parking spaces" shall be provided as required for "restaurants" in Section 8.3 of this Ordinance, except that where outdoor seating represents only a relocation of indoor seating and there is no increase in overall capacity of the "restaurant" or where the outdoor seating will be in the form of a sidewalk café; on public property, no additional off-"street" "parking spaces" need be provided.

As noted herein above, the outdoor seating represents only the relocation of indoor seating and that there be no increase in the capacity of the restaurant.

6.7.8.5 Outdoor dining located on public property, such as a sidewalk, may be permitted pursuant to a separate ordinance adopted by the Common Council for such purposes. Where so permitted no approval under the provisions of this Ordinance shall be required.

There is no outdoor dining proposed on public property.

6.7.8.6 A sidewalk café; incident to and in conjunction with a bona fide "restaurant" is permitted on public property only in the White Plains Promenade System and such other "streets" as may be designated for such "use" in the separate ordinance adopted by the Common Council for such purposes, but only in the zoning districts of such "streets" where "restaurants" are permitted.

As stated, no outdoor dining is proposed on public property.

Site Plan Standards

As stated at Section 6.5, all special permit uses must also comply with the site plan standards at Section 7.5 of the Zoning Ordinance. The applicable standards are listed and discussed herein below.

7.5 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:

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.

Subject to the Conditions contained in the approval resolution, the outdoor dining will conform to the objectives and strategies of the Comprehensive Plan.

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:

7.5.2.2. 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.

As noted, the special permit use is an accessory use to the restaurant which is a principal permitted use, and itself meets the requirements of Section 7.5 with respect to both pedestrian and vehicular access, having no vehicular access. As further noted herein above, by removing 16 seats from inside the restaurant, the parking requirement for the outdoor dining will be satisfied.

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, 4.4.19, and 8.7.5 of this 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.

There is only a minimum amount of construction associated with the construction of the new outdoor dining area. Nonetheless, all applicable requirements of the Construction Management Protocol should be observed.

7.5.3.4 Any special permit approval for the outdoor dining should include the following language:

All exterior lighting accessory to the outdoor dining use, 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 prevent objectionable glare observable from such streets or properties." As stated herein above, a lighting plan should be approved by the Commissioners of Building, Parking, Public Safety, and Public Works, prior to the issuance of any certificate of compliance, use or occupancy.

7.5.3.5 As previously stated, no amplified music of any kind should be permitted for the outdoor dining or permitted to emanate from the restaurant interior to the outdoor dining as there are residential uses nearby on Mamaroneck Avenue (within 200 feet) and within 500 feet at the Esplanade.

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.

The design of the outdoor dining area should enhance the visual character of the site and the adjacent area. This area will be visible from Main Street. It should be well maintained both when in use and when not in use. The Applicant has chosen railing, tables, chairs, benches, and planters that will enhance the area during the six month operation of the outdoor dining special permit use.

- (a) The Proposed Action, with the proposed conditions to be included as part of the approval, meets the Zoning Ordinance requirements the proposed outdoor dining,
- (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.

A solid waste management plan must be approved by the Department of public Works.

The site is fully served by municipal and private utility services.

The outdoor dining will not generate any greater traffic than is generated by the existing or

proposed restaurants, with the outdoor dining being provided by the relocation of existing interior seating to the outdoor dining area.

- (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.

The proposed outdoor dining area is located within an existing, paved courtyard area. There are no natural landscape conditions on the site.

- (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 outdoor dining special permit use is accessory to the restaurant use which is a permitted principle use in the zoning district. The use will be similar to the several outdoor cafes located along Main-Mamaroneck area, which have been encouraged as part of the City's downtown revitalization program.

Subject to the recommended conditions in regard to restrictions for lighting and sound levels, the Proposed Action will not have a significant impact on the nearby uses.

- (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, Public Works and Traffic.

- (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 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, geography scope, magnitude and number of people

affected; and be 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 SEQRA.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS GRANTING THE APPLICATION MADE ON BEHALF OF HASTINGS TEA CORP. D/B/A HASTINGS TEA (“APPLICANT”) LOCATED AT 235 MAIN STREET FOR A SPECIAL PERMIT TO ALLOW OUTDOOR DINING ON PRIVATE PROPERTY IN THE COURTYARD AREA OF THE OFFICE BUILDING AT 235 MAIN STREET IN THE CENTRAL PARKING AREA (CPA) SUBJECT TO THE CONDITIONS CONTAINED HEREIN.

WHEREAS, at its May 4, 2015 meeting, the Common Council of the City of White Plains received a communication from the Commissioner of Building, dated April 22, 2015, forwarding an Application submitted by Mr. Robert Peirce, on behalf of Hastings Tea Corp. d/b/a “Hastings Tea” (the “Applicant”), for approval of a Special Permit to allow outdoor dining on “private” property in the courtyard area of the office building located at 235 Main Street adjacent to the facility (“Application”); and

WHEREAS, the entrance to Hastings Tea is on Main Street; and

WHEREAS, the Application includes the placement of sixteen (16) seats located at eight (8) tables in a 324 square foot area along the westerly wall of the courtyard and adjacent to the main entrance of the office building; and

WHEREAS, the Applicant understands that any seat used outside must be accomplished by relocating an indoor seat to the outdoors so as to maintain a “zero net” change in its off-street parking requirement; and

WHEREAS, the premises in which Hastings Tea is located are designated on the Official Tax Assessment Map of the City of White Plains as Section 125.67, Block 8, Lot 4.1; and

WHEREAS, the premises are situated within the CB-3 (Core Business-3) Zoning District in which outdoor dining is a special permit use subject to the requirements of Sections 6.5, 6.7.8, 7.3 and 7.5 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”); and

WHEREAS, pursuant to Section 6.2.17 of the Zoning Ordinance, the Common Council is the approving agency for outdoor dining; and

WHEREAS, the Application included the following documents:

- A. A cover letter dated April 20, 2015, from Mr. Robert Peirce, on behalf of the Applicant, forwarding the outdoor dining application;
- B. Outdoor Seating sketch, received by the Department of Building on April 20, 2015;
- C. A Short Form Building Permit Application received by the Department of Building on April 20, 2015;
- D. Short Environmental Assessment Form (EAF) received by the Department of Building on April 20, 2015;

E. A letter dated April 17, 2015 from Steven J. Caspi, Managing Member of 235-245 Delaware Realty Associates LLC, Owner/Managing Member of 235-245 Main Street, stating that the owner of the property has no issue with the courtyard area in front of 235-245 Main Street being used for outdoor seating and that Hastings Tea Corp., tenant, has been granted permission by the owner to apply for an Outdoor Dining Special Permit; and

WHEREAS, the Application was referred by the Common Council at its May 4, 2015 meeting to various City departments, boards, agencies, commissions, and officers and the Westchester County Planning Board for review, comments and recommendations; and

WHEREAS, at its June 1, 2015 meeting, the Common Council scheduled a public hearing on the Application for July 6, 2015; and

WHEREAS, the Common Council, at the July 6, 2015 meeting, opened the duly noticed public hearing, and afforded the Applicant and the public the opportunity to provide testimony regarding the Application and then closed the public hearing; and

WHEREAS, in connection with the Application, communications were received by the Common Council at its July 6, 2015 meeting from the Commissioner of Building, dated May 19, 2015; the Acting Commissioner of Planning, dated May 20, 2015; the Commissioner of Public Safety, dated May 19, 2015; the Commissioner of Parking, dated June 1, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated May 14, 2015; the then

Commissioner of Public Works, prepared for the Common Council meeting of June 1, 2015; the Chair of the Planning Board, dated May 20, 2015; the Acting Chairman of the Transportation Commission, dated May 21, 2015; the Chair of the Design Review Board, dated May 28, 2015; and the Environmental Officer, dated July 1, 2015; and

WHEREAS, subject to the conditions contained in this approval resolution herein, the proposed outdoor dining use is in compliance with the applicable requirements in the CB-3 (Core Business-3) Zoning District; and

WHEREAS, the Common Council at its July 6, 2015 meeting, adopted a resolution designating itself as the Lead Agency for the environmental review of the Proposed Action; finding the Proposed Action to be an Unlisted Action under SEQR regulations; and finding that the Proposed Action will not have a significant effect on the environment; and adopted environmental findings in connection with the Application; and

WHEREAS, the Common Council has conducted a public hearing in connection with the Application, has considered the comments and recommendations of the various City departments, agencies, boards, commissions, and officers, has reviewed the documents submitted by the Applicant, and has reviewed and considered the Application in light of the standards set forth in Sections 6.5, 6.7.8, 7.3 and 7.5 of the Zoning Ordinance; now, therefore, be it

RESOLVED, that the following findings are hereby adopted in accordance with the

Zoning Ordinance:

Section 5.2 of the Zoning Ordinance, List of Use Regulations and Zoning Map

The application proposes outdoor dining in the CB-3 Zoning District. Consistent with Section 5.2 of the Zoning Ordinance and the Zoning Map, “Outdoor Dining” is a Special Permit use in the CB-3 Zoning District in which the project site is located.

Consistency with the City’s Comprehensive Plan:

1. The stated objective of the 1997 Comprehensive Plan and 2006 Plan Update (together “Comprehensive Plan”) for the Core Area provides, among other things that:

The Plan emphasizes that the Core Area should remain the commercial and retail hub of Westchester County while also containing vibrant residential areas and limiting negative impacts on surrounding Close-In Area neighborhoods.

2. The following strategies to implement the above Comprehensive Plan objective for the Core Area are set forth in the Plan:

- * Encourage the development of cultural and entertainment uses in this section of the Core Area and build on these to attract restaurants, cafes and entertainment uses.
- * Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck Avenue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck Avenue will be pursued to strengthen this prominent area.
- * Encourage retail, service, commercial, entertainment and leisure time uses in the Core Area that would reinforce the residential quality of the city’s Core Area.

- * Work with private property owners in the Central Business District to develop connections between Mamaroneck Avenue stores and at-grade parking lots to the rear of the stores.
- * Strictly control Core Area uses that would detract from the residential quality of the Core Area.
- * Ensure that new development and conversions of uses in the Core Area have adequate off-street parking available.
- * Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses and their impacts.
- * Protect the residential neighborhoods of Eastview and Carhart, which abut the Core Area's Specialty Retail Area and Westchester Avenue, from intrusion of commercial uses, accessory uses and their impacts including parking, traffic and conversion of residential uses to non-residential uses.

3. The objective of the Comprehensive Plan for the Core Area and the strategies to implement same identify a clear demarcation. Office, retail, restaurant and entertainment uses are encouraged and supported by the Comprehensive Plan but only to the extent that they “[e]nsure that new development and conversion of uses in the Core Area have adequate off-street parking available,” and do not detract from the “residential quality of the Core Area,” or have “negative impacts on surrounding Close-In Area neighborhoods.”

4. It is both necessary and appropriate that the Common Council, as the approving agency, in the granting of special permit uses which are essentially entertainment uses, ensures that strict controls are imposed to ensure that these uses remain desirable for the patrons as well as downtown and Close-In neighborhood residents.

Consistency with Zoning Ordinance Standards-Special Permit Uses

Section 6 of the Zoning Ordinance addresses special permit uses. Section 6 provides that:

Special permit “uses” for which conformance to additional requirements is mandated by this Ordinance (*see* Sections 5.1 and 5.2) shall be deemed to be permitted “uses” in their respective districts, subject to the satisfaction of the conditions and standards set forth in this Section in addition to all other requirements of this Ordinance. All such “uses” are declared to possess characteristics of such unique and special form that each specific “use” must be considered as an individual case (emphasis added).

Section 6.5 of the Zoning Ordinance - General Standards

1. Section 6.5 lists the general standards applicable to all special permit uses. In accordance with Section 6.5.1 of the Zoning Ordinance, subject to all of the applicable conditions contained in this approval resolution herein, the proposed outdoor dining use for Hastings Tea located on private property in the courtyard of the office building at 235 Main Street will be in harmony with the appropriate, orderly development of the area in which it is located, the Core Area, which is the principal retail and commercial area of the City.

2. The Comprehensive Plan stresses the importance of restaurants and entertainment uses to the economic vitality and vibrancy of the Core Area, particularly the Mamaroneck Avenue corridor within the Central Business District. However, the Comprehensive Plan also raises the concern about potential negative impacts on residential uses in the Core Area and Close In neighborhoods, and raises the issue of the adequacy of available off-street parking for such uses. Section 6.5.1 addresses both the location and size of proposed special permit uses, along with their

nature and intensity.

3. As to location, the proposed outdoor dining use is consistent with other outdoor dining uses along Main Street and Mamaroneck Avenue. The Common Council finds that the location is appropriate for such special permit use. The proposed outdoor seating will be in the existing courtyard and represents the seasonal relocation of indoor seating. No site plan changes are proposed.

4. As to size, the area proposed for the outdoor dining is small (324 square feet), providing only sixteen (16) seats located at eight (8) tables along the westerly wall of the courtyard and adjacent to the main entrance of the office building. In order not to generate an additional parking requirement, Hastings Tea understands that any seat used outside must be accomplished by relocating an indoor seat to the outdoors so as to maintain a “zero net” change in their off-street parking requirement. The Common Council has no objection to the placement of sixteen (16) seats at eight (8) tables for the outdoor dining in the courtyard.

5. As to the intensity of the use, the amount of seating approved by the Common Council is intended to limit the intensity of the special permit use. The Common Council finds that eight (8) tables with seating for sixteen (16) patrons are an appropriate intensity for this special permit use during the outdoor dining season. Any proposed lighting for the outdoor dining area must be removable and shall be subject to the approval of the Commissioners of Building and Planning. See Condition 3 of this approval resolution herein.

6. Subject to the Applicant's compliance with the applicable conditions set forth in this approval resolution herein, the Common Council finds that the outdoor dining special permit use will be in conformity with Section 6.5.1 of the Zoning Ordinance.

7. In accordance with Section 6.5.2 of the Zoning Ordinance, subject to all of the applicable conditions contained herein, the proposed special permit use will enhance and not hinder or discourage the appropriate development and use of adjacent buildings. No new construction is proposed in connection with the outdoor seating. Consistent with this section, the outdoor seating will not alter any building or structural exteriors. Neither use will hinder or discourage the appropriate use of 235-245 Main Street office building or adjacent properties.

8. As to Section 6.5.3 of the Zoning Ordinance, the requested outdoor dining area is located in a courtyard area along a busy commercial corridor adjacent to City Hall. No amplified sound, exterior lighting, or other activities with potential off-site effects are proposed.

9. Subject to the Applicant's compliance with the applicable conditions contained in this approval resolution herein, including those pertaining to exterior lighting, noise, and refuse location, in accordance with Section 6.5.3 of the Zoning Ordinance, the operations in connection with the proposed special permit use will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operation of other uses not requiring a special permit in the CB-3 Zoning District.

10. In accordance with Section 6.5.3 of the Zoning Ordinance, the outdoor dining should not generate any greater traffic than is generated by the existing restaurant, as the outdoor dining would be provided by the relocation of existing interior seating for sixteen (16) persons to the outdoor dining area.

11. In accordance with Section 6.5.3 of the Zoning Ordinance, no exterior lighting is proposed by the Applicant. However, as stated herein, if any exterior lighting is proposed, it must be removable lighting and be subject to the approval of the Commissioner of Building and Planning.

12. Subject to the Applicant's compliance with all of the applicable conditions set forth in this approval resolution herein, and in accordance with Section 6.5.3 of the Zoning Ordinance, the operations in connection with the proposed special permit outdoor dining use should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would the operation of other uses not requiring a special permit.

13. In accordance with Section 6.5.4 of the Zoning Ordinance, Hastings Tea, located in the CPA, is legally non-conforming with respect to parking. Public parking is available on Church Street, Main Street, and in nearby public parking lots, including the City Center Garage and Main-Hamilton Garage. Many patrons come on foot especially at lunchtime.

Individual Special Permit Standards

As to individual Special Permit standards under the Zoning Ordinance, the Common Council makes the following findings with respect to the individual standards for outdoor dining special permit uses and the Application:

1. Consistent with Section 6.7.8.1 of the Zoning Ordinance, there is no cabaret or fast food eating establishment currently operating on this site, and no such uses are proposed.

2. Consistent with Section 6.7.8.2 of the Zoning Ordinance, no such activities or uses exist on the site or are proposed that would cause an adverse impact on adjacent or nearby residential properties, such as dancing, the operation or use of musical instruments or sound reproduction devices, or any noise emanating from the outdoor dining area.

3. Consistent with Section 6.7.8.3 of the Zoning Ordinance, no additional exterior lighting has been proposed by the Applicant. As set forth in Condition 3 of this approval resolution herein, if any exterior lighting is proposed, it must be removable lighting and be subject to the approval of the Commissioners of Building and Planning.

4. As to Section 6.7.8.4 of the Zoning Ordinance, it is understood by the Applicant that the proposed outdoor seating represents a relocation of indoor seating and there is no permitted increase in the overall seating capacity of the facility.

5. As to Sections 6.7.8.5 and 6.7.8.6 of the Zoning Ordinance relating to dining located on public property, there is no outdoor dining located or proposed on public property.

Site Plan Standards under Section 7 of the Zoning Ordinance:

1. Subject to the Applicant's compliance with all the applicable conditions set forth in this approval resolution herein, in accordance with Section 7.5.1 of the Zoning Ordinance, the proposed outdoor dining conforms to the objectives and strategies of the 1997 Comprehensive Plan and 2006 Plan Update, adopted by a resolution of the Common Council on July 11, 2006.

2. Subject to the Applicant's compliance with the applicable conditions contained in this approval resolution herein, in accordance with Section 7.5.2 of the Zoning Ordinance, the vehicular and traffic circulation both within and without the site will not be adversely affected by the approval of the Application, and this special permit use is an accessory use to the restaurant which is a principal permitted use, and itself meets the requirements of Section 7.5.2 with respect to both pedestrian and vehicular access, having no vehicular access. As stated previously in this approval resolution herein, by removing sixteen (16) seats from inside the facility, the parking requirement for the outdoor dining will be satisfied.

3. Subject to the Applicant's compliance with the applicable conditions contained in this approval resolution herein, the design of the outdoor dining 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.

4. Subject to the Applicant's compliance with the applicable conditions contained in this approval resolution herein, in accordance with Section 7.5.4 of the Zoning Ordinance, the site design of the proposed outdoor dining will enhance and protect the visual character of the site and the adjacent area. This area will be visible from Main Street. The area shall be well maintained both when in use and when not in use; and be it further

RESOLVED, that based upon the above findings, the Common Council determines that the standards of Sections 6.5, 6.7.8, 7.3 and 7.5 of the Zoning Ordinance have been satisfied and that approval of the Special Permit for Hastings Tea for outdoor dining to be located in the courtyard of the office building at 235 Main Street be and it is hereby granted for a period of one (1) year, until July 5, 2016, subject to the Applicant's compliance with the following conditions:

1. Access from Main Street to both courtyard entrances to the 235-245 Main Street office building must be unobstructed at all times and kept clean of litter and debris.

2. Only seating for sixteen (16) persons at eight (8) tables shall be permitted and this seating shall be provided by the relocation of sixteen (16) seats from the interior of the facility during the period of outdoor dining.

3. Any proposed lighting for the outdoor dining area must be removable and shall by

submitted by the Applicant for approval by the Commissioners of Building and Planning, prior to the issuance of any certificate of compliance, use or occupancy.

a. All exterior lighting, 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 prevent objectionable glare observable from such streets or properties.

b. All lighting accessory to the outdoor dining use shall be limited to the hours of operation of the outdoor dining use.

4. In order to properly manage the refuse from Hastings Tea and its outdoor dining, the Applicant must submit to and obtain approval from the Commissioner of Public Works of a Solid Waste Management Plan, prior to the issuance of any certificate of compliance, use or occupancy of the outdoor dining area. The Solid Waste Management Plan shall identify how the refuse, including recyclables is stored and where it is set out and collected, whether by the City or by private carter.

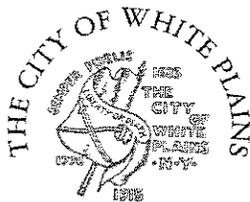
5. The hours of operation of the outdoor dining shall be limited to the same hours as other outdoor dining special permit uses along the nearby Mamaroneck Avenue to 1:00 a.m. Any sound reproduction in association with outdoor dining shall not be any louder in the outdoor dining area than the sound level permitted by the Common Council on the street outside a cabaret use in

cabaret special permit approvals.

6. No cabaret uses shall be permitted as part of the Outdoor Dining use.

7. The design of the outdoor dining area should enhance the visual character of the site and the adjacent area. This area will be partially visible from Main Street and it shall be well maintained when in use and when not in use.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

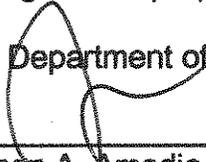
Damon A. Amadio, P.E.
Commissioner

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

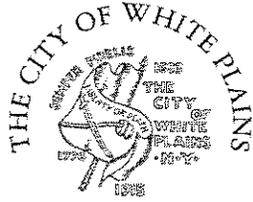
Per referral by the Common Council on May 5, 2015, the Department of Building has reviewed the proposed amendment to the Zoning Ordinance of the City of White Plains with respect to creating a new Light Industrial Mixed Use (LI-M) Zoning District and re-zoning certain properties in the Light Industrial Zoning District.

The Department of Building recommends approval of the amendment.



Damon A. Amadio P.E.
Commissioner of Building
Dated: May 19, 2015

19



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

May 28, 2015

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 May 27, 2015, reviewed an ordinance amending an ordinance entitled "the Zoning Ordinance of the City of White Plains" with respect to creating a new Light Industrial Mixed Use (LI-M) zoning district and re-zoning certain properties in the Light Industrial (LI) zoning district.

OUTCOME: The Design Review Board reviewed this application and had no comment at this time.

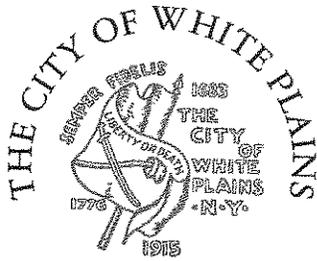
Norman DiChiara

Norman DiChiara, Chairman

Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>



PLANNING DEPARTMENT
Thomas M. Roach, Mayor
Linda Puopio, Acting Commissioner

TO: TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

RE: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" WITH RESPECT TO CREATING A NEW LIGHT INDUSTRIAL MIXED USE (LI-M) ZONING DISTRICT AND RE-ZONING CERTAIN PROPERTIES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT.

Introduction

In November 2014, the Common Council received a proposed Zoning Ordinance amendment entitled "An Ordinance Amending an Ordinance Entitled 'The Zoning Ordinance of the City of White Plains' with Respect to Creating a New Light Industrial Mixed Use (LI-M) Zoning District and Re-Zoning Certain Properties in the Light Industrial (LI) Zoning District," submitted by the then Commissioner of Planning by a communication dated October 30, 2014. The proposed legislation was referred by the Common Council to the Law Department, Environmental Officer and the Planning Board pursuant to Section 12 of the Zoning Ordinance.

At its meeting held on December 1, 2014, the Common Council received communications dated November 20, 2014 and November 24, 2014 respectively, from the Planning Board and Corporation Counsel determining, *inter alia*, that the proposed aforementioned ordinance was in appropriate form, and recommending that a public hearing be scheduled. The Common Council then adopted a resolution scheduling a public hearing for January 5, 2015 on said ordinance.

At the January 5, 2015 meeting of the Common Council, the public hearing was opened, and a communication from the then Commissioner of Planning dated December 18, 2014 was received, recommending additional changes to the proposed ordinance. The Common Council referred the revised proposed ordinance to the appropriate City agencies, departments, boards and commissions and the Westchester County Planning Board for review and recommendations pursuant to Section 12 of the Zoning Ordinance. The public hearing was then adjourned to the February 2, 2014 meeting of the Common Council.

At the February 2, 2015 meeting of the Common Council, a communication from the Deputy Commissioner of Planning was submitted withdrawing the proposed Zoning Ordinance amendments to allow for additional revisions to be made to the proposed ordinance. This communication presents the revised proposal. The substantial change from the previous proposal is restricted designation of the new Light Industrial-Mixed Use ("LI-M") District solely to the Westmoreland Avenue area, less restrictions for converting existing buildings to residential or hotel uses, and the opportunity for new or expanded principal buildings for residential or hotel

uses.

This communication describes proposed amendments to the Zoning Ordinance that will create a new Light Industrial-Mixed Use (“LI-M”) classification that would replace the existing Light Industrial (“LI”) zoning designation in the Westmoreland Avenue area. The Planning Department’s analysis begins with an overview of the existing conditions relevant to the proposed action, explains the purpose and need for the proposed zoning amendments, provides a detailed description of the proposed new zoning district, assesses the conformity of the proposed action with the City’s Comprehensive Plan and concludes with a recommendation to adopt the zoning amendments.

Existing Conditions

Zoning Ordinance

Zoning Map

There are five (5) Light Industrial Zoning Districts currently mapped on the official Zoning Map of the City of White Plains:

- (1) Westmoreland Avenue;
- (2) Haarlem Avenue;
- (3) Ferris Avenue;
- (4) I-287 Interchange; and
- (5) Fulton/Central Avenue.

Four of these narrow, linear districts (Westmoreland, Haarlem Avenue, Ferris Avenue, and Fulton/Central Avenue) run along rail lines. In the past, these were critical locations for the enterprises involved in the movement of products including coal, wood and other building materials via rail. Similarly, the I-287 LI district runs along another important transportation corridor—the Cross Westchester Expressway (Interstate 287).

The Westmoreland district is bounded by the Metro-North Railroad, Tibbets Avenue, and Bank Street, and is situated just to the southwest of downtown White Plains. The Westmoreland and Ferris Avenue LI districts are readily walkable from the White Plains TransCenter/Metro North rail station, the Haarlem industrial district is within an easy walk of the North White Plains Metro North station. The Fulton/Central LI district is relatively close to the White Plains TransCenter, but is located on the far side of the 8-lane Tarrytown Road/Central Avenue (Route 119/100) intersection, a major obstacle for pedestrians.

Zoning Regulations

Purposes of the LI District

Section 5.5.1 of the Zoning Ordinance establishes the purposes of the LI District as follows:

“The LI District is a light industrial district, located in areas of good highway or rail access which have already developed an industrial character. New residential development is excluded from this district, both to protect "dwellings" from an undesirable living environment and to ensure the reservation of adequate areas for light industrial "uses.”

Permitted Uses in the LI District

Permitted principal uses in the Light Industrial Zoning District fall into the following categories (Table 1, below, provides a complete list of the uses allowed in the LI district):

Recreation

Limited uses such as commercial indoor recreational facilities

Semi-Public and Community Facilities

Limited uses such as places of worship and government uses

Office and Business

Limited office and retail uses; food service establishments including fast food; banks, and others

Automotive and Parking

The wide range of automotive-related uses including motor vehicle sales and service, towing services, parking, wrecking, etc.

Industrial

A wide variety of uses such as:

- Research and medical laboratories
- Manufacturing, fabrication, finishing or assembling of products;
- Warehousing and indoor storage uses;
- Outdoor storage uses;
- Printing plants; and
- Commercial laundries.

Table 1
Uses Permitted in the Light Industrial Zoning District (LI)
Permitted Principal Use
Banks
Business or professional office
Business or trade school
Business, admin. or headquarters for philanthropic institutions
Cafes
Churches or other places of worship
City of White Plains parking lots or parking garages
Commercial indoor "recreation facilities"
Convents
Customary home occupations
Laundry or dry cleaning plants
Manufacturing, fabrication, finishing or assembling of products
Medical laboratories
Mini-storage facility
Office for group education, training or counseling in buildings containing no residential uses
Outdoor storage of commercial or industrial vehicles or construction equipment
Printing Plants

Public utility buildings or structures
Retail laundries or dry cleaners
Radio stations
Stores for sales at retail or performance of customary personal services
Theaters
Uses of the City of White Plains
Uses of Other Governments
Veterinary hospitals, including boarding
Wholesale business, storage or warehousing

Special Permit Use
Accessory Dish Antennas
Auto Laundries
Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper provided operations are within a building and use is a legally pre-existing use
Commercial parking lots for private vehicles
Fast Food eating establishments
Health clubs
Independent, unaffiliated nursery schools or day care centers with permitted church
Motor vehicle sales or rental, including accessory repair shops, service stations or outdoor storage of motor vehicles
Motor vehicle service stations
Motor vehicle repair shops
Outdoor storage of building or other materials
Research, experimental or testing laboratories

Permitted Accessory Use
Accessory electronic games
Nursery Schools or day care centers
Newsstands
Parish House or Rectory
Parking lots or parking garages
Private garage, carport or open parking for passenger vehicles
Restaurant or cafeteria for employees
Sunday Schools / Religious Schools

Although the district is called the “Light Industrial” zone, the Zoning Ordinance does not include a definition of “industrial” or “light industrial”. Furthermore, the LI district allows “manufacturing, fabrication, finishing, or assembling of products” as Permitted Principal Uses with no requirement to meet special conditions as through a Special Use permit. The Zoning Ordinance also does not differentiate between “light’ and heavy” manufacturing nor does it define the term “manufacturing”.

Uses Not Permitted in the LI District

- No residential uses of any kind--including single or multifamily housing are allowed. Also hotels and

- shelters are not permitted in the LI zone
- Most education-type uses are not allowed
- Entertainment and cultural facility uses such as cabarets, bars, outdoor dining facilities, museums, galleries and similar uses are not allowed

Land Use in the LI District

Today, the City's LI districts are occupied by a mixture of uses. The Westmoreland district contains several auto-related uses including auto repair shops, vehicle towing services, and an auto parts supplier; a self-storage facility; a moving company; manufacturers including a rubber stamp manufacturer, a manufacturer of machinery for industrial processes, a glass manufacturer, etc. Notable longer-term building vacancies in the Westmoreland Avenue district include the former C.G. Swackhammer lumber yard and 121 Westmoreland Avenue, formerly occupied by the offices of ARC of Westchester.

Land uses in the Haarlem light industrial district also include construction-related and auto-related uses including home builders and contractors, a highway building material supplier, and car rental establishments. This district is more characterized by commercial office uses than the Westmoreland district. There is also one non-conforming single-family and one two-family dwelling in the existing Haarlem Avenue LI zone.

The Ferris Avenue and I-287 districts are predominantly occupied by construction-related and auto-related businesses, respectively. The Fulton Street district, located at the northern end of the Central Avenue retail shopping district, contains the most varied list of uses ranging from restaurants and delis to auto-related businesses, non-conforming residential uses, and light industrial enterprises.

Proposed Zoning Amendments

Public Purpose for the Proposed Rezoning

The City of White Plains seeks to encourage the redevelopment of the Westmoreland Avenue Light Industrial District in a manner that will:

- Create a vibrant mixed-use district with a strong identity and an interesting and balanced mix of compatible uses ranging from residential and cultural uses to business and light industrial;
- Protect the unique character of the area through the adaptive reuse of prominent and potentially historic buildings, including architecturally and culturally notable buildings as the C.G. Swackhammer building and the former headquarters of the Norden Laboratories;
- Provide opportunities for new or expanded mixed used buildings including commercial, light industrial, cultural, and residential or hotel use;
- Provide opportunities for residential use within walking distance of public transportation to further the City of White Plains' goals of reducing motor vehicle travel and emissions and promoting a walkable community;
- Revitalize vacant and/or underutilized properties which detract from community character;
- Continue to provide areas in the City for light industrial businesses to operate and serve the community;
- Eliminate uses that underutilize valuable and limited land near major public transit facilities; and
- Eliminate the potential for inappropriate, heavier manufacturing uses to be developed in the LI-M districts by clarifying that light manufacturing uses only are allowed, not heavier manufacturing operations and including a definition of 'light manufacturing' .

Zoning Map Amendments

The proposed action would change the zoning map designation for the parcels in the current Westmoreland Avenue Light Industrial district to the newly created Light Industrial-Mixed (“LI-M”) Use District. This district was selected for rezoning because it was judged to have higher potential for redevelopment based on:

- the accessibility of this district to/from public transportation stations;
- the stock of buildings in this district, which is more suitable for conversion or expansion to residential use than the building stock in the other four districts;
- its proximity to the White Plains TransCenter and the downtown and its unique architectural character.

Zoning Text Amendments

Changes in Allowable Uses

The proposed action will permit the introduction of residential and hotel uses in the Westmoreland district—uses not currently allowed in the existing LI district—on a limited basis. Residential and hotel uses will be permitted in converted existing buildings as long as a minimum of one floor of the building is converted to such use. New or expanded buildings which includes residential and hotel use will be permitted but those uses will be prohibited on the ground floor of the building. Converted, new or expanded buildings featuring residential or hotel uses must maintain the character of the area. Furthermore, off-street parking exemptions shall not apply. This will encourage a balance of uses among residential, hotel, and other light industrial uses.

The specific uses to be allowed in the LI-M district include:

- Multi-family dwellings; and
- Hotels and extended stay hotels.

The zoning amendments will allow cultural and community facility uses that will contribute to a rich mixed-use area. These uses-- including libraries, museums or art galleries—are not allowed in the LI zone currently. Theaters, currently allowed as a Principal Permitted Use, will be amended to Special Permit Use.

Outdoor storage uses are currently allowed as follows:

- Outdoor storage of commercial or industrial vehicles or construction equipment - Permitted Principal Use
- Outdoor storage of building or other materials - Special Permit Use

Outdoor storage uses will be amended to Permitted Accessory Use.

Unlike the current LI zoning of the proposed rezoning area, the proposed LI-M zoning will not include the following uses:

- Auto laundries;
- Fast food eating establishments;
- Printing plants;
- Mini-storage facility;
- Laundry or dry cleaning plants; and
- Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper provided operations are within a building and use is a legally pre-existing use.

Fast food establishments are not included in the LI-M zone because their typical design and operating characteristics would not promote the unique character that the City would like to promote in the proposed rezoning areas.

Mini-storage facilities are not included in the proposed LI-M zone because they are incompatible with the City's goal of revitalizing the Westmoreland Avenue district by promoting its redevelopment as a lively mixed-use district that will attract people and generate economic vitality. By their very nature, storage facilities are devoid of people and also employ very few workers compared to light manufacturing and even auto-related uses. Mini-storage facilities derive limited if any benefit from the close proximity to public transit. The City has limited land near the Metro-North stations and through this rezoning, intends to encourage the more efficient and beneficial use of this valuable resource.

Auto laundries, auto wrecking, and related uses are not included because they are incompatible with residential and other sensitive uses within the LI-M and adjoining residential districts. In addition such uses are not an efficient and beneficial use of valuable land near transit hubs.

In addition, the use group entitled "Manufacturing, fabrication, finishing or assembling of products" in the LI is changed to "Light Manufacturing" as defined in the proposed zoning amendment as:

"The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants."

Heavier industries specifically allowed in the LI zone, including printing plants and laundry plants would not be allowed in the LI-M district. All new manufacturing uses will have to meet the definition of "light manufacturing," above.

Dimensional and Special Permit Regulations

The dimensional requirements of the LI-M district would be identical to those of the LI district except for the following:

Height Limitations - In the LI-M district, the maximum permitted height of buildings for "Multi-family dwelling", "hotel" and "extended stay hotel" uses may be six (6) stories and 85 feet and limited to properties that lie between Westmoreland Avenue and the MetroNorth Railroad.

Maximum Floor Area Ratio – In the LI-M district, the maximum floor area ratio for residential or combined residential and non-residential as proposed is 3.00. There is no change to the maximum floor area ratio for non-residential; it will remain at 2.00.

Planning Department Review and Analysis

Conformance with the Comprehensive Plan

The Comprehensive Plan addresses the City's industrial districts as follows:

- *"Although a relatively small part of the local economy, light industrial uses play an important role*

in providing services to businesses and residents and in creating job opportunities for a range of workers. The City's light industrial areas - Westmoreland Avenue, Ferris Avenue, South Kensico Avenue, Harlem Avenue, and Russell Street - need to be maintained and upgraded where appropriate."

- *"Encourage upgrading of the light industrial zone districts along Ferris Avenue and Harlem Avenue so that they do not negatively impact on the abutting residential areas."*
- *"Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses, and their impacts."*
- *"Encourage upgrading and modernizing of the light industrial zone districts along Westmoreland, Ferris, South Kensico, and Harlem Avenues, and ensure that they properly coexist with the abutting residential areas. "*

The proposed rezoning furthers the goals of the Comprehensive Plan in the following ways:

- It will maintain and upgrade the existing industrial area;
- It will promote redevelopment in the Westmoreland Avenue area so that uses in the rezoning area "do not negatively impact on abutting residential areas"; and
- It will protect the Fisher Hill close-in neighborhood by refining the list of allowable uses to remove the potential for incompatible development in the adjoining LI-M zone.

The proposed zoning amendments have been carefully drafted so as not to encourage the replacement of the light industrial district with a residential district. The intent is to create a lively mix of compatible uses and to retain valuable light industrial uses that serve the community and create jobs.

Based on the reasons stated above, the Planning Department finds that the proposed zoning amendment is consistent with the Comprehensive Plan.

Changes in Status of Existing Land Uses

A field survey of all existing land uses in the Westmoreland Avenue district was conducted by the Planning Department in October 2014. Currently, all existing uses in the Westmoreland Avenue district conform to the current LI zoning.

All existing land uses were checked against the use regulations in the proposed LI-M district. In the Westmoreland Avenue district, the existing mini-storage facility would become a "non-conforming use." No other land uses in the district would experience a change in their zoning status, that is, no other non-conformities would be created or eliminated. As a non-conforming use, the existing mini-storage facility would continue to be a legally permitted use, as per Section 4.3 of the Zoning Ordinance, as summarized below:

Whenever a zoning classification is changed so as to render "non-conforming" "use," "building" or "structure" then presently or theretofore legally existing, such "use," "building" or "structure" may nevertheless continue subject to the conditions below:

4.3.2.1

The "non-conforming use" of land may be continued, provided, however, that no such "non-conforming use" shall be physically enlarged or intensified, nor shall it be extended to occupy a greater area of land than that occupied by such "use" at the time of the adoption of this Ordinance, unless specifically allowed by other provisions in this Ordinance, nor shall any such "non-conforming use" be moved in whole or in part to any other portion of the "lot" or parcel of land occupied by such "non-conforming use" at the time of the adoption of this Ordinance.

4.3.2.2

A "building" or "structure" the "use" of which does not conform to the "use" regulations for the district in which it is situated shall not be enlarged, extended or "altered" structurally unless the "use" therein is changed to a conforming "use," or except to conform to an order of the Commissioner of Building to either correct an unsafe condition or to conform to the requirements of applicable laws or ordinances.

4.3.2.3

No "non-conforming use" of a "building" or "structure" shall be enlarged or extended, except that any such "non-conforming use" may be extended throughout any parts of the "building" or "structure" which were obviously or manifestly arranged or designed only for such "use" at the time of the adoption or amendment of this Ordinance.

