



**COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
August 3, 2015
7:30 P.M.**

PLEDGE TO THE FLAG: Hon. Beth Smayda

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 SEPTEMBER 8, 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 SEPTEMBER 8, 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 SEPTEMBER 8, 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 SEPTEMBER 8, 2015**
5. 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/CLOSED**

ITEMS 6 - 8 F/S

6. Communications from Commissioner of Planning
7. Planning Board
8. Environmental Officer

9. Environmental Findings Resolution **ADOPTED**

10. 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. **ADOPTED 7 - 0**

**FIRST READING
ORDINANCES:**

11. Communication from Corporation Counsel in relation to certain tax review proceedings **F/S**

12. Ordinance authorizing the settlement of certain tax review proceedings. **ADOPTED 7 - 0**

13. Communication from Corporation Counsel in relation to a non-exclusive franchise between the City and TVC Albany NY, d/b/a First Light for the operation of a fiber optic telecommunications system in the City. **F/S**

14. Ordinance amending in its entirety an ordinance adopted by the Common Council on July 6, 2015, entitled, "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. " **ADOPTED 7 - 0**

15. Communication from Corporation Counsel in relation to a five (5) year Joint Facilities Agreement between the City and the White Plains School District. **F/S**

16. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a five (5) year Joint Facilities Agreement with the City School District of the City of White Plains in relation to cooperative equipping, operating and maintaining of facilities and exchange of services. **ADOPTED 7 - 0**

17. Communication from Chairman, Capital Projects Board, in relation to Capital Project

No. C5462, Renovations to Fire Facilities FY 2015-2016. **F/S**

18. Communication from Environmental Officer. **F/S**
19. Environmental Findings Resolution **ADOPTED**
20. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5462, Renovations to Fire Facilities FY 2015-2016. **ADOPTED 7 - 0**
21. Bond Ordinance dated August 3, 2015, authorizing the issuance of \$757,500 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 Fire Facilities, constituting Class "A" Buildings in and for the City. **ADOPTED 7 - 0**
22. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5461, Miscellaneous Street Reconstruction FY 2015. **F/S**
23. Communication from Environmental Officer. **F/S**
24. Environmental Findings Resolution **ADOPTED**
25. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by amending Capital Project No. C5461, Miscellaneous Street Reconstruction FY 2015. **ADOPTED 7 - 0**
26. Bond Ordinance dated August 3, 2015, authorizing the issuance of \$1,414,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance a portion of the costs of the construction, reconstruction, widening or resurfacing of City streets. **ADOPTED 7 - 0**
27. Communication from Director, Youth Bureau, in relation to a grant from the Westchester Putnam Workforce Investment Board in the amount of \$38,270 to operate the 2015 TANF Summer Employment Program for at least 30 youth 14 - 20 years of age. **F/S**
28. Ordinance authorizing the Mayor, or his designee, to enter into a contact with the Westchester Putnam Workforce Investment Board to accept an award to operate a Summer Youth Employment Program and to authorize the Budget Director to amend the FY 2015/16 Youth Development Fund to reflect this grant. **ADOPTED 7 - 0**
29. Communication from Deputy Commissioner of Parking in relation to proposed amendments to the Traffic Ordinance. **F/S**

30. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a “Handicapped Parking Spaces-Streets (Metered Three Hour Maximum)” on the west side of Church Street; modifying a “Two Hour Parking” Zone on the east side of Sterling Avenue; and creating a “Fifteen Minute Parking 2PM - 4PM, School Days” Zone on the west side of Soundview Avenue.
ADOPTED 7 - 0

RESOLUTIONS:

31. Communication from Corporation Counsel in relation to the scheduling a public hearing for September 8, 2015 on 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, on an environmentally sensitive site. **F/S**
32. Resolution of the Common Council of the City of White Plains scheduling a public hearing for September 8, 2015 in relation to the application submitted on behalf of UCM/ONYX-1311 Mamaroneck Owners LLC, the owners of property known as 1311 Mamaroneck Avenue (Section 138.18, Block 1, Lot 3) (“Applicant”), located in the C-O (Campus Office) Zoning District, for an amendment to the previously approved site plan on property containing “environmentally sensitive features” to allow certain site improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting, in accordance with Section 4.4.25.2 and 7 of the Zoning Ordinance. **ADOPTED**

ITEMS 33 - 42 F/S

33. Communication from the 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.
34. Communications from Design Review Board
35. Commissioner of Planning
36. Planning Board
37. Commissioner of Public Safety
38. Acting Commissioner of Public Works
39. Deputy Commissioner, Traffic Division
40. Transportation Commission
41. Commissioner of Parking
41a. Westchester County Planning Board
42. Environmental Officer

43. Environmental Findings Resolution **ADOPTED**

44. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of White Plains Hospital Center (“Applicant”) to further amend a previously approved site plan and special permit regarding the Hospital Modernization Plan, originally granted by the Common Council on

September 8, 2009, amended and extended by a resolution adopted November 4, 2013, and last amended by a resolution adopted November 3, 2014, for permission to install new signage for the following locations: (1) 41 East Post Road (Major Modernization) consisting of: (A) two illuminated logo signs (“A” and “D”) at the uppermost segments of the west and south elevations; (B) one illuminated sign (“C”) to be mounted to the porte cochere; (C) two sets of lettering to recognize donor contributions, signs (B” and “E”); (2) 71 East Post Road consisting of two illuminated logo signs (“G” and “F”) at the uppermost east and west elevations; and (3) 2-4 Longview Avenue consisting of (A) one illuminated logo sign (“I”) to be mounted on the building facade facing east (Longview Avenue): (“B”) one illuminated sign (“J”) to be mounted to the entrance canopy overhang; (C) one non-illuminated “Dickstein Cancer Treatment” sign (“K”) to be mounted to the building facade facing east (Longview Avenue) and (D) one set of lettering to recognize donor contributions facing east (Longview Avenue) sign (“H”). **ADOPTED**