4.3.2.4 No "non-conforming use" shall be changed to another "non-conforming use," except as provided in Section 4.3.5.

4.3.2.5

If a "non-conforming use" ceases for any reason for a total of 6 months during any 12 month period, or is changed to a conforming "use," any future "use" of the land, "building" or "structure" shall be in conformity with the provisions of this Ordinance. Substantial cessation of activities consistent with or required for the operation of such "non-conforming use" or substantial vacancy of the "building" or "structure" in which the "non-conforming use" was conducted, together with substantial cessation of activities consistent with or required for the operation of such "non-conforming use" shall be deemed to constitute a discontinuance thereof within the meaning of this Ordinance, irrespective of whether an intention to abandon the "non-conforming use" may exist. On application, however, the Board of Appeals may extend the period upon a finding that it is not reasonable in its application to the particular premises, taking into consideration the characteristics of the "use," the investment which has been made in it, the circumstances of the discontinuance and the suitability of the "structure" for a permitted or special permit "use."

4.3.2.6

If any "building" or "structure" in which any "non-conforming use" is conducted or maintained is hereafter removed, the subsequent "use" of the land on which such "building" or "structure" was located and the subsequent "use" of any "building" or "structure" thereon shall be in conformity with the standards specified by this Ordinance for the district in which such land is located.

Conclusion and Recommendation

The Planning Department notes that the Planning Board reviewed the proposed legislation at its meeting on May 19, 2015 and offered several comments for Common Council consideration regarding the creation of the LI-M District. In recognition of these comments, the Planning Department respectfully offers the following responses:

- The City should consider ways to incentivize preservation of older buildings*
As a policy, the City of White Plains does not offer incentives to spur economic development or promote preservation. Offering incentives for the preservation of older buildings would be a change in the City's economic development policy, and set a precedent that could affect development projects citywide. Moreover, with the recent enactment of the Historic Preservation Ordinance, the Planning Department is confident that older and potentially historic buildings will be protected.
- The requirement to preserve to the "maximum extent practicable" does not provide standards, and relies on the approving agency's ability to determine whether that requirement has been met.*
The Planning Department is confident that the City's comprehensive and coordinated interdepartmental review process is appropriate and sufficient to determine whether a potential conversion or new building is consistent with the character of the area and retains its original exterior appearance. In addition, prior to any alteration or demolition of a potentially qualifying historic building, the Historic Preservation Board and the Design Review Board must weigh in and make recommendations about the project. The recommendations from these Boards inform and guide the City's review process.
- The list of permitted uses seems too broad, generally allowing the same uses as the downtown. The Westmoreland area should have a distinct character that is different from other commercial districts.*
The list of permitted uses in the LI-M District is based on those uses permitted in LI District with a few strategic adjustments to promote and enhance this area's distinct character. The addition of multi-family residential uses to a light industrial district is unique to Westmoreland Avenue. Light Industrial uses are not permitted in the downtown of White Plains.
- Existing structures, uses, topography, and roadways giving access to this relatively small area will limit its redevelopment.*
The existing structures, topography, uses and roadways providing access to Westmoreland Avenue all contribute to the unique character and charm of this area and should not be seen as impediments to redevelopment. Moreover, this neighborhood is within walking distance to the White Plains TransCenter and the downtown. The addition of residential and neighborhood commercial uses to this area will create a pedestrian-friendly environment and a sense of place, where walking and biking are encouraged and eventually prevalent.
- Outdoor storage of building or other materials, and outdoor storage of commercial or industrial vehicles or construction equipment should be Special Permit uses; not Permitted Accessory uses. A Special Permit condition should be added to require that the storage is accessory to a principal use, and include standards for site maintenance.*
In an effort to protect and support the existing businesses along Westmoreland Avenue and alleviate concerns that the City is trying to "phase out" light industrial uses, the outdoor storage of materials,

vehicles, construction equipment, etc., is proposed as a permitted accessory use. The City of White Plains supports a mixture of uses in this district, including businesses which require the storage of materials.

Based on the analysis above, the Planning Department finds that the proposed zoning amendment is consistent with the Comprehensive Plan and that it furthers the public purposes described above. The Department fully supports the proposed legislation and recommends adoption by the Common Council.

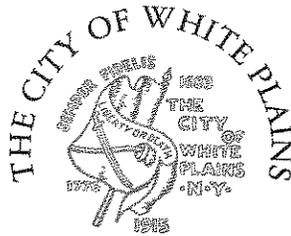
Respectfully submitted,

A handwritten signature in black ink that reads "Linda Puoplo". The signature is written in a cursive, flowing style.

Linda Puoplo, Acting Commissioner

Dated: July 2, 2015

(For the July 6, 2015 Common Council Meeting)



PLANNING BOARD

MUNICIPAL BUILDING • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

LINDA PUOPLO
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN
SECRETARY

May 20, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENT TO CREATE A NEW LIGHT INDUSTRIAL MIXED USE (LI-M) ZONING DISTRICT, AND PROPOSED ZONING MAP AMENDMENT TO RE-ZONE A LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO LI-M

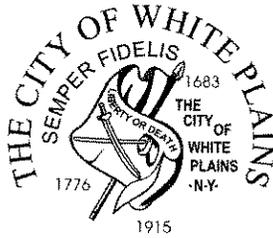
At its May 19, 2015 meeting, the Planning Board reviewed the proposed amendment to the Zoning Ordinance with regard to creating the Light Industrial Mixed Use Zoning District (LI-M), and offers the following comments for the Council's consideration:

1. The City should consider ways to incentivize preservation of older buildings.
2. The requirement to preserve to the "maximum extent practicable" does not provide standards, and relies on the approving agency's ability to determine whether that requirement has been met.
3. The list of permitted uses seems too broad, generally allowing the same uses as the downtown. The Westmoreland area should have a distinct character that is different from other commercial districts.
4. Existing structures, uses, topography, and roadways giving access to this relatively small area will limit its redevelopment.
5. Outdoor storage of building or other materials, and outdoor storage of commercial or industrial vehicles or construction equipment should be Special Permit uses; not Permitted Accessory uses. A Special Permit condition should be added to require that the storage is accessory to a principal use, and include standards for site maintenance.

Planning Board members voting in favor of the motion to send the above comments to the Common Council: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and (6); Opposed: None (0); Absent: J. Westlund (1).

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

22



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

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Chief of Police
422-6230

DAVID E. CHONG
Commissioner
422-6350

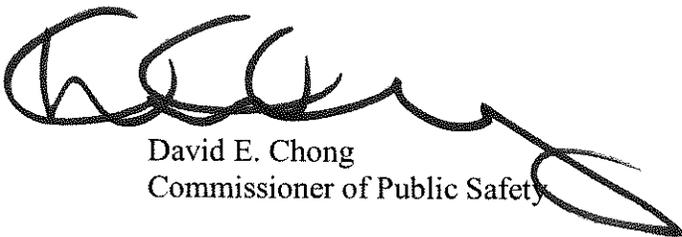
RICHARD L. LYMAN
Fire Chief
422-6360

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 the following plans.
There are no objections.

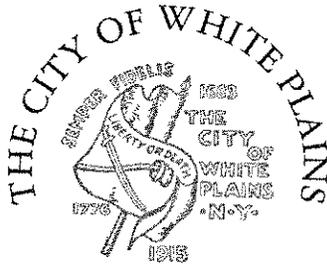
Zoning Ordinance Amendment
Light Industrial Mixed Use Z.D.



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: May 19, 2015



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

JOSEPH J. NICOLETTI, Jr., P.E.
COMMISSIONER / CITY ENGINEER

RICHARD G. HOPE
1ST DEPUTY COMMISSIONER

BRIAN M. MURPHY
2ND DEPUTY COMMISSIONER

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

We have reviewed the proposed amendment to the White Plains Zoning Ordinance to create a new Light Industrial Mixed Use (LI-M) Zoning District for Westmoreland Avenue, and to re-zone certain properties currently in the Westmoreland Avenue Light Industrial (LI) Zone.

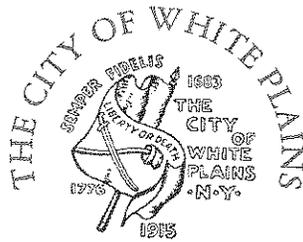
The revisions will allow, among other uses, multi-family dwellings, hotels, and extended stay hotels. The municipal utility infrastructure was constructed to accommodate the current light industrial (LI) zone. Development pertaining to these proposed certain uses may place increased demand on the City's existing infrastructure, possibly requiring upgrading and the developer's expense.

In conclusion, we have no objection to the proposed amendment.

Respectfully submitted,

Joseph J. Nicoletti, Jr., P.E.
Commissioner of Public Works /
City Engineer

THOMAS M. ROACH
MAYOR



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

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

JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

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 proposed zoning ordinance amendment regarding changes to the LI District which was referred by the Common Council on May 4, 2015.

The Department of Parking/ Traffic Division has no objection to this revision.


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

Dated: May 14, 2015



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

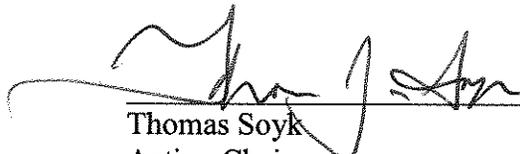
THOMAS M. ROACH
MAYOR

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

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

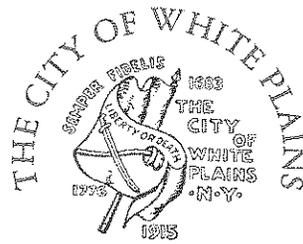
The Traffic Commission, at its meeting held on May 20, 2015, reviewed the request for an amendment to the Zoning Ordinance of the City of White Plains in relation to the establishment of a new Light Industrial Mixed Use (LI-M) zoning district, and Re-Zoning certain properties in the Light Industrial (LI) Zoning District as referred by the Common Council on May 5, 2015.

The Transportation Commission had no objection to the proposed changes.


Thomas Soyk
Acting Chairman

Dated: May 21, 2015

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

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

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

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

Re: #86– Revised Proposal - Zoning Ordinance Amendment to Create a New Light Industrial Mixed Use Zoning District and Rezone Certain Parcels in Current L-1

The Department of Parking has received and reviewed the above-noted referral in relation to establishing a new Light Industrial Mixed Use (LI-M) Zoning District and certain other changes in the current Light Industrial (L-1) Zoning District.

The Department of Parking has no objection to this revised Zoning Ordinance Amendment.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: June 1, 2015



Robert P. Astorino
County Executive

County Planning Board

May 18, 2015

Anne McPherson, City Clerk
City of White Plains
255 Main Street
White Plains, NY 10601

**Subject: Referral File No. WHP 15-001B – Light Industrial Mixed Use (LI-M) District
Zoning Text and Map Amendments**

Dear Ms. McPherson:

The Westchester County Planning Board has received a revised version of proposed amendments to the text of the City’s Zoning Ordinance and to the City Zoning Map.

The originally proposed amendments (commented on in a letter dated January 12, 2015) would have created a new Light Industrial Mixed Use (LI-M) zoning district and rezoned a number of properties currently zoned Light Industrial (LI) to this new district. The properties initially proposed for rezoning were located on Intervale Street, Westmoreland Avenue, Irving Place, Home Street, Haarlem Avenue, North Broadway, Bond Street, Glenn Street, Holland Avenue and Fisher Lane.

The revised proposal would only rezone properties to LI-M in the Westmoreland Avenue area. In addition the proposed text revisions would now be less restrictive with regards to the conversion or expansion of existing buildings for residential or hotel uses and would allow the construction of new or expanded principal buildings for residential or hotel uses.

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 it to be a matter for local determination in accordance with the City’s planning and zoning policies.

Thank you for calling this matter to our attention.

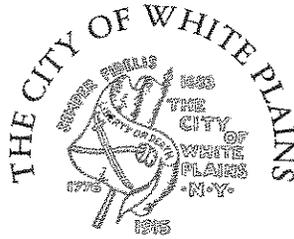
Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

FOR:

By:

Edward Buroughs, AICP
Commissioner

EEB/KE



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

June 26, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ZONING ORDINANCE AMENDMENTS TO CREATE A NEW LIGHT INDUSTRIAL MIXED USE (LI-M) ZONING DISTRICT AND RE-ZONING CERTAIN PROPERTIES IN THE LI LIGHT INDUSTRIAL DISTRICT.

The proposed amendment to the Zoning Ordinance to establish a new Light Industrial-Mixed Use ("LI-M") District and to re-zone certain properties along Westmoreland Avenue from Light Industrial (LI) to the proposed LI-M District, ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves amendments to the Zoning Ordinance to

- a. Establish a new Light Industrial-Mixed Use ("LI-M") District
- b. Establish a new use and definition for "Manufacturing, Light."
- c. Establish principal permitted and special permit uses for the new Light Industrial-Mixed Use ("LI-M") district
- d. Establish Dimensional and Special Permit Regulations.
- e. Amend the Zoning Ordinance Map of the City of White Plains with respect to a change of Zoning District classification for the properties located within the existing Light Industrial ("LI") District generally located along Westmoreland Avenue from the current LI District to the proposed Light Industrial-Mixed Use ("LI-M") District.

The Proposed Action, which affects only 14.4 acres of land areas, represents an Unlisted Action under SEQR regulations in that it does not involve adoption of changes in the allowable uses within any zoning district affecting more than 25 acres of land area.

The Environmental Officer recommends 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) find the Proposed Action to be an Unlisted Action under SEQR regulations; and (c) 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 generally consistent with the White Plains Zoning Ordinance and the 1997 Comprehensive Plan.

Conformance with the Comprehensive Plan

The Comprehensive Plan addresses the City's industrial districts as follows:

- *Although a relatively small part of the local economy, light industrial uses play an important role in providing services to businesses and residents and in creating job opportunities for a range of workers. The City's light industrial areas - Westmoreland Avenue, Ferris Avenue, South Kensico Avenue, Haarlem Avenue, and Russell Street - need to be maintained and upgraded where appropriate.*
- *Encourage upgrading of the light industrial zone districts along Ferris Avenue and Haarlem Avenue so that they do not negatively impact on the abutting residential areas.*
- *Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses, and their impacts.*
- *Encourage upgrading and modernizing of the light industrial zone districts along Westmoreland, Ferris, South Kensico, and Haarlem Avenues, and ensure that they properly coexist with the abutting residential areas.*

The proposed rezoning furthers the goals of the Comprehensive Plan in the following ways:

- a. It will maintain and upgrade existing industrial areas.
- b. It will promote redevelopment in the Westmoreland Avenue so that uses in the rezoning area "do not negatively impact on abutting residential areas".
- c. It will protect the Fisher Hill close-in neighborhood by refining the list of allowable uses to remove the potential for incompatible development in the adjoining LI-M zone.

The proposed zoning amendments have been carefully drafted so as not to encourage the replacement of the light industrial district with a residential district. The intent is to create a lively mix of compatible uses and to retain valuable light industrial uses that serve the community and create jobs. This is accomplished by limiting residential development to projects that involve the adaptive reuse of older buildings and require a Special Use Permit.

Residential development is deliberately not allowed as a principal permitted use on any property in the districts because this would neither encourage the adaptive reuse of the existing building stock nor the retention of the light industrial uses that the City is committed to retaining.

Public Purpose for the Proposed Rezoning

Consistent with the goals and strategies of the Comprehensive Plan, the City of White Plains seeks to encourage the redevelopment of the Westmoreland Avenue Light Industrial District in a manner that will:

- Create vibrant mixed-use district with a strong identity and an interesting and balanced mix of compatible uses ranging from residential and cultural uses to business and light industrial;
- Protect the unique character of the area through the adaptive reuse of prominent and potentially historic buildings, particularly in the Westmoreland district including such architecturally and culturally notable buildings as the C.G. Swackhammer building and the former headquarters of the Norden Laboratories;
- Provide opportunities for residential use within walking distance of public transportation to further the City of White Plains' goals of reducing motor vehicle travel and emissions and promoting a walkable community;
- Encourage sustainable development through the adaptive reuse of existing buildings as opposed to demolition and new development;
- Revitalize vacant and/or underutilized properties which detract from community character;
- Continue to provide areas in the City for light industrial businesses to operate and serve the community;
- Eliminate uses that underutilize valuable and limited land near major public transit facilities; and
- Eliminate the potential for inappropriate, heavier manufacturing uses to be developed in the LI-M districts by clarifying that light manufacturing uses only are allowed, not heavier manufacturing operations and including a definition of 'light manufacturing' .

The proposed action would change the zoning map designation for the parcels in the current Westmoreland Light Industrial district to the newly created Light Industrial-Mixed ("LI-M") zoning district. This district was selected for rezoning because it was judged to have higher potential for adaptive reuse and redevelopment based on:

- the accessibility of these districts to/from public transportation stations;
- the stock of buildings in this district, which is more suitable for conversion to residential use;
- Proximity of the Westmoreland district to the White Plains TransCenter and the downtown and its unique architectural character.

Based on the reasons stated above, the proposed zoning amendment is consistent with the Comprehensive Plan.

Proposed Changes in Allowable Uses for the Light Industrial-Mixed Use (“LI-M”) District

The proposed action will permit the introduction of residential and hotel uses in the Westmoreland district—uses not currently allowed in the existing LI district—on a limited basis. Residential and hotel uses will be permitted in converted existing buildings as long as a minimum of one floor of the building is converted to such use. New or expanded buildings which includes residential and hotel use will be permitted but those uses will be prohibited on the ground floor of the building. Converted, new or expanded buildings featuring residential or hotel uses must maintain the character of the area. Furthermore, off-street parking exemptions shall not apply. This will encourage a balance of uses among residential, hotel, and other light industrial uses.

The specific, new uses to be allowed in the LI-M district as special permit uses include:

- Multi-family dwellings; and
- Hotels and extended stay hotels.

In addition, the zoning amendments will allow cultural and community facility uses that will contribute to a rich mixed-use area. These uses - including Libraries, museums or art galleries—are not allowed in the LI zone currently mapped in the proposed rezoning areas.

Unlike the current LI zoning of the proposed rezoning areas, the proposed LI-M zoning will not include the following uses:

- Fast food eating establishments;
- Printing plants
- Mini-storage facility;
- Outdoor storage of building or other materials;
- Outdoor storage of commercial or industrial vehicles or construction equipment;
- Laundry or dry cleaning plants; and
- Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper provided operations are within a building and use is a legally pre-existing use.

Fast food establishments are not included in the LI-M zone because their typical design and operating characteristics would not promote the unique character that the City would like to promote in the proposed rezoning areas.

Mini--storage facilities are not included in the proposed LI-M zone because they are incompatible with the City’s goal of revitalizing the Westmoreland and Haarlem Avenue districts by promoting their redevelopment as lively mixed-use districts that will attract people and generate economic vitality. By their very nature, storage facilities are devoid of people and also employ very few workers compared to light manufacturing and even auto-related uses. Mini-storage facilities derive limited if any benefit from the close proximity to public transit. The City has limited land near the Metro-North stations and

through this rezoning, intends to encourage the more efficient and beneficial use of this valuable resource.

Outdoor storage, auto wrecking, and related uses are not included because they are incompatible with residential and other sensitive uses within the LI-M and adjoining residential districts. In addition such uses are not an efficient and beneficial use of valuable land near transit hubs.

In addition the use group entitled "Manufacturing, fabrication, finishing or assembling of products" in the LI is changed to "Light Manufacturing" as defined in the proposed zoning amendment as:

"The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants."

Heavier industries specifically allowed in the LI zone, including printing plants and laundry plants would not be specifically allowed in the LI-M district. All new manufacturing uses will have to meet the definition of "light manufacturing," above.

Changes in Status of Existing Land Uses

A field survey of all existing land uses in the Westmoreland Avenue district was conducted by the Planning Department in October 2014. Currently, all existing uses in the Westmoreland Avenue district conform to the current LI zoning.

All existing land uses were checked against the use regulations in the proposed LI-M district. In the Westmoreland Avenue district, the existing mini-storage facility would become a "non-conforming use." No other land uses in the district would experience a change in their zoning status, that is, no other non-conformities would be created or eliminated. As a non-conforming use, the existing mini-storage facility would continue to be a legally permitted use, as per Section 4.3 of the Zoning Ordinance, as summarized below:

Whenever a zoning classification is changed so as to render "non-conforming" "use," "building" or "structure" then presently or theretofore legally existing, such "use," "building" or "structure" may nevertheless continue subject to the conditions in Section 4.3 of the Zoning Ordinance below:

4.3.2.1

The "non-conforming use" of land may be continued, provided, however, that no such "non-conforming use" shall be physically enlarged or intensified, nor shall it be extended to occupy a greater area of land than that occupied by such "use" at the time of the adoption of this Ordinance, unless specifically allowed by other provisions in this Ordinance, nor shall

any such "non-conforming use" be moved in whole or in part to any other portion of the "lot" or parcel of land occupied by such "non-conforming use" at the time of the adoption of this Ordinance.

4.3.2.2

A "building" or "structure" the "use" of which does not conform to the "use" regulations for the district in which it is situated shall not be enlarged, extended or "altered" structurally unless the "use" therein is changed to a conforming "use," or except to conform to an order of the Commissioner of Building to either correct an unsafe condition or to conform to the requirements of applicable laws or ordinances.

4.3.2.3

No "non-conforming use" of a "building" or "structure" shall be enlarged or extended, except that any such "non-conforming use" may be extended throughout any parts of the "building" or "structure" which were obviously or manifestly arranged or designed only for such "use" at the time of the adoption or amendment of this Ordinance.

4.3.2.4 No "non-conforming use" shall be changed to another "non-conforming use," except as provided in Section 4.3.5.

4.3.2.5

If a "non-conforming use" ceases for any reason for a total of 6 months during any 12 month period, or is changed to a conforming "use," any future "use" of the land, "building" or "structure" shall be in conformity with the provisions of this Ordinance. Substantial cessation of activities consistent with or required for the operation of such "non-conforming use" or substantial vacancy of the "building" or "structure" in which the "non-conforming use" was conducted, together with substantial cessation of activities consistent with or required for the operation of such "non-conforming use" shall be deemed to constitute a discontinuance thereof within the meaning of this Ordinance, irrespective of whether an intention to abandon the "non-conforming use" may exist. On application, however, the Board of Appeals may extend the period upon a finding that it is not reasonable in its application to the particular premises, taking into consideration the characteristics of the "use," the investment which has been made in it, the circumstances of the discontinuance and the suitability of the "structure" for a permitted or special permit "use."

4.3.2.6

If any "building" or "structure" in which any "non-conforming use" is conducted or maintained is hereafter removed, the subsequent "use" of the land on which such "building" or "structure" was located and the subsequent "use" of any "building" or "structure" thereon shall be in conformity with the standards specified by this Ordinance for the district in which such land is located.

Dimensional and Special Permit Regulations

The dimensional requirements of the LI-M district would be identical to those of the LI district except for the following:

The maximum permitted height in the LI District for all uses is 4 stories and 50 feet. For the proposed LI-M District the maximum height will remain as 4 stories and 50 feet except that the maximum permitted height of buildings for “Multi-family dwelling”, “hotel” and “extended stay hotel” uses may be six (6) stories and 85 feet and limited to properties that lie between Westmoreland Avenue and the MetroNorth Railroad.

Maximum Floor Area Ratio – In the LI-M district, the maximum floor area ratio for residential or combined residential and non-residential as proposed is 3.00. There is no change to the maximum floor area ratio for non-residential; it will remain at 2.00.

- (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 amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

- (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 naturally landscaped conditions located within either of the Westmoreland Avenue LI district. With the exception of three single family house lots at the southern end of Westmoreland Avenue, the entire Light Industrial District is developed and occupied by buildings and paved areas.

- (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 amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

The Westmoreland district is occupied by a mixture of uses and contains several auto-related uses including auto repair shops, vehicle towing services, and an auto parts supplier; a self-storage facility; a moving company; manufacturers including a rubber stamp manufacturer, a manufacturer of machinery for industrial processes, a glass manufacturer, etc. Notable longer-term building vacancies in the Westmoreland Avenue district include the former C.G. Swackhammer lumber yard and 121 Westmoreland Avenue, formerly occupied

by the offices of Arc of Westchester.

Repeating the strategies from the Comprehensive Plan, the Proposed Action will encourage upgrading and modernizing of the light industrial zone districts along Westmoreland Avenue and ensure that they properly coexist with the abutting residential areas.

Regarding height of existing buildings in the Westmoreland Avenue District the majority of buildings are two stories with the following exceptions:

<u>Address</u>	<u>Building height</u>
39 Westmoreland Avenue	3 stories, approx. 40 ft.
127 Westmoreland Avenue (Former WARC)	6 stories, 72 ft.
179 Westmoreland Avenue (Westy's Storage)	4 stories, 53 ft.

The Proposed Action including the provision to increase permitted building height for residential uses to a maximum height of six (6) stories and 85 ft. will not impact the nearby residential neighborhood or parklands. The increased building height for "Multi-family dwelling", "hotel" and "extended stay hotel" uses is limited to properties that lie between Westmoreland Avenue and the Metro North Railroad. The applicable areas for development with this increased building height are approximately 300 ft. from existing residences in the adjacent R2-4 Residential District. The proposed LI-M district which is separated from the Bronx River Parkway Reservation by the Metro North Railroad right-of-way which is 160 to 350 feet in width.

In comparison, the building height of the approved development at 55 Bank Street, which abuts the LI-M District is 16 stories and approximately 178 feet.

- (e) No major change in type or quantity of energy used will result from the Proposed Action.

The type and quantity of energy demand for any potential in the proposed LI-M District is not significant in the context of the City of White Plains as a regional employment, retail, and governmental center. The existing utility providers have the capacity to support the development that could be facilitated under the Proposed Action.

- (f) No hazard to health or human safety will be created.

The amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

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, Public Works and Traffic.

- (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.

The amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

- (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, geography scope, magnitude and number of people affected.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A ZONING ORDINANCE AMENDMENTS TO CREATE A NEW LIGHT INDUSTRIAL MIXED USE (LI-M) ZONING DISTRICT AND RE-ZONING CERTAIN PROPERTIES IN THE LI LIGHT INDUSTRIAL DISTRICT ALONG WESTMORELAND AVENUE.

WHEREAS, the proposed amendment to the Zoning Ordinance to establish a new Light Industrial-Mixed Use (“LI-M”) District and to re-zone certain properties along Westmoreland Avenue from Light Industrial (LI) to the proposed LI-M District, ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves an amendment to the amendments to the Zoning Ordinance to:

- a. Establish a new Light Industrial-Mixed Use (“LI-M”) District
- b. Establish a new use and definition for “Manufacturing, Light.”
- c. Establish principal permitted and special permit uses for the new Light Industrial-Mixed Use (“LI-M”) district
- d. Establish Dimensional and Special Permit Regulations.
- e. Amend the Zoning Ordinance Map of the City of White Plains with respect to a change of Zoning District classification for the properties located within the existing Light Industrial (“LI”) District generally located along Westmoreland Avenue from the current LI District to the proposed Light Industrial-Mixed Use (“LI-M”) District; and

WHEREAS, under the New York State Environmental Quality Review (SEQR) regulations (6 NYCRR 617), the Common Council is required to incorporate environmental considerations in approval actions by a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

WHEREAS, the Proposed Action, which affects only 14.4 acres of land area, represents an Unlisted Action under SEQR regulations in that it does not involve adoption of changes in the allowable uses within any zoning district affecting more than 25 acres of land area; and

WHEREAS, the Environmental Officer recommends 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) find the Proposed Action to be an Unlisted Action under SEQR regulations; and (c) find that the Proposed Action when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the Proposed Action, 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 regulations; and be it further

RESOLVED 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 generally consistent with the White Plains Zoning Ordinance and the 1997 Comprehensive Plan.

Conformance with the Comprehensive Plan

The Comprehensive Plan addresses the City's industrial districts as follows:

- Although a relatively small part of the local economy, light industrial uses play an important role in providing services to businesses and residents and in creating job opportunities for a range of workers. The City's light industrial areas - Westmoreland Avenue, Ferris Avenue, South Kensico Avenue, Haarlem Avenue, and Russell Street - need to be maintained and upgraded where appropriate.
- Encourage upgrading of the light industrial zone districts along Ferris Avenue and Haarlem Avenue so that they do not negatively impact on the abutting residential areas. .
- Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses, and their impacts.
- Encourage upgrading and modernizing of the light industrial zone districts along Westmoreland, Ferris, South Kensico, and Haarlem Avenues, and ensure that they properly coexist with the abutting residential areas.

The proposed rezoning furthers the goals of the Comprehensive Plan in the following ways:

- a. It will maintain and upgrade existing industrial areas.
- b. It will promote redevelopment in the Westmoreland Avenue so that uses in the rezoning area "do not negatively impact on abutting residential areas".
- c. It will protect the Fisher Hill close-in neighborhood by refining the list of allowable uses to remove the potential for incompatible development in the adjoining LI-M zone.

The proposed zoning amendments have been carefully drafted so as not to encourage the

replacement of the light industrial district with a residential district. The intent is to create a lively mix of compatible uses and to retain valuable light industrial uses that serve the community and create jobs. This is accomplished by limiting residential development to projects that involve the adaptive reuse of older buildings and require a Special Use Permit. Residential development is deliberately not allowed as a principal permitted use on any property in the districts because this would neither encourage the adaptive reuse of the existing building stock nor the retention of the light industrial uses that the City is committed to retaining.

Public Purpose for the Proposed Rezoning

Consistent with the goals and strategies of the Comprehensive Plan, the City of White Plains seeks to encourage the redevelopment of the Westmoreland Avenue Light Industrial District in a manner that will:

- Create vibrant mixed-use district with a strong identity and an interesting and balanced mix of compatible uses ranging from residential and cultural uses to business and light industrial;
- Protect the unique character of the area through the adaptive reuse of prominent and potentially historic buildings, particularly in the Westmoreland district including such architecturally and culturally notable buildings as the C.G. Swackhammer building and the former headquarters of the Norden Laboratories;
- Provide opportunities for residential use within walking distance of public transportation to further the City of White Plains' goals of reducing motor vehicle travel and emissions and promoting a walkable community;
- Encourage sustainable development through the adaptive reuse of existing buildings as opposed to demolition and new development;
- Revitalize vacant and/or underutilized properties which detract from community character;
- Continue to provide areas in the City for light industrial businesses to operate and serve the community;
- Eliminate uses that underutilize valuable and limited land near major public transit facilities; and
- Eliminate the potential for inappropriate, heavier manufacturing uses to be developed in the LI-M districts by clarifying that light manufacturing uses only are allowed, not heavier manufacturing operations and including a definition of 'light manufacturing' .

The proposed action would change the zoning map designation for the parcels in the current Westmoreland Light Industrial district to the newly created Light Industrial-Mixed ("LI-M") zoning district. This district was selected for rezoning because it was judged to have higher potential for adaptive reuse and redevelopment based on:

- the accessibility of these districts to/from public transportation stations;
- the stock of buildings in this district, which is more suitable for conversion to residential use;
- Proximity of the Westmoreland district to the White Plains TransCenter and the

downtown and its unique architectural character.

Based on the reasons stated above, the proposed zoning amendment is consistent with the Comprehensive Plan.

Proposed Changes in Allowable Uses for the Light Industrial-Mixed Use (“LI-M”) District

The proposed action will permit the introduction of residential and hotel uses in the Westmoreland district—uses not currently allowed in the existing LI district—on a limited basis. Residential and hotel uses will be permitted in converted existing buildings as long as a minimum of one floor of the building is converted to such use. New or expanded buildings which includes residential and hotel use will be permitted but those uses will be prohibited on the ground floor of the building. Converted, new or expanded buildings featuring residential or hotel uses must maintain the character of the area. Furthermore, off-street parking exemptions shall not apply. This will encourage a balance of uses among residential, hotel, and other light industrial uses.

The specific, new uses to be allowed in the LI-M district as special permit uses include:

- Multi-family dwellings; and
- Hotels and extended stay hotels.

In addition, the zoning amendments will allow cultural and community facility uses that will contribute to a rich mixed-use area. These uses - including Libraries, museums or art galleries—are not allowed in the LI zone currently mapped in the proposed rezoning areas.

Unlike the current LI zoning of the proposed rezoning areas, the proposed LI-M zoning will not include the following uses:

- Fast food eating establishments;
- Printing plants
- Mini-storage facility;
- Outdoor storage of building or other materials;
- Outdoor storage of commercial or industrial vehicles or construction equipment;
- Laundry or dry cleaning plants; and
- Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper provided operations are within a building and use is a legally pre-existing use.

Fast food establishments are not included in the LI-M zone because their typical design and operating characteristics would not promote the unique character that the City would like to promote in the proposed rezoning areas.

Mini--storage facilities are not included in the proposed LI-M zone because they are incompatible with the City’s goal of revitalizing the Westmoreland and Haarlem Avenue districts by promoting their redevelopment as lively mixed-use districts that will attract

people and generate economic vitality. By their very nature, storage facilities are devoid of people and also employ very few workers compared to light manufacturing and even auto-related uses. Mini-storage facilities derive limited if any benefit from the close proximity to public transit. The City has limited land near the Metro-North stations and through this rezoning, intends to encourage the more efficient and beneficial use of this valuable resource.

Outdoor storage, auto wrecking, and related uses are not included because they are incompatible with residential and other sensitive uses within the LI-M and adjoining residential districts. In addition such uses are not an efficient and beneficial use of valuable land near transit hubs.

In addition the use group entitled "Manufacturing, fabrication, finishing or assembling of products" in the LI is changed to "Light Manufacturing" as defined in the proposed zoning amendment as:

"The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants."

Heavier industries specifically allowed in the LI zone, including printing plants and laundry plants would not be specifically allowed in the LI-M district. All new manufacturing uses will have to meet the definition of "light manufacturing," above.

Changes in Status of Existing Land Uses

A field survey of all existing land uses in the Westmoreland Avenue district was conducted by the Planning Department in October 2014. Currently, all existing uses in the Westmoreland Avenue district conform to the current LI zoning.

All existing land uses were checked against the use regulations in the proposed LI-M district. In the Westmoreland Avenue district, the existing mini-storage facility would become a "non-conforming use." No other land uses in the district would experience a change in their zoning status, that is, no other non-conformities would be created or eliminated. As a non-conforming use, the existing mini-storage facility would continue to be a legally permitted use, as per Section 4.3 of the Zoning Ordinance, as summarized below:

Whenever a zoning classification is changed so as to render "non-conforming" "use," "building" or "structure" then presently or theretofore legally existing, such "use," "building" or "structure" may nevertheless continue subject to the conditions in Section 4.3 of the Zoning Ordinance below:

4.3.2.1

The "non-conforming use" of land may be continued, provided, however, that no such "non-conforming use" shall be physically enlarged or intensified, nor shall it be extended to occupy a greater area of land than that occupied by such "use" at the time of the adoption of this Ordinance, unless specifically allowed by other provisions in this Ordinance, nor shall any such "non-conforming use" be moved in whole or in part to any other portion of the "lot" or parcel of land occupied by such "non-conforming use" at the time of the adoption of this Ordinance.

4.3.2.2

A "building" or "structure" the "use" of which does not conform to the "use" regulations for the district in which it is situated shall not be enlarged, extended or "altered" structurally unless the "use" therein is changed to a conforming "use," or except to conform to an order of the Commissioner of Building to either correct an unsafe condition or to conform to the requirements of applicable laws or ordinances.

4.3.2.3

No "non-conforming use" of a "building" or "structure" shall be enlarged or extended, except that any such "non-conforming use" may be extended throughout any parts of the "building" or "structure" which were obviously or manifestly arranged or designed only for such "use" at the time of the adoption or amendment of this Ordinance.

4.3.2.4 No "non-conforming use" shall be changed to another "non-conforming use," except as provided in Section 4.3.5.

4.3.2.5

If a "non-conforming use" ceases for any reason for a total of 6 months during any 12 month period, or is changed to a conforming "use," any future "use" of the land, "building" or "structure" shall be in conformity with the provisions of this Ordinance. Substantial cessation of activities consistent with or required for the operation of such "non-conforming use" or substantial vacancy of the "building" or "structure" in which the "non-conforming use" was conducted, together with substantial cessation of activities consistent with or required for the operation of such "non-conforming use" shall be deemed to constitute a discontinuance thereof within the meaning of this Ordinance, irrespective of whether an intention to abandon the "non-conforming use" may exist. On application, however, the Board of Appeals may extend the period upon a finding that it is not reasonable in its application to the particular premises, taking into consideration the characteristics of the "use," the investment which has been made in it, the circumstances of the discontinuance and the suitability of the "structure" for a permitted or special permit "use."

4.3.2.6

If any "building" or "structure" in which any "non-conforming use" is conducted or maintained is hereafter removed, the subsequent "use" of the land on which such "building" or "structure" was located and the subsequent "use" of any "building" or "structure" thereon shall be in conformity with the standards specified by this Ordinance for the district in which

such land is located.

Dimensional and Special Permit Regulations

The dimensional requirements of the LI-M district would be identical to those of the LI district except for the following:

The maximum permitted height in the LI District for all uses is 4 stories and 50 feet. For the proposed LI-M District the maximum height will remain as 4 stories and 50 feet except that the maximum permitted height of buildings for “Multi-family dwelling”, “hotel” and “extended stay hotel” uses may be six (6) stories and 85 feet and limited to properties that lie between Westmoreland Avenue and the MetroNorth Railroad.

Maximum Floor Area Ratio – In the LI-M district, the maximum floor area ratio for residential or combined residential and non-residential as proposed is 3.00. There is no change to the maximum floor area ratio for non-residential; it will remain at 2.00.

- (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 amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

- (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 naturally landscaped conditions located within either of the Westmoreland Avenue LI district. With the exception of three single family house lots at the southern end of Westmoreland Avenue, the entire Light Industrial District is developed and occupied by buildings and paved areas.

- (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 amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

The Westmoreland district is occupied by a mixture of uses and contains several auto-related uses including auto repair shops, vehicle towing services, and an auto parts supplier; a self-storage facility; a moving company; manufacturers including a rubber stamp manufacturer, a manufacturer of machinery for industrial processes, a glass manufacturer, etc. Notable longer-term building vacancies in the Westmoreland Avenue district include the former C.G. Swackhammer lumber yard and 121 Westmoreland Avenue, formerly occupied by the offices of Arc of Westchester.

Repeating the strategies from the Comprehensive Plan, the Proposed Action will encourage upgrading and modernizing of the light industrial zone districts along Westmoreland Avenue and ensure that they properly coexist with the abutting residential areas.

Regarding height of existing buildings in the Westmoreland Avenue District the majority of buildings are two stories with the following exceptions:

<u>Address</u>	<u>Building height</u>
39 Westmoreland Avenue	3 stories, approx. 40 ft.
127 Westmoreland Avenue (Former WARC)	6 stories, 72 ft.
179 Westmoreland Avenue (Westy's Storage)	4 stories, 53 ft.

The Proposed Action including the provision to increase permitted building height for residential uses to a maximum height of six (6) stories and 85 ft. will not impact the nearby residential neighborhood or parklands. The increased building height for “Multi-family dwelling”, “hotel” and “extended stay hotel” uses is limited to properties that lie between Westmoreland Avenue and the Metro North Railroad. The applicable areas for development with this increased building height are approximately 300 ft. from existing residences in the adjacent R2-4 Residential District. The proposed LI-M district which is separated from the Bronx River Parkway Reservation by the Metro North Railroad right-of-way which is 160 to 350 feet in width.

In comparison, the building height of the approved development at 55 Bank Street, which abuts the LI-M District is 16 stories and approximately 178 feet.

- (e) No major change in type or quantity of energy used will result from the Proposed Action.