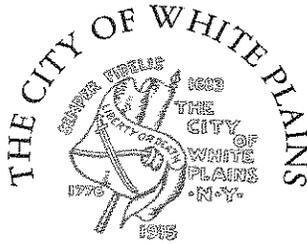
45. Communication from Commissioner of Planning in relation the NYS Affordable Home Ownership Development Program Grant Award from the NYS Affordable Housing Corporation and amending in its entirety the Third Whereas Clause. **F/S**
46. Resolution amending a resolution of the Common Council adopted on December 1, 2014 entitled, “Resolution of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to enter into an agreement, on behalf of the City of White Plains, with the New York State Affordable Housing Corporation for receipt of funds under the Affordable Housing Corporation’s “Affordable Home Ownership Development Program”.” **ADOPTED**
47. Communication from Commissioner of Finance in relation to proposed changes to the City of White Plains Investment Policy. **F/S**
48. Resolution of the Common Council of the City of White Plains adopting a revised Investment Policy for the City of White Plains. **ADOPTED**
49. Communication from Deputy Commissioner of Parking in relation to a transfer of funds within the Parking Department Budget for expenses related to snow plowing and removal. **F/S**
50. Resolution of the Common Council of the City of White Plains authorizing the transfer of funds within the Department of Parking. **ADOPTED**
51. Communication from Commissioner of Public Works in relation to 2015-2016 Capital Project, Water Transmission Main from CAPS Phase IV, a project to deliver water from the Central Avenue Pump Station to the Orchard Street Pump Station. **F/S**
52. Communication from Environmental Officer **F/S**

53. Environmental Findings Resolution **ADOPTED**
54. Resolution of the Common Council of the City of White Plains authorizing and directing the filing of an application for funds from the New York State Departments of Health and Environmental Facilities Corporation in accordance with the provisions of the New York State Infrastructure Improvement Act of 2015, in an amount not to exceed \$2,500,000, and upon approval of said application for grant funds and financing request to enter into and execute a project agreement with the State for such financial assistance to the City of White Plains for the project, "City of White Plains Water Transmission Main from the Central Avenue Pump Station (CAPS), Phase IV." **ADOPTED**

ITEMS FOR REFERRAL:

55. Communication from Commissioner of Building in relation to an application submitted on behalf of Westchester Building Company, LLC, for an amendment to a previously approved site plan for 333 Westchester Avenue, to relocate an entrance driveway that connects to Westchester Avenue. **F/S AND REFERRED TO LAW, BUILDING DEPT., PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD, WESTCHESTER DEPT OF TRANSPORTATION, WESTCHESTER DEPT OF PUBLIC WORKS, AND ENVIRONMENTAL OFFICER.**
56. Communication from Commissioner of Building in relation to a request made on behalf of White Plains Healthcare Properties, Inc., for a site plan extension on a previously approved application to construct the White Plains Institute of Rehabilitation and Healthcare, a skilled nursing facility at Church and Barker Avenue. **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
57. Communication from Commissioner of Building in relation to the application submitted on behalf of Maple and Broadway Holdings, LLC, in cooperation with Urstadt Biddle Properties, Inc., for Site Plan and Special Permit Approval for the proposed re-development of the Westchester Pavilion at 60 South Broadway. **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
58. Communication from Commissioner of Building in relation to an application submitted on behalf of Hudson Gateway Association of Realtors, and Bloomingdale Road Investors, LLC, for an amendment to a previously approved site plan to make exterior modifications on the fourth floor at One Maple Avenue (a/k/a The Source). **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS,**

**TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY
PLANNING BOARD AND ENVIRONMENTAL OFFICER.**



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 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.

Minor revisions to the July 6, 2015 Light Industrial Mixed Use (LI-M) Zoning District Ordinance are provided herein for review. The proposed amendments seek to further incentivize the adaptive reuse of existing structures for residential use within the Westmoreland Avenue Corridor as a means to increase neighborhood vitality and preserve community character. The proposed ordinance establishes a new hierarchal division of special permit criteria providing incentives for the adaptive reuse, adaptive reuse with expansion, and new construction for multi-family dwelling, hotel, and extended stay hotels.

Note that the new provisions for adaptive reuse and adaptive reuse with building expansion now contain a .5 Floor Area Ratio (FAR) bonus incentive permitting a maximum of 3.5 FAR as compared to 3.0 FAR for new residential construction. New residential or hotel construction in the proposed district would also permit parking within the footprint of the structure provided it is screened from the street by a ground floor with a minimum gross square footage of 20% of total parcel size dedicated to non-residential use. A new minimum lot area per dwelling unit regulation is also proposed for new construction limiting the total residential unit count per parcel whereas no such regulation would apply to adaptive reuse developments. The proposed special permit criteria are summarized below with amendments to the July 6, 2015 ordinance indicated in bold text:

1. Adaptive Reuse of Existing Buildings:

- Minimum of one floor must be converted.
- Must meet existing parking requirements, no waiver.
- Conversion to retain the existing character of building to maximum extent practicable.
- **Maximum Floor Area Ratio (FAR) of 3.5 (.5 FAR incentive bonus).**

2. Adaptive Reuse of Existing Buildings with Expansion:

- **Multi-family dwelling and accessory uses are prohibited on ground floor except for access.**
- Must meet existing parking requirements, no waiver.
- Conversion/expansion to retain the existing character of building to maximum extent practicable.
- **Maximum Floor Area Ratio (FAR) of 3.5 (.5 FAR incentive bonus).**

3. New Construction

- **Multi-family dwelling and accessory uses are prohibited on ground floor except for access.**
- Must meet existing parking requirements, no waiver.
- **Ground floor must be dedicated to non-residential use and be at least 20% of total parcel area in size.**
- Must meet parking requirements, no waiver.
- **Parking is permitted within the footprint of the building provided it is suitably screened from the street using materials/methods approved by the lead agency.**
- New façade and exterior features consistent with existing character.
- **Minimum lot area per dwelling unit is 350 feet.**

Public Purpose and Comprehensive Plan Consistency

The minor amendments to the proposed legislation further reaffirm the City's stated public purpose and comprehensive plan consistency identified in the July 15, 2015 Common Council communication submitted by Deputy Planning Commissioner Linda K. Puoplo:

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 heavy manufacturing uses to be developed in the existing LI districts by clarifying that light manufacturing uses only are permitted, adopt a definition of ‘light manufacturing’ .

The proposed Light Industrial Mixed Use (LI-M) District will further the following goals of the Comprehensive Plan:

“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 Planning Department notes that the Planning Board reviewed the minor revisions to the proposed legislation at its July 21, 2015 meeting and issued a positive recommendation to the Common Council in a communication dated July 23, 2015. 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.

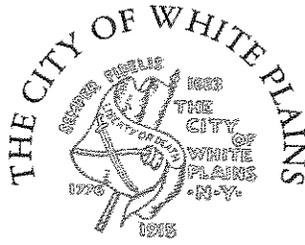
Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated July 23, 2015

(For the August 3, 2015 Common Council Meeting)



PLANNING BOARD

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

THOMAS M. ROACH
MAYOR

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

July 23, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

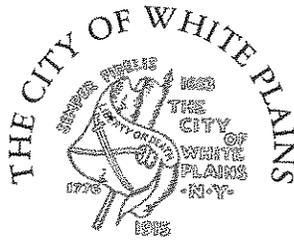
SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENT TO CREATE A NEW LIGHT INDUSTRIAL MIXED USE (LI-M) ZONING DISTRICT, AND PROPOSED ZONING MAP AMENDMENT TO RE-ZONE A LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO LI-M

At its July 21, 2015 meeting, the Planning Board reviewed the revised proposed amendment to the Zoning Ordinance with regard to creating the Light Industrial Mixed Use Zoning District (LI-M).

The Board was pleased to see that its major comments from its May 20, 2015 communication to the Common Council were addressed in the revised proposed amendment, particularly with regard to preserving industrial uses and providing incentives for the adaptive reuse of existing building for residential development. The Board found no objection to approval of the proposed amendment.

Planning Board members voting in favor of the motion to send a letter to the Common Council finding no objection to approval of the proposed amendment to the Zoning Ordinance to create a new Light Industrial Mixed Use zoning district: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, and R. Stackpole (6); Opposed: None (0); Absent: None (0); Abstain: J. Westlund (1). Mr. Westlund abstained as he was not present for the discussion at the May Planning Board meeting.

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



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

July 28, 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:

8

- (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.

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 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 non-residential uses will remain at 2.00.

The proposed ordinance establishes a new hierarchal division of special permit criteria providing incentives for the adaptive reuse, adaptive reuse with expansion, and new construction for multi-family dwelling, hotel, and extended stay hotels.

Note that the new provisions for adaptive reuse and adaptive reuse with building expansion now contain a .5 Floor Area Ratio (FAR) bonus incentive permitting a maximum of 3.5 FAR as compared to 3.0 FAR for new residential construction. New residential or hotel construction in the proposed district would also permit parking within the footprint of the structure provided it is screened from the street by a ground floor with a minimum gross square footage of 20% of total parcel size dedicated to non-residential use. A new minimum lot area per dwelling unit regulation is also proposed for new construction limiting the total residential unit count per parcel whereas no such regulation would apply to adaptive reuse developments. The proposed special permit criteria are summarized below:

1. Adaptive Reuse of Existing Buildings:

- Minimum of one floor must be converted.
- Must meet existing parking requirements, no waiver.
- Conversion to retain the existing character of building to maximum extent practicable.
- Maximum Floor Area Ratio (FAR) of 3.5 (.5 FAR incentive bonus).

2. Adaptive Reuse of Existing Buildings with Expansion:

- Multi-family dwelling and accessory uses are prohibited on ground floor except for access.
- Must meet existing parking requirements, no waiver.
- Conversion/expansion to retain the existing character of building to maximum extent practicable.
- Maximum Floor Area Ratio (FAR) of 3.5 (.5 FAR incentive bonus).

3. New Construction

- Multi-family dwelling and accessory uses are prohibited on ground floor except for access.
- Must meet existing parking requirements, no waiver.
- Ground floor must be dedicated to non-residential use and be at least 20% of total parcel area in size.

- Must meet parking requirements, no waiver.
- Parking is permitted within the footprint of the building provided it is suitably screened from the street using materials/methods approved by the lead agency.
- New façade and exterior features consistent with existing character.
- Minimum lot area per dwelling unit is 350 feet.

(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,

A handwritten signature in cursive script that reads "Rod Johnson".

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 non-residential uses will remain at 2.00.

The proposed ordinance establishes a new hierarchal division of special permit criteria providing incentives for the adaptive reuse, adaptive reuse with expansion, and new construction for multi-family dwelling, hotel, and extended stay hotels.

Note that the new provisions for adaptive reuse and adaptive reuse with building expansion now contain a .5 Floor Area Ratio (FAR) bonus incentive permitting a maximum of 3.5 FAR as compared to 3.0 FAR for new residential construction. New residential or hotel construction in the proposed district would also permit parking within the footprint of the structure provided it is screened from the street by a ground floor with a minimum gross square footage of 20% of total parcel size dedicated to non-residential use. A new minimum lot area per dwelling unit regulation is also proposed for new construction limiting the total residential unit count per parcel whereas no such regulation would apply to adaptive reuse developments. The proposed special permit criteria are summarized below:

1. Adaptive Reuse of Existing Buildings:

- Minimum of one floor must be converted.
- Must meet existing parking requirements, no waiver.
- Conversion to retain the existing character of building to maximum extent practicable.
- Maximum Floor Area Ratio (FAR) of 3.5 (.5 FAR incentive bonus).

2. Adaptive Reuse of Existing Buildings with Expansion:

- Multi-family dwelling and accessory uses are prohibited on ground floor except for access.

- Must meet existing parking requirements, no waiver.
- Conversion/expansion to retain the existing character of building to maximum extent practicable.
- Maximum Floor Area Ratio (FAR) of 3.5 (.5 FAR incentive bonus).

3. New Construction

- Multi-family dwelling and accessory uses are prohibited on ground floor except for access.
- Must meet existing parking requirements, no waiver.
- Ground floor must be dedicated to non-residential use and be at least 20% of total parcel area in size.
- Must meet parking requirements, no waiver.
- Parking is permitted within the footprint of the building provided it is suitably screened from the street using materials/methods approved by the lead agency.
- New façade and exterior features consistent with existing character.
- Minimum lot area per dwelling unit is 350 feet.

- (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; incentivize adaptive reuse of existing “buildings” for residential use to increase neighborhood vitality and retain existing character;” 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 include “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.