The type and quantity of energy demand for any potential in the proposed LI-M District is not significant in the context of the City of White Plains as a regional employment, retail, and governmental center. The existing utility providers have the capacity to support the development that could be facilitated under the Proposed Action.

- (f) No hazard to health or human safety will be created.

The amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site

will require review for and compliance with municipal codes.

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, Public Works and Traffic.

- (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.

The amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

- (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, geography 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.

Adopted: .

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS” WITH RESPECT TO CREATING A NEW LIGHT INDUSTRIAL-MIXED USE (LI-M) ZONING DISTRICT AND RE-ZONING CERTAIN PROPERTIES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO LIGHT INDUSTRIAL-MIXED USE (LI-M) ZONING DISTRICT.

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, adopted June 1, 1981, as amended to date be, and hereby is amended to establish a Light Industrial-Mixed Use (LI-M) zoning district as follows:

A. Section 2.4 Definitions.
is hereby amended by adding a new definition: “Manufacturing, Light” before “Main Building.”

“Manufacturing, Light”
The manufacturing, predominantly from previously prepared materials, of finished products or parts including the compounding, processing, assembly or disassembly, packaging or testing of goods or equipment, including research activities, conducted largely within an enclosed structure and incidental storage, sales and distribution of such products, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

B. Section 3.1 District Classifications.
is hereby amended under the category “Industrial Districts” to add a new line designated “LI-M Light-Industrial-Mixed Use” before the line designated “LI Light Industrial.”

C. Section 3.2 Zoning Map Establishment.
is hereby amended by amending the Zoning Map to change the zoning district designation of the following properties from the LI zoning district designation to a new zoning district designation “Light Industrial-Mixed Use” (“LI-M”):

Westmoreland Avenue Light Industrial-Mixed Use District

- 26 WESTMORELAND AVE 125.82-1-11
- 31 WESTMORELAND AVE 125.82-1-5
- 39 WESTMORELAND AVE 125.82-1-4
- 70 WESTMORELAND AVE 125.82-5-2
- 74 WESTMORELAND AVE 125.82-5-1
- 85 WESTMORELAND AVE 125.82-1-3
- 87 WESTMORELAND AVE 125.82-1-2
- 90 WESTMORELAND AVE 130.26-1-2
- 101 WESTMORELAND AVE 125.82-1-1
- 114 WESTMORELAND AVE 130.26-1-1

- 121 WESTMORELAND AVE 130.25-3-1
- 122 WESTMORELAND AVE 130.25-4-5
- 136 WESTMORELAND AVE 130.25-4-4
- 139 WESTMORELAND AVE 130.25-3-2
- 146 WESTMORELAND AVE 130.25-4-3
- 158 WESTMORELAND AVE 130.25-4-2
- 179 WESTMORELAND AVE 130.25-3-3.1
- 197 WESTMORELAND AVE 130.25-3-6
- 203 WESTMORELAND AVE 130.25-3-7
- 209 WESTMORELAND AVE 130.25-3-8
- 2 INTERVALE ST 130.26-6-2
- 7 INTERVALE ST 130.26-1-11
- 11 INTERVALE ST 130.26-1-13
- 12 INTERVALE ST 130.26-1-10
- 13-19 INTERVALE ST 130.26-6-1
- 20-22 INTERVALE ST 130.26-1-12
- 15 HOME ST 130.26-1-4
- 19-21 HOME ST 130.26-1-3
- 7 IRVING PL 125.82-5-4
- 25 IRVING PL 125.82-5-3

D. Section 5.1 Schedule of Use Regulations.
is hereby amended by adding a new column entitled District: “LI-M” before the column entitled “LI” and entering the corresponding uses as provided in Section 5.2.

E. Section 5.2 List of Use Regulations.
is hereby amended by adding a new District: LI-M

USE	TYPE
“Multi-family dwellings”	SP
Commercial indoor “recreation facilities”	PP
“Health clubs”	SP
Theaters	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
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”	SP
“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”	SP

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 incidental to retail sales, including “real estate offices,” but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Auction houses" as regulated by Sec. 6.7.15	PP
“Retail laundries” or “retail dry cleaners”	PP
Banks	PP
Business or trade schools	PP
“Libraries, museums or art galleries not operated for profit”	PP
“Libraries, museums or art galleries”	PP
“Hotels” and “Extended Stay Hotels”	SP
Newsstands	PA
Radio stations	PP
“Restaurants” or “cafeterias”	PP
“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” with or without accessory outdoor storage of motor vehicles	SP
Motor vehicle “service stations”	SP
Motor vehicle “repair shops”	SP
Research, experimental or testing laboratories	SP
Medical laboratories	PP
Wholesale businesses, commercial storage and warehousing	PP
Outdoor storage of building or other materials	PA
Outdoor storage of commercial or industrial vehicles or construction equipment	PA
“Manufacturing, light”	PP
“Public utility buildings or structures”	PP
“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

F. Section 5.3 Schedule of Dimensional Regulations: Non-Residential is hereby amended as follows: See Attachment Section 5.3 herein.

- G. Section 4.4.15 Exceptions to "Height" Limitations. is hereby amended by adding subsection 4.4.15.9, "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" Uses in the LI-M District to read as follows:

4.4.15.9 In the LI-M district, the maximum permitted height of buildings for "Multi-family dwelling", "hotel" and "extended stay hotel" uses may be six (6) stories and 85 feet and limited to properties that lie between Westmoreland Avenue and the MetroNorth Railroad.

- H. Section 5.5 Additional Regulations for Non-Residential Districts is hereby amended by adding subsection 5.5.1.12, to read as follows:

5.5.1.12 The LI-M District is a mixed use district located near a public transportation center, which is intended to: encourage vibrant neighborhoods with a mix of uses ranging from residential to light industrial; protect the distinct character of the areas through the adaptive reuse of existing "buildings;" revitalize vacant and/or underutilized properties; continue to provide areas for light industrial businesses to operate and serve the community; and protect adjoining residential uses from the negative impacts of incompatible manufacturing uses.

- I. Section 6.2 Approving Agencies is hereby amended by adding subsection 6.2.1.36 "Multi-family dwelling" uses in the LI-M District.

- J. Section 6.7 Individual Standards and Requirements for Certain Special Permit "Uses" is hereby amended by adding subsection 6.7.31, "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" uses in the LI-M District to read as follows:

6.7.31 "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" uses in the LI-M District:

6.7.31.1 Existing buildings may be converted to "Multi-family dwelling", "hotel" or "extended stay hotel" uses subject to meeting the following conditions:

6.7.31.1.1 A minimum of one floor of the building shall be converted.

6.7.31.1.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.

6.7.31.1.3 The conversion is consistent with the character of the area and retains its original exterior appearance to the maximum extent practicable.

6.7.31.2 "Multi-family dwelling," "hotel" or "extended stay hotel" uses are permitted in new or expanded principal buildings subject to

meeting the following conditions:

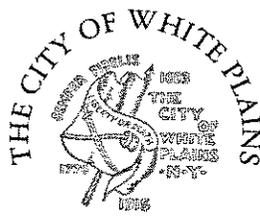
- 6.7.31.2.1 “Multi-family dwelling,” “hotel” or “extended stay hotel” uses are prohibited on the ground floor of the building, except for access to such “Multi-family dwelling,” “hotel” or “extended stay hotel” uses.
- 6.7.31.2.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.
- 6.7.31.2.3 Parking is not permitted at grade within the footprint of the building.
- 6.7.31.2.4 The façade and exterior features that contribute to the building or structure’s historic or architectural character are preserved to the maximum extent practicable.

Section 4. This ordinance shall take effect immediately.

Non-Residential

ZONE	2	3	4	5	6		7	8	9	10	11	12	13	14	15	16	17	18	19	20	FOOTNOTES	
					"AREA" in sq. ft.	"LOT" PER "DWELLING UNIT"																
ZONE	MAXIMUM "BUILDING COVERAGE" in percent		"Accessory Buildings"	MAXIMUM "FLOOR AREA RATIO"	MINIMUM "LOT" DIMENSIONS		"FRONTAGE" in ft.	"DEPTH" in ft.	"FRONT"	"ONE SIDE"	"TWO SIDES"	"REAR"	"STORIES"	MAXIMUM "HEIGHT" in ft.	ACCESSORY STRUCTURES			MINIMUM DISTANCE in ft.	TO	ANY OTHER "STRUCTURE" IF NOT ATTACHED TO IT	"SIDE LOT LINE"	"REAR LOT LINE"
	"Main Building"	"All Buildings"			MAXIMUM "HEIGHT" in ft.	MAXIMUM "HEIGHT" in ft.									MAXIMUM "HEIGHT" in ft.							
LLM	80	=	=	R-3.00 N-2.00 C-3.00	5,000	5,000	50	=	=	=	=	=	4	50	25	10	=	=	=	(a) Applicable only to "buildings" and "structures" located above ground. (b) Where adjacent to a residential district on one side, 200; on two sides, 400. (c) "Parking lots" to be at least 100 ft. from any "side or rear lot line." (d) No "accessory buildings" permitted, except those accessory to "multi-family dwellings" and "parking garages" for private passenger vehicles. (e) Where the "building" is of fire-proof construction as approved by the Commissioner of Building, no minimum. (f) No "accessory building" permitted in a "side yard" of any individual area, notwithstanding the subdivision or divided ownership of such area. (g) Dimensional regulations apply to the entire area designated as a development site and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site. (h) In the Central Parking Area, residential "FAR" may be increased to a maximum of 2.6 and "FAR" may be increased to a maximum of 0.5 on issuance of a special permit by the Common Council. (i) Usable open space shall be provided in an amount to be determined by the approving agency. (j) The maximum "height" may be increased by 15 feet if the sidewalk level, ground floor space is used for the purposes set forth in Section 5.5.2. (k) On development sites with a "lot area" greater than 50,000 square feet with "frontage" on at least 2 "streets," and where 80 percent or more of the total "FAR" is residential, the "FAR" may be increased to 5.5. (l) 500 for "dwelling units" which address the purposes set forth in Section 3.5.1.0. (m) Certain non-residential "uses" are limited to sidewalk level, ground floor space and first floor. Residential "dwelling units" may be substituted for permitted non-residential "uses" in the "lot area" or "dwelling unit" for each 700 square feet of non-residential "lot area" and on issuance of a special permit by the Common Council. (n) Non-residential "FAR" may be increased by 0.4 if the sidewalk level, ground floor space is used for one of the purposes set forth in Section 5.5.2 and on issuance of a special permit by the Common Council. (o) On development sites with a "lot area" greater than 50,000 square feet with "frontage" on at least 2 "streets," and where 50 percent or more of the total "FAR" is residential, the "FAR" may be increased to 5.5. (p) or a "mini-storage facility" see Section 4.4.28. (q) See Section 6.7.3.1 (r) See Section 4.13.9 (i) Outside the Central Parking Area, 2.50. (s) [Reserved] (t) Except as provided in Section 5.5.3, in the Central Parking Area, any building "height" exceeding 30 feet in "height" shall be limited to an appropriate "building" coverage of 80 percent on the overall site. Such "building" coverage may be increased on issuance of a special permit by the Common Council. (u) 400 in the Central Parking Area. (v) In the Central Parking Area, residential floors may exceed the stated "height" by up to 100 feet on issuance of a special permit by the Common Council. (w) "Front yard" setback is required on all "frontages." (x) See Section 5.5.3.1. (y) See Section 5.5.3.2. (z) See Section 5.5.3.3. (aa) "Gross floor area" not developed or required for conformance to this Ordinance on a "lot" or designated "development site" may be transferred to other "lots" or designated "development sites" on issuance of a special permit by the Common Council. (ab) See Section 5.5.3.2. (ac) See Section 5.5.3.3. (ad) 600 for "assisted living facility." (ae) See Section 5.4.4.3. (af) For residential "Floor Area Ratio" in the C-O District see Section 5.9; for residential "dwelling units" in the C-O District see Section 5.9; for residential height in "stories" in the C-O District see Section 5.9 and 5.8 and (aj) for residential height in feet in the C-O District see Section 5.9.		
LI	80 (q)	-	10	N-2.00 (q)	5,000	5,000	50	=	=	=	=	=	4	50	25	10	=	=	=	(a) Applicable only to "buildings" and "structures" located above ground. (b) Where adjacent to a residential district on one side, 200; on two sides, 400. (c) "Parking lots" to be at least 100 ft. from any "side or rear lot line." (d) No "accessory buildings" permitted, except those accessory to "multi-family dwellings" and "parking garages" for private passenger vehicles. (e) Where the "building" is of fire-proof construction as approved by the Commissioner of Building, no minimum. (f) No "accessory building" permitted in a "side yard" of any individual area, notwithstanding the subdivision or divided ownership of such area. (g) Dimensional regulations apply to the entire area designated as a development site and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site. (h) In the Central Parking Area, residential "FAR" may be increased to a maximum of 2.6 and "FAR" may be increased to a maximum of 0.5 on issuance of a special permit by the Common Council. (i) Usable open space shall be provided in an amount to be determined by the approving agency. (j) The maximum "height" may be increased by 15 feet if the sidewalk level, ground floor space is used for the purposes set forth in Section 5.5.2. (k) On development sites with a "lot area" greater than 50,000 square feet with "frontage" on at least 2 "streets," and where 80 percent or more of the total "FAR" is residential, the "FAR" may be increased to 5.5. (l) 500 for "dwelling units" which address the purposes set forth in Section 3.5.1.0. (m) Certain non-residential "uses" are limited to sidewalk level, ground floor space and first floor. Residential "dwelling units" may be substituted for permitted non-residential "uses" in the "lot area" or "dwelling unit" for each 700 square feet of non-residential "lot area" and on issuance of a special permit by the Common Council. (n) Non-residential "FAR" may be increased by 0.4 if the sidewalk level, ground floor space is used for one of the purposes set forth in Section 5.5.2 and on issuance of a special permit by the Common Council. (o) On development sites with a "lot area" greater than 50,000 square feet with "frontage" on at least 2 "streets," and where 50 percent or more of the total "FAR" is residential, the "FAR" may be increased to 5.5. (p) or a "mini-storage facility" see Section 4.4.28. (q) See Section 6.7.3.1 (r) See Section 4.13.9 (i) Outside the Central Parking Area, 2.50. (s) [Reserved] (t) Except as provided in Section 5.5.3, in the Central Parking Area, any building "height" exceeding 30 feet in "height" shall be limited to an appropriate "building" coverage of 80 percent on the overall site. Such "building" coverage may be increased on issuance of a special permit by the Common Council. (u) 400 in the Central Parking Area. (v) In the Central Parking Area, residential floors may exceed the stated "height" by up to 100 feet on issuance of a special permit by the Common Council. (w) "Front yard" setback is required on all "frontages." (x) See Section 5.5.3.1. (y) See Section 5.5.3.2. (z) See Section 5.5.3.3. (aa) "Gross floor area" not developed or required for conformance to this Ordinance on a "lot" or designated "development site" may be transferred to other "lots" or designated "development sites" on issuance of a special permit by the Common Council. (ab) See Section 5.5.3.2. (ac) See Section 5.5.3.3. (ad) 600 for "assisted living facility." (ae) See Section 5.4.4.3. (af) For residential "Floor Area Ratio" in the C-O District see Section 5.9; for residential "dwelling units" in the C-O District see Section 5.9; for residential height in "stories" in the C-O District see Section 5.9; and 5.8 and (aj) for residential height in feet in the C-O District see Section 5.9.		

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 AND MEMBERS OF THE COMMON COUNCIL

Since the February 2, 2015 Common Council referral of the proposed Zoning Ordinance and Municipal Code amendments associated with "Cabarets", there has been commentary regarding the proposed entry fee modifications in the Municipal Code. Some proprietors are concerned about this provision as currently drafted and want this portion of the legislation altered to allow the entry fee transaction to occur at the door.

As a result of an interdepartmental reevaluation of the entry fee provision, the Department of Building recommends approval of the amendments to the Municipal Code Ordinance as it relates to "Cabarets" with the following modifications to section 4-4-9:

- (1) Imposing a fee or fixed charge for entertainment or service that is added to a bill for patrons with reserved table seating; or
- (2) the selling of tickets in advance or the charging of a fee inside the premises for live musical entertainment, excluding a disc jockey, provided the Department of Public Safety approves a Live Musical Entertainment Permit, the Application for which shall be submitted at least ten (10) days in advance of the scheduled performance.

Respectfully Submitted,

Damon A. Amadio P.E.
Commissioner of Building

DATED: July 2, 2015

(for the July 6, 2015 Common Council Meeting)

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
AMENDING TITLE IV OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED "CABARETS"
BY AMENDING ARTICLE I OF CHAPTER 4-4 IN ITS ENTIRETY AND AMENDING SECTION
4-4-30 OF ARTICLE II OF CHAPTER 4-4.

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

Section 1. Article I of Title IV, Chapter 4-4, of the White Plains Municipal Code, last amended by ordinance adopted February 6, 2006, is hereby amended, in its entirety, as follows:

A. Sec. 4-4-1. Purpose and Construction.

This chapter shall be deemed an exercise of the police power of the state and of the city for the protection of the economic and social welfare, health, peace and morals of the people of the city and all its provisions shall be liberally construed for the accomplishment of that purpose.

B. Sec. 4-4-2 Definitions.

Cabaret: Any room, space or area used in connection with a business enterprise, in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant." However, the following shall not constitute a cabaret:

A restaurant or bar located in a hotel having more than 50 sleeping rooms; or
A restaurant or café that provides incidental Entertainment, without dancing, either by:

- electrical devices such as, but not limited to stereos, radios or media players, but not including music provided by a disc jockey; or
- not more than four (4) persons playing non-amplified music; or
- a person with or without a portable low-wattage amplifier associated with a single instrument or microphone.

Accessory Cabaret: A "cabaret" in which the Entertainment and/or dancing do not, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

Primary Cabaret: A "cabaret" in which the Entertainment and/or dancing, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

"Net Floor Area"

The floor area of a premises open to the public excluding bathroom facilities.

Restaurant: a "restaurant" is a business enterprise primarily engaged in preparing, cooking, and serving food and beverages on premises; selected from a full menu by patrons seated at a table or counter; served by a waiter or waitress; and consumed on the premises.

C. Sec. 4-4-3. Operation and Hours.

(a) Operation. It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to delegate the responsibility of the operation of the cabaret, including security thereat, to any person or entity that is not an employee of said cabaret operator. An owner or employee of the cabaret licensee must be present at the cabaret during all hours of operation and must be in charge of the operation of said cabaret.

(b) Hours. It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to operate a cabaret on any day between the hours of 3:01 a.m. and 11:59 a.m., however the facility may continue to operate as a restaurant after those hours.

D. Sec. 4-4-4. Intoxicating Liquors.

It shall be unlawful for any person to bring into or have in his or her possession or partake of any intoxicating liquors in any cabaret. This section shall not apply to cabarets where intoxicating liquors may be lawfully sold under the provisions of the Alcoholic Beverage Control Law.

E. Sec. 4-4-5. Nudity.

No person shall be permitted to appear in any cabaret with the chest, breasts or buttocks fully exposed or any portion of the genitals exposed.

F. Sec. 4-4-6. Sound Amplification.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to operate a cabaret in violation of the following:

(a) Sound Level. The sound level of either live or recorded music or other attendant noise as measured from the exterior of the cabaret premises shall not exceed 85 decibels (dB) at any time as measured at a reasonable distance not less than seven (7) nor more than fifteen (15) feet from the premises of the cabaret establishment. A noise level evaluation of the operation of the cabaret use, paid for by the Applicant or owner, shall be conducted by the Department of Building every three (3) months of operation of the cabaret use, with the results to be submitted to the Common Council within two (2) weeks of said evaluation and made available to the public.

(b) Sound Amplification Equipment. No Sound Amplification Equipment (speakers, amplifiers, audio systems, radios, televisions, or any other device that can

produce or reproduce sound) shall be installed or operated indoors with the intent to amplify the sound outdoors and/or within any temporary structures(s).

(c) Sound Amplification Shut-Off. Whenever the building or space fire alarm system is activated all Sound Amplification Equipment within the cabaret shall be shut off. Sound Amplification Equipment shall mean speakers, amplifiers, audio systems, radios, televisions, or any device that can produce or reproduce sound.

(d) Reduction of Sound Transmission. In an effort to reduce sound transmission, all doors related to the cabaret use, including those from the street, shall be equipped with automatic self-closers, remain closed during operation of the cabaret use and shall not be permitted to be propped open at any time. Doors may be used for ingress and egress only and must be sealed tightly when closed. In addition, unless technically infeasible, all new cabarets shall incorporate an interior vestibule at the entrance to the room, space or area where the cabaret is proposed.

G. Sec. 4-4-7 Food Service.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to operate a cabaret without food service available from a printed menu.

H. Sec 4-4-8 Employee Roster.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to fail to maintain a roster, which contains the name, address and telephone number of all employees, excluding kitchen and wait-staff, working at any given time when such cabaret is open. Such roster shall be maintained on the premises of the cabaret for six (6) months and available for inspection by the Department of Public Safety promptly upon request.

I. Sec. 4-4-9. Entry Fee.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of an accessory cabaret to charge an entry fee payable at or prior to admission. However this shall not prohibit:

- (1) imposing a fee or fixed charge for entertainment or service that is added to a bill for patrons with reserved table seating; or
- (2) the selling of tickets in advance or the charging of a fee inside the premises for live musical entertainment, excluding a disc jockey, provided the Department of Public Safety approves a Live Musical Entertainment Permit, the Application for which shall be submitted at least ten (10) days in advance of the scheduled performance.

J. Sec. 4-4-10. Entry Powers of Police Officers and Housing/Building Inspectors.

It shall be unlawful for the owner, proprietor, manager or person in charge of any cabaret or restaurant to refuse admission or entry to the public areas of the cabaret or restaurant during operating hours to any officer charged with enforcing the penal laws of New York State, the New York State Building Code, the White Plains Supplemental Building Code or the City of White Plains Municipal Code.

K. Sec. 4-4-11. Temporary Closure.

If in the opinion of the Commissioner of Public Safety, or the Commissioner's designee, an owner, proprietor, manager or person in charge of any cabaret, creates, maintains or permits a condition that endangers or threatens to endanger the safety or health of the public, the Commissioner, or designee, may order the immediate temporary closure of the cabaret. It shall be unlawful for an owner, proprietor, manager or person in charge of any cabaret, to fail to comply with such order.

L. Sec. 4-4-12. Penalty.

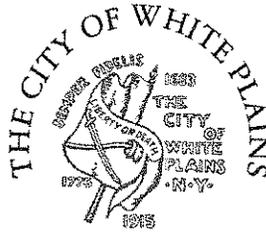
A violation of any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed two thousand five dollars (\$2,500.00) for each offense or by imprisonment for each offense for a period of not exceeding fifteen (15) days, or by both such fine and imprisonment.

Section 2. Article II of Title IV, Chapter 4-4, of the White Plains Municipal Code, last amended by ordinance adopted February 6, 2006, is hereby amended, as follows:

Sec. 4-4-30. Fee, expiration and transfer.

The annual fee for a cabaret license shall be ~~one~~five hundred dollars (\$~~1~~500.00); provided that in the event a license be granted after July first of any year the license fee shall be one-half the amount of the annual license fee. The commissioner of public safety shall not issue a cabaret license until the applicant has paid such fee to the city. All such licenses shall expire on December 31 next following their issue. Such license shall not be transferable and shall not authorize the person to whom it is granted to conduct a cabaret at any location other than that specified therein.

Section 3. 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

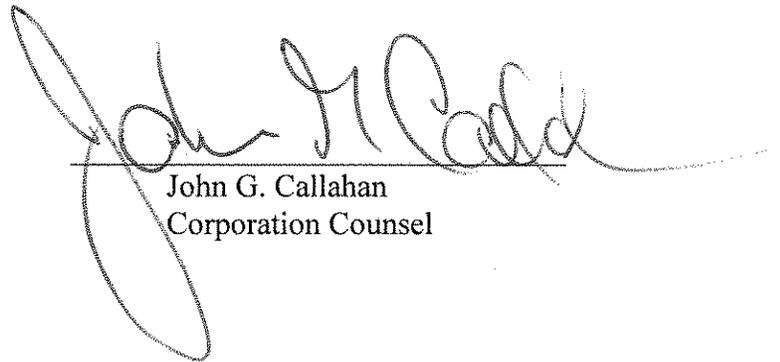
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

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 property located at 50 Main Street, 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: June 25, 2015
(For the Common Council Meeting
of July 6, 2015)

33

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 credits paid according to the following list in accord with the applicable tax rate for

**Mack-Cali WP Realty Associates, LLP
a/k/a Cali WP Realty (50 Main Street)
50 Main Street
SBL: 125.74-5-1**

<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	\$ 2,300,000	\$ 1,800,000	\$ 500,000	\$ 73,735.00
2009/10	\$ 2,300,000	\$ 1,650,000	\$ 650,000	\$ 102,089.00
2010/11	\$ 2,300,000	\$ 1,700,000	\$ 600,000	\$ 100,692.00
2011/12	\$ 2,300,000	\$ 1,800,000	\$ 500,000	\$ 88,055.00
2012/13	\$ 2,300,000	\$ 1,860,000	\$ 440,000	\$ 81,166.80
2013/14	\$ 2,300,000	\$ 1,895,500	\$ 404,500	\$ 77,558.83
2014/15	\$ 2,300,000	\$ 1,750,000	\$ 550,000	\$ 107,877.00
2015/16	\$ 2,000,000	\$ 1,680,000	\$ 320,000	\$ 64,236.80
			Total:	<u>\$ 695,410.43</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.

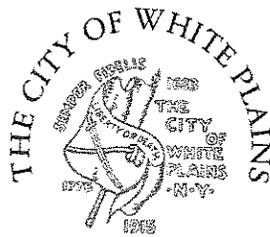
NOW, THEREFORE, the Common Council of The City of White Plains hereby ordains and enacts as follows:

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.



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

By letter dated June 5, 2015 addressed to the Mayor and copied to the Common Council, TVC Albany Inc. D/b/a First Light ("TVC Albany") applied for a franchise to develop a fiber optic telecommunications system in White Plains. TVC Albany has received a Certificate of Public Convenience and Necessity to operate as a common carrier from the New York State Public Service Commission.

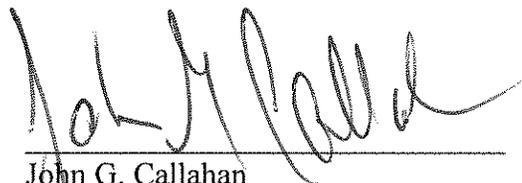
Both before and after receipt of the application in accordance with the City's Telecommunications Ordinance adopted on December 1, 1997 and the Federal Telecommunications Act of 1996, the Law Department conferred with representatives of TVC Albany and the Department of Public Works with respect to the negotiation and drafting of a franchise agreement to be granted by the City.

Under the terms of the proposed franchise agreement ("the Agreement"), TVC Albany would be granted a ten (10) year non-exclusive franchise, with the option to renew the franchise for an additional term of ten (10) years. Although seeking a franchise agreement, TVC Albany is presently planning to install only 100 feet of aerial cable and 20 feet of linear fiber optic cable to be placed within an inner duct in the City at this time. The proposed franchise agreement will provide for TVC Albany to pay the City compensation based upon the amount of fiber optic cable and conduit installed as follows (i.e., \$.58 per linear foot for overhead wires; \$1.88 per linear foot for use of an inner duct in 4" diameter conduit and \$5.64 linear foot for 4" diameter conduit and such fees shall be increased every two years thereafter by an increment of five (5%) per period over the latest annual fee) however, for any particular year, the minimum annual Franchise Fee, unless the calculation required above results in a payment greater than the Minimum Annual Fee set forth herein shall be \$500.00 for the year 2015; \$1,000 for the year 2016; \$1,500 for the year 2017; \$2,500 for the years 2018 and 2019; \$5,000 for the years 2020 and 2021 and \$7,500 for the years 2022-2024 and \$10,000 for all years thereafter except that said minimum fee shall be increased every two years thereafter

by an increment of five (5%) per period over the latest annual fee. In addition, either party may request renegotiation of the Agreement once, at any one time during the agreement, upon six(6) months notice to the other party based upon changes in technological, legal, regulatory or market conditions which have occurred since the execution of the Agreement. .

The terms and conditions of the proposed franchise agreement are substantially similar to those contained in the City's existing franchise and license agreements with telecommunications providers.

Submitted for your consideration is an ordinance which grants TVC Albany's application for a non-exclusive franchise and authorizes the Mayor to execute the aforementioned agreement.



John G. Callahan
Corporation Counsel

Dated: June 30, 2015
(for the July 6, 2015 meeting
of the Common Council)

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO TVC ALBANY INC. D/B/A FIRST LIGHT TO CONSTRUCT, ERECT, OPERATE AND MAINTAIN A FIBER OPTIC TELECOMMUNICATIONS SYSTEM IN THE CITY OF WHITE PLAINS.

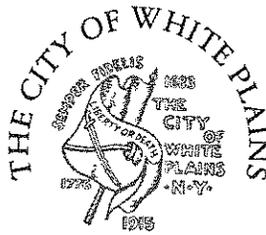
The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Common Council of the City of White Plains hereby grants TVC Albany Inc. D/b/a First Light ("TVC Albany"), which has received a Certificate of Public Convenience and Necessity to operate as a common carrier from the New York State Public Service Commission, a non-exclusive franchise to construct, erect, operate and maintain a fiber optic telecommunications system in the City of White Plains pursuant to the terms and conditions of an agreement entitled "Fiber Optic Telecommunications System Franchise Agreement between the City of White Plains and TVC Albany Inc. D/b/a First Light " Said agreement shall provide for a franchise term of ten (10) years and one ten (10) year renewal at tw telecom's option. Based upon the proposed 180 feet of linear fiber optic cable to be installed within an inner duct in the City at this time, the agreement shall further provide that the City of White Plains receive compensation based upon the amount of fiber optic cable and conduit installed as follow (i.e.,\$.58 per linear feet for overhead wires; \$1.88 per linear feet for use of an inner duct in 4" diameter conduit and \$5.64 linear feet for 4" diameter conduit and such fees shall be increased every two years thereafter by an increment of five (5%) per period over the latest annual fee) however, for any particular year, the minimum annual Franchise Fee, unless the calculation required above results in a payment greater than the Minimum Annual Fee set forth herein shall be \$500.00 for the year 2015; \$1,000 for the year 2016; \$1,500 for the year 2017; \$2,500 for the years 2018 and 2019; \$5,000 for the years 2020

and 2021 and \$7,500 for the years 2022-2024 and \$10,000 for all years thereafter except that said minimum fee shall be increased every two years thereafter by an increment of five (5%) per period over the latest annual fee. In addition, either party may request renegotiation of the Agreement once, at any one time during the agreement, upon six(6) months notice to the other party based upon changes in technological, legal, regulatory or market conditions which have occurred since the execution of the Agreement.

§2. The Mayor, or his designee, is hereby authorized to execute the said agreement on behalf of the City of White Plains in a form to be approved by the Corporation Counsel.

§3. This ordinance shall take effect immediately.



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

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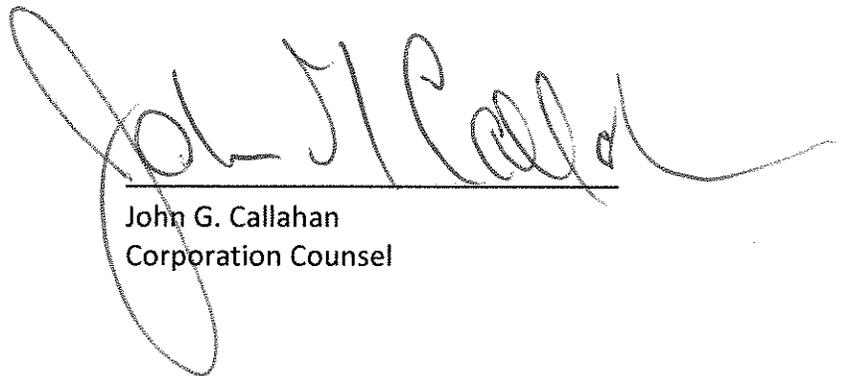
JOHN G. CALLAHAN
Corporation Counsel

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 for your consideration is an ordinance authorizing the Corporation Counsel to retain special counsel to provide professional services relating to the disposition of cases involving injuries or long-term illnesses in the Department of Public Safety including, but not limited to, Section 207 of the General Municipal Law, in an amount not to exceed \$50,000 effective June 30, 2015. Funds for this purpose are available in the Law Department's budget for FY 2014-2015.



John G. Callahan
Corporation Counsel

Date: June 24, 2015

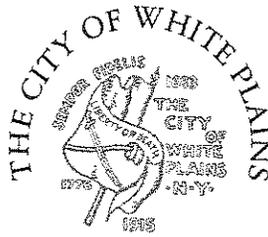
AN ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO EMPLOY SPECIAL COUNSEL TO PROVIDE SERVICES RELATING TO THE DISPOSITION OF CASES INVOLVING INJURIES OR LONG-TERM ILLNESS IN THE DEPARTMENT OF PUBLIC SAFETY.

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

Section 1. The Corporation Counsel is hereby authorized to employ special counsel to provide professional services relating to the disposition of cases involving injuries or long-term illness in the Department of Public Safety including, but not limited to, Section 207 of the General Municipal Law, in an amount not to exceed \$50,000, including reasonable disbursements.

Section 2. The Commissioner of Finance is hereby authorized to expend sufficient funds to pay for the above professional services from the Law Department's budget.

Section 3. This ordinance shall take effect June 30, 2015.



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

(914) 422-1241 • FAX (914) 422-1231

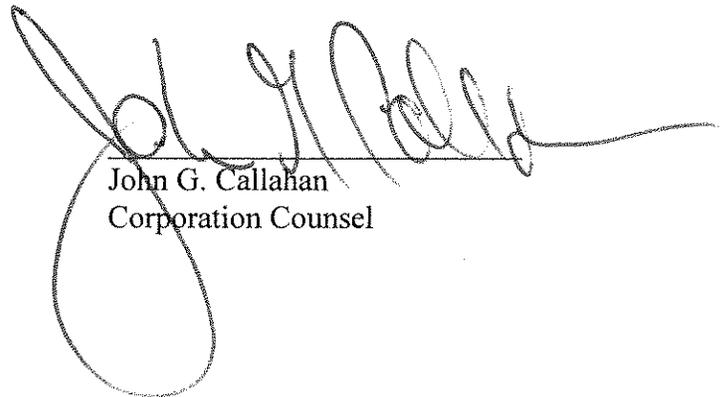
JOHN G. CALLAHAN
Corporation Counsel

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

Submitted for your consideration is an ordinance authorizing the Mayor to enter into a renewal of the annual contract with the Thomas H. Slater Center, Inc. for the operation of the Thomas H. Slater Center for the period commencing July 1, 2015 and terminating June 30, 2016.



John G. Callahan
Corporation Counsel

Dated: June 23, 2015
(for the Common Council
Meeting of July 6, 2015)

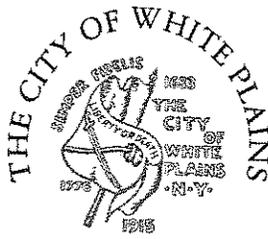
AN ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE ANNUAL CONTRACT WITH THOMAS H. SLATER CENTER, INC. FOR THE OPERATION OF THE THOMAS H. SLATER CENTER.

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

Section 1. The Mayor of the City of White Plains is authorized to enter into a renewal of the annual contract with the Thomas H. Slater Center, Inc. for the operation of the Thomas H. Slater Center for the period commencing July 1, 2015 and terminating June 30, 2016. Said contract shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is further authorized to direct the Commissioner of Finance to expend such funds as appropriated for this contract in the 2015-2016 tax budget.

Section 3. This ordinance shall take effect July 1, 2015.



DEPARTMENT OF LAW

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

(914) 422-1241 • FAX (914) 422-1231

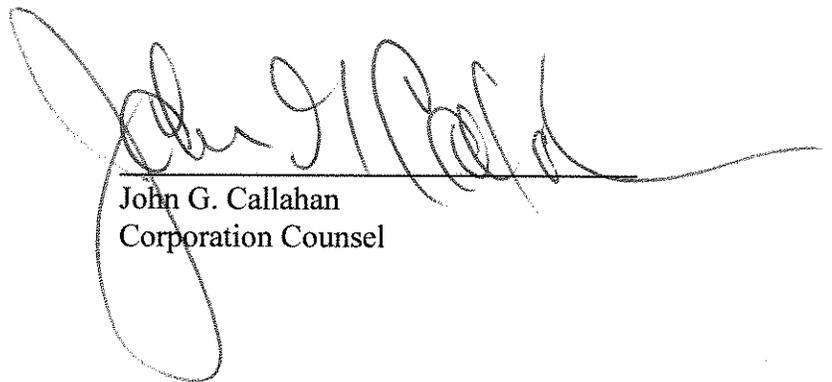
JOHN G. CALLAHAN
Corporation Counsel

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

Submitted herewith for your consideration, is an ordinance authorizing the Corporation Counsel to retain special counsel, as may be deemed necessary by the Corporation Counsel, to act as labor counsel for the City of White Plains, for the period beginning July 1, 2015 and ending June 30, 2016, for a total cost not to exceed \$200,000. Funds are available for this purpose in the Law Department's budget.



John G. Callahan
Corporation Counsel

Dated: July 2, 2015
(For the Common Council
Meeting of July 6, 2015)

AN ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO RETAIN LABOR COUNSEL FROM JULY 1, 2015 TO JUNE 30, 2016.

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

Section 1. The Corporation Counsel of The City of White Plains is hereby authorized to retain special counsel as may be deemed necessary by the Corporation Counsel, to act as labor counsel for The City of White Plains.

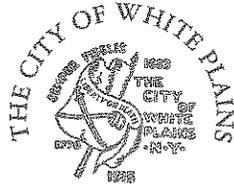
Section 2. Such retention(s) shall be for the period beginning on the first day of July 2015, and ending on the thirtieth day of June 2016, or any part of said period, for any employment and labor related matters referred to them for representation by the Corporation Counsel. The total amount payable pursuant to the terms of such retention(s) shall not exceed \$200,000.

Section 3. The Commissioner of Finance is hereby authorized to expend sufficient funds to pay for the above professional services from Law Department Account No. A013 - 4.042 - Labor Counsel, FY 2015-2016.

Section 4. This ordinance shall take effect as of July 1, 2015.

LD07/06/15wk

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**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 the including of rehabilitation work to the City's Municipal Building (City Hall). This project includes removal of asbestos insulation and steam piping along the south side of the basement level and related plumbing repairs, including demolition and restoration of the office area.

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 establishing Capital Project C5457, entitled **A City Hall Rehabilitation – Steam Pipe**, and to establish a project budget as follows:

REVENUES

C5457-08810	Serial Bonds	<u>\$303,000</u>
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EXPENSES

C5457-4.005	Finance and Audit	\$ 3,000
C5457-8.106	Major Additions/Improvements	<u>300,000</u>
		<u>\$303,000</u>

Finally, it is requested that the sale of \$303,000 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

July 6, 2015

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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

June 26, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5457
CITY HALL REHABILITATION – STEAM PIPE

The proposed Capital Project No. Project C5457, entitled “City Hall Rehabilitation – Steam Pipe,” has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves repairs and maintenance for the City’s Municipal Building (City Hall), including removal of asbestos insulation and steam piping along the south side of the basement level and related plumbing repairs, and including demolition and restoration of the office area.