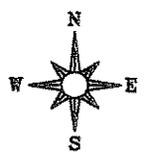
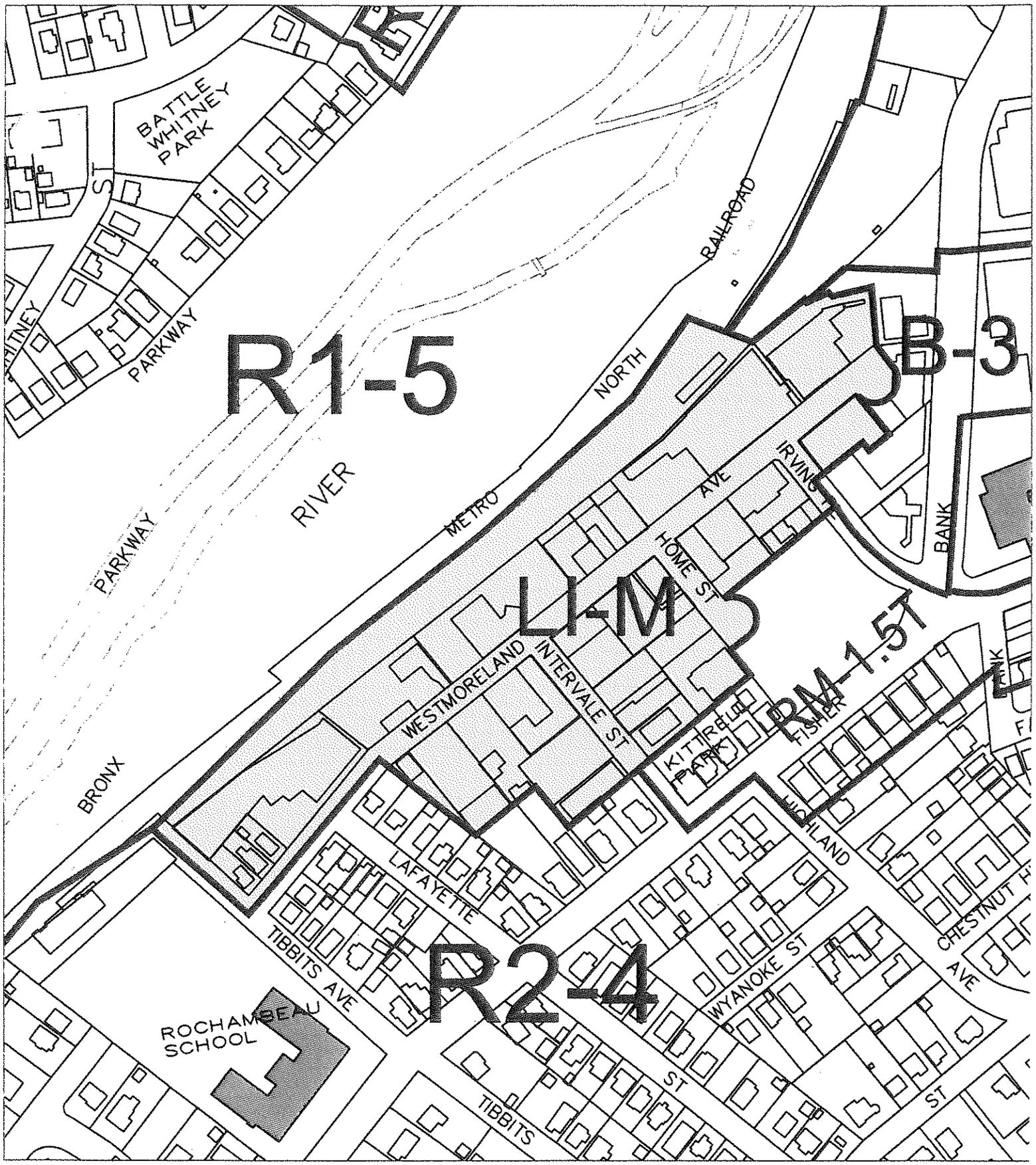
6.7.31.1.3 The conversion is consistent with the character of the area and retains its original exterior appearance to the maximum extent practicable.

6.7.31.1.4 The maximum “Floor Area Ratio” (FAR) shall be 3.5.

6.7.31.2 “Multi-family dwelling,” “hotel” or “extended stay hotel” uses are permitted in expanded buildings subject to meeting the following conditions:

- 6.7.31.2.1 “Multi-family dwelling and related accessory uses are prohibited on the ground floor of the building, except for access to such “Multi-family dwelling” use.
- 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 The expansion is consistent with the character of the area and retains its original exterior appearance to the maximum extent practicable.
- 6.7.31.2.4 The maximum “Floor Area Ratio” (FAR) shall be 3.5.
- 6.7.31.3 “Multi-family dwelling,” “hotel” or “extended stay hotel” uses are permitted in new buildings subject to meeting the following conditions:
 - 6.7.31.3.1 “Multi-family dwelling” and accessory uses are prohibited on the ground floor of the building, except for access to such “Multi-family dwelling” use.
 - 6.7.31.3.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.
 - 6.7.31.3.3 The proposed building shall contain a ground floor space that fronts on a street and is at least 20 percent of the lot area in size, which space is dedicated to non-residential uses.
 - 6.7.31.3.4 Parking within the footprint of the building is permitted provided it is screened from the street by the façade of the building.
 - 6.7.31.3.5 The façade and exterior features are in keeping with the historic or architectural character of the neighborhood.
 - 6.7.31.3.6 The minimum “Lot” “Area” in square feet per “Dwelling Unit” shall be 350.

Section 4. This ordinance shall take effect immediately.



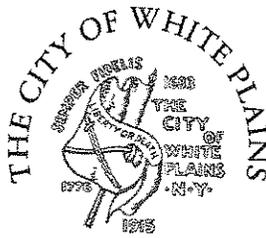
City of White Plains, NY
 Department of Planning

 Proposed LI-M District

Proposed Westmoreland Avenue
 Light Industrial - Mixed
 (LI-M) Zoning District
 10-28-2014
 Scale 1"= 40'