This 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) declare itself to be 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

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO. C5457
CITY HALL REHABILITATION – STEAM PIPE.

WHEREAS, the proposed Capital Project No. C5457, entitled “City Hall Rehabilitation – Steam Pipe” (“Proposed Action”), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves repairs and maintenance for the City's Municipal Building (City Hall), including removal of asbestos insulation and steam piping along the south side of the basement level and related plumbing repairs, and including demolition and restoration of the office area; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, designate itself as 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 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 a 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. C5457, ENTITLED, "CITY HALL REHABILITATION-STEAM PIPE."

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

Section 1. The Capital Projects Board has recommended inclusion of rehabilitation work to the City's Municipal Building (City Hall). This project includes removal of asbestos insulation and steam piping along the south side of the basement level and related plumbing repairs, including demolition and restoration of the office area.

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 establishing Capital Project No. C5457, entitled, "**City Hall Rehabilitation-Steam Pipe,**" with a budget as follows:

REVENUES:

C5457-08810	Serial Bonds	<u>\$303,000</u>
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EXPENDITURES:

C5457-4.005	Finance and Auditing	\$ 3,000
C5457-8.106	Major Additions-Improvements	<u>300,000</u>
		<u>\$ 303,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$303,000 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 JULY 6, 2015, AUTHORIZING THE ISSUANCE OF \$303,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF CLASS "A" BUILDINGS.

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 reconstruction of class "A" buildings for municipal use, 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 \$303,000, 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 \$303,000, pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of class "A" buildings for municipal use (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 \$303,000, (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

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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 Section 11.00 of 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:

The Capital Projects Board has recommended a project entitled "Fire Hose Replacement" in the Capital Improvement Program for 2015-16. This is the first year in a three year program to remove from service 2 ½ inch fire hose that is 25 years old .

Submitted herein is legislation which would authorize the Mayor to direct the Commissioners of Public Safety and Purchase to enter into various contracts, as necessary, to purchase and install these hoses.

The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5456, entitled Fire Hose Replacement, and to establish a project budget as follows:

REVENUES:

C5456-08810	Serial Bonds	<u>\$75,550</u>
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EXPENDITURES:

C5456-4.005	Finance and Auditing	\$ 750
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C5456-8.312	Fire Equipment	<u>74,800</u>
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		<u>\$75,550</u>
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It is also requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$75,550 of serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds.

Respectfully submitted,

Thomas M. Roach, Mayor

Chairman, Capital Projects Board

July 6, 2015

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5456, ENTITLED, "FIRE HOSE REPLACEMENT."

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

Section 1. The Capital Projects Board has recommended a project entitled "Fire Hose Replacement" in the Capital Improvement program for 2015-16. This is the first year in a three year program to remove from service two and one-half (2 ½) fire hose that is twenty-five (25) years old.

Section 2. The Mayor is hereby authorized to direct the Commissioners of Public Works and Purchase to enter into various contracts, as necessary, to purchase and install these hoses. 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 establishing Capital Project No. C5456, entitled, "**Fire Hose Replacement**," with a budget as follows:

REVENUES:

C5456-08810	Serial Bonds	<u>\$ 75,550</u>
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EXPENDITURES:

C5456-4.005	Finance and Auditing	\$ 750
C5456-8.312	Fire Equipment	<u>74,800</u>
		<u>\$ 75,550</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$75,550 and to advance funds from the General

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Fund for this project, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED JULY 6, 2015, AUTHORIZING THE ISSUANCE OF \$75,550 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE PURCHASE OF FIRE-FIGHTING APPARATUS.

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 purchase of fire-fighting apparatus, 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 \$75,550, 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 \$75,550, pursuant to the Local Finance Law, in order to finance the costs of the purchase of fire-fighting apparatus (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 \$75,550, (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

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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 27 of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. The serial bonds authorized herein shall have a maximum maturity of twenty (20) 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.

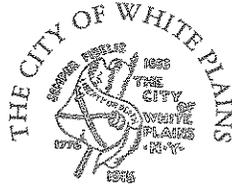
Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, 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:

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended minor renovations to the first floor of the Library. Included in the project is the removal of the existing Reference Desk and the addition of new shelving and help desks for Library patrons. The White Plains Library Foundation will also be contributing furniture to the project.

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 establishing Capital Project C5460, entitled “**Library Interior Renovations – First Floor**” and to establish a project budget as follows:

REVENUES

C5460-02256	NYS Education Department	\$ 67,469
C5460-09921	Library Fund Contribution	<u>32,531</u>
		<u>\$100,000</u>

EXPENSES

C5460-8.106	Major Additions/Improvements	\$ <u>100,000</u>
		\$ <u>100,000</u>

To provide the Library Fund contribution, it is requested that the Mayor be authorized to direct the Budget Director to transfer funds from the Library’s Reserve for Financing as follows:

TRANSFER FROM:

L001-9.990	Reserve for Financing	<u>\$32,531</u>
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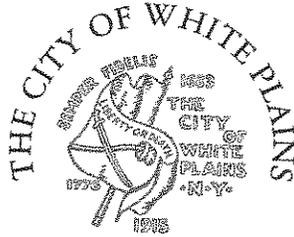
TRANSFER TO:

L005-9.404	Contribution to Capital Projects Fund	<u>\$32,531</u>
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Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

July 6, 2015



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300; FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

June 26, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. PROJECT C5460
LIBRARY INTERIOR RENOVATIONS – FIRST FLOOR

The proposed Capital Project No. C5460, entitled “Library Interior Renovations – First Floor” (“Proposed Action”), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

This involves minor renovations to the first floor of the Library including removal of the existing Reference Desk and the addition of new shelving and help desks for Library patrons.

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

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO. C5460, LIBRARY INTERIOR RENOVATIONS – FIRST FLOOR

WHEREAS, the proposed Capital Project No. C5460, entitled “Library Interior Renovations – First Floor” (“Proposed Action”), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves minor renovations to the first floor of the Library including removal of the existing Reference Desk and the addition of new shelving and help desks for Library patrons; 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; 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. C5460 ENTITLED, "LIBRARY INTERIOR RENOVATIONS-FIRST FLOOR."

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended minor renovations to the first floor of the Library. Included in the project is the removal of the existing Reference Desk and the addition of new shelving and help desks for Library patrons. The White Plains Library Foundation will also be contributing furniture to the project.

Section 2. The Mayor is hereby authorized to direct the Acting Commissioner of Public Works to enter into various contracts, as necessary, to complete the work. 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. C5460, entitled, "**Library Interior Renovations-First Floor,**" with a budget as follows:

REVENUES:

C5460-02256	NYS Education Department	\$ 67,469
C5460-09921	Library Fund Contribution	<u>32,531</u>
		<u>\$100,000</u>

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EXPENSES:

C5460-8.106	Major Additions/Improvements	<u>\$100,000</u>
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Section 4. In order to provide the Library Fund Contribution, the Mayor is hereby further authorized to direct the Budget Director to transfer funds from the Library's Reserve for Financing as follows:

TRANSFER FROM:

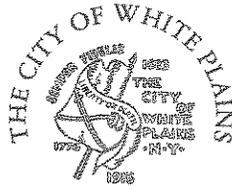
L001-9.990	Reserve for Financing	<u>\$ 32,531</u>
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TRANSFER TO:

L005-9.404	Contribution to Capital Projects Fund	<u>\$ 32,531</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 June 30, 2015.



**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:

The Capital Projects Board adopted the Rolling Stock Committee recommendations for the replacement of certain city owned vehicles for fiscal year 2015-2016. The Common Council funded certain light duty vehicles in the adopted Fiscal Year 2015-16 budget. This legislation pertains to the remainder of the rolling stock vehicles (heavy- duty) as included in the Capital Improvement Program.

Submitted herewith for your deliberation is legislation authorizing the Mayor to direct the Commissioner of Public Works and the Commissioner of Purchase to enter into various contracts, as necessary, to purchase the following vehicles: PU/plow (Parking); Ladder truck (Fire Department); PU/plow(Building Maintenance); 2 dump/PI (Highway); PU/PI/Dump (Sanitation); PU/dump/PI/Spreader (Highway); mini PU/plow (Highway); Aerial lift (Highway); Sweeper-Vacuum (Highway); electric fork lift(Purchasing) and a generator (Water Fund). In order to provide the necessary funding, it is further requested that the Mayor be authorized to direct the Budget Director to amend the Capital Projects Fund by establishing **Capital Project No. C5458**, entitled "**Rolling Stock Acquisition Heavy Duty Vehicles 2015-2016**"; and establishing **Capital Project No. W5459** entitled "**Rolling Stock Acquisition Heavy Duty Vehicles 2015-2016**" as follows:

REVENUES:		
C5458-08810	Serial Bond Proceeds	<u>\$1,545,300</u>
EXPENDITURES:		
C5458-4.005	Finance and Auditing	\$ 15,300
C5458-8.400	Rolling Stock Acquisition (Various)	<u>1,530,000</u>
		<u>\$1,545,300</u>
REVENUES:		
W5459- 08810	Serial Bond Proceeds	<u>\$ 202,000</u>
EXPENDITURES:		
W5459-4.005	Finance and Auditing	\$ 2,000
W5459-8.400	Rolling Stock Acquisition	<u>200,000</u>
		<u>\$ 202,000</u>

It is further requested that the Mayor be authorized to direct the Commissioner of Finance to sell serial bonds totaling\$1,747,300, to advance funds from the General and Water Funds, as necessary, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor

Chairman, Capital Projects Board

July 6, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5458, ENTITLED, "ROLLING STOCK ACQUISITION, HEAVY DUTY VEHICLES 2015-2016" AND CAPITAL PROJECT NO. W5459, ENTITLED, "ROLLING STOCK ACQUISITION HEAVY DUTY VEHICLES 2015-2016."

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

Section 1. The Capital Projects Board adopted the Rolling Stock Committee recommendations for the replacement of certain City-owned vehicles for Fiscal Year 2015-2016. The Common Council funded certain light-duty vehicles in the adopted budget Fiscal Year 2015-2016 budget. This ordinance herein pertains to the remainder of the rolling stock vehicles (heavy-duty) as included in the Capital Improvement Plan.

Section 2. The Mayor is hereby authorized to direct the Commissioners of Public Works and Purchase to enter into various contracts, as necessary, to purchase the following vehicles: PU/plow (Parking); Ladder truck (Fire Department); PU/plow (Building Maintenance); two (2) dump/PI (Highway); PU/PI/Dump (Sanitation); PU/dump/PI Spreader (Highway); mini PU/plow (Highway); Aerial lift (Highway); Sweeper-Vacuum (Highway); electric fork lift (Purchasing) and a generator (Water Fund). Said contract(s) shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such vehicles, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C 5458, entitled "Rolling Stock Acquisition Heavy Duty Vehicles 2015-2016;" and establishing Capital Project No. W5459, entitled, "Rolling Stock Acquisition Heavy Duty

Vehicles 2015-2016,” with a budget as follows:

REVENUES:

C5458-08810	Serial Bond Proceeds	<u>\$1,545,300</u>
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EXPENDITURES:

C5458-4.005	Finance and Auditing	\$ 15,300
C5458-8.400	Rolling Stock Acquisition (Various)	<u>1,530,000</u>
		<u>\$ 1,545,300</u>

REVENUES:

W5459-08810	Serial Bond Proceeds	<u>\$ 202,000</u>
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EXPENDITURES:

W5459-4.005	Finance and Auditing	\$ 2,000
W5459-8.400	Rolling Stock Acquisition	<u>200,000</u>
		<u>\$ 202,000</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to sell serial bonds totaling \$1,747,300, to advance funds from the General and Water Funds, as necessary, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED JULY 6, 2015, AUTHORIZING THE
ISSUANCE OF \$1,747,300 AGGREGATE PRINCIPAL AMOUNT SERIAL
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS
OF THE PURCHASE OF MACHINERY AND APPARATUS FOR
CONSTRUCTION AND MAINTENANCE.**

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 acquisition of machinery and apparatus for construction and maintenance, 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 \$1,747,300, 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 \$1,747,300, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of machinery and apparatus for construction and maintenance (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 \$1,747,300, (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 28 of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) 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.

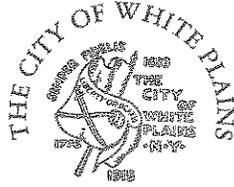
Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders 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:

The Capital Projects Board has recommended a project entitled "MSP platform for records management system" in the Capital Improvement Program for 2015-16. This project includes replacing/upgrading the current Public Safety computer system from an IBM AS400 to a new MSP platform, which will make the system more user friendly and substantially reduce training and support costs.

Submitted herein is legislation which would authorize the Mayor to direct the Commissioners of Public Safety and Purchase to enter into various contracts, as necessary, to purchase and install this system and related equipment.

The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5455, entitled Public Safety Computer System, and to establish a project budget as follows:

REVENUES:

C5455-08810	Serial Bonds	<u>\$1,212,000</u>
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EXPENDITURES:

C5455-4.005	Finance and Auditing	\$ 12,000
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C5455-8.319	Computer Related Replacement/Upgrade	<u>1,200,000</u>
		<u>\$1,212,000</u>

It is also requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$1,212,000 of serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds.

Respectfully submitted,

Thomas M. Roach, Mayor

Chairman, Capital Projects Board

July 6, 2015

"The Birthplace of the State of New York"

www.whiteplainsny.gov

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5455 ENTITLED, "PUBLIC SAFETY COMPUTER SYSTEM."

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 "MSP platform for records management system." This project includes replacing/upgrading the current Public Safety computer system from an IBM AS400 to anew MSP platform, which will make the system more user friendly and substantially reduce training and support costs.

Section 2. The Mayor is hereby authorized to direct the Commissioners of Public Safety and Purchase to enter into various contracts, as necessary, to purchase and install this system and realted equipment. 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. C5455, entitled, "**Public Safety Computer System,**" with a budget as follows:

REVENUES:

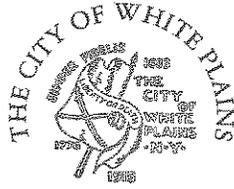
C5455-08810	Serial Bonds	<u>\$1,212,000</u>
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EXPENDITURES:

C5455-4.005	Finance and Auditing	\$ 12,000
C5455-8.319	Computer Related Replacement/Upgrade	<u>1,200,000</u>
		<u>\$1,212,000</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to sell \$1,212,000 of serial bonds to finance the project, to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. 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:

The Capital Projects Board has recommended a project entitled "Electronic Device Replacement Police & Fire" in the Capital Improvement Program for 2015-16. This project includes the purchase of new electronic devices to replace aging devices used for enforcement and communications for both police and fire. The project also includes maintenance fees associated with our Body Worn Camera system in the Police Department.

Submitted herein is legislation which would authorize the Mayor to direct the Commissioners of Public Safety and Purchase to enter into various contracts, as necessary, to purchase the new/replacement devices.

The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5454, entitled Electronic Device Replacement: Fire and Police FY 16, and to establish a project budget as follows:

REVENUES:

C5454-08810	Serial Bonds	<u>\$111,100</u>
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EXPENDITURES:

C5454-4.005	Finance and Auditing	\$ 1,100
C5454-8.319	Computer Related Replacement/Upgrade	<u>110,000</u>
		<u>\$111,100</u>

It is also requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$111,100 of serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

July 6, 2015

"The Birthplace of the State of New York"

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5454 ENTITLED, "ELECTRONIC DEVICE REPLACEMENT: FIRE AND POLICE FY 16."

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 "Electronic Device Replacement: Fire and Police FY 16." This project includes the purchase of new electronic devices to replace aging devices used for law enforcement and communications for both police and fire. The project also includes maintenance fees associated with the City's Body Worn Camera system in the Police Department.

Section 2. The Mayor is hereby authorized to direct the Commissioners of Public Safety and Purchase to enter into various contracts, as necessary, to purchase the new/replacement devices. 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. C5454, entitled, "**Electronic Device Replacement: Fire and Police FY 16,**" with a project budget as follows:

REVENUES:

C5454-08810	Serial Bonds	<u>\$111,100</u>
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EXPENDITURES:

C5454-4.005	Finance and Auditing	\$ 1,100
C5454-8.319	Computer Related Replacement/Upgrade	<u>110,000</u>
		<u>\$111,100</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to sell \$111,100 of serial bonds to finance the project, to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED JULY 6, 2015, AUTHORIZING THE ISSUANCE OF \$1,323,100 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE PURCHASE OR INSTALLATION OF FIRE OR POLICE ALARM, TELEGRAPH OR TELEPHONE SYSTEM OR ANY OTHER SYSTEM OF COMMUNICATION OR TRANSMISSION.

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 purchase or installation of a fire or police alarm, telegraph or telephone system or any other system of communication or transmission, 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 \$1,323,100, 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 \$1,323,100, pursuant to the Local Finance Law, in order to finance the costs of the purchase or installation of a fire or police alarm, telegraph or telephone system or any other system of communication or transmission (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 \$1,323,100, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of

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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 25 of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of ten (10) 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.

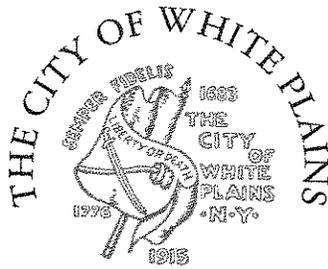
Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental

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.



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

RICHARD G. HOPE
ACTING COMMISSIONER

BRIAN M. MURPHY
DEPUTY COMMISSIONER

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

On July 2, 2012, the Common Council authorized Capital Project C5383, Library Plaza Surface Design. Since that time, the surface of the Plaza has deteriorated and temporary repairs were authorized. The Department of Public Works, with the assistance of an outside consultant, is currently exploring a permanent solution to the problem. The temporary repairs were completed on May 8, 2015. In order to provide funding for these repairs, it is respectfully requested that the Mayor be authorized to direct the Budget Director to make the following transfer from the FY 2014-2015 Reserve for Financing as follows:

TRANSFER FROM

A002-9.990 Reserve for Financing \$ 70,685

TRANSFER TO

A033-3.301 Emergency Repairs \$ 70,685

It is also requested that the Commissioner of Finance be authorized to receive and direct funds as noted.

Respectfully submitted,

Richard Hope
Acting Commissioner of Public Works

Dated: July 6, 2015

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE TRANSFER OF \$70,685 FROM RESERVE FOR FINANCING IN RELATION TO PROVIDING FUNDING FOR TEMPORARY REPAIRS TO THE LIBRARY PLAZA SURFACE

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

Section 1. On July 2, 2012, the Common Council authorized Capital Project C5383, Library Plaza Surface Design. Since that time, the surface of the Library Plaza has deteriorated and temporary repairs were authorized. The Department of Public Works, with the assistance of an outside consultant, is currently exploring a permanent solution to the problem. The temporary repairs were completed on May 8, 2015 in the amount of \$70,685.

Section 2. To provide the necessary funding for the aforementioned repairs incurred by the Department of Public Works, the Mayor is hereby authorized to direct the Budget Director to transfer \$70,685 from the General Fund Reserve for Financing for FY2014-2015 as follows:

TRANSFER FROM:

A002-9.990	Reserve for Financing	<u>\$70,685</u>
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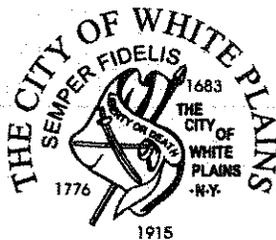
TRANSFER TO:

A033-3.301	Emergency Repairs	<u>\$70,685</u>
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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 June 30, 2015.

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

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Chief of Police
422-6230

DAVID E. CHONG
Commissioner
422-6350

RICHARD L. LYMAN
Fire Chief
422-6360

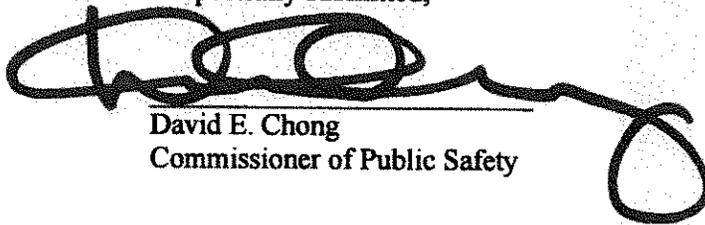
Dear Mayor and Common Council Members:

The Department of Public Safety respectfully submits an ordinance for your consideration approving a three (3) year agreement with the CARFAX Police Crash Assistance Program with an option by the City to renew for an additional one (1) year period by providing ninety (90) days written notice prior to the renewal date.

The CARFAX Police Crash Assistance Program allows our Department access to the CARFAX Vehicle History Service, the CARFAX Investigative Data Sharing Program and the CARFAX e-Commerce Program, in exchange for motor vehicle accident report data created or collected by our Department.

Aside from the benefits of the investigative tools and data sharing capabilities that the CARFAX Police Crash Assistance Program offers, the e-Commerce portion will allow us to provide the public with convenient online distribution of vehicle accident reports. Reports will be sold for a fee of \$7.00. All revenue generated will be collected by our Department.

Respectfully submitted,



David E. Chong
Commissioner of Public Safety

Dated: July 1, 2015

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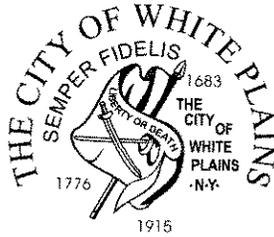
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A THREE (3) YEAR AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH CARFAX, INC. FOR ENROLLMENT IN THE CARFAX POLICE CRASH ASSISTANCE PROGRAM TO PROVIDE THE CITY'S DEPARTMENT OF PUBLIC SAFETY ACCESS TO INVESTIGATIVE TOOLS AND DATA SHARING CAPABILITIES THAT THE PROGRAM OFFERS AND TO ALLOW THE CITY'S DEPARTMENT OF PUBLIC SAFETY TO PROVIDE MOTOR VEHICLE ACCIDENT REPORTS ON-LINE TO THOSE WHO REQUEST SAME.

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

Section 1. The Mayor of the City of White Plains or his designee is hereby authorized to execute a three (3) year agreement on behalf of the City of White Plains, in a form acceptable with the Corporation Counsel, with CARFAX, Inc. ("CARFAX") for enrollment in the CARFAX Police Crash Assistance Program to provide the City's Department of Public Safety ("Department") access to the CARFAX Vehicle History Service, the CARFAX Investigative Data Sharing Program and the CARFAX e-Commerce Program, in exchange for motor vehicle accident report data created or collected by the Department. The e-Commerce portion will allow the Department to provide motor vehicle accident reports on-line to those who request same.

Section 2. Under the agreement, for on-line accident reports, a total fee of seven dollars (\$7.00) will be charged to the requesting party. All revenue generated will be collected by the Department.

Section 3. This ordinance shall take effect July 1, 2015.



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

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Chief of Police
422-6230

DAVID E. CHONG
Commissioner
422-6350

RICHARD L. LYMAN
Fire Chief
422-6360

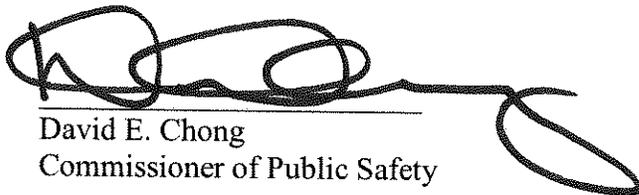
TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL
OF THE CITY OF WHITE PLAINS

The City of White Plains Department of Public Safety Police Bureau presently participates in the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County.

The Department of Public Safety Police Bureau has received an Inter-Municipal Agreement which reflects a revised/updated Mutual Aid and Rapid Response Plan for the Police Departments in Westchester County.

The Department of Public Safety requests permission for the City of White Plains to become a Signatory Municipality of the Inter-Municipal Agreement, allowing the Police Bureau to continue to participate in the plan.

Sincerely,



David E. Chong
Commissioner of Public Safety

Dated: June 22, 2015

(For the Common Council Meeting of
July 6, 2015)

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A FIVE (5) YEAR INTERMUNICIPAL AGREEMENT (IMA) WITH THE COUNTY OF WESTCHESTER FOR PARTICIPATION IN A MUTUAL AID & RAPID RESPONSE PLAN.

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

Section 1. The Mayor of the City of White Plains, or his designee, is hereby authorized to enter into an Intermunicipal Agreement, in a form satisfactory to the Corporation Counsel, with the County of Westchester acting through its Department of Public Safety, to participate in a County-wide Mutual Aid & Rapid Response Plan for a term of five (5) years, which shall commence on July 31, 2015, and terminate on July 30, 2020.

Section 2. This ordinance shall take effect immediately.

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 MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS:

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The White Plains Recreation & Parks Senior Citizens Program has recently received an award in the amount of \$4,738 from AAA Transportation through the Westchester County Department of Senior Programs and Services. The money will be used to pay for the senior citizens bus transportation service.

Transmitted herewith for your consideration is legislation requesting the Mayor to authorize the Budget Director to amend the FY-2015 - 2016 General Budget fund to reflect the receipt and appropriation of these funds as follows:

INCREASE REVENUES:	Senior Citizens III-B	\$4,738
F006-02207		
INCREASE EXPENDITURES:	Diesel Fuel	\$4,738
F006-3.403		

The legislation also authorized the Commissioner of Finance to receive and disburse funds accordingly.



Wayne D. Bass, Commissioner of Recreation & Parks

Dated: May 4, 2015

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AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF WESTCHESTER ("COUNTY") WHEREBY THE CITY OF WHITE PLAINS WILL RECEIVE AN AMOUNT NOT TO EXCEED \$4,738 TO FURNISH TO THE COUNTY VARIOUS TRANSPORTATION SERVICES FOR SENIORS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE NEW YORK STATE AAA TRANSPORTATION PROGRAM FOR A PERIOD FROM APRIL 1, 2015 THROUGH MARCH 31, 2016 AND DIRECTING THE BUDGET DIRECTOR TO AMEND THE 2015 -2016 GENERAL FUND BUDGET IN ORDER TO REFLECT AN AWARD FROM AAA TRANSPORTATION IN THE AMOUNT OF \$4,738 TO THE CITY OF WHITE PLAINS TO BE USED FOR THE WHITE PLAINS RECREATION AND PARKS SENIOR CITIZENS PROGRAM.

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 accept an award on behalf of the White Plains (Department of Recreation and Parks Senior Citizens Program) from AAA Transportation, through Westchester County (Department of Senior Programs and Services), in the amount of \$4,738, which award shall be used to offset diesel fuel costs for the senior citizens bus transportation service.

Section 2. The Mayor or his designee is further authorized to execute an agreement with the County of Westchester whereby the City of White Plains agrees to furnish to the County various transportation services for seniors in accordance with the terms and conditions of the New York State AAA Transportation Program for the period from April 1, 2015 through March 31, 2016, for an amount not to exceed \$4,738. Said amended agreement shall be in a form approved by the Corporation Counsel.

Section 3. In order to reflect the receipt and appropriation of these funds, the Mayor is hereby authorized to direct the Budget Director to amend the FY 2015-2016 General Fund Budget as follows:

INCREASE REVENUES:

F006 - 02207	Senior Citizens III-B	<u>\$4,738</u>
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INCREASE EXPENDITURES:

F006 - 3.403	Diesel Fuel	<u>\$4,738</u>
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Section 4. 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.



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

June 23, 2015

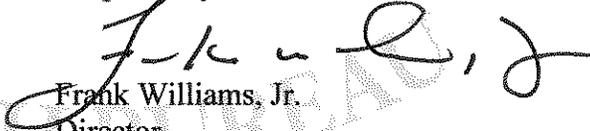
TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Westchester/Putnam Workforce Investment Board intends to establish a contract through the Westchester Workforce Development Academy for Youth (WDAY) with the City of White Plains Youth Bureau to continue providing WIOA Youth Employment Services to In School and Out of School Youth, ages 14 to 24 years beginning on or about July 1, 2015 to June 30, 2016.

The total contract amount of \$125,000 is in the approval process by the Westchester –Putnam Workforce Investment Board, the Westchester County Commissioner of Social Services, The Westchester County Board of Acquisition and Contract and the Westchester County Attorney . I am requesting that the Mayor be authorized to receive this grant and, upon receipt of the approved budget, the Mayor authorize the Budget Director to amend the Youth Development Fund accordingly.

The Friends of the White Plains Youth Bureau intends to support the Youth Bureau's WIOA Youth Employment Services to In School and Out of School Youth Program for the Fiscal Year 2015/16 by supplementing the program with a \$30,000 contribution. I am requesting that the Mayor be authorized to receive the funds from the Friends of the White Plains Youth Bureau and, I am also requesting the Mayor authorize the Budget Director to amend the Youth Development Fund accordingly.

Respectfully submitted,


Frank Williams, Jr.
Director

For: July 06, 2015 Common Council

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE (ACTING BY AND THROUGH THE YOUTH BUREAU) TO: (1) ENTER INTO A CONTRACT WITH THE COUNTY OF WESTCHESTER, ACTING ON BEHALF OF THE WESTCHESTER-PUTNAM INVESTMENT BOARD THROUGH THE WESTCHESTER WORKFORCE DEVELOPMENT ACADEMY FOR YOUTH (WDAY), TO RECEIVE \$125,000 IN FUNDING FOR WORKFORCE INVESTMENT ACT (WIOA) YOUTH EMPLOYMENT SERVICES TO IN SCHOOL AND OUT OF SCHOOL YOUTH, 14 TO 21 YEARS OF AGE FOR THE PERIOD BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016; AND (2) ACCEPT A \$30,000 CONTRIBUTION FROM THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU TO SUPPORT THE YOUTH BUREAU'S WIOA YOUTH EMPLOYMENT SERVICES TO IN SCHOOL AND OUT OF SCHOOL YOUTH PROGRAM.

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

Section 1. The Mayor of the City of White Plains or his designee (acting by and through the Youth Bureau) is hereby authorized to enter into a contract with the County of Westchester, acting on behalf of the Westchester-Putnam Investment Board through the Westchester Workforce Development Academy for Youth (WDAY), to receive \$125,000 in funding for Workforce Investment Act (WIOA) Youth Employment Services to In School and Out of School Youth, 14 to 21 years of age, for the period beginning July 1, 2015 and ending June 30, 2016. Said contract shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is further authorized to receive the \$125,000 grant and, upon receipt of the approved budget, the Budget Director to amend the Youth Development Fund accordingly.

Section 3. The Mayor is also authorized to receive a \$30,000 contribution from the Friends of the White Plains Youth Bureau to support the Youth Bureau's WIOA Youth Employment Services to In School and Out of School Youth Program for the Fiscal Year 2015/16.

Section 4. The Mayor is further authorized to direct the Budget Director to amend the Youth Development Fund accordingly.

Section 5. This ordinance shall take effect as of July 1, 2015.



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

June 15, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Westchester-Putnam Workforce Investment Board intends to establish a contract with the City of White Plains Youth Bureau to provide Private Sector Summer Employment Services to a minimum of 30 (thirty) Youth 18 to 24 years of age. The contract award for such services shall be in the amount of \$5,000 and the contract period is April 1, 2015 to September 30, 2015. I am requesting that the Mayor be authorized to enter into a contract with the Westchester-Putnam Workforce Investment Board 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:

SES15 – 02254	Westchester Co/W.I.A.	<u>\$5,000</u>
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Increase Appropriations:

SES15 – 1.800	Part Time Salary	\$3,943
SES15 – 2.001	FICA	\$302
SES15 - 2.020	MTA Pr. Tax	\$13
SES15 – 2.101	NYS Pension	\$742

TOTAL \$5,000

Respectfully submitted,

Frank Williams, Jr.
 Director Youth Bureau

For: July 6, 2015 Common Council Meeting

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE (ACTING BY AND THROUGH THE YOUTH BUREAU) TO ENTER INTO A CONTRACT WITH THE COUNTY OF WESTCHESTER (ACTING ON BEHALF OF THE WESTCHESTER-PUTNAM WORKFORCE INVESTMENT BOARD) TO RECEIVE \$5,000 IN FUNDING FOR PRIVATE SECTOR SUMMER EMPLOYMENT SERVICES TO A MINIMUM OF THIRTY (30) YOUTH 18 TO 24 YEARS OF AGE UNDER THE WORKFORCE INVESTMENT ACT (WIA) FOR THE PERIOD BEGINNING APRIL 1, 2015 TO SEPTEMBER 30, 2015.

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

Section 1. The Mayor of the City of White Plains or his designee (acting by and through the Youth Bureau) is hereby authorized to enter into a contract with the County of Westchester (acting on behalf of the Westchester-Putnam Workforce Investment Board) to receive funding in the amount of \$5,000 for Private Sector Summer Employment Services to a minimum of thirty (30) Youth 18 to 24 years of age under the Workforce Investment Act (WIA), for the period beginning April 1, 2015 to September 30, 2015. Said contract shall be in a form approved by the Corporation Counsel.

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:

SES15-02254	Westchester Co/W.I.A.	<u>\$5,000</u>
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Increase Appropriations:

SES15-1.800	Part Time Salary	\$3,943
SES15-2.001	FICA	302
SES15-2.020	MTA Pr. Tax	13
SES15-2.101	NYS Pension	<u>742</u>
		<u>\$5,000</u>

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Section 3. The Commissioner of Finance is hereby authorized to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect April 1, 2015.



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

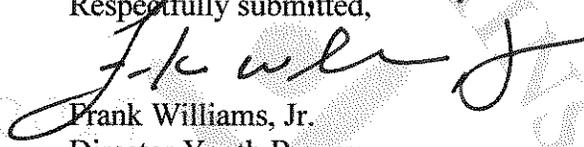
FRANK WILLIAMS, JR.
Executive Director

June 15, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Friends of the White Plains Youth Bureau is allocating funds not to exceed \$35,000 for the Youth Bureau's Summer Employment Services program for the summer of 2015. This fund will go directly to providing summer jobs for up to twenty five (25) additional youth between the ages of 14 and 21 years within the White Plains Community. I am requesting that the Mayor be authorized to enter into a contract with the Friends of the White Plains Youth Bureau to receive these funds.

Respectfully submitted,


Frank Williams, Jr.
Director Youth Bureau

For: July 6, 2015 Common Council Meeting

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT WITH THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, AN AWARD IN AN AMOUNT NOT TO EXCEED \$35,000 FROM THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU TO BE USED FOR THE YOUTH BUREAU'S SUMMER EMPLOYMENT SERVICES (YES) PROGRAM FOR 2015 TO PROVIDE SUMMER EMPLOYMENT FOR UP TO TWENTY-FIVE (25) ADDITIONAL WHITE PLAINS YOUTH BETWEEN THE AGES OF 14 AND 21 YEARS OF AGE.

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 Friends of the White Plains Youth Bureau to accept, on behalf of the City of White Plains, an award in an amount not to exceed \$35,000 from the Friends of the White Plains Youth Bureau, to be used for the Youth Bureau's Summer Employment Services (YES) Program for 2015 to provide summer employment for up to twenty-five (25) additional White Plains youth between the ages of 14 and 21 years of age.

Section 2. The Commissioner of Finance is hereby authorized to receive and disburse these funds for the intended purpose.

Section 3. This ordinance shall take effect immediately.



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

June 16, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Junior Tennis Foundation, Inc. has awarded the City of White Plains Youth Bureau a grant in the amount of \$2,500 to support the Youth Bureau's Tennis program in the After School Programs. The grant period is November 01, 2015 to June 30, 2016. I am requesting that the Mayor be authorized to enter into a contract with the Junior Tennis Foundation, Inc. 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:

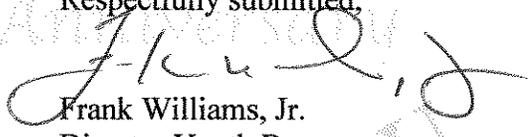
TENNIS – 06275	Contributions (USTA)	<u>\$2,500</u>
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Increase Appropriations:

TENNIS - 4.004	Consultant	<u>\$2,500</u>
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TOTAL		<u>\$2,500</u>
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Respectfully submitted,


Frank Williams, Jr.
Director Youth Bureau

For: July 6, 2015 Common Council Meeting

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, A GRANT FROM THE JUNIOR TENNIS FOUNDATION, INC. TO SUPPORT THE YOUTH BUREAU'S TENNIS PROGRAM IN THE AFTER SCHOOL PROGRAMS.

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

Section 1. The Mayor is hereby authorized to enter into a contract with the Junior Tennis Foundation, Inc., in order to accept, on behalf of the City of White Plains, a grant in the amount of \$2,500, to be used to support the Youth Bureau's Tennis Program in the After School programs. The contract period is November 1, 2015 to June 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 is hereby authorized to direct the Budget Director to amend the 2015-2016 Youth Development Fund, as follows:

INCREASE ESTIMATED REVENUE:

TENNIS-06275	Contributions (USTA)	<u>\$2,500</u>
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INCREASE APPROPRIATIONS:

TENNIS-4.004	Consultant	<u>\$2,500</u>
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	<u>TOTAL</u>	<u>\$2,500</u>
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Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for the intended purpose.

Section 4. 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

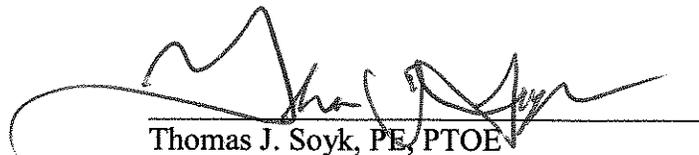
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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.) Modify a "No Parking 10:00 A.M. to 11:00 A.M. Monday thru Friday" zone on both sides of Benedict Avenue as described in Section 224-c Subdivision 18.
- 2.) Create a "No Parking 10:00 A.M. to 11:00 A.M. Monday thru Friday" zone on both sides of Hawthorne Street as described in Section 224-c Subdivision 20.
- 3.) Modify a "No Standing Any Time" zone on the south side of Bond Street as described in Section 222 Subdivision 3-d.
- 4.) Modify a "12 Hour Meter Parking" zone on the north side of Bond Street as described in Section 201, Article II, Exhibit I.
- 5.) Create a "Right Turn on Red prohibited" on North Broadway at Otis Avenue as described in Section 306 Subdivision 71.

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: June 24, 2015 (for the July 6, 2015 Common Council Meeting)

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A “NO PARKING 10:00 A.M. TO 11:00 A.M. MONDAY THRU FRIDAY” ZONE ON BOTH SIDES OF BENEDICT AVENUE; CREATING A “NO PARKING 10:00 A.M. TO 11:00 A.M. MONDAY THRU FRIDAY” ZONE ON BOTH SIDES OF HAWTHORNE STREET; MODIFYING A “NO STANDING ANY TIME” ZONE ON THE SOUTH SIDE OF BOND STREET; MODIFYING A “12 HOUR METER PARKING” ZONE ON THE NORTH SIDE OF BOND STREET; AND CREATING A “RIGHT TURN ON RED PROHIBITED” ON NORTH BROADWAY AT OTIS AVENUE.