Non-residential

ZONE	MAXIMUM "BUILDING COVERAGE" in percent		MAXIMUM "FLOOR AREA RATIO"	MINIMUM "LOT" DIMENSIONS		MINIMUM REQUIRED "YARD" DIMENSIONS (a)				MAXIMUM "HEIGHT" (see also Sec 4.4)	ACCESSORY STRUCTURES			FOOTNOTES				
	"All Buildings"	"Main Building"		"Accessory Buildings"	"AREA" in sq. ft.	"FRONTAGE" in ft.	"DEPTH" in ft.	"FRONT"	"ONE SIDE"		"TWO SIDES"	"REAR"	"STORIES"		"MAXIMUM HEIGHT" in ft.	MINIMUM DISTANCE in ft.		
																"LOT"	"DWELLING UNIT" PER	"FRONTAGE" in ft.
L1M	60	=	10	5,000	50	=	=	=	=	=	4 (a)	25 (a)	10	=	=	(a) Applicable only to "buildings" and "structures" located above ground. (b) Where adjacent to a residential district, 200. (c) Where adjacent to a residential district on one side, 260; on two sides, 400. (d) "Parking lots" to be at least 100 ft. from any "side or rear lot line." (e) No "accessory buildings" permitted, except those accessory to "multi-family dwellings" and "parking garages" for private passenger vehicles. (f) Where the "building" is of fire-proof construction as approved by the Commissioner of Building, no minimum. (g) No "accessory building" permitted in a "side yard" of any individual areas, notwithstanding the subdivision or divided ownership of such site. (h) 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. (i) In the Central Parking Area, residential "FAR" may be increased to a maximum of 2.6 and non-residential "FAR" may be increased by 0.5 on issuance of a special permit by the Common Council. (j) "Usable open space" shall be provided in an amount to be determined by the approving agency. (k) 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. (l) 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. (m) 500 for "dwelling units" which address the purposes set forth in Section 5.5.4.6. (n) Sites non-residential "uses" are limited to sidewalk level, ground floor and second floor spaces. Residential "dwelling units" may be substituted for permitted non-residential "floor area" at a ratio of 1 "dwelling unit" for each 700 square feet of non-residential "floor area" and on issuance of a special permit by the Common Council. (o) 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. (p) 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. (q) For a "mini-storage facility" see Section 4.4.28. (r) See Section 4.4.15.2. (s) See Section 4.4.15.3 (i) Outside the Central Parking Area, 2.50. (Preserved) (t) Except as provided in Section 6.5.3, in the Central Parking Area, any portion of a "building" exceeding 50 feet in "height" shall be limited to an aggregate "building coverage" of 60 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. (y) "Front yard" setback is required on all "frontages." (z) See Section 5.5.3.1. (aa) See Section 5.5.3.2. (ab) See Section 5.5.3.3. (ac) "Gross floor area" not developed or required for conformance to this Ordinance on a "lot" or "development site" may be transferred to another "lot" or "development site" as long as the transfer is subject to a special permit by the Common Council. (ad) 500 for "assisted living facility." (ae) See Section 5.4.4.3. (af) 400 in the Central Parking Area. (ag) for residential "dwelling units" in the C-O District see Section 5.9; (ah) for residential height in "stories" in the C-O District see Section 5.9 and 5.9a and (ai) for residential height in feet in the C-O District see Section 5.9.		
L1	80 (c)	-	10 (c)	5,000	50	=	=	=	=	=	4	25	10	-	-			



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 properties located at 80 Grant Avenue, 76 Grant Avenue, 72 Grant Avenue, 68 Grant Avenue, 172 Ferris Avenue, 102 Fulton Street, 81 Robertson Avenue, 277 Martine Avenue, 129 Court Street, 180 East Post Road and 512 Mamaroneck Avenue, 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: July 27, 2015
(For the Common Council Meeting
of August 3, 2015)

//

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

**John Casolaro
80 Grant Avenue
SBL: 125.36-6-4**

<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>
2014/15	\$ 21,600	\$ 19,400	\$ 2,200	\$ 431.51
2015/16	\$ 21,600	\$ 19,400	\$ 2,200	\$ 441.63
			Total:	<u><u>\$ 873.14</u></u>

**79 Carhart Realty, LLC
76 Grant Avenue
SBL: 125.36-6-5**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2014/15	\$ 21,600	\$ 19,450	\$ 2,150	\$ 421.70
2015/16	\$ 21,600	\$ 19,450	\$ 2,150	\$ 431.59
			Total:	<u><u>\$ 853.29</u></u>

**Perez Living Trust (2014)
 J&S Perez, LLC (2015)
 72 Grant Avenue
 SBL: 125.36-6-6**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2014/15	\$ 21,600	\$ 19,450	\$ 2,150	\$ 421.70
2015/16	\$ 21,600	\$ 19,450	\$ 2,150	\$ 431.59
			Total:	<u>\$ 853.29</u>

**Rocco Borsesi and Gino Borsesi
 66 Grant Avenue
 SBL: 125.36-6-7.1**

<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>
2014/15	\$ 21,600	\$ 20,350	\$ 1,250	\$ 245.18
2015/16	\$ 21,600	\$ 20,350	\$ 1,250	\$ 250.93
			Total:	<u>\$ 496.11</u>

Tony Bettino (2008-2013)
172 Ferris Avenue, LLC (2014-2015)
172 Ferris Avenue
SBL: 125.42-1-7

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2008/09	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
2009/10	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
2010/11	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
2011/12	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
2012/13	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
2013/14	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
2014/15	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
2015/16	\$ 10,900	\$ 10,900	\$ 0	\$ 0.00
			Total:	<u>\$ 0.00</u>

Tony Bettino
102 Fulton Street, LLC
102 Fulton Street
SBL: 125.64-1-29

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2008/09	\$ 28,000	\$ 18,000	\$ 10,000	\$ 1,474.70
2009/10	\$ 28,000	\$ 18,000	\$ 10,000	\$ 1,570.60
2010/11	\$ 28,000	\$ 19,000	\$ 9,000	\$ 1,510.38
2011/12	\$ 28,000	\$ 21,000	\$ 7,000	\$ 1,232.77
2012/13	\$ 28,000	\$ 22,000	\$ 6,000	\$ 1,106.82
2013/14	\$ 28,000	\$ 23,000	\$ 5,000	\$ 958.70
2014/15	\$ 28,000	\$ 21,000	\$ 7,000	\$ 1,372.98
2015/16	\$ 28,000	\$ 20,000	\$ 8,000	\$ 1,605.92
			Total:	<u>\$ 10,832.87</u>

**Linda Morgese
81 Robertson Avenue
SBL: 125.65-3-19**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2014/15	\$ 6,800	\$ 5,850	\$ 950	\$ 186.33
2015/16	\$ 6,800	\$ 5,850	\$ 950	\$ 190.70
			Total:	<u>\$377.03</u>

**Broadmar Company LLC
277 Martine Avenue
SBL: 125.76-1-4**

<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>
2013/14	\$ 180,000	\$ 152,000	\$ 28,000	\$ 5,368.72
2014/15	\$ 180,000	\$ 140,000	\$ 40,000	\$ 7,845.60
2015/16	\$ 180,000	\$ 134,000	\$ 46,000	\$ 9,234.04
			Total:	<u>\$22,448.36</u>

**MBA Tech Ltd.
129 Court Street
SBL: 125.84-1-9**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 70,000	\$ 60,000	\$ 10,000	\$ 1,570.60
			Total:	<u>\$1,570.60</u>

**Post 180 LLC
180 East Post Road
SBL: 125.84-2-3**

<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>
2011/12	\$ 65,000	\$ 56,500	\$ 8,500	\$ 1,496.94
2012/13	\$ 65,000	\$ 59,000	\$ 6,000	\$ 1,106.82
2013/14	\$ 65,000	\$ 61,500	\$ 3,500	\$ 671.09
2014/15	\$ 65,000	\$ 60,000	\$ 5,000	\$ 980.70
			Total:	<u>\$ 4,255.55</u>

**Braceface Realty 2 LLC
180 East Post Road
SBL: 125.84-2-3**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 65,000	\$ 59,400	\$ 5,600	\$ 1,142.32
			Total:	<u>\$1,142.32</u>

**512 Mamaroneck Avenue Owners, Inc.
512 Mamaroneck Avenue
SBL: 131.29-7-2**

<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>
2011/12	\$ 61,700	\$ 52,000	\$ 9,700	\$ 1,708.27
2012/13	\$ 61,700	\$ 55,000	\$ 6,700	\$ 1,235.95
2013/14	\$ 61,700	\$ 57,000	\$ 4,700	\$ 901.18
2014/15	\$ 61,700	\$ 55,000	\$ 6,700	\$ 1,314.14
2015/16	\$ 61,700	\$ 53,000	\$ 8,700	\$ 1,746.44
			Total:	<u>\$ 6,905.98</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

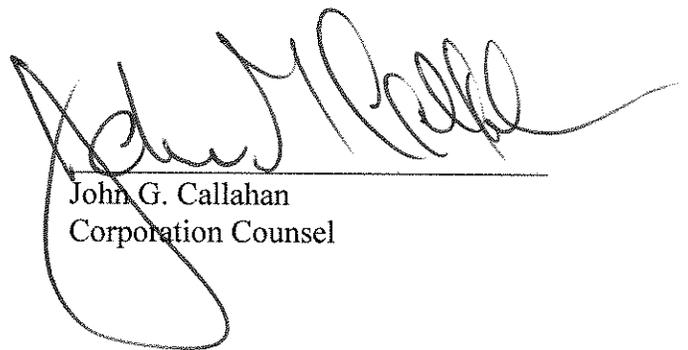
By letter dated June 5, 2015 addressed to the Mayor and copied to the Common Council, TVC Albany Inc. D/b/a First Light ("TVC Albany") applied for a franchise to develop a fiber optic telecommunications system in White Plains. TVC Albany has received a Certificate of Public Convenience and Necessity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

The Common Council authorized a franchise agreement for TVC Albany based upon an initial build of only 100 feet of aerial cable and 20 feet of linear fiber optic cable to be placed within an inner duct in the City. By letter dated July 16, 2015, TVC Albany amended their request for an initial build to a request to install 9907 linear feet of overhead fiber optic cable and 1207 linear feet of fiber optic cable to be placed in an inner duct in the City. As a result of the change in the requested initial build, in order to be consistent with existing agreements, the proposed franchise fee which TVC Albany will be required to pay will be \$8,014.64 which franchise fee shall be increased every two years thereafter by an increment of five (5%) per period over the latest annual fee. The franchise will still be for a ten year period with an option to renew for an additional ten year period. In addition, either party may still 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 amends the ordinance granting TVC Albany's application for a non-exclusive franchise to provide for an amended franchise fee for the franchise agreement and authorizes the Mayor to execute the aforementioned amended franchise agreement.



John G. Callahan
Corporation Counsel

Dated: July 27, 2015
(for the August 3, 2015 meeting
of the Common Council)

AN ORDINANCE AMENDING IN ITS ENTIRETY AN ORDINANCE ADOPTED BY THE COMMON COUNCIL ON JULY 6, 2015 ENTITLED "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 Ordinance adopted by the Common Council on July 6, 2015, entitled "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," be and it hereby is amended in its entirety to read as follows:

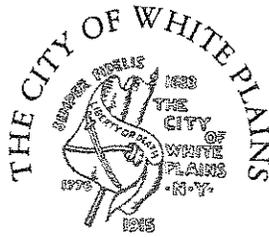
Section 1. The Common Council of the City of White Plains hereby grants TVC Albany Inc. D/b/a First Light ("TVC Albany"), which has received a Certificate of Public Convenience and Necessity to operate as a common carrier from the New York State Public Service Commission, a non-exclusive franchise to 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 TVC Albany's option. Based upon the proposed 9,906 linear feet of overhead cable and 1,207 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 in the amount of Eight Thousand and Fourteen and 64/100 (\$8,014.64) Dollars per year which annual fee shall be increased by five (5%) percent every two years over the term of the agreement. 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.”

Section 2. This ordinance shall take effect immediately.



DEPARTMENT OF LAW

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

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

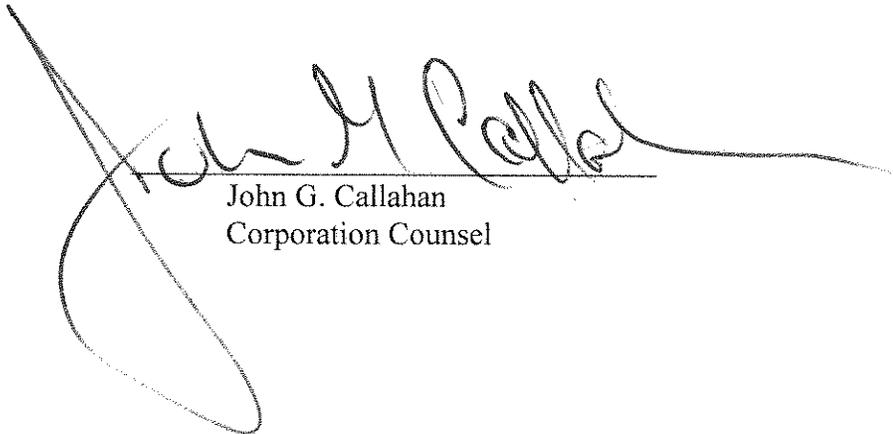
DANIEL K. SPENCER
Deputy Corporation Counsel

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

The agreement that existed between the City of White Plains and the White Plains School District concerning the sharing and joint use of facilities through the Joint Facilities Committee expired June 30, 2013. The parties recommend that a successor agreement contain the same terms and conditions as the agreement that expired on June 30, 2013.

The proposed cooperative agreement would be for a term of five (5) years, commencing on July 1, 2013 and terminating on June 30, 2018

Attached herewith for your consideration is an ordinance authorizing the Mayor or his designee to execute the aforementioned proposed cooperation agreement with the School District.