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

No Parking 10:00 A.M. to 11:00 A.M. Monday thru Friday

Section 1. Subdivision 18, Article II, Section 224-c 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 2015, is hereby amended to read as follows:

18. Benedict Avenue, on both sides beginning at a point approximately 65 feet east of North Broadway to the intersection of [~~Hawthorne Street~~] Thompson Avenue.

Section 2. Article II, Section 224-c of said ordinance, as last amended on the 4th day of April 2015, is hereby amended by adding a new Subdivision 20 to read as follows:

20. Hawthorne Street, on both sides between Benedict Avenue and McBride Avenue.



No Standing at Any Time

Section 3. Article II, Section 222, Subdivision 3-d, as last amended on the 5th of November 2012, is hereby amended to read as follows:

3-d. Bond Street, on the south side, [~~for approximately 110 feet westerly from the curb line of]~~ between North Broadway and Haarlam Avenue.

12 Hour Meter Parking

Section 4. Exhibit I of Section 201 of Article II of said ordinance, as last amended on the 3rd day of November 2014, is hereby amended to read as follows:

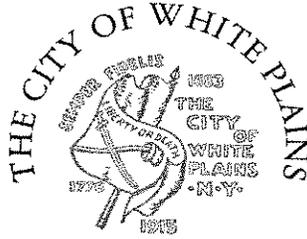
<u>PARKING METER ZONES</u>	<u>TIME LIMIT</u>	<u>PARKING RATE</u>
BOND STREET { South } <u>North</u> side between North Broadway and Haarlem Avenue	[2-HOUR- &] 12 HOUR	Outlying

Right Turn on Red Prohibited

Section 5. Article III, Section 306 of said ordinance, as last amended on the 5th day of May 2014, is hereby amended by adding a new Subdivision 71 to read as follows:

No.	Name	Right Turn on Red Prohibited
71.	<u>North Broadway at Otis Avenue</u>	<u>A. From North Broadway northbound onto Otis Avenue</u>

Section 6. This ordinance shall take effect immediately.



ENVIRONMENTAL OFFICER

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

June 25, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: "THE COLLECTION"
60-96 WESTCHESTER AVENUE
WHITE PLAINS LLC AND CHAUNCEY WHITE PLAINS LLC
AMENDMENT TO THE ZONING ORDINANCE

The petition submitted on behalf of White Plains LLC and Chauncey White Plains LLC for amendments to the Zoning Ordinance and Zoning Map affecting real property known as 60 – 96 Westchester Avenue (herein after referred to as the "Petition" or "Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

At its April 6, 2015 meeting, the Common Council adopted a resolution declaring its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR.

The Environmental Officer received confirmation from the Westchester County Departments of Public Works, White Plains Commissioner of Public Works and the White Plains Urban Renewal Agency consenting to the designation of the White Plains Common Council to serve as Lead Agency for the coordinated environmental review of the Proposed Action.

At its June 1, 2015 meeting, the Common Council, as approving agency of the Proposed Action, adopted a resolution which (a) designated itself as the Lead Agency for the environmental review; (b) determined that the various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment; (c) determined that the Proposed Action is a Type I Action under SEQR regulations; (d) determined that the Proposed Action may have a significant effect on the environment; (e) determined that a Draft Environmental Impact Statement (DEIS) be prepared to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; (f) determined the Scoping Document dated April 23, 2015 including issues to be addressed in a DEIS is adequate for the purpose of commencing public review and comment regarding issues to be addressed in the DEIS; (g) scheduled a comment period for the purpose of receiving written comments regarding the Scoping Document and that written comments regarding the Scoping Document will be accepted by the Common Council until the close of business on June 22, 2015, and should be addressed to the White Plains City Clerk, Municipal Building, 255 Main

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Street, White Plains, New York 10601; and (h) authorized the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the final Scoping Document as required by SEQR.

The “Notice of Intent to Prepare a Draft Environmental Impact Statement and Notice of a Public Written Comment Period for the Scoping Document Ending June 22, 2015,” was distributed to involved and referral agencies, and parties of interest including, the White Plains Council of Neighborhood Associations, the North Broadway Citizens Association, White Plains Downtown Residents Association and property owners within 200 feet of Project Site.

Written comments regarding the Scoping Document were received from:

1. Renee Marks Cohen, 10 Lake Street, White Plains, transmitting comment from resident at 10 Franklin Avenue, dated June 20, 2015.
2. Renee Marks Cohen, 10 Lake Street, White Plains, received June 10, 2015.
3. George Pantelaros, Principal of EIGMP Realty LLC at 28-40 Westchester Avenue, dated June 22, 2015.
4. Don Hughes, President, White Plains Concerned Citizens for Open Space, Inc., dated June 22, 2015
5. Francis R. Jones, 6 Helena Avenue, White Plains, dated June 22, 2015.
6. Michael Kraver, dated June 21, 2015.
7. George Pantelaros, Principal of EIGMP Realty LLC at 28-40 Westchester Avenue, dated June 20, 2015.
8. Sandra Harrison 10 Franklin Avenue, dated June 18, 2015
9. The Westchester County Planning Board dated June 15, 2015.
10. White Plains Planning Board, dated June 18, 2015.
11. Thomas Soyk, Deputy Commissioner of Parking, City Transportation Engineer, dated June 24, 2015.
12. Transportation Commission, dated June 24, 2015.

The premises are designated as Section 126.61, Block 3 Lots, 11-15, 16.2 and 23-29 on the Official Map of the City of White Plains (“Development Site”) and are located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14.

The applicant has submitted the following:

1. A letter from Mark P. Weingarten, Delbello, Donnellan Weingarten Wise & Wiederkehr, LLP., dated February 19, 2015.
2. A Petition for amendments to the Zoning Ordinance and other required approval related to development of property located at 60 – 96 Westchester Avenue, dated February 19, 2015, including:
 - Exhibit A. Saber Development Activity
 - Exhibit B. Properties Constituting the Eligible Area
 - Exhibit C. The Conceptual Plan, entitled “The Collection” dated February 19, 2015
 - Drawing entitled Narrative & Table of Contents
 - Drawings 1 to 21
 - (herein after referred to as “Conceptual Plan”)
 - Exhibit D. Proposed Zoning Amendments
3. An Environmental Assessment Form Part 1 and Draft Part 2 Form, prepared by David B. Smith, Principal, Planning and Development Advisors, dated February 25, 2015.

The Proposed Action involves an amendment to the Zoning Ordinance, but also anticipates site plan

and special permit approvals intended to facilitate the redevelopment of the Development Site in accordance with the Phase I Urban renewal Plan for the Westchester Avenue Urban Renewal Project (Project No. WPUR-14), as a mixed-use commercial/residential project, to be known as “The Collection,” with the following principal components (herein after referred to and as shown in the “Conceptual Plan”):

- Approximately 236,000 Square feet of commercial space including auto dealership showroom and service facilities, retail, restaurant, a 154-room hotel and spa fitness uses.
- Approximately 261 residential units (including required 10% affordable housing units) with approximately 243,00 square feet of floor area.
- A coordinated multi-level parking program of approximately 1233 spaces. This will include 300 municipal spaces to replace the existing approximately 150 space Franklin Avenue municipal lot and provide 150 additional public parking spaces.

The Development Site is situated in two zoning districts, the B-3 Intermediate Business District located along Westchester Avenue and RM-0.35 Residential Multi-Family District along Franklin Avenue.

The Petition submitted by the applicant requested amendments to the Zoning Ordinance to facilitate development presented in the Conceptual Plan, but did not specifically include an application for site plan or other approvals anticipated for the future development.

SEQR regulations require the combined environmental review of separate, but related, actions which, when considered cumulatively, may achieve the thresholds listed in the criteria for determining significance as follows:

- 6 NYCRR 617.3 (g) (1) states that when actions consist of a set of activities or steps, the entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it, and
- 6 NYCRR 617.10 (e) states that in connection with projects that are to be developed in phases or stages, agencies should address not only the site specific impacts of the individual project under consideration, but also, in more general or conceptual terms, the cumulative impacts on the environment and the existing natural resource base of subsequent phases of a larger project or series of projects that may be developed in the future.

At its June 1, 2015 meeting, the Common Council determined that the various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment:

- A. An amendment to the Zoning Ordinance, as paraphrased below, to:
 1. Eliminate the 15 ft. Special Building Setback line along the north side of Westchester Avenue between Franklin Street and Bloomingdale Road and along the front of the property known as 70 – 106 Westchester Avenue.
 2. Add motor vehicle “repair shop” as a Special Permit use in the RM- 0.35 District.
 3. Add “restaurants,” “cafeterias,” and certain “stores for sale at retail” located on the ground floor

of a “Multi-Family dwelling” as Special Permit uses in the RM- 0.35 District.

4. Permit the maximum “building coverage” for a designated “development sites” in the RM- 0.35 District to be increased as a special permit approved by the Common Council.
 5. Permit the maximum “height” to be increased by 15 feet in the B-3 District as a special permit approved by the Common Council.
- B. Approval of a special permit to increase the number of stories of a multi-family residential building in the RM-0.35 District from 6 to 11 stories permitted by the Zoning Ordinance as proposed to be amended.
 - C. Approval of a special permit to permit the maximum building coverage permitted in the B-3 District (80%) to be extended to the portion of the Development Site in the RM-0.35 District (in which 60% coverage is otherwise permitted) permitted by the Zoning Ordinance as proposed to be amended.
 - D. Approval of shared (“joint use”) parking.
 - E. Site Plan approval under Section 7 of the Zoning Ordinance.
 - F. Designation of the project site and the property as one “Development Site” under Section 2 and footnote (h) of the Zoning Ordinance Schedule of Dimensional Regulation - Non Residential for the purposes of calculating building height and building coverage permitted by the Zoning Ordinance as proposed to be amended.
 - G. Approval of applicable special permit uses and increased maximum building heights permitted by the Zoning Ordinance as proposed to be amended by this Proposed Action.
 - H. Other necessary and related approvals for the Conceptual Development Plan, including but not limited to amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals and bus stop relocations, etc.

At its June 1, 2015 meeting, the Common Council determined that the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it meets or exceeds one or more of the following thresholds:

1. In a city, town or village having a population of less than 150,000, the construction of 250 or more new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
2. Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - a. parking for 1,000 vehicles;
 - b. in a city having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area.

At its June 1, 2015 meeting, the Common Council determined that Proposed Action for the following reasons and when compared to the SEQR criteria of environmental effect listed in Section 617.7 of SEQR

regulations may have the following significant impacts on the environment:

- Proposed Action has been expanded from the original Petition for an amendment to the Zoning Ordinance and now involves a number of combined actions that can be anticipated to facilitate the development presented in the Conceptual Plan.
- Although the Draft EAF, Part 2 prepared by the applicant identifies no or potential small impacts on land, aesthetic resources, transportation, energy, human health, consistency with community plans and community character, the Environmental Officer recommends that a Draft Environmental Impact Statement will be necessary to assess the cumulative impacts of two or more related actions.
- Potential substantial change in existing air quality, traffic or noise levels.

Westchester Avenue is a very heavily traveled road. A traffic study including an analysis of potential impacts and potential mitigation measures will be necessary to determine and ensure that the traffic impacts of the Proposed Action will not have a significant adverse impact on the environment.

- Potential creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the Proposed Action will not result in a conflict with a community's current plans or goals as officially approved or adopted.

- Potential substantial changes to the character or quality of important aesthetic resources or of existing community or neighborhood character.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on aesthetic resources or of existing community or neighborhood character.

- Potential substantial changes in the use, or intensity of use, of land or other natural resources of the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on the environment.

A final Scoping Document, dated June 25, 2015, has been prepared by the City Departments to reflect appropriate comments received during the written comment period.

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) adopt the Scoping Document, dated June 25, 2015, for the preparation of a DEIS; and (b) authorizes the Environmental Officer to distribute the appropriate notice and make the appropriate

filings regarding the final Scoping Document as required by SEQR.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rod Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rod Johnson
Environmental Officer

**The Collection – 80 Westchester Avenue
Summary of Public Comments to the Scoping Document**

Letter #	Person/Entity	Comment	Topic
Construction Impacts and Noise			
1	Resident of 10 Franklin Ave	Concerned about the pounding of rock and the effect on retaining walls of her building.	Construction Impacts and Noise
8	Sandra E. Harrison Resident 10 Franklin Ave	What will be done to lessen the disruption and noise of construction? Retaining walls of older buildings in neighborhood could be affected by construction. Construction issues as follows: parking, location of cranes, construction trucks parking, construction workers parking, closing of sidewalks, project protestors, relocation of bus stop and car dealership?, pedestrian access to Shop & Stop if access is blocked, snow removal.	Construction Impacts and Noise
5	Frances Jones Resident 6 Helena Avenue	How will construction noise be mitigated	Construction Impacts and Noise
		Who is responsible and liable during and after construction?	Construction Impacts and Noise
Public Open Space			
2	Renee Marks Cohen Resident 30 Lake Street	There is a lack of (1) Open Space; (2) Plantings (3) Seating Areas (4) Screening of the proposed building from 26 Franklin Ave	Public Open Space
		Where will the dog park be for residential units? A dog park should not be near or opposite other residences or residential complexes	Dog Park
4	Don Hughes CCOS 5 Hillside Terrace	How will the project enhance the available public open space? Previous projects have hidden open spaces behind walls and fences to discourage their use by non-project residents. Open space should be landscaped, should have minimal pavement, and easily accessible to the general public. Integrate the project with existing trails and paths Provide areas for public gatherings such as concerts.	Public Open Space
5	Frances Jones Resident 6 Helena Avenue	The 15 ft. increase in height will cause a shadow effect negatively impacting open space, and wind tunnels and set a poor precedent.	Public Open Space

Letter #	Person/Entity	Comment	Topic
8	Sandra E. Harrison Resident 10 Franklin Ave	The massing of the building along Franklin Street will block views and enclose the street, causing a wind tunnel, trees cut down, etc.	Public Open Space
		Will the development have an area for toileting dogs?	Dog Park
Pedestrian Access, Connections, and Safety			
2	Renee Marks Cohen Resident 26 Franklin Ave	<ol style="list-style-type: none"> 1. Crossing Westchester Avenue is unsafe. There is no safe time to cross near the Stop & Shop driveway over to The Container Store. The "walk" sign appears even when vehicles may be making a left turn from the Stop & Shop driveway. Any new crossings should be completely safe when there is a walk sign. 2. How many driveways will pedestrians have to cross along Westchester Avenue's east side? 3. How do Pedestrians enter the Collection complex? The width of the sidewalks is important and need to be able to accommodate many people. 	Pedestrian access, connections, and safety
3 and 7	George Pantelaros Principal EIGMP Realty LLC 28-40 Westchester Ave	<p>Would like to see direct access to his site with a continuous pedestrian path along the west side of the property, similar to the one on the eastern side adjacent to Westchester Burger.</p> <p>Consider using Tibbets Park as a focal point to unify this project with the Westchester Pavilion project. Make the city more walkable by making better use of this largely unused section of the park.</p>	Pedestrian access, connections, and safety
4	Don Hughes CCOS 5 Hillside Terrace	Enhance "walkability" of the neighborhood and pedestrian connections and safety.	Pedestrian access, connections, and safety
8	Sandra E. Harrison Resident 10 Franklin Ave	Franklin and Westchester Avenue will become more congested and less safe for pedestrians	Pedestrian access, connections, and safety
		Pedestrian Safety at new residential parking lot ingress/egress and underground parking lots onto Westchester Avenue.	Pedestrian access, connections, and safety
Multi-Modal / Traffic / Parking			
2	Renee Marks Cohen Resident 26 Franklin Ave	Where will the waiting area be for a possible shuttle bus to the railroad station? Will a waiting bus block traffic on Franklin Ave or block the circular driveway for the Collection?	Multi-Modal

Letter #	Person/Entity	Comment	Topic
4	Don Hughes CCOS 5 Hillside Terrace	Address multi-modal needs including bicycles Assist residents, commuters and shoppers in getting to/from the train station and bus stops	Multi-Modal
8	Sandra E. Harrison Resident 10 Franklin Ave	Where will the bus stop be on Westchester Avenue? Long buses block the existing pedestrian crosswalk. Consider relocating bus stop to south of Paulding Extension.	Multi-modal
		Traffic lights and circulation will need to be evaluated around Paulding and Paulding Extension. Traffic congestion is a concern in and around the project site as well as access management on Westchester Avenue/Pedestrian conflicts.	Traffic
		Who will be in charge of permits for the new parking lot and how much?	Parking
5	Frances Jones Resident 6 Helena Avenue	Traffic congestion will be worse	Traffic
3 and 7	George Pantelaros Principal EIGMP Realty LLC 28-40 Westchester Ave	He is supportive of the municipal garage to help with parking in the area. He wants a certain amount of parking spaces dedicated to his site.	Parking
6	Michael Kraver Resident	How will the increase in residential units impact parking at the White Plains Train Station and congestion on the trains?	Parking
Economy / Market			
2	Renee Marks Cohen Resident 26 Franklin Ave	There are many existing retail vacancies on several major retail corridors in the City. The Collection plan includes 236,000 gsf of commercial space.	Economy/Market
3 and 7	George Pantelaros Principal EIGMP Realty LLC 28-40 Westchester Ave	He supports the development project. However, his property is over 1/3 vacant and over half of the tenant spaces are in material default. Because of the outdated and old structure, there is no way his retail space could compete with the new proposed retail spaces at the Collection, especially given the lack of parking.	Economy/Market
5	Frances Jones Resident 6 Helena Avenue	Is this the best location for additional retail given the large number of vacancies that currently exist?	Economy/Market
8	Sandra E. Harrison Resident 10 Franklin Ave	Eliminate the retail stores and put all restaurants/stores in the hotel and relocate access to lower lots onto Paulding Extension.	Economy/market

Letter #	Person/Entity	Comment	Topic
Residential Units			
5	Frances Jones Resident 6 Helena Avenue	Are the residential units owner-occupied or rental units? Any senior housing contemplated?	Residential Units
8	Sandra E. Harrison Resident 10 Franklin Ave	The project should contain affordable units of the same size as the regular units	Residential Units
6	Michael Kraver Resident	What is the composition of residential units? All rentals or will ownership be an option for seniors looking to downsize? How will adding more rental units help White Plains recruit and retain people of all ages (as stated in the Comp. Plan). What is the impact on the schools if these units are marketed to families?	Residential Units
Sanitation / Loading			
8	Sandra E. Harrison Resident 10 Franklin Ave	Where will the new cars be delivered after construction? The Paulding Extension needs an area for deliveries	Sanitation/Loading
2	Renee Marks Cohen Resident 26 Franklin Ave	How will the "garbage staging area" be handled at the Collection so it will be hygienic and safe? How will garbage pick-up be handled? Where will snow be stored?	Sanitation / Loading / snow removal
Comprehensive Plan / Zoning / Project Development			
5	Frances Jones Resident 6 Helena Avenue	What justifications were used to determine the variances? The elimination of the 15 foot setback from Westchester Avenue which could be used as open space and provides safety for pedestrians and bikers.	Zoning Variances
		Is the project in conformance with the Comprehensive Plan?	Comprehensive Plan
		The Project Location is vague	Project Development Plan
		How was it determined which properties were included in the project, including the municipal parking lot and the easements over private properties.	Project Development Plan
6	Michael Kraver Resident	Is the project consistent with the Comprehensive Plan?	Comprehensive Plan

Letter #	Person/Entity	Comment	Topic
9	Edward Burroughs Commissioner Westchester County Planning Board	Westchester Avenue in the vicinity of the project will be paved in 2016. Please note this in the final scoping document in Section IV.C Traffic and Parking and IV.E Construction. Any utility connections, street network changes, sewer upgrades, etc. made after paving will require pavement restoration by the applicant for the full width of the roadway (or half if disturbing only one side).	Scoping Document
		The proposed development will increase sewage flows from this site into the existing infrastructure and will add to the volume requiring treatment at the Mamaroneck Wastewater Treatment Plant operated by the County. Please identify mitigation measures that will offset the projected increase in flow through reductions in inflow infiltration at a ratio of three for one (a ratio of one-to-one to offset flows for affordable housing units is acceptable)	Sewage Mitigation
		Green Building Technology is encouraged to be included in the development. The final scope should discuss how the development will include green building technology	Green Building Technology



CITY OF
WHITE PLAINS
NEW YORK

Mcpherson, Anne <amcpherson@whiteplainsny.gov>

Fwd: comment from resident of 10 Franklin re "The Collection" plans

1 message

Johnson, Roderick <rjohnson@whiteplainsny.gov>

Tue, Jun 23, 2015 at 1:54 PM

To: "Mcpherson, Anne" <amcpherson@whiteplainsny.gov>

Cc: "Puoplo, Linda" <lpuoplo@whiteplainsny.gov>, Doreen Rich <drich@whiteplainsny.gov>, Arthur Gutekunst <agutekunst@whiteplainsny.gov>

Anne M. McPherson, City Clerk

Forwarded is a comment sent to my email on Saturday, June 20, 2015.

This issue regarding construction impacts has previously been sent to the applicant, by Planning Dept. staff and will be addressed in the DEIS , Construction Impacts section.

This comment should be included with the other scoping comments.

Rod Johnson , Environmental Officer.

Hi there...attached are the comments received through the end of business yesterday in relation to the proposed development to be known as The Collection.

Anne

Anne M. McPherson, City Clerk

City of White Plains

255 Main Street

White Plains, NY 10601

----- Forwarded message -----

From: **Renee Marks Cohen** <reneemarkscohen@verizon.net>

Date: Sat, Jun 20, 2015 at 9:16 AM

Subject: comment from resident of 10 Franklin re "The Collection" plans

To: CBWPRod Johnson <rjohnson@whiteplainsny.gov>

Cc: Renee Cohen <ReneeMarksCohen@verizon.net>

" I am concerned about the pounding of rock and what could happen to our retaining walls. Construction could take 3 yrs and Cambria Hotel was a disaster during construction. I will never see down the hill again and the noise will drive me nuts as my apartment overlooks the site. I went to Planning dept and man there gave me the plans that were presented to Planning Board. I watched the video online and presenter was misleading about access to Franklin from big lot."

TO:

The Honorable Tom Roach, Mayor of White Plains,
and Common Council Members

From:

Renee Marks Cohen
ReneeMarksCohen@Verizon.net
30 Lake St., White Plains, NY 10603
914 949-6026

RE:

The DEIS for "The Collection" development project at 60 - 96 Westchester Avenue (236,000 square feet of new commercial space, 261 residential units, and 1,233 parking spaces)

Introduction: *Where is the Open Space? Outdoor Seating Areas? Plantings? Is the developer trying to cram too much into this small area? Is there only one driveway that will access the hotel, the retail and residential components, and municipal lot? What will access by vehicles be like during rush hours? AND ... do we really need more retail space in White Plains?*

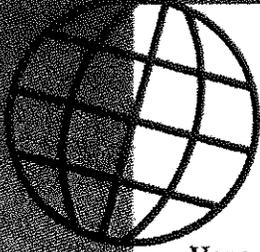
Dear Mayor Roach and Common Council Members.

I am responding to the request for statements about the *potential environmental impact* of the proposed "Collection" project on Westchester Ave. My comments below relate to 1) the plan's lack of Open Space, of Seating Areas, of Plantings, and Screening near a neighboring building; 2) pedestrian safety; 3) the amount of new retail space planned in the complex; 4) the number of driveways required (that pedestrians will have to cross); 5) the width of the pedestrian sidewalks for entering the complex; 6) location of the dog park for the residential component; 7) location of waiting area for a possible shuttle bus to the railroad station from the large residential component; 8) location of garbage staging and pick-up; 9) location for storing snow.

- 1) The plan is *noteworthy* for its lack of Open Space, lack of Seating Areas, lack of Plantings, and lack of Screening of the proposed large residential building from the existing apartment building at 26 Franklin Ave. What gives White Plains its charm? Trees, parks, plantings, and sitting areas add to the livability and charm of the relatively dense neighborhoods close to the downtown.
- 2) The Scoping document for the project very briefly mentions bicycle and pedestrian improvement (see section C-9-C-d.), including enhanced pedestrian access from Franklin Ave. to Westchester Ave. But what about those attempting to cross Westchester Avenue? Now and for years, for pedestrians, there is no safe time to cross near the Stop&Shop driveway over to The Container Store (at the corner of Westchester Ave. and Bloomingdale Rd). The WALK sign appears even when vehicles may be making a left turn (going south) from the Stop&Shop driveway. I

have been almost hit by a vehicle twice. *Could this crossing be made safe before we get into more development on Westchester Ave.?* Any new crossings should be completely safe when there is a WALK sign.

- 3) Please note the many existing retail vacancies on both sides of Main St. (near the new hotel and near Walmart), between City Place and N./S. Broadway; and also on Post Rd. and on Mamaroneck Ave. The Collection plan includes 236,000 gsf of commercial space. (Some of that is a proposed hotel and a car dealership.) The remaining retail space seems to be at least 14,790 gsf + 46,790 gsf = 61,580).
- 4) How many driveways will pedestrians have to cross along Westchester Ave.'s east side? Please note that the push-button mechanism for "requesting" a crossing of the Stop&Shop driveway was removed years ago.
- 5) How will pedestrians enter the Collection complex, with its multi destinations? The *width* of the pedestrian sidewalks for entering the complex is important. This is one problem at the City Center, at the Five Guys Burgers corner, 240 Main St., corner of City Place. Many people, some with baby strollers or personal shopping carts, bump into each other going into or exiting City Place because of the too-narrow sidewalk on the corner and along City Place.
- 6) Where will the dog park be for residential units (possibly 261 total)? A dog park used all hours was built for the large rental apartment building at 2 Canfield (corner of Main St.) *after the fact*. It was positioned relatively near another apartment building. A dog park should not be near or opposite other residences or residential complexes.
- 7) Where will the waiting area be for a possible shuttle bus to the railroad station from the large residential component? Will the waiting bus block traffic on Franklin Ave.? Will it block the circular driveway for "The Collection"?
- 8) Many are aware of the odorous garbage staging area on Martine Ave. for the City Center. This is across the street from residential buildings. How will this be handled for "The Collection," so that it will be hygienic and safe? How will garbage pick-up be handled?
- 9) Where will snow be stored?



EIGMP REALTY LLC

401 Quaker Ridge Road
New Rochelle, NY 10804
914 633-0678
eigmp@hotmail.com

Letter 3

Honorable Thomas M. Roach, Mayor
Members of the Common Council
City of White Plains
255 Main Street
White Plains, New York 10601

Re: Comments for Westchester Avenue Urban Redevelopment Proposal of "The Development"

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

I, George Pantelaros, a principal of EIGMP Realty LLC at 28-40 Westchester Avenue, am contacting you today in regards to the public written comment period for the Urban Renewal Project of Westchester Avenue. I wanted to put you on notice of my scenario and concerns to the proposal.

I am ultimately a supporter of this development project in this blighted area of our great city of White Plains, but I must comment on the negative effects of this project as well. My property is over a third vacant, and over a half of the tenant spaces are in material default. With its outdated nearly 100 year old structure, there is no way I could compete with the new retail space coming in, especially due to my lack of parking. This project will likely push me to 100% vacancy and eventually to full default on property taxes and create blight to the city and upon the new developers, if issues are not addressed.

I am happy to hear that the project will provide a large municipal garage to alleviate some of the parking burden from the area. Unfortunately though, in current form, I don't think the petition is addressing the needs of all the eligible area properties within the district, in terms of parking and development in particular my lot. I can't stress enough how important it would be if a certain amount of the parking spots are dedicated to our site; and if possible, to allow more direct access to us and to the other effected properties with a continuous public pedestrian path along the west side of the property, similar to the one on the eastern side adjacent to the Westchester Burger. The parking was the only substantial obstacle of issue pointed out in my discussions with the planning/building dept. members of White Plains. Hopefully, the council can now find a way feasible to address this issue within this current proposal. This would give us the opportunity to attain financing to redevelop and build out our site and bring it up to the latest building codes and modernized amenities throughout, so as to be competitive and not to ultimately become a burden on the city and this new project, but instead, help attract more positive demographics to the area.

I am currently in efforts with local structural engineers and architects to get cost estimates to develop our site. I would hope the council can guide me on their expectations of us and will grant us the necessary time to address this issue.

I also wanted to question if the idea of using Tibbets Park as a focal point to unify this project and the Westchester Pavilion has been considered by the council. I believe it would bring large benefits by using this beautiful natural corridor to unify both projects and their customer bases which will draw more people to both projects as a result. This will also create benefits to the city towards its goals of making the city more walk able as it makes better use of this largely unused section of the park. My only concern would be that it doesn't disrupt the flow of traffic for the daily commuters during peak hours, but I would imagine since the hours of conflicting interest is small, that can also be addressed somehow.

We would greatly appreciate any consideration and efforts in regards to the above, and I look forward to hearing from you on what can be done.

Thank you for your time,
George Pantelaros



CITY OF
WHITE PLAINS
NEW YORK

City Clerk, White Plains <cityclerk@whiteplainsny.gov>

The Collection Scoping Document

1 message

Letter 4

Don Hughes <DHughes@microtechniques.com>

Mon, Jun 22, 2015 at 2:16 PM

To: cityclerk@whiteplainsny.gov

In reference to "The Collection" DEIS Scoping Document, please address how the project will:

1. Enhance the available public open space. Previous projects have included parking and covered areas as "open space", and have hidden open spaces behind walls and fences to discourage their use by non-project residents. Open space should be landscaped, should have minimal pavement, and should be easily accessible to the general public.
2. Integrate with existing trails and paths. All new projects should be seen as opportunities to extend the White Plains trail system.
3. Enhance the "walkability" of the neighborhood. The needs of pedestrians should be given at least as much consideration as drivers, and should include pedestrians that are just transitioning the property on their way to other locations.
4. Address the needs of residents and shoppers riding bicycles.
5. Assist residents, commuters, and shoppers in getting to/from the train stations and bus stops.
6. Address the needs of residents with pets by providing things such as "dog parks".
7. Provide areas for public gatherings such as concerts.

Don Hughes
CCOS
5 Hillside Terrace
White Plains, NY

...don

dhughes (at) microtechniques.com
White Plains, NY



CITY OF
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NEW YORK

City Clerk, White Plains <cityclerk@whiteplainsny.gov>

Comments for Scoping re "The Collection"

Letter 5

1 message

Frances Jones <frj42@hotmail.com>

Mon, Jun 22, 2015 at 1:42 PM

To: White Plains City Clerk <cityclerk@whiteplainsny.gov>

Cc: Mayor Thomas Roach <troach@whiteplainsny.gov>, John Martin <jmartin@whiteplainsny.gov>, Beth Smayda <smaydbn@aol.com>, Nadine Hunt-Robinson <nadine.hunt.robinson@gmail.com>, John Kirkpatrick <jbkirk100@verizon.net>, Milagros L. Lecuona <milagroslecuona@gmail.com>, Dennis Krolian <dkrolian@aol.com>

Dear Mayor Roach and Members of the Common Council:

I am responding to the request for input to be submitted by June 22, 2015 to the Scoping Document re "The Collection."

To begin, I find the information provided vague, eg, "Project Location" says "'Roughly' the north side of Westchester Avenue...." that needs to be more specific. The only map included, labeled "Site Plan 9" fails to show setbacks, building heights, and other relevant measurements and fails to identify adjacent and nearby buildings and most streets.

There is no explanation as to the pros and cons of inclusion of a city owned municipal parking lot (Franklin Avenue) and apparently privately owned property(ies) and an easement, and why only 9 of the 14 separate tax lots in this proposal are under control of the Applicant. Why and how was this conglomeration determined to be in the best interest of the neighborhood, the city, and the taxpayers?

Is the developer ultimately responsible or is the responsibility (and liability) during and after construction shared with the city and the other property owners?

While there is mention of "250 or more new residential units" it is not clear if these are to be single-owner/occupant, rental units, or other. Nor is any study cited as to if and what type of residential units at this location would most benefit White Plains and its citizens.

Is there to be any senior housing, or other accommodations for seniors?

What justifies the requests for zoning variances?

Eliminating the 15 ft. setback along Westchester Avenue would also seem to be eliminating much needed open space in front of the buildings and in addition moving the buildings dangerously close to the road, dangerous for pedestrians as well as vehicles including bicycles.

The request for the Common Council to permit the maximum "height" to be increased by 15 ft. can not be in the best interests of open space as it would cause a shadowing affect, creation of wind tunnels, and would be a poor precedent to set for future projects in White Plains.

Has the developer studied and demonstrated if he/she is working within the goals of the Comprehensive Plan?

This is already a highly traffic congested area and the additional traffic from "The Collection" can hardly be considered desirable or beneficial to anybody but the developer.

Have studies been done to verify that this is the best location for additional retail space right now, especially as there are currently so many vacant retail units in the downtown area of White Plains?

What plans have been made for the mitigation of construction noises on the neighborhood?

6/22/2015

The City of White Plains Mail - Comments for Scoping re "The Collection"

These are but a few of the concerns raised by the material sent so far.
I trust the time for comments to be submitted will be extended and more specific information be made available.

Sincerely,

Frances R. Jones
6 Helena Avenue
White Plains, NY 10605



CITY OF
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NEW YORK

City Clerk, White Plains <cityclerk@whiteplainsny.gov>

Comments re "The Collection"

1 message

Letter 6

Michael Kraver <kraver@me.com>

Sun, Jun 21, 2015 at 10:24 PM

To: cityclerk@whiteplainsny.gov

Cc: ReneeMarksCohen@verizon.net

Dear Mayor Roach and Members of the Common Council,

I was forwarded an email from Rod Johnson, including, among other documents, a "Scoping Document," and requesting written comments about it. I write with a few comments.

I read, recently, a letter authored by Renee Cohen, which appeared on a local news website. (Renee is cc'd here, and her letter - as I saw it on the internet - is copied below.) I think she presents an important set of questions, which reflect a thoughtful consideration of the Scoping Document. Rather than repeat her words, I simply reference them and note my hope that they are given careful consideration in the preparation of a DEIS. To the questions raised by Ms. Cohen, I would add a few.

1a. Section IV.A.2(b) calls for a discussion of the Project's "Consistency with the City of White Plains Comprehensive Plan and URP." I'd ask, more specifically, whether the addition of more rental units helps support the City's claim (which I agree with!) of being "perfect for people of all ages" (a quote taken from the City's website). People of different ages are not equally likely to desire rental apartments. (Note that I don't believe the Scoping Document specifically refers to the residential units as rentals, but that is what I understand them to be. If I am wrong about that, I withdraw this comment.) Because rental apartments are likely to be desired by only some of the people White Plains should be working to recruit and retain, I would expect White Plains, in order to remain a viable destination for people of various ages, to want diversified redevelopment. I'd expect such diversified redevelopment to include some rental apartments, but also residences for people who (i) are looking to move out of their apartments and purchase a home, and (ii) have lived in their White Plains homes for many years, and would consider selling if they found an acceptable apartment unit to purchase. Yet, while our downtown area has recently added many rental units (e.g., 10 DeKalb Ave and 68 Lake St.) and has more in the pipeline (e.g., 42 Waller and 115 N. Broadway), I'm unaware of any recent construction of townhouses or condominium apartments. In light of that, I ask that the DEIS address why adding even more rental units is going to help White Plains recruit and retain people of all ages.

1b. If the Applicant contends that the tenants will include people of various ages, including young families, then the request for an estimation of potential public school age children in Section V.I.3 becomes critically important. In other words, if the Applicant expects a large number of families with public school age children to reside in the Project, then the estimated impact of those children on our schools should become a central part of the DEIS.

2. Section IV.C.1.a calls for manual field traffic counts at 8 locations. I would ask that the DEIS include an assessment (though not necessarily a manual count) of parking availability at the White Plains train station. More specifically, is the parking at the White Plains train station still adequate in light of the recent increase in residential units throughout White Plains? Along these lines, I would ask that Section IV.C.3 include an analysis of how the Project will impact the availability of parking at the train station. Related to this, while less important, the DEIS should estimate the impact of additional train riders on the convenience of the commute for White Plains residents. I used to commute on the train, and sometimes had trouble getting a seat. That was years ago, and I've heard the train has become more crowded since then. It's possible that the importance of the questions about parking at the train station gets lessened by the response to Section IV.C.5 (which asks for an assessment of the availability of mass transit and BRT service). While such transportation options to the train station would mitigate the effects on parking, it is still worth knowing whether the Project will bring about a large increase in train commuters from White Plains.

Thank you for your consideration of my comments.

Respectfully submitted,

Michael Kraver

[Renee Marks Cohen's Letter as it appeared on www.wpcnr.com]

THE LETTER TICKER: DOWNTOWN RESIDENT CHALLENGES COMPATIBILITY OF THE COLLECTION
Posted on June 13, 2015 by John Bailey

Plan of The Collection development on Westchester Avenue, looking east. The Westchester is on the right.

WPCNR THE LETTER TICKER. JUNE 13, 2015:

A downtown resident with the call for scoping comments on The Collection, the new proposed development on Westchester Avenue opposite the The Westchester at Bloomingdale Road and Westchester Avenue, has written the Mayor and Common Council, raising questions on congestion the new project may create:

TO:

The Honorable Tom Roach, Mayor of White Plains, and Common Council Members

RE:

The DEIS for "The Collection" development project at 60 – 96 Westchester Avenue (236,000 square feet of new commercial space, 261 residential units, and 1,233 parking spaces)

Introduction: Where is the Open Space? Outdoor Seating Areas? Plantings? Is the developer trying to cram too much into this small area? Is there only one driveway that will access the hotel, the retail and residential components, and municipal lot? What will access by vehicles be like during rush hours? AND ... do we really need more retail space in White Plains?

Dear Mayor Roach and Common Council Members.

I am responding to the request for statements about the potential environmental impact of the proposed "Collection" project on Westchester Ave. My comments below relate to

- 1) the plan's lack of Open Space, of Seating Areas, of Plantings, and Screening near a neighboring building;
- 2) pedestrian safety;
- 3) the amount of new retail space planned in the complex;
- 4) the number of driveways required (that pedestrians will have to cross);
- 5) the width of the pedestrian sidewalks for entering the complex;
- 6) location of the dog park for the residential component;
- 7) location of waiting area for a possible shuttle bus to the railroad station from the large residential component;
- 8) location of garbage staging and pick-up;
- 9) location for storing snow.

1) The plan is noteworthy for its lack of Open Space, lack of Seating Areas, lack of Plantings, and lack of Screening of the proposed large residential building from the existing apartment building at 26 Franklin Ave. What gives White Plains its charm? Trees, parks, plantings, and sitting areas add to the livability and charm of the relatively dense neighborhoods close to the downtown.

2) The Scoping document for the project very briefly mentions bicycle and pedestrian improvement (see section C-9-C-d.), including enhanced pedestrian access from Franklin Ave. to Westchester Ave.

But what about those attempting to cross Westchester Avenue? Now and for years, for pedestrians, there is no safe time to cross near the Stop&Shop driveway over to The Container Store (at the corner of Westchester Ave. and Bloomingdale Rd). The WALK sign appears even when vehicles may be making a left turn (going south) from the Stop&Shop driveway.

I have been almost hit by a vehicle twice. Could this crossing be made safe before we get into more development on Westchester Ave.? Any new crossings should be completely safe when there is a WALK sign.

3) Please note the many existing retail vacancies on both sides of Main St. (near the new hotel and near Walmart), between City Place and N./S. Broadway; and also on Post Rd. and on Mamaroneck Ave.