John G. Callahan
Corporation Counsel

Dated: July 24, 2015
(for the Common Council
Meeting of August 3, 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 JOINT FACILITIES AGREEMENT WITH THE CITY SCHOOL DISTRICT OF THE CITY OF WHITE PLAINS IN RELATION TO COOPERATIVE EQUIPPING, OPERATING AND MAINTAINING OF FACILITIES AND EXCHANGE OF SERVICES.

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

Section 1. A joint facilities agreement between the City of White Plains and the City School District for the cooperative equipping, operating and maintaining of facilities and exchange of services is hereby authorized for a five (5) year period , commencing July 1, 2013 and terminating June 30, 2018.

Section 2. The Mayor or his designee is hereby authorized on behalf of the City of White Plains to execute said agreement.

Section 3. Said agreement shall be in a form acceptable to the Corporation Counsel.

Section 4. This ordinance shall take effect July 1, 2013.



**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 capital project for "Renovations to Fire Facilities," as part of the FY 2015-16 Capital Improvement Program at an estimated cost of \$750,000. A comprehensive review was made of all the fire facilities and several items were identified that needed to be addressed immediately at firehouses 1, 2, 3, 4, 6 and 7. These funds will be used to correct both interior and exterior structural and aesthetic issues, along with lowering maintenance costs.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts to undertake these renovations at various fire stations. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5462, entitled "Renovations to Fire Facilities FY 2015-2016," as follows:

REVENUES

C5462-08810	Serial Bonds	<u>\$757,500</u>
-------------	--------------	------------------

EXPENDITURES

C5462-4.005	Finance and Auditing	\$ 7,500
C5462-8.106	Major Additions-Improvements	<u>750,000</u>
		<u>\$757,500</u>

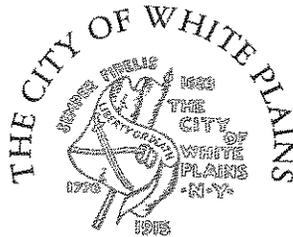
It is further requested that issuance of \$757,500 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

August 3, 2015

17



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

July 29, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5462
RENOVATIONS TO FIRE FACILITIES FY 2015-2016

Capital Project No. C5462, Renovations to Fire Facilities FY 2015-2016, has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

This project involves miscellaneous rehabilitation of Fire Department Stations #1, 2, 3, 4, 6 and 7, to correct structural problems and aesthetic issues, along with lowering maintenance costs.

This project represents a Type II Action under SEQR regulations in that it represents the routine maintenance, repair or standard upgrading of existing municipal facilities. Type II actions are determined under SEQR not to have a significant effect on the environment.

It is recommended that the Common Council (a) designate itself to serve 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

18

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO. C5462
RENOVATIONS TO FIRE FACILITIES FY 2015-2016

WHEREAS, Capital Project No. C5462, Renovations to Fire Facilities FY 2015-2016, (hereinafter referred to as "Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves miscellaneous rehabilitation of Fire Department Stations #1, 2, 3, 4, 6 and 7, to correct structural problems and aesthetic issues, along with lowering maintenance costs; and

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

WHEREAS, the Environmental Officer has further recommended that the Common Council determine that the Proposed Action is a Type II under SEQR regulations in that it represents the routine maintenance, repair or standard upgrading of existing municipal facilities; and

WHEREAS, Type II actions are determined under SEQR not to have a significant effect on the environment; 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. C5462, ENTITLED "RENOVATIONS TO FIRE FACILITIES FY 2015-2016."

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

Section 1. The Capital Projects Board has recommended a capital project for Renovations to Fire Facilities to correct structural problems and lower maintenance costs as part of the FY 2015-2016 Capital Improvement Program at an estimated cost of \$750,000. A comprehensive review was made of all the fire facilities and several items were identified that needed to be addressed immediately at Fire Stations Nos. 1, 2, 3, 4, 6 and 7. These funds will be used to correct both interior and exterior structural and aesthetic issues, along with lowering maintenance costs.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to undertake the renovations at various fire stations, including Fire Stations Nos. 1, 2, 3, 4, 6 and 7. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for the Commissioner of Public Works to effect such renovations, the Mayor is hereby authorized to direct the Budget Director to



amend the Capital Projects Fund by establishing Capital Project No. C5462, entitled, “**Renovations to Fire Facilities FY 2015-2016,**” with a budget as follows:

REVENUES:

C5462-08810	Serial Bonds	<u>\$757,500</u>
-------------	--------------	------------------

EXPENDITURES:

C5462-4.005	Finance and Auditing	\$ 7,500
C5462-8.106	Major Additions-Improvements	<u>750,000</u>
		<u>\$757,500</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$757,500, and to advance funds, as necessary, from the General Fund, pending the receipt of grant and bond proceeds and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED AUGUST 3, 2015, AUTHORIZING THE ISSUANCE OF \$757,500 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 FIRE FACILITIES, CONSTITUTING CLASS "A" BUILDINGS IN AND FOR THE CITY.

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 fire facilities, constituting class "A" buildings in and for the City, 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 \$757,500, 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 \$757,500, pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of fire facilities, constituting class "A" buildings in and for the City (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 \$757,500, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of

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

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 12(a)(1) of 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:

Included in FY 2015-16 Capital Improvement Program is a project to reconstruct portions of various streets. The work this year includes the reconstruction of various street segments in both residential and downtown streets. This communication requests funding for reconstruction and paving, but can include drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts as required to complete the capital improvements. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5461, entitled "Miscellaneous Street Reconstruction FY 2016" as follows:

INCREASE REVENUES

C5461-08810	Serial Bonds	<u>\$1,414,000</u>
-------------	--------------	--------------------

INCREASE EXPENDITURES

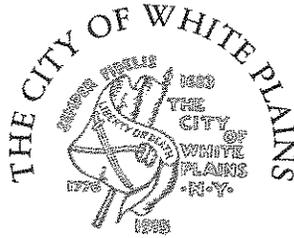
C5461-4.005	Finance and Auditing	\$ 14,000
C5461-8.203	Street/Rights-of-Way	<u>1,400,000</u>
		<u>\$1,414,000</u>

It is further requested that issuance of \$1,414,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

August 3, 2015



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

July 29, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT C5461
MISCELLANEOUS STREET RECONSTRUCTION FY 2016

Capital Project No. C5461, Miscellaneous Street Reconstruction FY 2016 (hereinafter referred to as the Proposed Action) have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the reconstruction of portions of various street segments in both residential and downtown streets and includes reconstruction and paving, as well as drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes.