The Collection plan includes 236,000 gsf of commercial space. (Some of that is a proposed hotel and a car dealership.) The remaining retail space seems to be at least 14,790 gsf + 46,790 gsf = 61,580).

4) How many driveways will pedestrians have to cross along Westchester Ave.'s east side? Please note that the push-button mechanism for "requesting" a crossing of the Stop&Shop driveway was removed years ago.

5) How will pedestrians enter the Collection complex, with its multi destinations? The width of the pedestrian sidewalks for entering the complex is important.

This is one problem at the City Center, at the Five Guys Burgers corner, 240 Main St., corner of City Place. Many people, some with baby strollers or personal shopping carts, bump into each other going into or exiting City Place because of the too-narrow sidewalk on the corner and along City Place.

6) Where will the dog park be for residential units (possibly 261 total)? A dog park used all hours was built for the large rental apartment building at 2 Canfield (corner of Main St.) after the fact. It was positioned relatively near another apartment building. A dog park should not be near or opposite other residences or residential complexes.

7) Where will the waiting area be for a possible shuttle bus to the railroad station from the large residential component? Will the waiting bus block traffic on Franklin Ave.? Will it block the circular driveway for "The Collection"?

8) Many are aware of the odorous garbage staging area on Martine Ave. for the City Center. This is across the street from residential buildings. How will this be handled for "The Collection," so that it will be hygienic and safe? How will garbage pick-up be handled?

9) Where will snow be stored?

Renee Marks Cohen

White Plains NY



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City Hall, White Plains <whiteplainscityhall@whiteplainsny.gov>

Online Form Submittal: Contact Us (Dropdown)

1 message

Letter 7

noreply@whiteplainsny.gov <noreply@whiteplainsny.gov>
To: whiteplainscityhall@whiteplainsny.gov

Sat, Jun 20, 2015 at 12:55 PM

Contact Us (Dropdown)

First Name	Georgios
Last Name	Pantelaros
Address1	401 Quaker Ridge Road
Address2	<i>Field not completed.</i>
City	New Rochelle
State	NY
Zip	10804
Phone Number	9175363893
Email Address	g.e.pantelaros@gmail.com
Whom would you like to contact?	Mayor's Office
Question / Comment	<p>Dear Mayor Roach, I, George Pantelaros, a principal of EIGMP Realty LLC at 28-40 Westchester Avenue and an aspiring and hopefully soon to be lawyer, am contacting you today in regards to the public written comment period for the Urban Renewal Project of Westchester Avenue. I wanted to put you on notice of my scenario and concerns to the proposal, so that you may guide me on the situation before I make public appeal to the committee. As I have previously discussed with you the burden that this property has placed on me and my family, who have been residents in Westchester County in excess of 30 years, is large. We've taken risks because we are strong supporters of yourself and your vision to revitalize this great city and county from its tarnished reputation amongst the youth and job community by bringing back the wanted jobs and homes in an urban and walkable setting that would appeal to the youth. You have done an amazing job of this so far and I see much progress to come. I, too, would like to participate in this effort of making this wonderful dream come true. Needless to say, I am ultimately a supporter of this development project in this blighted area of our</p>

great city of White Plains. But I must commend on some negative effects of this project as well. My property is over a third vacant, and over a half of the tenants spaces are in material default. With its outdated near 100yr old structure, there is no way I could compete with the new retail space coming in, especially due to my lack of parking. This project will likely push me and anyone else to 100% vacancy and eventually to full default on property taxes and create blight to the city and upon the new developers. It's in everyone's best interest to work together, and fortunately I do see a brighter light at the end of the tunnel with the proposals in the form they are in today. The project as you promised me will provide for a large municipal garage to alleviate some of the parking burden from the area. Unfortunately though, in the current form, I don't think it's quiet enough to at least help the other small owners in the blighted area. I can't stress enough how important it would be if a certain amount of the parking spots are dedicated to my site and if possible a more direct access is allowed, so that I have the opportunity to attain financing to redevelop my site and bring it up to the latest building codes and modernized amenities throughout so as to be competitive and not to ultimately become a burden on the city and this new project. I am currently in efforts with local structural engineers and architects to get cost estimates to develop my 12,381 sq ft of undeveloped air rights as per the Urban Renewal assessment. I've also sat down with representatives from your planning/building departments to discuss some of my obstacles, and I hope the committee allows me time to negotiate and create these plans and proposals so I can get a better fixed number on how many spots I would need. I am also considering, upon your advice, of contacting the owner of 44 Westchester Avenue who as per the assessment has 13221 sq ft.. As I understand, Kathleen Petagine requires the income from the enterprise rental car store to support her in her retirement age and therefore refuses to sell. The air rights to her therefore have no value with current tenancy or even for a future owner. Even if developed later with best use retail, you would run into the same problems as I am today with parking. Leaving over 10k sq ft that can't be developed by anyone. If some agreement can be made some of these air rights could be put to better use so as to create higher real estate taxes through me for the city now. As long as the imposed parking burden suggested is acceptable by the city/developer. This is why before I take on even greater expenses on my end so as to help move this project forward. I would like to hear your advice/opinion on the matter, if parking spaces can still be attainable as previously discussed at this stage. Best Regards, George Pantelaros

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CITY OF
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City Clerk, White Plains <cityclerk@whiteplainsny.gov>

"The Collection" Comments

Letter 8

1 message

Sandra E Harrison <sandraharrison@msn.com>

Thu. Jun 18. 2015 at 5:55 PM

To: "cityclerk@whiteplainsny.gov" <cityclerk@whiteplainsny.gov>

Cc: "sandraharrison@msn.com" <sandraharrison@msn.com>

White Plains Common Council
White Plains City Clerk
255 Main Street
White Plains, New York 10601

I am quite concerned about the development named "The Collection" at 60-96 Westchester Ave. I have lived at Westbrook, located at 10 Franklin Ave since 1988. Most of the people I spoke to about this development did not know about it. The structure on Franklin Ave. that is planned will tower over the small street and enclose it by blocking views. The street will become a wind tunnel. Mature trees will be cut down and replaced with bushes. Franklin and Westchester Ave. will become more congested and create more dangers for pedestrians.

Eastview neighborhood is densely populated but still has plenty of available apartments units for rent and/or sale. Many of the older buildings provide more living space than these newer luxury apartments. My building has 3 bedrooms. The Windsor at the Gramercy on Canfield has not done very well and the planned apartment on Windsor Terrace never got built (just leaving an empty unmaintained space). Are we just building new structures just to be empty?

Construction Issues:

I have lived through a number of major construction projects in the area and most have not been pleasant. Westchester Ave. was a disaster during construction of "The Westchester" and I heard jack hammering at night when Stop & Shop went in. The construction on 287 took over a decade. The most recent construction of Cambria Hotel was by far the worst. It took at least 3 years disrupting commerce and vehicular/pedestrian traffic. It did leave us with more empty stores, and dead trees. The construction and end product planned as "The Collection" will disrupt traffic not just on Franklin and Westchester Avenues but the surrounding streets. With the impending demolition of The Pavilion and construction of new buildings around the same time, the area will become one big construction zone. This will be even more complicated during emergencies when streets are closed. The development will also present more difficulties for pedestrians. Little has been done to protect pedestrians navigating our streets now, so I do not expect anything to change during and after this construction project.

Franklin Ave is on a hill. Many of the buildings in Eastview have old retaining walls that could be damaged during construction. There has to be rock at some point and the pounding used to break it up could damage these walls. The back of my building has cracks and I know that the retaining wall between it and the stores along Westchester Ave. is not in the best of shape. Will there be blasting? One of my neighbors on the top floor told me that blasting on 287 caused cracks in her ceiling. When heavy trucks come up the hill, I can feel the hill vibrate. I hope that construction will stop before 7pm and not go all night. Sound carries up the hill.

Construction could take 2 to 3 years. What is the plan for Westchester Ave and Franklin Ave during

construction? During the winter months Franklin Ave becomes very narrow and parked cars end up 4 or more feet beyond the curb making this two way street even narrower. Delivery Trucks, contractors and others often park on the north side (where parking is not permitted) blocking the traffic lane. They sometime park on the sidewalk and in the crosswalk impeding pedestrian traffic. Traffic entering Franklin Ave at Westchester Ave and the traffic coming up the hill do not usually stop for pedestrians. Double parking is also a frequent occurrence. Because there is a hill, visibility is blocked and one never knows when a car is coming from the opposite direction. Traffic on Windsor is one way and can only get out of area by way of Franklin Ave. Overnight parking is a big problem no matter how many tickets are given and the elimination of parking spots on the street by the construction area will make it difficult to find parking.

During construction, the pedestrian access from Franklin Ave. to Stop & Shop will most likely be blocked during construction making it very difficult for people to get to the store. If the sidewalk on Westchester Ave is closed during construction, it is not so easy just to cross to the opposite side. Pedestrian crossing is not allowed at Bloomingdale Rd and across Armory Place.

Snow makes walking even more difficult. Crosswalk at Paulding and Westchester Ave is not plowed out. Getting from the street to the curb is also difficult when mounds are left at the curbside and the middle of the crosswalk. Dealership does their driveway on Westchester Ave but not the crosswalk so one has to enter the traffic lane to get to the crosswalk. The bus stop often is not done either so one has to climb over mounds of snow to get to a bus in the street. The sidewalks at the bottom of Franklin Ave, owned by this developer do not get cleared now.

Will there be protestors as there were at the Cambria Hotel construction? They were disruptive blocking the sidewalk and very noisy.

Are sidewalks and parts of streets on Franklin and Westchester Ave going to be closed during construction?

Where will the cranes be situated?

Where will bus stop be during construction? People working at The Westchester use this stop.

Where will the construction trucks enter the site or park?

Where will the construction workers park as well as those who park in the municipal lot at the bottom of Franklin Ave.?

Where will the car dealership go during construction?

Development Plan Concerns:

Windsor Terrace is a one way street and the location of the entrance to the new parking lot for the apartment building on Franklin is planned close to this intersection. Children are let off buses here and with more cars coming out of the lot problems can occur. Cars coming out of large parking lots often do not stop for pedestrians and/or traffic already on the road.

Changes to Westchester Ave will be dramatic with this development. I hope the street will not be made narrower during construction or after. Where will these new buildings be making deliveries?

The underground parking lots planned (in addition to the Paulding extension) have entrances onto Westchester Ave. This is even more dangerous to pedestrians and will disrupt the traffic flow on the street. Cars do not stop for pedestrians and I am sure that pedestrians will have to stop for traffic for the Paulding extension. Bicycles rarely use Franklin because of the hill but they use Westchester Ave sidewalk. Bicyclists on sidewalks cause a danger for moving traffic and for pedestrians. They rarely stop at lights.

Where will the Dealership after construction have their new cars be delivered? Now they often use Westchester Ave and take up part of the right traffic lane.

Besides the addition of a possibility of 600 or more residents on Franklin, there can be hundreds of pets. As it is the city parkland along Westchester Ave, Tibbits and Eastview School property are used as dog toilets. Will this development have an area for toileting of dogs? Many buildings in the area have signs not allowing dogs on the grass. Disposal of dog feces mostly ends up in our garbage enclosed in plastic. People have put these doggy bags in storm drains like the ones at the top of the street along the sidewalk going north along Westchester Ave.

Who will be in charge of the permits for the new lot? Will it be at city prices and will the people living in this new building be allowed to get spots in the permitted spaces as it might be less money than what the building charges tenants? Can spots be made available for overnighters? Will there be a parking fee for the underground lots to prevent people parking there to avoid parking fees. People now use Stop & Shop lot and even Franklin Ave for shopping at The Westchester and metered streets.

By extending Paulding, the traffic light will have be changed making it even harder for pedestrians to cross Westchester Ave, and move on the east side. Traffic patterns will be changed so how will that affect traffic when it backs up? The other traffic lights in the area will also need adjustment.

Where will the public bus stop be placed on Westchester Ave be? As it is now the long buses block the pedestrian crosswalk picking up passengers.

There is absolutely no need for more retail space in White Plains. With all the vacancies the city has now, why is there need for more? We are covering every available ground and air space with concrete. Wind and Water need to go somewhere or we will have flooding. Where will the snow go during and after construction?

Why are restaurants being planned for the apartment building? Who wants to live over a smelly noisy restaurant kitchen? Why is the city promoting restaurant eating when eating at home with home cooked means a much healthier life style?

Traffic will also be impeded by more cars on Franklin Ave and on Westchester Ave coming from this development. At heavy traffic times moving on Westchester Ave, north of Stop & Shop will be very difficult. Cars often just cut into traffic expecting others to accommodate them. Making a left turn from Paulding under the Mall to Westchester Ave will be difficult when cars are coming out from The Collection entrance are making left and right turns. Pedestrians will cross illegally more often than they do now with a longer light.

Considerations:

Please reconsider scaling down the project by making the apartment building 6 stories with red brick siding and put the parking lot behind the building with its entrance onto the Paulding extension.

Leave the Municipal parking lot as it is.

Eliminate the retail stores. Let them put all the restaurants/stores in the hotel and make access to the lower lots go onto Paulding extension.

The Paulding extension needs to have areas for deliveries (including cars) and for dropping off people.

The area needs an area for dog toileting. Make sure the Paulding /Westchester Ave. intersection has separate times for left turning.

The bus stop can then be put south of the Paulding extension to avoid all entrances.

Make sure the affordable apartments are integrated into the whole apartment structure and have the same size rooms as the luxury apartments.

The survey and Environmental study needs to take into account the affect the construction will have on the retaining walls and older buildings in the area.

Respectively submitted for consideration by:

Sandra Harrison
10 Franklin Ave Apt 1A
White Plains. NY 10601

Robert P. Astorino
County Executive

County Planning Board

June 15, 2015

Rod Johnson, Environmental Officer
City of White Plains Planning Department
255 Main Street
White Plains, NY 10601

Subject: **Referral File No. WHP 15-008B – The Collection; Zoning Text Amendments,
Site Plan and Special Permit
Draft Scoping Document**

Dear Mr. Johnson:

The Westchester County Planning Board has received a draft scoping document for the preparation of an environmental impact statement (EIS) pursuant to the NYS Environmental Quality Review Act (SEQR) for the above referenced application. The applicants are petitioning the City for zoning text amendments, as well as requesting site plan and special permit approvals, to redevelop a 4.4-acre site containing 14 tax lots on the north side of Westchester Avenue (County Road 71) with a new mixed-use development containing:

- 236,000 square feet of commercial space, including an auto dealership showroom and service facilities, retail, restaurant, a 154-room hotel and spa fitness uses,
- 261 residential units (including 10% affordable) and
- 1,233 parking spaces, including 200 municipal spaces intended to replace the existing 150-space Franklin Avenue municipal lot.

Vehicular access will be provided via a new curb cut and driveway from Westchester Avenue

We have reviewed the draft scoping document 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 we offer the following comments:

1. Repaving of Westchester Avenue. The applicant should be advised that Westchester Avenue in the vicinity of the project will be paved by the County in 2016. We recommend that this be noted in the final scoping document, in both the *Section IV.C Traffic and Parking* and *Section IV.E Construction*. Any utility connections, street network changes, sewer upgrades etc., made after paving will require pavement restoration (mill/pave) by the applicant for the full width of the roadway (or half of the roadway if disturbing only on one side of the median).

2. Sewage flows. The proposed development will increase sewage flows from this site into the existing infrastructure and will add to the volume requiring treatment at the Mamaroneck

Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, we recommend the identification of mitigation measures that will offset the projected increase in flow through reductions in inflow/infiltration (I&I) at a ratio of three for one. (A ratio of one for one to offset flows for affordable housing units is acceptable).

We recommend that the final scope require that specific details on how implementation of I&I improvements are to be accomplished. For example, will the applicant be required to place funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I? How will I&I projects to be identified? Who will conduct the work and in what timeframe?

3. **Green building technology.** We encourage the applicant to include as much green building technology as possible into the proposed development. We recommend the final scope require a discussion concerning how the development will, or potentially can include green building technology.

Thank you for calling this matter to our attention.

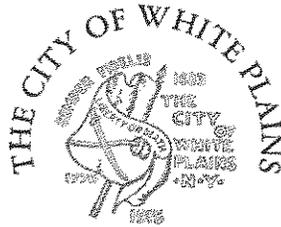
Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

fol:
fy: 

Edward Buroughs, AICP
Commissioner

EEB/LH

cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation



Letter 10

PLANNING BOARD

MUNICIPAL BUILDING • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

LINDA PUOPLO
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN
SECRETARY

June 18, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE COLLECTION – 62-106 WESTCHESTER AVENUE AND 30-62
FRANKLIN AVENUE – DEIS SCOPING DOCUMENT REVIEW

At its June 16, 2015 meeting, the Planning Board reviewed the Scoping Outline for the Draft Environmental Impact Statement (DEIS) for The Collection project proposed to be developed on Westchester Avenue. The Board found the Scoping Outline to be comprehensive, including all appropriate topics for analysis. Therefore, the Board recommends adoption of the Scope.

The Planning Board looks forward to reviewing the DEIS analysis of impacts regarding Community Facilities and Services (not limited to the Department of Public Works); the analysis of traffic at the Westchester Avenue / Bloomingdale Road intersection including the exit drive from Stop and Shop; and the pedestrian impacts in the areas adjacent to the project site.

Planning Board members voting in favor of the motion to recommend adoption of the Scoping Document: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

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

Letter 11

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

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

(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 scoping document submitted on behalf of "The Collection", 60-96 Westchester Avenue which was referred by the Common Council.

The Department has no objection to the proposed scope.

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

Dated: June 24, 2015
(for the July 6, 2015 Common Council Meeting)

Letter 12



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 May 20, 2015, reviewed the scoping document submitted on behalf of "The Collection", 60-96 Westchester Avenue which was referred by the Common Council.

The Transportation Commission had no objection to the proposed scope.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: June 24, 2015 (for the July 6, 2015 Common Council Meeting)

RESOLUTION ADOPTING THE SCOPING DOCUMENT FOR THE PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT REGARDING PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND SITE PLAN APPROVALS RELATED TO THE DEVELOPMENT OF PROPERTY KNOWN AS 60 – 96 WESTCHESTER AVENUE ON BEHALF OF SABER WHITE PLAINS LLC AND CHAUNCEY WHITE PLAINS LLC.

WHEREAS, the petition submitted on behalf of White Plains LLC and Chauncey White Plains LLC for amendments to the Zoning Ordinance and Zoning Map affecting real property known as 60 – 96 Westchester Avenue (herein after referred to as the “Petition” or “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, at its April 6, 2015 meeting, the Common Council adopted a resolution declaring its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR; and

WHEREAS, the Environmental Officer has received confirmation from the Westchester County Departments of Public Works, White Plains Commissioner of Public Works and the White Plains Urban Renewal Agency consenting to the designation of the White Plains Common Council to serve as Lead Agency for the coordinated environmental review of the Proposed Action; and

WHEREAS, at its June 1, 2015 meeting, the Common Council, as approving agency of the Proposed Action, adopted a resolution which (a) designated itself as the Lead Agency for the environmental review; (b) determined that the various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment; (c) determined that the Proposed Action is a Type I Action under SEQR regulations; (d) determined that the Proposed Action may have a significant effect on the environment; (e) determined that a Draft Environmental Impact Statement (DEIS) be prepared to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; (f) determined the Scoping Document dated April 23, 2015 including issues to be addressed in a DEIS is adequate for the purpose of commencing public review and comment regarding issues to be addressed in the DEIS; (g) scheduled a comment period for the purpose of receiving written comments regarding the Scoping Document and that written comments regarding the Scoping Document will be accepted by the Common Council until the close of business on June 22, 2015, and should be addressed to the White Plains City Clerk, Municipal Building, 255 Main Street, White Plains, New York 10601; and (h) authorized the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the final Scoping Document as required by SEQR; and

WHEREAS, the “Notice of Intent to Prepare a Draft Environmental Impact Statement and Notice of a Public Written Comment Period for the Scoping Document Ending June 22, 2015,” was distributed to involved and referral agencies, and parties of interest including, the White Plains Council of Neighborhood Associations, the North Broadway Citizens Association, White Plains Downtown Residents Association and property owners within 200 feet of Project Site; and

WHEREAS, written comments regarding the Scoping Document were received from:

1. Renee Marks Cohen, 10 Lake Street, White Plains, transmitting comment from resident at 10 Franklin Avenue, dated June 20, 2015.
2. Renee Marks Cohen, 10 Lake Street, White Plains, received June 10, 2015.
3. George Pantelaras, Principal of EIGMP Realty LLC at 28-40 Westchester Avenue, dated June 22, 2015.



4. Don Hughes, President, White Plains Concerned Citizens for Open Space, Inc., dated June 22, 2015
5. Francis R. Jones, 6 Helena Avenue, White Plains, dated June 22, 2015.
6. Michael Kraver, dated June 21, 2015.
7. George Pantelaros, Principal of EIGMP Realty LLC at 28-40 Westchester Avenue, dated June 20, 2015.
8. Sandra Harrison 10 Franklin Avenue, dated June 18, 2015
9. The Westchester County Planning Board dated June 15, 2015.
10. White Plains Planning Board, dated June 18, 2015.
11. Thomas Soyk, Deputy Commissioner of Parking, City Transportation Engineer, dated June 24, 2015;
12. Transportation Commission, dated June 24, 2015; and

WHEREAS, the premises are designated as Section 126.61, Block 3 Lots, 11-15, 16.2, 23-29 on the Official Map of the City of White Plains (“Development Site”) and are located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14; and

WHEREAS, the applicant has submitted the following:

1. A letter from Mark P. Weingarten, Delbello, Donnellan Weingarten Wise & Wiederkehr, LLP., dated February 19, 2015.
2. A petition for amendments to the Zoning Ordinance and other required approval related to development of property located at 60 – 96 Westchester Avenue, dated February 19, 2015, including:
 - Exhibit A. Saber Development Activity.
 - Exhibit B. Properties Constituting the Eligible Area.
 - Exhibit C. The Conceptual Plan, entitled “The Collection” dated February 19, 2015. Drawing entitled “Narrative & Table of Contents.” Drawings 1 to 21. (herein after referred to as “Conceptual Plan”)
 - Exhibit D. Proposed Zoning Amendments.
3. An Environmental Assessment Form Part 1 and Draft Part 2 Form, prepared by David B. Smith, Principal, Planning and Development Advisors, dated February 25, 2015; and

WHEREAS, the Proposed Action involves an amendment to the Zoning Ordinance, but also anticipates site plan and special permit approvals intended to facilitate the redevelopment of the Development Site in accordance with the Phase I Urban renewal Plan for the Westchester Avenue Urban Renewal Project (Project No. WPUR-14), as a mixed-use commercial/residential project, to be known as “The Collection,” with the following principal components (herein after referred to and as shown in the “Conceptual Plan”):

- Approximately 236,000 Square feet of commercial space including auto dealership showroom and service facilities, retail, restaurant, a 154-room hotel and spa fitness uses.
- Approximately 261 residential units (including required 10% affordable housing units) with approximately 243,00 square feet of floor area.
- A coordinated multi-level parking program of approximately 1233 spaces. This will include 300 municipal spaces to replace the existing approximately 150 space Franklin Avenue municipal lot and provide 150 additional public parking spaces; and

WHEREAS, the Development Site is situated in two zoning districts, the B-3 Intermediate Business District located along Westchester Avenue and RM-0.35 Residential Multi-Family District along Franklin Avenue; and

Combined Action

WHEREAS, SEQR regulations require the combined environmental review of separate, but related, actions which, when considered cumulatively, may achieve the thresholds listed in the criteria for determining significance as follows:

- 6 NYCRR 617.3 (g)(1) states that when actions consist of a set of activities or steps, the entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it, and
- 6 NYCRR 617.10 (e) states that in connection with projects that are to be developed in phases or stages, agencies should address not only the site specific impacts of the individual project under consideration, but also, in more general or conceptual terms, the cumulative impacts on the environment and the existing natural resource base of subsequent phases of a larger project or series of projects that may be developed in the future; and

WHEREAS, at its June 1, 2015 meeting, the Common Council determined that the various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment:

A. An amendment to the Zoning Ordinance, as paraphrased below, to:

1. Eliminate the 15 ft. Special Building Setback line along the north side of Westchester Avenue between Franklin Street and Bloomingdale Road and along the front of the property known as 70 – 106 Westchester Avenue.
2. Add motor vehicle “repair shop” as a Special Permit use in the RM-0.35 District.
3. Add “restaurants,” “cafeterias,” and certain “stores for sale at retail” located on the ground floor of a “Multi-Family dwelling” as Special Permit uses in the RM- 0.35 District.
4. Permit the maximum “building coverage” for a designated “development sites” in the RM- 0.35 District to be increased as a special permit approved by the Common Council.
5. Permit the maximum “height” to be increased by 15 feet in the B-3 District as a special permit approved by the Common Council.

B. Approval of a special permit to increase the number of stories of a multi-family residential building in the RM-0.35 District from 6 to 11 stories permitted by the Zoning Ordinance as proposed to be amended.

C. Approval of a special permit to permit the maximum building coverage permitted in the B-3 District (80%) to be extended to the portion of the Development Site in the RM-0.35 District (in which 60% coverage is otherwise permitted) permitted by the Zoning Ordinance as proposed to be amended.

- D. Approval of shared (“joint use”) parking.
- E. Site Plan approval under Section 7 of the Zoning Ordinance.
- F. Designation of the project site and the property as one “Development Site” under Section 2 and footnote (h) of the Zoning Ordinance Schedule of Dimensional Regulation - Non Residential for the purposes of calculating building height and building coverage permitted by the Zoning Ordinance as proposed to be amended.
- G. Approval of applicable special permit uses and increased maximum building heights permitted by the Zoning Ordinance, as proposed to be amended by this Proposed Action.
- H. Other necessary and related approvals for the Conceptual Development Plan, including but not limited to amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals and bus stop relocations, etc.; and

WHEREAS, at its June 1, 2015 meeting, the Common Council determined that the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it meets or exceeds one or more of the following thresholds:

1. In a city, town or village having a population of less than 150,000, the construction of 250 or more new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
2. Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - a. parking for 1,000 vehicles;
 - b. in a city having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area; and

WHEREAS, at its June 1, 2015 meeting, the Common Council determined that Proposed Action for the following reasons and when compared to the SEQR criteria of environmental effect listed in Section 617.7 of SEQR regulations may have the following significant impacts on the environment:

- Proposed Action has been expanded from the original Petition for an amendment to the Zoning Ordinance and now involves a number of combined actions that can be anticipated to facilitate the development presented in the Conceptual Plan.
- Although the Draft EAF, Part 2 prepared by the applicant identifies no or potential small impacts on land, aesthetic resources, transportation, energy, human health, consistency with community plans and community character, the Environmental Officer recommends that a Draft Environmental Impact Statement will be necessary to assess the cumulative impacts of two or more related actions.
- Potential substantial change in existing air quality, traffic or noise levels.

Westchester Avenue is a very heavily traveled road. A traffic study including an analysis of potential impacts and potential mitigation measures will be necessary to determine and ensure that the traffic impacts of the Proposed Action will not have a significant adverse impact on the

environment.

- Potential creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the Proposed Action will not result in a conflict with a community's current plans or goals as officially approved or adopted.

- Potential substantial changes to the character or quality of important aesthetic resources or of existing community or neighborhood character.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on aesthetic resources or of existing community or neighborhood character.

- Potential substantial changes in the use, or intensity of use, of land or other natural resources of the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on the environment; and

WHEREAS, a final Scoping Document, dated June 25, 2015, has been prepared by the City Departments to reflect appropriate comments received during the written comment period; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action, (a) adopt the Scoping Document, dated June 25, 2015, for the preparation of a DEIS; and (b) authorizes the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the final Scoping Document as required by SEQR; and

WHEREAS, the Common Council has considered the application, Proposed Action, revised Scoping Document June 25, 2015, 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

RESOLVED, based on the foregoing reasons, that the Common Council hereby adopts the Scoping Document, dated June 25, 2015, for the preparation of a DEIS; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby authorizes the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the final Scoping Document as required by SEQR.

06/25/2015

Scoping Document
THE COLLECTION

WESTCHESTER AVENUE AND FRANKLIN AVENUE, CITY OF WHITE PLAINS,
WESTCHESTER COUNTY, NEW YORK

DRAFT ENVIRONMENTAL IMPACT
STATEMENT (DEIS)

Name of Project: The Collection

Project Location: Roughly the north side of Westchester Avenue and the south side of Franklin Avenue between Paulding Street and Bloomingdale Road, City of White Plains, Westchester County, New York

SEQRA Classification: Type 1

Lead Agency: City of White Plains Common Council
255 Main Street
White Plains, NY 10601

Lead Agency Contact: Honorable Thomas Roach, Mayor

Scoping Distribution: Involved and Interested Agencies

Adoption by
Lead Agency: City of White Plains Common Council

PROPOSED ACTION

Redevelopment of an approximately 4.4 acre tract of land fronting on the north side of Westchester Avenue roughly between Paulding Street and Bloomingdale Road, and on Franklin Avenue, in the City of White Plains, Westchester County, NY (the "Project Site"). The Project Site comprises 14 separate tax lots, nine of which are under control of the Applicant, includes the Franklin Avenue municipal parking lot, owned by the City of White Plains, a property located at 100 Westchester Avenue and an easement associated with 116 Westchester Avenue. Current land uses include a mature, active and operating car dealer with auto service (Chrysler Jeep of White Plains, at 70 Westchester Ave.), plus a separate, unrelated now-closed car dealership (80 Westchester Ave.) and an aging smaller building with two operating businesses and two empty spaces (90-96 Westchester Ave.) The portion of the Project Site fronting on Franklin Avenue is primarily used for inventory and service vehicle parking for the car dealer and municipal parking in the Franklin Avenue lot for the adjacent residential neighborhood.

Detailed conceptual level plans have been prepared for the proposed development program, which consists of three separate buildings, two fronting on Westchester Avenue with access off of a proposed extension of Paulding Street (the "Paulding Street Extension") and a third with frontage on both Franklin Avenue and Paulding Street Extension. The building fronting on Franklin Avenue includes 250 residential units (30 studio, 156 one-bedroom and 64 two bed-room units), and approximately 14,790 square feet of restaurant space fronting on the Paulding Street Extension. The building to the west of Paulding Street Extension includes 46,500± square feet of retail space and 11 loft residential units. The building east of Paulding Street Extension, includes a 154 key hotel; 16,000± square foot spa, 2,508± square feet of existing restaurant space; 27,410± s.f. of retail space and 33,964± square feet for automobile dealership showroom and service areas. A new parking garage, accessed from Franklin Avenue, will contain 636 parking spaces, including 300 spaces for the use of the City, and a below-grade service facility for Hyundai of White Plains (approximately 17,500 square feet), which will be accessed solely from Westchester Avenue. A coordinated shared-use parking program of 933± spaces is proposed to serve development, not including the 300 City parking spaces.

Main access to the retail/commercial portion of the development would be from a fully signalized intersection with Westchester Avenue opposite Paulding Street, a right-in/right-out service driveway located approximately 240 feet to the east and a one way entrance off of Westchester Avenue at the eastern end of the project. Access to the residential community would be from an entrance off of Franklin Avenue. A separate access for loading for residents moving in and out of the building is also proposed off of Franklin Avenue. Pedestrian access from Franklin Avenue through to Westchester Avenue is proposed in three separate locations.

The Proposed Action includes proposed zoning text amendments to the City of White Plains Zoning Ordinance, and site plan approval and all required special permit approvals for the project. The Proposed Action is known as "The Collection" (hereinafter the "Proposed Action" or the "Project").

POTENTIAL SIGNIFICANT ADVERSE IMPACTS

The Draft Environmental Impact Statement ("DEIS") will address the potential impacts of the proposed Project.

Potential significant adverse impacts relate to the extent of the construction activities, vehicular traffic, municipal infrastructure, visual and aesthetics related to the proposed Project.

GENERAL GUIDELINES

The primary goal of scoping is to identify the potentially significant adverse impacts related to the Proposed Action that are to be addressed in the DEIS, including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant and insignificant issues. The DEIS will address all components of the Proposed Action, including but not limited to the information needed to evaluate the various permits and approvals required to implement the Proposed Action.

The DEIS will include all items in this scoping document and will generally conform to the format outlined in this document (hereinafter the "Scoping Document"). Each impact issue (traffic, visual, etc.) will be identified and presented in a separate subsection which includes: (1) a discussion of existing conditions; (2) potential significant impacts associated with the Proposed Action; and (3) measures designed to mitigate the identified impacts.

ENVIRONMENTAL IMPACT STATEMENT CONTENT

I. INTRODUCTION MATERIAL

A. Cover Sheet

The DEIS will be preceded by a cover sheet that identifies the following:

1. Title of the document: Draft Environmental Impact Statement.
2. Title of the Proposed Action: The Collection.
3. Location: Roughly the north side of Westchester Avenue and south side of Franklin Avenue between Paulding Street and Bloomingdale Road, City of White Plains, Westchester County, New York
4. Name, address and phone number of the lead agency, and name of contact person:

Lead Agency: White Plains Common Council

Contact Person: Honorable Thomas Roach, Mayor
City of White Plains
255 Main Street
White Plains, NY 10601
Telephone 914-422-1411

5. The name and address of the Project Sponsor (a/k/a "the Applicant") and the name and telephone number of a contact person representing the Applicant: Saber White Plains, LLC and Chauncey White Plains, LLC, c/o Saber Real Estate Advisors, 80 Business Park Drive, Suite 100, Armonk, NY 10504: Attention Martin G. Berger. (914) 250-0600.
6. The name and address of the primary preparer(s) of the DEIS, and the name and telephone number of a contact person representing the preparer(s): David B. Smith, Planning & Development Advisors, 101 Lee Avenue, Yonkers, NY 10705-4731. (914) 552-8413
7. Date of acceptance of the DEIS: [Note: Specific calendar date to be inserted later].
8. Deadline by which comments on the DEIS are due: [Note: Specific calendar date to be inserted later].

B. List of Consultants Involved With the Project

The names, addresses and project responsibilities of all consultants involved with the Project will be listed.

C. Table of Contents

All headings appearing in the text will be presented in the Table of Contents, along with appropriate page numbers. In addition, the Table of Contents will include a list of figures, a list of tables, a list of appendices and a list of additional DEIS volumes, if any.

II. EXECUTIVE SUMMARY

The DEIS will include an executive summary. The executive summary will include information found elsewhere in the main body of the DEIS and will be organized as follows:

- A. Brief description of the Proposed Action.
- B. Summary of the potential impacts and proposed mitigation measures for each impact

issue discussed in the DEIS.

- C. Summary description of the project alternatives considered in the DEIS.
- D. List of Involved Agencies and required approvals and/or permits.

III. DESCRIPTION OF THE PROPOSED ACTION

- A. Project Overview and Description of the Proposed Action, including proposed amendments to the White Plains Zoning Ordinance, and site plan approval of the Project.
- B. Site Description

This section will include a description of the following:

- 1. Regional and City Project Site location, acreage, zoning and tax map designations.
- 2. Frontage and access, including area roads.
- 3. Description of existing site development and relation of proposed development to existing development.

- C. Project Development Data

This section should include the following data:

- 1. Detailed description of the Project components including proposed uses, square footage, number of residential units and bedroom count, number of parking spaces, building configuration, and vehicle and pedestrian access.
- 2. General description of utilities and stormwater management.
- 3. Construction scheduling, including any phasing of the Project. Construction, including site preparation (demolition, erosion and sedimentation controls and earthwork), and implementation of the White Plains Construction Management Protocol, including the preparation of a Construction Management Plan.
- 4. Purpose, need and benefits of the Project.

- D. PURPOSE AND NEED FOR THE PROJECT

- 1. Project Background and History.
- 2. Need for the Project.
- 3. Objectives of the Project Sponsor.
- 4. Benefits of the Project, including qualitative description of economic benefits to the City of White Plains and Westchester County.

- E. Required Permits and Approvals, Involved and Interested Agencies

- 1. Listing of all City, County, State and Federal approvals that may be required

- to implement the Proposed Action.
- 2. Listing of all Involved Agencies.
- 3. Listing of all Interested Agencies.

IV. ENVIRONMENTAL ANALYSES

The Applicant's conceptual site plan of the Project will be the basis for the study and evaluation of potential environmental impacts, as appropriate. The DEIS will include a discussion of the existing environmental conditions, potentially significant adverse or beneficial long or short term impacts of the Proposed Action and proposed mitigation measures for the following categories:

A. Land Use and Zoning

1. Existing Conditions

Land Use

- a) Describe existing land uses on the Project Site and within one-half mile of the Project Site boundaries.
- b) Describe local and regional land use plans for the Project Site and consistency of the existing use with those plans, including the City of White Plains Comprehensive Plan.
- c) Describe any other major projects planned within one-half mile of the Project Site, based on existing approved or active applications to the City.

Zoning

- a. Describe existing mapped zone and parcel boundaries and applicable regulations of the current City of White Plains Zoning Ordinance and requirements of the newly adopted Phase I Urban Renewal Plan for the Westchester Avenue Urban Renewal Project (the "URP").

2. Potential Impacts

Land Use

- a. Impact on adjacent land uses.
- b. Consistency with the City of White Plains Comprehensive Plan and URP. Include a comparison of the proposed uses at the Project and existing uses in the core downtown area of the City.

Zoning

Description of applicable zoning regulations and URP requirements and explanation of why they are applicable. Include a table showing conformance or non-conformance of the Project with the requirements of the City's Zoning Ordinance and the URP. Discuss the proposed amendments to the White Plains Zoning Ordinance including the potential effect of adding certain special permit uses in the RM-0.35 District.

3. Proposed Mitigation Measures (if any)

B. Surface Water Resources

1. Existing Conditions

- a. Analyze existing surface water drainage patterns within the Project Site.
- b. Determine discharge points of existing stormwater runoff.
- c. Provide stormwater runoff quantity (The rate of stormwater runoff and stormwater routed through the Project Site, and peak discharge rates for the 1, 2, 10, 25, 50 and 100 year storms using NYS DEC Manual).
- d. Provide depth to groundwater table based on borings and soil survey data.

2. Potential Impacts

- a. Provide stormwater runoff quantity (The rate of stormwater runoff and peak discharge rates for the 1, 2, 10, 25, 50 and 100 year storms resulting from the proposed conditions.)
- b. Provide stormwater runoff quality impacts on the Project Site.

3. Mitigation Measures (It is noted that a Stormwater Pollution Prevention Plan (SWPPP) will be required in conjunction with the application for site plan approval of the Project.)

- a. Provide a stormwater management plan indicating permanent improvements and compliant with the latest NYSDEC Stormwater Management Design Manual dated January, 2015
- b. Describe Maintenance Plan for the permanent stormwater management controls.
- c. Provide description of sediment and erosion control during construction.
- d. Include qualitative description as to how "green measures" will be incorporated.

C. Traffic & Parking

1. Existing Traffic Conditions

- a. Perform manual field traffic counts (note: 24-hour traffic counts shall be used to verify the peak periods) at the following intersections ("Study Intersections"):
 1. Westchester Avenue at Paulding Street Extension (Project Site driveway)
 2. Main Street at Broadway
 3. Westchester Avenue at Bloomingdale Road including the Stop and Shop driveway

4. Bloomingdale Road at I-287 Access
5. Bloomingdale Road at Maple Avenue
6. Maple Avenue at Paulding Street
7. Westchester Avenue at Franklin Avenue
8. Main Street at Amherst Place/Canfield Avenue

Traffic counts at intersections 1, 2, 4, 5 and 6 shall be conducted during the weekday PM and Saturday Mid-day Peak periods. The traffic counts at intersections 7 and 8 shall be conducted during the weekday AM and PM Peak periods. The traffic counts at Intersection 3 shall be conducted for AM Peak, PM Peak and Saturday Midday Peak hours.

- b. Compute the existing intersection capacity and operational level of service for the Study Intersections during the peak hours for each intersection (which is not identified above as a qualitative discussion) following the procedures set forth in the 2000 Highway Capacity Manual (HCM). Include school bus and heavy vehicle traffic effects. Analysis will be performed using an appropriate analysis tool such as Synchro. Provide a queuing analysis for signalized intersections.
- c. Conduct a detailed accident assessment for the most recent 3 years of available data at the Study Intersections per NYSDOT requirements.
- d. Provide a detailed description of existing area roadways including the pavement width and condition, width of travel lanes, shoulder and parking lanes, speed limits, roadway characteristics including vertical and horizontal features, location of bus stops and types of traffic control and signing.

2. Future Traffic Conditions Without the Project

- a. Apply an annual growth factor of 1% as determined by NYSDOT to the counted volumes up to the 2019 design year for completion of the Project. Include other development traffic volumes based on input from the City of White Plains.
- b. Reoccupy the existing vacant buildings on the Project Site with an auto dealership and commercial uses and compare to Project volumes.
- c. Calculate intersection capacity and operational level of service at the Study Intersections for future conditions without the Project.
- d. Calculate 24 hour volumes at key locations (Intersections 3, 7 and 8).

3. Potential Traffic Impacts (Future Traffic Conditions With the Project)

- a. Superimpose traffic generated by the proposed Project on the traffic volumes without the Project. Provide information to support trip assignments. This should include marketing studies, if available, and travel time data for various routes based on the ITE Trip Generation Handbook and methodology.
- b. Calculate intersection capacity and operation level of service and queues at the Study Intersections for future conditions with the Project.
- c. Calculate 24 hour volumes at key locations (Intersections 3, 7 and 8).

4. Proposed Parking

- a. Address the adequacy of the number of parking spaces proposed to be constructed with respect to the City of White Plains Zoning Ordinance and potential parking demand generated by the Project. Discuss shared parking for the development as a whole.
- b. Identify parking impacts on existing municipal parking during construction.

5. **Public Transportation** - Assess the availability of mass transit to serve the Project Site, including improved bus stop access, a bus shelter, proposed BRT service and possible train station shuttle.

6. **Truck Routing** - Discuss and analyze truck routes, including the Westchester Avenue and Franklin Avenue approaches and truck traffic versus existing conditions.

7. Proposed Loading

8. **Effect of Proposed Increase in Municipal Parking (new Franklin Avenue Parking Garage)**

9. Analyze existing pedestrian access in and around the site as well as proposed pedestrian access in and around the site after improvements.

10. -9. Proposed Mitigation.

- a. Incorporate roadway improvements included as part of the Proposed Action
- b. Evaluation of traffic calming and pedestrian safety measures internal to the Project Site.

- c. Pedestrian and bicycle improvements including sidewalks, crosswalks and other applicable mitigation, including improved bike access and bike racks.
- d. Enhanced pedestrian access between Franklin Avenue and Westchester Avenue.

D. Visual/Aesthetics/Neighborhood Character

1. Existing Conditions

- a. View of the Project Site and surrounding area from area roads including Westchester Avenue and Franklin Avenue.
- b. View of the Project Site from nearby residential properties. Include an east/west and north/south cross section analysis to show the spatial relationship between proposed buildings and the residential buildings along Franklin Avenue.
- c. Evaluation of existing pedestrian circulation.

2. Potential Impacts

- a. Analysis of altered views using photographs/photo-simulations and/or building elevations and/or sections. Preparation of a three dimensional computer simulation of the Project. View corridors include (provide a key map for all sections):
 - 1) Westchester Avenue from the intersection of Route 22 moving east past the Project Site.
 - 2) Westchester Avenue from South Kensico Avenue moving west past the Project Site.
 - 3) Windsor Terrace from Main Street moving south through the Project Site.
 - 4) Amherst Place from Main Street moving south through the Project Site.
 - 5) Franklin Avenue moving east past the Project Site.
 - 6) Bloomingdale Road from the I-287 on-ramp moving north through the Project Site.
- b. Assess potential impacts from shadows occurring from redevelopment of the Project Site. Shadow diagrams will be used to identify locations where shadows from the potential new buildings could fall onto publically accessible open space and residential buildings on Franklin Avenue. These diagrams will be prepared for three representative analysis days. March 21/September 21 – the vernal and autumnal equinox, June 21 – the longest day of the year and December 21 – the shortest day of the year. For each analysis day, three time periods will be used: 9:00 AM, 12:00 PM and 3:00 PM.

- d. Lighting -describe type and level of lighting, off-site impacts.
- e. Proposed signage.
- e. Discuss all potential roof equipment and screens on building elevations, identify building heights and potential building materials.
- f. Identify ambient lighting impact from buildings.
- g. Pedestrian wind conditions – perform a qualitative Pedestrian Wind Desktop Assessment focused on the extent to which location, massing and orientation of buildings and other features of the proposed Project create or contribute to unacceptable wind conditions on pedestrian paths of travel around, adjacent and through the Project Site. In the event that studies indicate the potential or exacerbation of pedestrian wind conditions that could affect pedestrian safety or comfort, modifications to the urban design features of the Project, including changes to building massing, landscaping and other measures, that are consistent with the overall design objectives of the Project will be considered.
- h. Identify landscaping and integration of the Project into the neighborhood.

3. Mitigation Measures

- a. Architectural treatment to buildings and parking structures.
- b. Locations of proposed buildings, roadways, parking lots and structures.
- c. Site lighting and ambient lighting from buildings.

E. Construction

1. Existing Conditions

- a. Description of existing soil types and subsurface conditions based upon soil survey information and soil boring logs, if available.

2. Potential Impacts

- a. Demolition of the existing structures on the Project Site.
- b. Rock removal.
- c. Delivery of materials.
- d. Construction traffic.
- e. Construction phasing and staging, including potential impacts to immediately surrounding properties.
- f. Dust impacts.
- g. Construction related vibration.
- h. Days and times of construction.
- i. Impact on municipal parking.

3. Mitigation Measures

- a. General description of standard best construction management practices that avoid or mitigate potential impacts.
- b. Investigate recycling of demolition materials.
- c. Erosion and sediment control plan.
- d. Mitigation for any contaminated soil, if any, and proposed rock removal.
- e. Describe compliance with any applicable local laws or regulations such as the City of White Plains Building Code
- f. Implementation of the City of White Plains Construction Management Protocol including the preparation of a Construction Management Plan.

F. Utilities (Sanitary Sewer and Water Supply)

1. Existing Conditions

- a. Description of existing sanitary sewer flows for the Project Site, conveyance system and capacity of the existing wastewater treatment plant. The existing system will be flow-monitored at selected locations determined by the Commissioner of Public Works so as to evaluate available capacity directly at the Project Site and at selected downstream locations.
- b. Assessing whether the existing water service is adequate to service the proposed Project.

2. Potential Impacts

- a. Description of the proposed on-site sanitary sewer collection and conveyance system and means of connection to the existing municipal sanitary sewer system based on available records and surveys.
- b. Projected average daily and peak daily water and resulting wastewater flows from the Project. Include a report from Applicant's licensed professional engineer.
- c. Discussion of the wastewater treatment system's ability to treat the projected flows from the Project based upon information gathered from the Department of Public Works.
- d. Discussion of impacts, if any, to the municipal water supply system.

3. Mitigation

- a. Recommended improvements to the existing sanitary sewer and water supply system, if necessary including mitigation measures that will offset any projected increase in flow through reductions in inflow/infiltration at a ratio of three to one.

G. Community Facility and Services

- 1. Evaluation of potential impacts related to solid waste generation and recycling management.
- 2. Assess how the Proposed Action will affect essential community facilities and

services (police, fire protection, emergency services, publicly accessible open space and recreation facilities).

H. Air and Noise

1. Air Resources

- a. Evaluation of potential traffic conditions at adversely impacted intersections that are failing under Future Traffic Conditions With the Project.
- b. Evaluation of mitigation measures for venting of proposed below grade parking areas and vehicle service facilities.
- c. Evaluation of fuels for standby generator, if any.

2. Noise Resources

- a. Qualitative evaluation of relocation of existing automobile dealership service facilities to below grade location.
- b. Evaluation of mitigation measures for reducing potential noise impacts from HVAC units and standby generator, if any, serving the proposed residential building.

I. Socioeconomic and Fiscal Impacts

1. Estimation of current property taxes generated by the Project Site from existing records available from the City of White Plains.
2. Projected real estate tax revenue to be generated at full build-out of the proposed Project.
3. Estimation of potential public school age children to be generated by the proposed Project.

VI. ALTERNATIVES

- A. No Action.
- B. Reoccupation of existing buildings on the Project Site.
- C. Alternate mix of uses including replacement of the 11 loft residential units with office space.

VII. ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

Where significant environmental impacts of the Proposed Action cannot be mitigated these shall be described as unavoidable adverse impacts and identified in this section. Impacts may be both short-term (construction-related) and long-term in nature.

VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section shall assess the natural and human resources that would be consumed, converted or made unavailable for future use if the Proposed Action is implemented.

IX. GROWTH-INDUCING IMPACTS

This section shall assess and analyze, together with the impacts of the Proposed Action, whether additional off-site growth would be stimulated, where this growth would occur and the type and magnitude of growth anticipated.

X. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

This section shall address the energy resources to be used if the Proposed Action is implemented, the anticipated levels of consumption, and ways to reduce energy consumption or improve energy efficiency. Topics to be addressed shall include features of proposed and/or modified buildings that reflect the use of "green/low-impact" or sustainable building methods and/or technologies and opportunities to achieve Leadership in Energy and Environmental Design (LEEDS) certification.

XI. APPENDICES

Involved Agencies



ENVIRONMENTAL OFFICER

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

(914) 422-1300 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

June 16, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH
1131 NORTH STREET.
AMENDED SITE PLAN - ENVIRONMENTALLY SENSITIVE SITE

The proposed amendment to the original Site Plan for the St. Gregory the Enlightener Armenian Church at 1131 North Street ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the re-approval of the same project that was first approved by the Common Council on October 7, 2013 ("2013 Approval"). Because the prior site plan approval has expired, the current application is herein addressed as a new application subject to a full environmental review included herewith.

Since this new application involves the same project with no modifications, the original documentation is still valid and shall be used as the basis for review purposes.

As currently developed, the property at 1131 North Street contains:

- A 15,450 square feet of church building including a sanctuary, offices, classrooms, and community rooms.
- Parking facilities approved in 1995 for the existing uses including 122 paved parking spaces, 43 gravel paved spaces for a total of 165 spaces.
- Historic resources include three additional buildings dating from the 18th Century including a main house, an English style barn, and cottage, as well as stone walls and picket fences from the same period
- Environmentally sensitive features including an approximately 1.5-acre wetland area with a 50 ft-wide protected buffer in the southernmost third of the property, steep slopes, and rock outcroppings; and

Proposed Action involves:

- Construction of a 7,421 sq. ft. building addition (for a proposed total of 22,871 sq. ft.) including a

6,000-square-foot open room that is proposed to be used as a children's Sunday school, an additional 636 sq. ft. of bathrooms and 425 sq. ft. of storage, all attached to the existing community building by a 360 sq. ft. enclosed walkway.

- Construction of 18 new gravel parking spaces to provide a total of 61 gravel parking spaces and 122 paved parking spaces, for a grand total of 183 parking spaces.

The Proposed Action involves the following approval actions:

1. Approval of an amendment to the Site Plan under Section 7 of the Zoning Ordinance, approving the revised site plans to permit construction of an addition to the existing church building.
2. Approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, waiving construction of parking spaces.

The parking facilities approved in 1995 for the existing uses include 43 gravel paved spaces, 122 paved parking spaces, for a total of 166 spaces.

The Proposed Action now includes a waiver of an additional 18 spaces to provide 61 or 33% of the 183 spaces required for the church use as expanded by the proposed building addition.

The Applicant has submitted the following documents:

The Applicant submitted the following documents in regard to the original 2013 Approval:

1. Cover letter prepared by Mr. James Glatthaar, dated December 8, 2012.
2. Building permit application dated March 27th 2012.
3. Full Environmental Assessment form received December 21, 2012.
4. Architectural Drawings AO, A1, A2, A3, A4 and AS dated December 12, 2012 as prepared by Cardarelli Design and Architecture P.C. .
5. Site Engineering Drawings 1 thru 4 dated November 29th 2012, as prepared by Dolph Rotfeld Engineering P. C.

The Applicant has submitted the following documents in support of the current Proposed Action:

1. Cover letter prepared by Mr. James Glatthaar, dated February 17, 2015.
2. A Full Environmental Assessment Form dated February 17, 2015.

The Environmental Officer recommends that the following conditions recommended by the City Departments and included with the 2013 Approval, be included in the current Proposed Action, and are herein considered as part of the Proposed Action (hereinafter referred to as "Conditions"):

1. The Applicant shall be granted a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, to waive construction of sixty-one (61) of the total 183 required off-street parking spaces for the Church use, provided that the Applicant shall submit and execute within sixty (60) days of adoption of this approval resolution herein, (a) a revised site plan demonstrating the location on the site for the 61 waived parking spaces; and (b) a new written guarantee. This new written guarantee,

which must be satisfactory to the Corporation Counsel, insuring the construction of such sixty-one (61) waived spaces, and all necessary storm water quality and quantity improvements associated therewith, as determined by the Commissioner of Public Works, within six (6) months of the date of written notice to the property owner by the Common Council, stating that all or a portion of such spaces have been determined to be necessary and should be so constructed.

2. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the amended Site Plan approval granted herein limits the use of the proposed addition to Church-related functions, including the Sunday School. The use of the hall shall be limited to religious education, religious school functions, or activities commonly associated with a Place of Worship (e.g. fellowship, choir practice, parish council meetings, etc.).
3. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant must comply at all times to the occupancy restrictions established by the City for the proposed building addition.
4. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, to compensate for the encroachment of the proposed building into the 50-foot restrictive buffer, the functioning wetland area on the property shall be expanded at a ratio of two to one *i.e.* for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan shall be submitted by the Applicant to the Environmental Officer and the Commissioners of Planning and Public Works for review and approval prior to the issuance of a building permit.
5. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant Church shall continue to preserve and maintain the historic buildings and stone walls on the site.
6. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, prior to the issuance of a building permit, the Applicant shall provide documentation to the Commissioner of Building demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards.
7. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, all construction work shall be subject 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.
8. To discourage the deposition of waste chemicals and trash into the local waterways via the City's storm water drainage system, all on-site storm water area drains, pavement drains and driveway or road drains and catch basins, shall include the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL STREAM" permanently casted into any metal frame, grate and curb plate.
9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 7, 2013, the seventeen (17) year old wetland boundary was updated by the Applicant so that the limit of disturbance (LOD) could be verified by the Department of Public Works (DPW). A Wetland Delineation Report prepared by Evans Associates, dated 9/21/12, along with a survey including the wetland boundary prepared by Donnelly Land Surveying, P.C., dated 9/8/12, was provided, and the wetland limits were re-flagged. The Applicant must ensure that all plans submitted for review and construction, reflect the revised wetland boundary and LOD, and so note on the plans.

10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the limit of disturbance (LOD) has been calculated by the applicant's engineer to be 0.68 acres, which does not meet the threshold for a Stormwater Pollution Prevention Plan (SWPPP) requirement, therefore a SWPPP is not required. Should revisions be contemplated affecting the LOD, they must first be provided to DPW for evaluation to determine if the SWPPP threshold is met.
11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, while DPW does not have a general issue regarding construction within the restricted wetland buffer area, to ensure construction stays within the LOD, the LOD depicted on the plans must be staked out by a licensed NYS land surveyor and construction fencing installed, in addition to the requisite silt fencing.
12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the plans indicate that the addition is proposed to be built upon a slab on grade, and that a basement area is not proposed. The Applicant shall not construct the addition of a basement area in this high water table location.
13. As per the communication set forth in the communication of the Commissioner of Public Works dated March 4, 2013, if the Applicant contemplates increasing the size of the water or sanitary sewer services, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular path used to arrive at the necessary size of the water and sanitary sewer lines. 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 insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant 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 building, to confirm that the sizes of the water and sewer services are designed to meet current New York State Plumbing Code requirements.
14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, as the plans are refined, the Applicant shall provide further information to the Commissioner of Public Works for review, including, but not limited to, a solid waste management plan, detail of grass pavers in the overflow parking area, etc. Further, DPW must verify the condition of the existing outfalls, detention basin and "stilling" basins prior to construction, which may require maintenance/modifications by the Applicant.
15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant shall include a note on the plan that the contractor must have an employee carry a current NYSDEC issued "trained individual" card, and be present on site at all times during soil disturbing activities, and that the construction of stormwater facilities must be under the supervision of the licensed stormwater engineer of record.
16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant must provide an as-built drawings signed and sealed by a licensed professional engineer or land surveyor. A DPW MS4 stormwater permit must also be obtained by the Applicant prior to issuance of a permit by the Department of Building.
17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any

permanent stormwater facility and remain in effect with the transfer of the property. 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 stormwater facilities. 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 costs as an administrative fee.

18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, all construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.
19. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, prior to issuance of a building permit, the Applicant shall submit to the Commissioner of Public Works for review and approval a final storm water management plan.
20. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated January 23, 2013, the Applicant shall submit a final design to the Design Review Board prior to the issuance of building permit.
21. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, North Street is a County road (CR 30). Approval for this work from the Westchester County Department of Public Works and Transportation under Section 239-F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details must be provided by the Applicant at the time of the Section 239-F submittal.
22. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, the Applicant is encouraged to consider using as much green technology as possible in the proposed new building.
23. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, the fire safety lane from the parking lot to Zion Lane shall be cleared and maintained free of vegetation.
24. As per the communication from James W. Glatthaar, the attorney for the applicant, dated May 20, 2015, the Applicant agrees to limit the use of the entire site on weekends to church related functions only, such as religious education, religious school functions or activities commonly associated with a Place of Worship (e.g., fellowship, choir practice, weddings held in St. Gregory the Enlightener Armenian Church sanctuary, parish council meetings, children's recreation area, etc..) For the purposes of this provision, a wedding reception does not constitute a church-related function unless the wedding is held in the Applicant's Church sanctuary.

The Environmental Officer recommends that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) determine the Proposed Action to be a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

The project site is located in the R1-12.5 zoning district, in which houses of worship are a permitted principal use, and Sunday schools or other similar religious schools and parish houses or rectories are permitted accessory uses. The proposed project is consistent with the use and dimensional requirements of the R1-12.5 district. The project has been reviewed for compliance with the general standards for site plans set forth at Section 7.5 of the Zoning Ordinance, as follows:

7.5 General site plan standards

7.5.1 Conformity with the Comprehensive Plan

The project site is located within the Outer Area of the City. The church use on the project site is consistent with the City's Comprehensive Plan strategies for the Outer Area, which stresses the need to preserve existing residential neighborhoods and environmental resources from encroachment by more intensive uses.

The Land Use Plan for the Outer Area specifically calls for limiting "intrusions or expansions by institutional uses other than religious institutions in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts". Consistent with this policy, the proposed project is an expansion of a religious use. The students attending the proposed Sunday school would not generate additional demand for parking or increased traffic congestion because they would be accompanying their parents on existing trips to the church property.

The Plan also calls for the preservation of the character of the North Street Corridor. Consistent with this policy, no changes on the site will be visible from North Street.

7.5.2 Safe and adequate pedestrian and vehicular traffic conditions

No changes to site access or egress are proposed. The project would not generate additional traffic, since the children already accompany their parents to church and would continue to do so. The plan has been designed to minimize conflicts between pedestrians and vehicular circulation and parking areas

7.5.3 Protection of environmental quality and property values.

A portion of the area of proposed development located between the onsite wetlands and the existing parking lot encroaches upon an approximately 3,760 square foot portion of the mapped "100-foot wetland setback area". This area is highly disturbed and is currently utilized as a playground. To mitigate this loss, St. Gregory's is proposing to add wetland plantings to 9,450 sq. ft., thus expanding the effective wetland buffer by 9,450 sq. ft.

4.4.25 Regulations for Environmentally Sensitive Sites or Features

4.4.25.2 The project shall, to the maximum extent practicable, avoid adverse environmental impacts upon any "environmentally sensitive sites or features" and where such avoidance is not practicable, shall minimize and mitigate such impacts.

The project site contains wetlands, steep slopes, and rock outcroppings. In an attempt to avoid or minimize impacts to these sensitive areas, the City Departments examined potential alternative locations for the proposed building and found that:

- 1) proximity to the existing church buildings is important for parents and for the safety of the children in the Sunday school;

- 2) clustering the development on the site keeps it at a distance from abutting neighbors;
- 3) shifting the building farther away from the wetland results in the loss of up to 14 parking spaces, which would have to be located elsewhere on the site, potentially affecting steep slopes and/or rock outcroppings;
- 4) re-orienting the proposed building in the same general location to avoid encroachment on the wetland setback area would result in the infringement of a utility easement located in the adjoining parking lot.

Based on the foregoing, the proposed location avoids environmental impacts to the maximum extent practicable.

4.4.25.5.2.2 The wetland shall be maintained and surrounded by a 50-foot-wide protective buffer area with an additional 50-foot-wide restrictive buffer.

The proposed building will not encroach into the 50-foot protective buffer. The proposed building will encroach into approximately 3,760 square feet of the 50-foot restrictive buffer. The area of encroachment is already a highly disturbed area that is currently occupied by the existing playground on the site. In addition, as described above, the Applicant proposes to replace the lost wetland area on-site at a ratio of two to one.

Section 8. Off-Street Parking and Loading Regulations

The existing building along with the proposed addition will generate a requirement for 183 parking spaces.

Under Section 8.7.3 f the Zoning Ordinance, the Common Council may grant a partial waiver for improvements for a portion of parking normally required.

The proposed plan maintains the existing 122 paved parking spaces and proposes 61 gravel spaces as overflow parking. This proposal requires a waiver of one third of the required parking by the Common Council.

The Applicant has demonstrated on the site plan that the spaces, if waived, can be constructed if required by the approving agency.

- 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 original site plan approval for the exiting church on was approved by the Common Council on October 4, 1993, and amended on September 5, 1995 ("1995 Approval").

The 1995 Approval included a protected 1.5 acre wetland area with a protected 50 ft. wetland setback and included measures to protect these areas as outlined in the "Wetland Management / Mitigation Plans dated August 17, 1993.

December 6, 2010, the City changed the wetland regulations increasing the required buffer around wetland areas from a 50 ft. protective buffer to 100 ft. consisting of a 50 ft. protective buffer and an additional 50 ft. restrictive buffer.

As a condition of the Proposed Action, to compensate for encroachment of the proposed building into the expanded 50-foot restrictive buffer, the functioning wetland area on the property should be expanded at a ratio of two to one that is, for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan should be submitted and approved by the Environmental Officer and the Commissioners of Planning and Public Works prior to issuance of a building permit.

The building will occupy 3,587 sq. ft of restrictive wetland buffer area. St. Gregory's will create new wetland buffer area at a 2 to 1 ratio as you requested. Any wetland buffer disturbed during construction, other than the buffer area to be occupied by the building, will also be restored. So the net wetland buffer on the site will increase by 7,174 sq. ft.

A final storm water management plan will be submitted for approval to the Commissioner of Public Works.

A soil erosion and sedimentation control plan has been provided in the site plan drawings and is subject to the approval of the Commissioner of Public Works.

- (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.

The area of proposed development is located on land that is currently a playground between the onsite wetlands and the existing parking lot.

The protected wetland area delineated by the 1995 Approval will not be disturbed by the placement of the new building addition.

- (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 church has operated at this location since the mid 1990's.

The property contains sensitive historic and environmental resources. The historic structures will be maintained and will not be impacted by the Proposed Action.

Approximately 50% of the overall site is maintained as open space, including the protected wetland areas.

The placement of the new building addition and modifications to the site layout serve to maintain the open area setbacks toward the adjacent residential properties.

- (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, Public Works and Traffic.

- (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 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, geography scope, magnitude and number of people affected.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION) REGARDING THE AMENDED SITE PLAN
APPROVAL ON BEHALF OF ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH AT 1131
NORTH STREET

WHEREAS, the proposed amendment to the original Site Plan for the St. Gregory the Enlightener Armenian Church at 1131 North Street ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the re-approval of the same project that was first approved by the Common Council on October 7, 2013; and because the prior site plan approval has expired, the current application is herein addressed as a new application subject to a full environmental review included herewith; and

WHEREAS, since this new application involves the same project with no modifications, the original documentation is still valid and shall be used as the basis for review purposes; and

WHEREAS, as currently developed, the property at 1131 North Street contains:

- A 15,450 square feet of church building including a sanctuary, offices, classrooms, and community rooms.
- Historic resources include three additional buildings dating from the 18th Century including a main house, an English style barn, and cottage, as well as stone walls and picket fences from the same period
- Environmentally sensitive features including an approximately 1.5-acre wetland area with a 50 ft. wide protected buffer in the southernmost third of the property, steep slopes, and rock outcroppings; and

WHEREAS, the Proposed Action involves:

- Construction of a 7,421 sq. ft. building addition (for a proposed total of 22,871 sq. ft.) including a 6,000-square-foot open room that is proposed to be used as a children's Sunday school, an additional 636 sq. ft. of bathrooms and 425 sq. ft. of storage, all attached to the existing community building by a 360 sq. ft. enclosed walkway;
- Construction of 18 new gravel parking spaces to provide a total of 61 gravel parking spaces and 122 paved parking spaces, for a grand total of 183 parking spaces; and

WHEREAS, the Proposed Action involves the following approval actions:

1. Approval of an amendment to the Site Plan under Section 7 of the Zoning Ordinance, approving the revised site plans to permit construction of an addition to the existing church building.
2. Approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, waiving construction of parking spaces.

The parking facilities approved in 1995 for the existing uses include 43 gravel paved spaces, 122 paved parking spaces, for a total of 166 spaces.

The Proposed Action now includes a waiver of an additional 18 spaces to provide 61 or 33% of the

183 spaces required for the church use as expanded by the proposed building addition; and

WHEREAS, the Applicant has submitted the following documents in regard to the original 2013 Approval:

1. Cover letter prepared by Mr. James Glatthaar, dated December 8, 2012.
2. Building permit application dated March 27th 2012.
3. Full Environmental Assessment form received December 21, 2012.
4. Architectural Drawings AO, A1, A2, A3, A4 and AS dated December 12th 2012 as prepared by Cardarelli Design and Architecture P.C. .
5. Site Engineering Drawings 1 thru 4 dated November 29th 2012, as prepared by Dolph Rotfeld Engineering P C; and

WHEREAS, the Applicant has submitted the following documents in support of the current Proposed Action:

1. Cover letter prepared by Mr. James Glatthaar, dated February 17, 2015.
2. A Full Environmental Assessment Form dated February 17, 2015; and

WHEREAS, the Environmental Officer recommends that the following conditions recommended by the City Departments and included with the 2013 Approval, be included in the current Proposed Action, and are herein considered as part of the Proposed Action (hereinafter referred to as "Conditions"):

1. The Applicant shall be granted a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, to waive construction of sixty-one (61) of the total 183 required off-street parking spaces for the Church use, provided that the Applicant shall submit and execute within sixty (60) days of adoption of this approval resolution herein, (a) a revised site plan demonstrating the location on the site for the 61 waived parking spaces; and (b) a new written guarantee. This new written guarantee, which must be satisfactory to the Corporation Counsel, insuring the construction of such sixty-one (61) waived spaces, and all necessary storm water quality and quantity improvements associated therewith, as determined by the Commissioner of Public Works, within six (6) months of the date of written notice to the property owner by the Common Council, stating that all or a portion of such spaces have been determined to be necessary and should be so constructed.
2. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the amended Site Plan approval granted herein limits the use of the proposed addition to Church-related functions, including the Sunday School. The use of the hall shall be limited to religious education, religious school functions, or activities commonly associated with a Place of Worship (*e.g.* fellowship, choir practice, parish council meetings, etc.).
3. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant must comply at all times to the occupancy restrictions established by the City for the proposed building addition.
4. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, to compensate for the encroachment of the proposed building into the 50-foot restrictive buffer, the functioning wetland area on the property shall be expanded at a ratio of two to one *i.e.* for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan shall be submitted by the Applicant to the Environmental Officer and the Commissioners of Planning and Public Works for review and approval prior to the issuance of a building permit.

5. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant Church shall continue to preserve and maintain the historic buildings and stone walls on the site.
6. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, prior to the issuance of a building permit, the Applicant shall provide documentation to the Commissioner of Building demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards.
7. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, all construction work shall be subject 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.
8. To discourage the deposition of waste chemicals and trash into the local waterways via the City's storm water drainage system, all on-site storm water area drains, pavement drains and driveway or road drains and catch basins, shall include the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL STREAM" permanently casted into any metal frame, grate and curb plate.
9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 7, 2013, the seventeen (17) year old wetland boundary was updated by the Applicant so that the limit of disturbance (LOD) could be verified by the Department of Public Works (DPW). A Wetland Delineation Report prepared by Evans Associates, dated 9/21/12, along with a survey including the wetland boundary prepared by Donnelly Land Surveying, P.C., dated 9/8/12, was provided, and the wetland limits were re-flagged. The Applicant must ensure that all plans submitted for review and construction, reflect the revised wetland boundary and LOD, and so note on the plans.
10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the limit of disturbance (LOD) has been calculated by the applicant's engineer to be 0.68 acres, which does not meet the threshold for a Stormwater Pollution Prevention Plan (SWPPP) requirement, therefore a SWPPP is not required. Should revisions be contemplated affecting the LOD, they must first be provided to DPW for evaluation to determine if the SWPPP threshold is met.
11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, while DPW does not have a general issue regarding construction within the restricted wetland buffer area, to ensure construction stays within the LOD, the LOD depicted on the plans must be staked out by a licensed NYS land surveyor and construction fencing installed, in addition to the requisite silt fencing.
12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the plans indicate that the addition is proposed to be built upon a slab on grade, and that a basement area is not proposed. The Applicant shall not construct the addition of a basement area in this high water table location.
13. As per the communication set forth in the communication of the Commissioner of Public Works dated March 4, 2013, if the Applicant contemplates increasing the size of the water or sanitary sewer services, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular path used to arrive at the necessary size of the

water and sanitary sewer lines. 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 insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant 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 building, to confirm that the sizes of the water and sewer services are designed to meet current New York State Plumbing Code requirements.

14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, as the plans are refined, the Applicant shall provide further information to the Commissioner of Public Works for review, including, but not limited to, a solid waste management plan, detail of grass pavers in the overflow parking area, etc. Further, DPW must verify the condition of the existing outfalls, detention basin and "stilling" basins prior to construction, which may require maintenance/modifications by the Applicant.
15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant shall include a note on the plan that the contractor must have an employee carry a current NYSDEC issued "trained individual" card, and be present on site at all times during soil disturbing activities, and that the construction of stormwater facilities must be under the supervision of the licensed stormwater engineer of record.
16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant must provide an as-built drawings signed and sealed by a licensed professional engineer or land surveyor. A DPW MS4 stormwater permit must also be obtained by the Applicant prior to issuance of a permit by the Department of Building.
17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. 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 stormwater facilities. 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 costs as an administrative fee.
18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, all construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.
19. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, prior to issuance of a building permit, the Applicant shall submit to the Commissioner of Public Works for review and approval a final storm water management plan.
20. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated January 23, 2013, the Applicant shall submit a final design to the Design Review Board prior to the issuance of building permit.
21. As per the recommendation set forth in the communication from the Westchester County Planning

Board dated January 22, 2013, North Street is a County road (CR 30). Approval for this work from the Westchester County Department of Public Works and Transportation under Section 239-F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details must be provided by the Applicant at the time of the Section 239-F submittal.

22. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, the Applicant is encouraged to consider using as much green technology as possible in the proposed new building.
23. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, the fire safety lane from the parking lot to Zion Lane shall be cleared and maintained free of vegetation;
24. As per the communication from James W. Glatthaar, the attorney for the applicant, dated May 20, 2015, the Applicant agrees to limit the use of the entire site on weekends to church related functions only, such as religious education, religious school functions or activities commonly associated with a Place of Worship (e.g., fellowship, choir practice, weddings held in St. Gregory the Enlightener Armenian Church sanctuary, parish council meetings, children's recreation area, etc.). For the purposes of this provision, a wedding reception does not constitute a church-related function unless the wedding is held in the Applicant's Church sanctuary; and

WHEREAS, the Environmental Officer has recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) determine the Proposed Action to be a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; and (c) find that the Proposed Action will not have a significant effect on the environment; and

WHEREAS, under the New York State Environmental Quality Review Act (SEQRA) regulations (6NYCRR 617), the Common Council is required to incorporate environmental considerations in approving actions by; a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

WHEREAS, the Common Council has considered the application, Application Materials, the Environmental Assessment Form, Conditions and reports from the various departments, boards, commissions, and interested 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 above, the Common Council designates itself as the Lead Agency for the environmental review; and be it further

RESOLVED, based on the above, the Common Council determines the Proposed Action to be a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; and be it further

RESOLVED, based on the above, 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 Comprehensive Plan and the White Plains Zoning Ordinance.

The project site is located in the R1-12.5 zoning district, in which houses of worship are a permitted principal use, and Sunday schools or other similar religious schools and parish houses or rectories are permitted accessory uses. The proposed project is consistent with the use and dimensional requirements of the R1-12.5 district. The project has been reviewed for compliance with the general standards for site plans set forth at Section 7.5 of the Zoning Ordinance, as follows:

7.5 General site plan standards

7.5.1 Conformity with the Comprehensive Plan

The project site is located within the Outer Area of the City. The church use on the project site is consistent with the City's Comprehensive Plan strategies for the Outer Area, which stresses the need to preserve existing residential neighborhoods and environmental resources from encroachment by more intensive uses.

The Land Use Plan for the Outer Area specifically calls for limiting "intrusions or expansions by institutional uses other than religious institutions in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts". Consistent with this policy, the proposed project is an expansion of a religious use. The students attending the proposed Sunday school would not generate additional demand for parking or increased traffic congestion because they would be accompanying their parents on existing trips to the church property.

The Plan also calls for the preservation of the character of the North Street Corridor. Consistent with this policy, no changes on the site will be visible from North Street.

7.5.2 Safe and adequate pedestrian and vehicular traffic conditions

No changes to site access or egress are proposed. The project would not generate additional traffic, since the children already accompany their parents to church and would continue to do so. The plan has been designed to minimize conflicts between pedestrians and vehicular circulation and parking areas

7.5.3 Protection of environmental quality and property values.

A portion of the area of proposed development located between the onsite wetlands and the existing parking lot encroaches upon an approximately 3,760 square foot portion of the mapped "100-foot wetland setback area". This area is highly disturbed and is currently utilized as a playground. To mitigate this loss, St. Gregory's is proposing to add wetland plantings to 9,450 sq. ft., thus expanding the effective wetland buffer by 9,450 sq. ft.

4.4.25 Regulations for Environmentally Sensitive Sites or Features

4.4.25.2 The project shall, to the maximum extent practicable, avoid adverse environmental impacts upon any "environmentally sensitive sites or features" and where such avoidance is not practicable, shall minimize and mitigate such impacts.

The project site contains wetlands, steep slopes, and rock outcroppings. In an attempt to avoid or minimize impacts to these sensitive areas, the City Departments examined potential alternative locations for the proposed building and found that:

- 1) proximity to the existing church buildings is important for parents and for the safety of the children in the Sunday school;
- 2) clustering the development on the site keeps it at a distance from abutting neighbors;

- 3) shifting the building farther away from the wetland results in the loss of up to 14 parking spaces, which would have to be located elsewhere on the site, potentially affecting steep slopes and/or rock outcroppings;
- 4) re-orienting the proposed building in the same general location to avoid encroachment on the wetland setback area would result in the infringement of a utility easement located in the adjoining parking lot.

Based on the foregoing, the proposed location avoids environmental impacts to the maximum extent practicable.

4.4.25.5.2.2. The wetland shall be maintained and surrounded by a 50-foot-wide protective buffer area with an additional 50-foot-wide restrictive buffer.

The proposed building will not encroach into the 50-foot protective buffer. The proposed building will encroach into approximately 3,760 square feet of the 50-foot restrictive buffer. The area of encroachment is already a highly disturbed area that is currently occupied by the existing playground on the site. In addition, as described above, the Applicant proposes to replace the lost wetland area on-site at a ratio of two to one.

Section 8. Off-Street Parking and Loading Regulations

The existing building along with the proposed addition will generate a requirement for 183 parking spaces.

Under Section 8.7.3 of the Zoning Ordinance, the Common Council may grant a partial waiver for improvements for a portion of parking normally required.

The proposed plan maintains the existing 122 paved parking spaces and proposes 61 gravel spaces as overflow parking. This proposal requires a waiver of one third of the required parking by the Common Council.

The Applicant has demonstrated on the site plan that the spaces, if waived, can be constructed if required by the approving agency.

- 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 original site plan approval for the existing church on was approved by the Common Council on October 4, 1993, and amended on September 5, 1995 ("1995 Approval").

The 1995 Approval included a protected 1.5 acre wetland area with a protected 50 ft. wetland setback buffer and included measures to protect these areas as outlined in the "Wetland Management / Mitigation Plans dated August 17, 1993.

On December 6, 2010, the City changed the wetland regulations increasing the required buffer around wetland areas from a 50 ft. protective buffer to 100 ft. consisting of a 50 ft. protective buffer and an additional 50 ft. restrictive buffer.

As a condition of the Proposed Action, to compensate for encroachment of the proposed building into the expanded 50-foot restrictive buffer, the functioning wetland area on the property should be expanded at a ratio of two to one that is, for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan should be submitted and approved by the Environmental Officer and the Commissioners of Planning and Public Works prior to issuance of a building permit

The building will occupy 3,587 sq. ft of restrictive wetland buffer area. St. Gregory's will create new wetland buffer area at a 2 to 1 ratio as you requested. Any wetland buffer disturbed during construction, other than the buffer area to be occupied by the building, will also be restored. So the net wetland buffer on the site will increase by 7,174 sq. ft.

A final storm water management plan will be submitted for approval to the Commissioner of Public Works.

A soil erosion and sedimentation control plan has been provided in the site plan drawings and is subject to the approval of the Commissioner of Public Works.

- (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.

The area of proposed development is located on land that is currently a playground between the onsite wetlands and the existing parking lot.

The protected wetland area delineated by the 1995 Approval will not be disturbed by the placement of the new building addition.

- (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 church has operated at this location since the mid 1990's.

The property contains sensitive historic and environmental resources. The historic structures will be maintained and will not be impacted by the Proposed Action.

Approximately 50% of the overall site is maintained as open space, including the protected wetland areas.

The placement of the new building addition and modifications to the site layout serve to maintain the open area setbacks toward the adjacent residential properties.

- (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, Public Works and Traffic.

- (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 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, geography 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 directed to file and otherwise deal with the Negative Declaration as required by SEQRA.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH (“APPLICANT”) LOCATED AT 1131 NORTH STREET ON AN “ENVIRONMENTALLY SENSITIVE” SITE FOR AN AMENDMENT TO ITS EXISTING SITE PLAN TO ALLOW: (1) THE CONSTRUCTION OF AN APPROXIMATELY 7,421 SQUARE FOOT BUILDING ADDITION, INCLUDING A 6,000 SQUARE FOOT OPEN ROOM THAT IS PROPOSED TO BE USED AS A CHILDREN’S SUNDAY SCHOOL, AN ADDITIONAL 636 SQUARE FEET OF BATHROOMS AND 425 SQUARE FEET OF STORAGE, ALL ATTACHED TO THE EXISTING COMMUNITY BUILDING;(2) APPROVAL OF A PARTIAL WAIVER OF IMPROVEMENT UNDER SECTION 8.7.3 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS (“ZONING ORDINANCE”) WAIVING THE CONSTRUCTION OF EIGHTEEN (18) PARKING SPACES TO PROVIDE A TOTAL OF 61 WAIVED SPACES OR 33% (ONE-THIRD) OF THE 183 PARKING SPACES REQUIRED FOR THE CHURCH USE; AND (3) RELIEF FROM THE NEW FIFTY (50) FOOT RESTRICTIVE BUFFER AREA SETBACK REQUIREMENT UNDER SECTION 4.4.25.5.2.2 OF THE ZONING ORDINANCE.

WHEREAS, at a meeting held on October 7, 2013, the Common Council of the City of White Plains, after adopting environmental findings, approved an application submitted on behalf of St. Gregory the Enlightener Armenian Church located at 1131 North Street on an “environmentally sensitive site” in accordance with Sections 4.4.25, 7 and 8 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), for an amendment to its existing Site Plan to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children’s Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage, all attached to the existing community building; (2) approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance waiving the construction of eighteen (18) parking spaces to provide a total of 61 waived spaces or 33% (one-third) of the 183 parking spaces required for Church use; and (3) relief from the new fifty (50) foot restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the

Zoning Ordinance; and

WHEREAS, the aforementioned approval resolution adopted October 7, 2013, was subject to the Applicant's compliance with the following twenty-three (23) conditions:

1. As per the recommendation set forth in the Environmental Officer's communication dated September 30, 2013 and findings in this approval resolution herein, the Applicant shall be granted a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, to waive construction of sixty-one (61) of the total 183 required off-street parking spaces for the Church use, provided that the Applicant shall submit and execute within sixty (60) days of adoption of this approval resolution herein, (a) a revised site plan demonstrating the location on the site for the 61 waived parking spaces; and (b) a new written guarantee. This new written guarantee must be satisfactory to the Corporation Counsel, insuring the construction of such sixty-one (61) waived spaces, and all necessary storm water quality and quantity improvements associated therewith, as determined by the Commissioner of Public Works, within six (6) months of the date of written notice to the property owner by the Common Council, stating that all or a portion of such spaces have been determined to be necessary and should be so constructed.

2. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the amended Site Plan approval granted herein limits the use of the proposed addition to Church-related functions, including the Sunday School. The use of the hall shall be limited to religious education, religious school functions, or activities commonly

associated with a Place of Worship (e.g. fellowship, choir practice, parish council meetings, children's recreation area, etc.). Use of the space for non-religious activities that are not incidental to the approved use shall require a separate approval from the approving agency. The Applicant shall submit a revised site plan to the Commissioner of Building within thirty (30) days of adoption of this approval resolution herein, containing a note delineating the aforementioned restriction.

3. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant must comply at all times to the occupancy restrictions established by the City for the proposed building addition.

4. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, to compensate for the encroachment of the proposed building into the 50-foot restrictive buffer, the functioning wetland area on the property shall be expanded at a ratio of two to one *i.e.* for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan shall be submitted by the Applicant to the Environmental Officer and the Commissioners of Planning and Public Works for review and approval prior to the issuance of a building permit.

5. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant Church shall continue to preserve and maintain the historic buildings and stone walls on the site.

6. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, prior to the issuance of a building permit, the Applicant shall provide documentation to the Commissioner of Building demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards.

7. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, all construction work shall be subject 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.

The requirements for the White Plains Construction Management Protocol for the proposed addition to St. Gregory the Enlightener Armenian Church ("Proposed Project") 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 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.

- 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.

- 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. 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 or 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 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.

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 insure 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" 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.

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 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.

- I. 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.

- J. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.

- K. The Applicant shall include a note on both the approved special 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 City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.

- L. 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.

- M. 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.
- N. 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.
- O. The Applicant or any of its successor(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.

8. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, to discourage the deposition of waste chemicals and trash into the local waterways via the City's storm water drainage system, all on-site storm water area drains, pavement drains and driveway or road drains and catch basins, shall include the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL STREAM" permanently casted into any metal frame, grate and curb plate.

9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 7, 2013, the seventeen (17) year old wetland boundary was updated by the Applicant so that the limit of disturbance (LOD) could be verified by the Department of

Public Works (DPW). A Wetland Delineation Report prepared by Evans Associates, dated 9/21/12, along with a survey including the wetland boundary prepared by Donnelly Land Surveying, P.C., dated 9/8/12, was provided, and the wetland limits were re-flagged. The Applicant must ensure that all plans submitted for review and construction, reflect the revised wetland boundary and LOD, and so note on the plans.

10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the limit of disturbance (LOD) has been calculated by the applicant's engineer to be 0.68 acres, which does not meet the threshold for a Stormwater Pollution Prevention Plan (SWPPP) requirement, therefore a SWPPP is not required. Should revisions be contemplated affecting the LOD, they must first be provided to DPW for evaluation to determine if the SWPPP threshold is met.

11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, while DPW does not have a general issue regarding construction within the restricted wetland buffer area, to ensure construction stays within the LOD, the LOD depicted on the plans must be staked out by a licensed NYS land surveyor and construction fencing installed, in addition to the requisite silt fencing.

12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the plans indicate that the addition is proposed to be built upon a slab on grade, and that a basement area is not proposed. The Applicant shall not construct

the addition of a basement area in this high water table location.

13. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, if the Applicant contemplates increasing the size of the water or sanitary sewer services, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular path used to arrive at the necessary size of the water and sanitary sewer lines. 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 insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant 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 building, to confirm that the sizes of the water and sewer services are designed to meet current New York State Plumbing Code requirements.

14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, as the plans are refined, the Applicant shall provide further information to the Commissioner of Public Works for review, including, but not limited to, a solid waste management plan, detail of grass pavers in the overflow parking area, etc. Further, DPW must verify the condition of the existing outfalls, detention basin and "stilling" basins prior to construction, which may require maintenance/modifications by the Applicant.

15. As per the recommendation set forth in the communication of the Commissioner

of Public Works dated March 4, 2013, the Applicant shall include a note on the plan that the contractor must have an employee carry a current NYSDEC issued “trained individual” card, and be present on site at all times during soil disturbing activities, and that the construction of stormwater facilities must be under the supervision of the licensed stormwater engineer of record.

16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant must provide an as-built drawings signed and sealed by a licensed professional engineer or land surveyor. A DPW MS4 stormwater permit must also be obtained by the Applicant prior to issuance of a permit by the Department of Building.

17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. 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 stormwater facilities. 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 costs as an administrative fee.

18. As per the recommendation set forth in the communication of the Commissioner

of Public Works dated March 4, 2013, all construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.

19. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, prior to issuance of a building permit, the Applicant shall submit to the Commissioner of Public Works for review and approval a final storm water management plan.

20. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated January 23, 2013, the Applicant shall submit a final design to the Design Review Board prior to the issuance of building permit.

21. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, North Street is a County road (CR 30). Approval for this work from the Westchester County Department of Public Works and Transportation under Section 239-F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details must be provided by the Applicant at the time of the Section 239-F submittal.

22. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, the Applicant is encouraged to consider using as much green technology as possible in the proposed new building.

23. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, the fire safety lane from the parking lot to Zion Lane shall be cleared and maintained free of vegetation; and

WHEREAS, the aforementioned site plan amendment approval expired, as substantial construction had not completed on the Church within one year of the approval, and no timely application had been made for an extension of the site plan amendment approval pursuant to Section 7.6 of the Zoning Ordinance; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on March 2, 2015, received a communication from the Commissioner of Building, dated February 20, 2015, forwarding an application for a Site Plan amendment (“Application”), submitted on behalf of St. Gregory the Enlightener Armenian Church (“Church”) located at 1131 North Street (hereinafter “Applicant”) in accordance with Sections 4.4.25, 7 and 8 of the Zoning Ordinance, to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children’s Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage, all attached to the existing community building; (2) approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) waiving the construction of eighteen (18) parking spaces (which the Applicant is proposing to construct as overflow parking with grass pavers) along with the 43 spaces for which construction was waived pursuant to Zoning Ordinance Section 8.7.3 in the September 5, 1995 amended site plan approval, to provide 61 waived spaces or 33% (one-third) of the 183 parking spaces required for the Church use; and (3) relief from the new fifty (50) foot

restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the Zoning Ordinance; and

WHEREAS, the Applicant is the owner of the property located at 1131 North Street and designated on the Tax Assessment Map of the City of White Plains as Section 138.08, Block 1, Lot 49 (the “premises”); and

WHEREAS, the subject premises contains approximately 10.6 acres of land, located on the west side of North Street abutting the Hutchinson River Parkway and is situated in the R1-12.5 (Residential One Family) Zoning District which permits as a principal use “churches and other places of worship;” and

WHEREAS, churches and other houses of worship are Permitted Principal Uses in all single family Zoning Districts and are subject to review by the Common Council where fifty (50) or more parking spaces are required; and

WHEREAS, the subject premises is located on an “environmentally sensitive site” because it contains a 1.48 acre wetland in the southernmost third of the property, slopes in excess of 15% and rock outcroppings; and

WHEREAS, on October 4, 1993, the Common Council granted site plan approval to the Church for the construction of an Armenian Church with accessory parking and landscaping, and

WHEREAS, on September 5, 1995, the Common Council granted an amendment to

the approved site plan, which included, *inter alia*, approval for parking facilities for existing uses, consisting of 122 paved parking spaces and 43 waived spaces for a total of 165 spaces, placing the buildings in a more centralized location on the site, increasing the side and rear yard setbacks to the adjacent single-family residents, and providing a protected 1.48 acre wetland area with a protected fifty (50) foot wetland setback, and measures to protect these areas as outlined in the “Wetland Management/Mitigation Plans, dated August 17, 1993; and

WHEREAS, on December 6, 2010, while the Applicant was in the process of revising its site plans for the Church, the City of White Plains amended the Zoning Ordinance in relation to wetland regulations, adding to the fifty (50) foot protective buffer an additional fifty (50) foot restrictive buffer; and

WHEREAS, the property is currently improved with the Church building containing approximately 17,220 square feet of gross floor area, a parking lot, a children’s playground, a main house, an English-style barn and a cottage dating from the 18th Century, as well as stone walls and picket fences from the same period; and

WHEREAS, the Application includes the following documents:

A. A cover letter from James W. Glatthaar, Esq. of the law firm of Bleakley Platt & Schmidt, LLP, dated February 17, 2015, transmitting the Application; and

B. A Building Permit application dated March 27, 2012; and

C. A thirteen (13) page Full Environmental Assessment Form (EAF) dated February 17, 2015, verified by James W. Glatthaar, Esq., on behalf of the Applicant; and

D. Architectural drawings, generally entitled, "St. Gregory Church," as prepared by Cardarelli Design and Architecture P.C., consisting of the following:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>
AO	Cover Sheet	December 12, 2012
A1	Proposed Floor Plan	December 12, 2012.
A2	Proposed Roof Plan	December 12, 2012
A3	Proposed Elevations	December 12, 2012
A4	Proposed Elevations	December 12,. 2012
A5	Proposed Int. Elevations/Sections	December 12, 2012; and

E. Site Engineering Drawings, generally entitled, "St. Gregory Armenian Church of Westchester," as prepared by Dolph Rotfeld Engineering P.C., consisting of the following:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>
1	Overall Site Plan	November 29, 2012
2	Sanitary Sewer Improvements	November 29, 2012
3	Sediment&Erosion Control Plan	November 29, 2012
4	Site Details	November 29, 2012; and

WHEREAS, in Applicant's counsel's letter dated February 17, 2015, transmitting the application to Common Council, Mr. Glatthaar states that the site plan amendment remains

unchanged from the application approved by the Common Council on October 7, 2013, and that the Applicant is not requesting any change to any of the conditions set forth in the October 7, 2013 approval resolution; and

WHEREAS, the Application was referred by the Common Council to all necessary City departments, boards, commissions, and officers and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, at the Common Council meeting of March 2, 2015, prior to the aforementioned referral, Councilman Dennis Krolian stated for the official record that he would be recusing himself from participation in the consideration of the Application due to his membership and association with St. Gregory the Enlightener Armenian Church; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on March 2, 2015, adopted a resolution scheduling a public hearing on the Application for April 6, 2015, pursuant to Section 4.4.25.4.3 of the Zoning Ordinance, since the Application involves an “environmentally sensitive site” under the Zoning Ordinance as defined by Chapter 3-5 of the White Plains Municipal Code due to the wetlands, steep slopes (15%), and rock outcroppings located on the premises; and

WHEREAS, at the April 6, 2015 meeting, the Common Council received a communication from the City Clerk dated April 2, 2015, transmitting a letter dated April 2, 2015 from the Applicant’s counsel, James W. Glatthaar, Esq., requesting that the public hearing on the

application being adjourned to the May 4, 2015 meeting of the Common Council; and

WHEREAS, at the April 6, 2015 meeting, the duly noticed public hearing on the amended Site Plan application was opened, the Applicant and the public were afforded the opportunity to present testimony regarding the application, and the public hearing was adjourned to May 4, 2015 at the request of the Applicant; and

WHEREAS, at the May 4, 2015 meeting, the duly noticed adjourned public hearing on the amended Site Plan application was opened, the Applicant and the public were afforded the opportunity to present testimony regarding the application, and the public hearing was adjourned to June 1, 2015 at the request of the Applicant; and

WHEREAS, at the June 1, 2015 meeting, the duly noticed adjourned public hearing on the amended Site Plan application was opened, testimony was proffered from representatives of the Applicant and members of the public, and the public hearing was closed; and

WHEREAS, at the June 1, 2015 meeting, the Common Council received communications from the Commissioner of Building, dated March 20, 2015; Commissioner of Public Works, dated April 6, 2015; the Acting Commissioner of Planning, dated March 26, 2015; the Commissioner of Public Safety, dated March 18, 2015; the Commissioner of Parking, dated April 6, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated March 25, 2015; the Chair of the Planning Board, dated March 23, 2015; the Chair of the Design Review Board, dated March 11, 2015; the Acting Chair of the Transportation Commission, dated March 26,

2015, the Environmental Officer, dated May 20, 2015; and the Westchester County Planning Board, dated March 16, 2015; and

WHEREAS, at the June 1, 2015 meeting, the Common Council also received a communication from the City Clerk dated May 27, 2015, forwarding a letter dated May 20, 2015 from James Glatthaar, Esq., counsel for the Applicant, stating that the Applicant agrees to limit the use of the entire site on weekends to church-related functions, such as religious education, religious school functions or activities commonly associated with a Place of Worship (*e.g.* fellowship, choir practice, weddings, parish council meetings, children's recreation area, etc.); and

WHEREAS, at the June 1, 2015 meeting, the Common Council tabled the environmental findings resolution and the approval resolution on the Application to its July 6, 2015 meeting; and

WHEREAS, in connection with this Application, the Common Council, at its meeting held on July 6, 2015, removed the previously tabled environmental findings resolution and approval resolution from the table, declared itself as Lead Agency for the environmental review of this Application pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), classified this proposal a Type I Action due to the existence of environmentally sensitive features, and adopted a revised environmental findings, including a negative declaration; and

WHEREAS, the proposed development is consistent with the use and dimensional

requirements of the R1-12.5 Zoning District; and

WHEREAS, the Common Council has reviewed and considered the comments and recommendations from the various City departments, boards, commissions and officers and the Westchester County Planning Board, and has reviewed and considered the Application, with respect to the standards set forth in Sections 4, 7 and 8 of the Zoning Ordinance and the 1997 Comprehensive Plan and the 2006 Plan Update adopted July 11, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the following findings are hereby adopted in accordance with the Zoning Ordinance:

Section 4.4.25 of the Zoning Ordinance

Regulations for Environmentally Sensitive Sites or Features

4.4.25.2 In reviewing applications and granting any approvals under Section 4.4.25 of this Ordinance, the approving agency shall, to the maximum extent practicable, avoid adverse environmental impacts upon any "environmentally sensitive sites or features" and where such avoidance is not practicable, shall minimize and mitigate such impacts.

The project site contains wetlands, steep slopes, and rock outcroppings. In an attempt to avoid or minimize impacts to these sensitive areas, the Common Council has examined the potential alternative locations for the proposed building and concurs with the recommendations set forth in the communications of the Environmental Officer, dated March 24, 2015 and September 30, 2013, and the Commissioner of Planning, dated September 26, 2013, that:

- a. proximity to the existing Church buildings is important for parents and for the safety of the children in the Sunday School;
- b. clustering the development on the site keeps it at a distance from abutting

neighbors;

c. shifting the building further away from the wetland results in the loss of up to 14 parking spaces, which would have to be located elsewhere on the site, potentially affecting steep slopes and/or rock outcroppings;

d. re-orienting the proposed building in the same general location to avoid encroachment on the wetland setback area would result in the infringement of a utility easement located in the adjoining parking lot.

Based on the above findings, the Common Council is satisfied that the proposed location avoids environmental impacts to the maximum extent practicable.

4.4.25.5.2.2 The wetland shall be maintained and surrounded by a fifty (50) foot wide protective buffer area with an additional fifty (50) foot wide restrictive buffer.

Based upon the recommendations of the Commissioner of Planning set forth in a communication dated September 26, 2013, and by the Environmental Officer, in communications dated March 24, 2015 and September 30, 2013, the Common Council finds that the proposed building will not encroach into the fifty (50) foot protective buffer. The proposed building will encroach into approximately 3,760 square feet of the fifty (50) foot restrictive buffer. The area of encroachment is already a highly disturbed area that is currently occupied by the existing playground on the site. In addition, as set forth *infra*, the Applicant proposes to replace the lost wetland area on-site at a ratio of no less than two to one.

Section 7.5 of the Zoning Ordinance

7.5.1 Conformity with the Comprehensive Plan

1. The Common Council finds that the site plan amendment herein is consistent with the 1997 Comprehensive Plan and the 2006 Plan Update (“Comprehensive Plan”). The project site is located within the Outer Area of the City. The church use on the project site is consistent with the City’s Comprehensive Plan strategies for the Outer Area, which stresses the need to preserve existing residential neighborhoods and environmental resources from encroachment by more intensive uses.

2. The Land Use Plan for the Outer Area specifically envisions limiting “intrusions or expansions by institutional uses other than religious institutions in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts.” Consistent with this policy, the proposed project is an expansion of a religious use. The students attending the proposed Sunday School would not generate additional demand for parking or increased traffic congestion because they would be accompanying their parents on existing trips to the Church property.

3. The Land Use Plan also calls for the preservation of the character of the North Street Corridor. Consistent with this policy, no changes on the site will be visible from North Street.

7.5.2 Safe and adequate pedestrian and vehicular traffic conditions

1. Subject to the Applicant’s compliance with the applicable conditions set forth in this approval resolution herein, the vehicular and traffic circulation both within and without the site have been reviewed and are considered safe, adequate and convenient in accordance with Section

7.5.2 of the Zoning Ordinance, based upon the reports from the Transportation Commission, the then Traffic Commission and the Deputy Commissioner of Parking for Traffic Engineering. 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 the exit of the site, including North Street and Zion Lane; arrangements for on and off-street parking facilities, including the driveways connecting such facilities; patterns of vehicular and pedestrian circulation; facilities for the physically challenged; and adequacy of emergency access.

2. No changes to site access or egress are proposed by the Applicant. The project would not generate additional traffic, since the children already accompany their parents to Church and would continue to do so. The site plan has been designed to minimize conflicts between pedestrians and vehicular circulation and parking areas.

3. Based on the above, the Common Council finds that the Application satisfies the requirements of Section 7.5.2 of the Zoning Ordinance.

7.5.3 Protection of environmental quality and property values

1. Subject to the Applicant’s compliance with the applicable conditions contained in this approval resolution herein, the design of the proposed Church building is in harmony with adjacent uses and will preserve property values and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance, based upon the proposed landscaping, the distance to adjacent residences and the central location of the church buildings on this approximately 10.6 acre property. In addition, consideration has been given to architectural design of the

structures, preservation of retaining walls where possible and where not possible, the reuse of stones from the retaining walls from the retaining walls on site, rehabilitation of existing residential structures at the perimeter of the property to maintain residential character and appropriate design and use of lighting, storm and surface water drainage facilities.

2. A portion of the area of proposed development located between the onsite wetlands and the existing parking lot encroaches upon the approximately 3,760 square foot portion of the mapped “100-foot wetland setback area.” This area is highly disturbed and is currently utilized as a playground. To mitigate this loss, the Applicant is proposing to add wetland plantings at a ratio of no less than two to one, thus expanding the effective wetland buffer.

3. Based on the above, the Common Council finds that the Application satisfies the requirements of Section 7.5.3 of the Zoning Ordinance.

7.5.4 Quality of “building” design and overall site design

Subject to the Applicant’s compliance with the applicable conditions set forth in this approval resolution herein, in accordance with Section 7.5.4 of the Zoning Ordinance, upon consideration of the recommendation of the Design Review Board, the architectural design of the Church building will enhance and protect the character and property values of the neighborhood.

Section 8 Off-Street Parking and Loading

1. The existing building along with the proposed addition will generate a requirement of 183 parking spaces. Under Section 8.7.3 of the Zoning Ordinance, the Common Council may grant a partial waiver for improvements for a portion of parking normally required. The Applicant seeks approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance waiving the construction of eighteen (18) parking spaces (which the Applicant is proposing to construct as overflow parking with grass pavers) along with the 43 spaces for which construction was waived pursuant to Section 8.7.3 of the Zoning Ordinance in the September 5, 1995 amended site plan approval, to provide 61 waived spaces or 33% (one-third) of the 183 parking spaces required for the Church use.

2. The Common Council, in reviewing site plan applications, tries to balance the need for parking with the preservation of open space and landscaping on the individual sites. Section 8.7.3 of the Zoning Ordinance authorizes the approving agency of a site plan to waive the construction of up to one third (1/3) of the required parking spaces for a use upon a finding by the approving agency that less than the required number of parking or loading spaces will satisfy the intent of the Ordinance. However, the applicant must demonstrate “that sufficient space remains for the provision of the total number of off-‘street’ parking requirement and the ‘site plan’ shall bear such designation.” The Ordinance further provides that the unimproved parking area should be “used and maintained as additional landscaped grounds until required for parking.” A written guarantee of the construction of the waived parking upon a written notice of the need for such parking by the approving agency ensures that the parking will be constructed if required.

3. The Common Council finds that the waiver of the construction of an additional

18 parking spaces, as shown on the final site plan drawings, subject to Applicant's compliance with Condition No. 1 set forth in the October 7, 2013 approval resolution requiring the Applicant to provide to the City within sixty (60) days a revised site plan demonstrating the location of the waived parking spaces and a written guarantee of construction of the parking spaces satisfactory to the Corporation Counsel, is appropriate and consistent with Section 7.5.2.4 of the Zoning Ordinance and in the best interests of the City in that landscaped open space on the site will be preserved; and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 4.4.25, 7 and 8 of the Zoning Ordinance have been satisfied and that the amendment to the existing approved Site Plan to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children's Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage, all attached to the existing community building; (2) approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") waiving the construction of eighteen (18) parking spaces (which the Applicant is proposing to construct as overflow parking with grass pavers) along with the 43 spaces for which construction was waived pursuant to Zoning Ordinance Section 8.7.3 in the September 5, 1995 amended site plan approval, to provide 61 waived spaces or 33% (one-third) of the 183 parking spaces required for the Church use; and (3) relief from the new fifty (50) foot restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the Zoning Ordinance, be and hereby is granted, and shall expire on June 6, 2016, and shall be subject to all of the applicable conditions set forth in the approval resolution adopted by the Common Council on October 7, 2013, and the following additional conditions and modification of Condition 2 of the resolution adopted October 7, 2013:

1. As per the communication of the Commissioner of Public Works dated April 6, 2015, the Applicant shall comply with all current federal, state and local regulations (*i.e.* stormwater requirements of January 29, 2015).

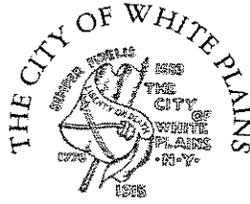
2. As per the letter dated May 20, 2015 from James Glatthaar, Esq., attorney for the Applicant, the Applicant has agreed to limit the use of the entire site on weekends to church-related functions only, such as religious education, religious school functions, or activities commonly associated with a Place of Worship (*e.g.* fellowship, choir practice, weddings held in Applicant's Church sanctuary, parish council meetings, children's recreation area, etc.). For the purposes of this provision, a wedding reception does not constitute a church-related function unless the wedding is held in the Applicant's Church sanctuary.

3. Condition 2 of the approval resolution adopted by the Common Council on October 7, 2013 is hereby modified to read as follows:

2. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the amended Site Plan approval granted herein limits the use of the proposed addition to Church-related functions, including the Sunday School. The use of the hall shall be limited to religious education, religious school functions, or activities commonly associated with a Place of Worship (*e.g.* fellowship, choir practice, parish council meetings, children's recreation area, etc.). ~~[Use of the space for non-religious activities that are not incidental to the approved use shall require a separate approval from the approving agency. The Applicant shall submit a revised site plan to the Commissioner of Building within thirty (30) days of adoption~~

~~of this approval resolution herein, containing a note delineating the aforementioned restriction.]~~

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

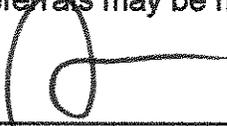
**TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7 of the White Plains Zoning Ordinance, is a proposed amendment (dated June 24, 2015), to a previously approved site plan associated with 1311 Mamaroneck Avenue.

The applicant, OSG Mamaroneck, LLC d/b/a Onyx Equities, proposes to make certain site improvements at the aforementioned premises. These improvements include introducing additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting.

The addition of the parking spaces required an area variance from the Zoning Board of Appeals (ZBA) due to their proximity to the property line. The ZBA granted this variance on June 3, 2015.

Referrals may be made at this time to appropriate City Departments and Boards.



Damon A. Amadio P.E.
Commissioner of Building

DATED: June 24, 2015
(for the July 6, 2015 Common Council Meeting)

DOCUMENTS

SUBMITTED: Cover letter prepared by Mr. Seth Mandelbaum dated June 24, 2015; a Short Environmental Assessment Form dated June 24, 2015; a Short Form Building Permit Application dated April 20, 2015; Sign Design drawings six (6) sheets); drawings L-01 through L-08 as prepared by Stantec; Landscape design drawings (fourteen (14) sheets) as prepared by Stantec and drawings SP-1 through SP-9 as prepared by John Meyer Consulting.

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WHITE PLAINS, NEW YORK

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KEITH R. BETENSKY
COUNSEL

10605

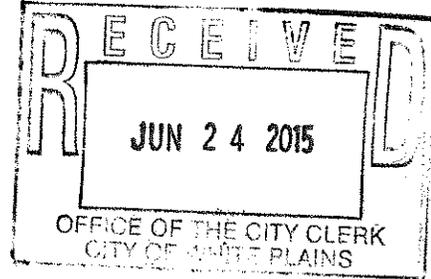
(914) 949-8400

FAX (914) 949-2510

WWW.McCULLOUGHGOLDBERGER.COM

FRANK B. McCULLOUGH (1905-1988)
EVANS V. BREWSTER (1920-2005)

June 24, 2015



Damon A. Amadio, P.E.
Commissioner of Building
70 Church Street
White Plains, NY 10601

Re: 1311 Mamaroneck Avenue
White Plains, NY

Dear Mr. Amadio:

This firm represents OSG Mamaroneck, LLC d/b/a Onyx Equities (the "Applicant") in connection with the premises located at 1311 Mamaroneck Avenue, White Plains, New York (the "Property"), regarding its proposal to expand the existing parking lot and add new signs to the Property, together with associated landscaping, lighting and other site improvements. The goal of these improvements is to retain current tenants and attract new tenants to the building, bringing more jobs to White Plains.

On May 11, 2015, the White Plains Design Review Board approved the proposed site work, landscaping and signs. On June 3, 2015, the White Plains Zoning Board of Appeals (the "ZBA") granted the necessary variances for the location of the proposed parking spaces as well as the location of the ground sign near Purdy Avenue, as shown on the ZBA Minutes, enclosed herewith. The Applicant now seeks final amended site plan approval from the Common Council, as well as the consideration of a license agreement for improvements in the City right-of-way with respect to the new sign at the Mamaroneck Avenue/Purdy Avenue entrance to the Property, as well as related underground utility lines.

In support of this application, enclosed please find the following documents, together with a check for the required \$250.00 application fee, for your referral to the Common Council:

- 1) Completed and signed Short Form Building Permit Application;
- 2) Completed and signed Short Environmental Assessment Form;
- 3) Ten (10) full size sets and twenty (20) half-scale sets of engineering drawings, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC ("JMC"), last revised June 24, 2015; and
- 4) Thirty (30) 11"x17" sets of Sign Plans from NY Sign Design/JC Awning and Landscape Plans from Stantec.

By copy of this letter to Anne M. McPherson, City Clerk, we respectfully request that this matter be placed on the July 6th Common Council agenda for referral out to the relevant departments, including the Planning Board, in order for the matter to be placed on the July 21st Planning Board agenda, for their review and recommendations back to the Council. If you have any questions or require additional information, please do not hesitate to contact my office.

Very truly yours,



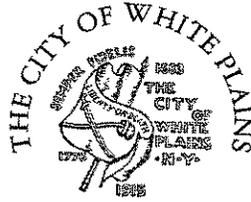
Seth M. Mandelbaum

SMM:sw

Enc.

cc: John G. Callahan, Esq.
Anne M. McPherson, RMC, CMC
Eileen McClain
OSG Mamaroneck, LLC

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**

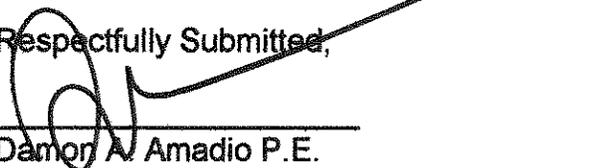
Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7 of the White Plains Zoning Ordinance, is a proposed amendment (dated June 23, 2015), to a previously approved site plan associated with 71 East Post Road and 2-4 Longview Avenue.

The applicant, White Plains Hospital Center, proposes to install new illuminated logo signs and lettering at locations around the hospital campus to better identify the campus and enhance navigation for pedestrians and vehicular traffic.

Certain logo signs are proposed to be mounted at elevations which exceed fifty (50'-0") feet above average grade. The City of White Plains Sign Ordinance stipulates that the Common Council have jurisdiction over the approval of these signs.

Referrals may be made at this time to appropriate City Departments and Boards.

Respectfully Submitted,


Damon A. Amadio P.E.
Commissioner of Building

DATED: June 24, 2015
(for the July 6, 2015 Common Council Meeting)

DOCUMENTS
SUBMITTED: Cover letter prepared by Mr. William Null dated June 23, 2015; a Short Environmental Assessment Form dated June 23, 2015; drawings C-100, A002, A003, LS-101, A-08-02, A-08-03 and a Sign Design drawing.

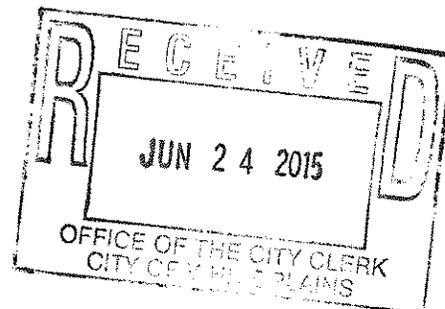
"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

June 23, 2015

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: Application of White Plains Hospital Center: Amended Site Plan & Special Permit Approval
(Premises: 71 East Post Road and 2-4 Longview Avenue)

Dear Mayor Roach and Members of the Common Council:

On behalf of White Plains Hospital Center ("WPH") in connection with the Major Modernization being constructed along Davis Avenue and Post Road and the new Hospital Office Building expanding the Dickstein Cancer Center, we respectfully enclose this Application to further amend the Site Plan and Special Permit granted by this Common Council to signage on buildings and at the main vehicular entrance to WPH and in the vehicular entrance to the Cancer Center building.

In the urban context of downtown White Plains, WPH needs to be sure that people can readily identify the Hospital's campus and navigate their way to the building in which the health services will be provided. The improvements being undertaken by WPH will enhance the patient experience and improve the aesthetics of the campus. Building signage will identify the buildings in a manner that enables people to find their way around the surrounding streets to the campus and directional signage will be presented to the City in the next few months to further implement this way-finding. At this time, however, as we near completion of the Major Modernization and the Cancer Center expansion, signage at the vehicular entrance ways to these buildings is important to put into place, as well as the building signage.

Accordingly, this Application respectfully seeks approval of signage for the following locations:

1. Major Modernization: As shown on the enclosed plans:
 1. A total of two logo signs will be mounted to the buildings at the upper most segments of the west and south elevations;
 2. Lettering will be mounted to the port cochere; and
 3. Two sets of lettering will be added to recognize donor contributions to the Hospital.

2. 2-4 Longview and Cancer Center: As shown on the enclosed plans:
 1. A total of three logo signs will be mounted to the building at the upper most segments of the east and west elevations;
 2. Lettering will be mounted to the canopy overhang; and

June 23, 2015

Page 2

3. Two sets of lettering will be added on the Longview façade to recognize donor contributions to the Cancer Center.
3. Entrance Driveway Signage: Both the Major Modernization and the Cancer Center expansion will have entrance signage attached to low, granite walls situated amidst landscaped planting areas. The design will be consistent with the new architectural aesthetic, bringing a refined modern approach to the landscape.

In furtherance of this Application, we respectfully enclose for your review and consideration thirty-six (36) sets of the following plans:

1. Plans prepared by McLaren Engineering Group, entitled "Hospital Office Building, 2-4 Longview Avenue, White Plains Hospital", dated February 21, 2014, last revised June 23, 2015 and numbered and titled, (C-100) Overall Site Plan;
2. Plans prepared by Perkins Eastman, entitled "WPH – Phase 2," dated May 7, 2014, last revised June 23, 2015 (unless otherwise noted), numbered and titled as follows:
 - a.(A002) WPH Exterior Signage, West Elevation;
 - b.(A003) WPH Exterior Signage, South Elevation;
3. Plans prepared by RGR Landscape, entitled "WPH Exterior Signage," dated June 23, 2015, numbered and titled, (LS101) Wall Sign Location Enlargements;
4. Plans prepared by Posen Architects, entitled, "Hospital Office Building Addition, 2-4 Longview Avenue, White Plains, NY," dated August 15, 2013, last revised June 23, 2015, numbered and titled as follows:
 - a.(A-08-02) Site Plan Application - Exterior East Elevations;
 - b.(A-08-03) Site Plan Application - Exterior West Elevations;
5. Plan prepared by Sign Design showing "Exterior Signage", dated June 19, 2015.

In addition, we are enclosing a copy of a Short Environmental Assessment Form prepared 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").

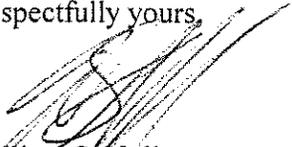
We respectfully request that this Application be placed on the Agenda for consideration at your next meeting in accordance with the provisions of the Zoning Ordinance. We look forward to addressing any questions and to presenting the details of the Application.

June 23, 2015

Page 3

Thank you for your consideration in this matter.

Respectfully yours,



William S. Null

WSN:yp

Enclosures

cc: John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff; Mr. Damon Amadio, Commissioner of Building; Ms. Susan Fox, CEO & President, White Plains Hospital; Mr. Ossie Dahl, Vice President Facilities, White Plains Hospital; Mr. Joseph Perillo; Mr. Laurence Smith, Chairman, White Plains Hospital; Mr. J. Michael Divney; Messrs. Frank Gunther and Paul Pezzutti, Perkins Eastman; Mr. Steve Grogg, P.E., McLaren Engineering; and Mr. Dennis Posen, Posen Architects

617.20
Appendix B
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			
White Plains Hospital Center			
Name of Action or Project: Building and Entry Wall Signage: Major Modernization and Cancer Center Expansion			
Project Location (describe, and attach a location map): 71 East Post Road & 2-4 Longview Avenue, White Plains, NY			
Brief Description of Proposed Action: Building and entry signage at vehicular entrances for both the main Hospital buildings on Davis Avenue and the Cancer Center on Longview Avenue.			
Name of Applicant or Sponsor: White Plains Hospital Center		Telephone: 914-681-2116	
		E-Mail: jperillo@wphospital.org	
Address: 71 East Post Road			
City/PO: White Plains		State: New York	Zip Code: 10601
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 type="checkbox"/> YES <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:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ N/A acres	
b. Total acreage to be physically disturbed?		_____ N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 7.3 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 checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Hospital</u> <input 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: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>White Plains Hospital Center</u> Date: <u>June 23, 2015</u>		
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?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<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.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

RESET



DEPARTMENT OF BUDGET

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

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

Michael A. Genito, Budget Director

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

Transmitted herewith is the City's Summary Adopted Budget for Fiscal Year 2015-2016.

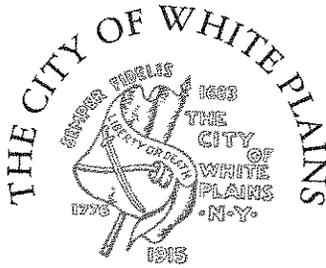
Respectfully submitted,

Michael A. Genito
Budget Director

Dated: June 16, 2015

(For the Common Council meeting of July 6, 2015)

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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

RICHARD G. HOPE
ACTING COMMISSIONER

BRIAN M. MURPHY
DEPUTY COMMISSIONER

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

The Department of Recreation and Parks has advised us that the Yoga event scheduled for July 9, 2015 (with a rain date of July 10, 2015) originally entitled, "Get on Your Mat for Mental Health," and to be sponsored by the City of White Plains and the Mental Health Association, will now be sponsored by the City of White Plains and White Plains Hospital and will now be called **"The City of White Plains Presents, Outdoor Yoga Event: Namaste on a Two Way."**

The Common Council previously authorized the street closure and other related matters regarding this event by ordinances adopted April 6, 2015, May 4, 2015 and June 1, 2015.

Respectfully yours,

Richard G. Hope
Acting Commissioner of Public Works

Dated: July 6, 2015

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