This represents a Type II Action under SEQR regulations in that it involves maintenance or repair involving no substantial changes in an existing structure or facility. Type II actions are determined under SEQR not to have a significant effect on the environment.

It is recommended that the Common Council, (a) designate 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.C5461,
MISCELLANEOUS STREET RECONSTRUCTION FY 2016

WHEREAS, Capital Project No. C5461, Miscellaneous Street Reconstruction FY 2016 (hereinafter referred to as the Proposed Action) have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the reconstruction of portions of various street segments in both residential and downtown streets and includes reconstruction and paving, as well as drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment change; 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 is a Type II Action under SEQR regulations at 6 NYCRR §617 in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; now, therefore, be it

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

RESOLVED, that the Common Council hereby determines that the Proposed Action is 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 AMENDING CAPITAL PROJECT NO. C5461, ENTITLED, "MISCELLANEOUS STREET RECONSTRUCTION FY 2015."

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

Section 1. Included in the FY adopted Capital Improvement Program is a project to reconstruct portions of various streets. The main focus of this year's work is the reconstruction of various street segments in both the City's residential and downtown streets. In addition to funding for reconstruction and paving, drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes can be included.

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

Section 3. The Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by amending Capital Project No. C5461, entitled, "**Miscellaneous Street Reconstruction FY 2016**," as follows:

25

INCREASE REVENUES:

C5461-08810	Serial Bonds	<u>\$ 1,414,000</u>
-------------	--------------	---------------------

INCREASE EXPENDITURES:

C5461-4.005	Finance and Auditing	\$ 14,000
C5461-8.203	Street/Rights-of-Way	<u>1,400,000</u>
		<u>\$ 1,414,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$1,414,000 and to advance funds for this project, as necessary, from the proceeds of the debt issuance, pending receipt of grant proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED AUGUST 3, 2015, AUTHORIZING THE ISSUANCE OF \$1,414,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE A PORTION OF THE COSTS OF THE CONSTRUCTION, RECONSTRUCTION, WIDENING OR RESURFACING OF CITY STREETS.

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York (the "State"), located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of a portion of the costs of the construction, reconstruction, widening or resurfacing of City streets, 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 \$1,414,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the "Project");

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 \$1,414,000, pursuant to the Local Finance Law, in order to finance a portion of the costs of 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 \$1,414,000, (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 (i) the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds and (ii)

State aid in the amount of \$1,414,000, (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 20 of paragraph a 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.



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

July 14, 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 operate the 2015 TANF Summer Employment Program (SYEP) for at least 30 (thirty) youth 14 to 20 years of age beginning on or about May 1, 2015 through September 30, 2015.

The total contract amount of \$38,270 is in the approval process by the Westchester-Putnam Workforce Investment Board, The Westchester County Commissioner of Social Services, The Westchester County of Board and 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, that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Fund Accordingly.

Respectfully submitted,


Frank Williams, Jr.
Director Youth Bureau

For the August 3, 2015 Common Council

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH THE WESTCHESTER-PUTNAM WORKFORCE INVESTMENT BOARD TO ACCEPT AN AWARD TO OPERATE A SUMMER YOUTH EMPLOYMENT PROGRAM AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2015/16 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT.

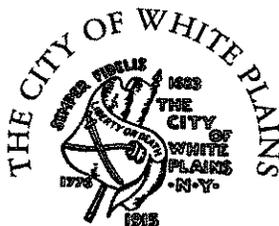
The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor, or his designee, is hereby authorized to enter into a contract with the Westchester-Putnam Workforce Investment Board, to accept an award, in an amount not to exceed \$38,270, to operate a Summer Youth Employment Program, which will serve no less than thirty (30) youth between 14 and 20 years of age. The contract period is May 1, 2015 through September 30, 2015. Said contract shall be in a form to be approved by the Corporation Counsel.

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

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

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

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

- 1.) Modify a "Handicapped Parking Spaces-Streets (Metered three- hour maximum)" on the west side of Church Street as described in Section 755 Subdivision 1.
- 2.) Modify a "Two Hour Parking" zone on the east side of Sterling Avenue as described in Section 203-a Subdivision 23-e.
- 3.) Create a "Fifteen Minute Parking 2PM-4PM, School Days" zone on the west side of Soundview Avenue as described in Section 209-e Subdivision 1.

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: July 22, 2015 (for the August 3, 2015 Common Council Meeting)

29

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A “HANDICAPPED PARKING SPACES-STREETS (METERED THREE HOUR MAXIMUM)” ON THE WEST SIDE OF CHURCH STREET; MODIFYING A “TWO HOUR PARKING” ZONE ON THE EAST SIDE OF STERLING AVENUE; AND CREATING A “FIFTEEN MINUTE PARKING 2 PM-4PM, SCHOOL DAYS” ZONE ON THE WEST SIDE OF SOUNDVIEW AVENUE.

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

Handicapped Parking Spaces-Streets (Metered Three Hour Maximum)

Section 1. Article VII, Section 755, Subdivision 1 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 7th day of January 1991, is hereby amended to read as follows:

1. Church Street, on the westerly side, for approximately 30 feet starting from a point approximately 135 feet from the northerly curb line of Hamilton Avenue. On the west side, for approximately 20 feet, starting from a point 275 feet from the northerly curb line of Main Street.

Two Hour Parking

Section 2. Article II, Section 203-a, Subdivision 23-e of said ordinance, as last amended on the 4th day of April 2010, is hereby amended on the 7th day of September 2010, is hereby amended to read as follows:

30

23-e. Sterling Avenue, both sides between Lynton Place and Orchard Parkway and, on the east side, [~~for a distance of approximately 200 feet beginning at a point approximately 183 feet south of~~] between Maple Avenue and Prospect Street.

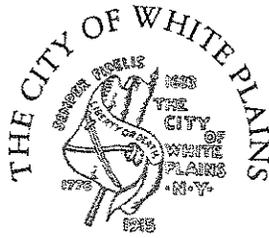
Fifteen Minute Parking 2 PM-4 PM, School Days

Section 3. Article II of said ordinance, as last amended on the 6th of July 2015, is hereby amended by adding a new Section 209-e to read as follows:

SECTION 209-e FIFTEEN MINUTE PARKING 2 PM - 4 PM SCHOOL DAYS

1. Soundview Avenue, on the west side from the north curb line of Prospect Street northerly for approximately 300 feet.

Section 4. This ordinance shall take effect immediately.



DEPARTMENT OF LAW

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

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

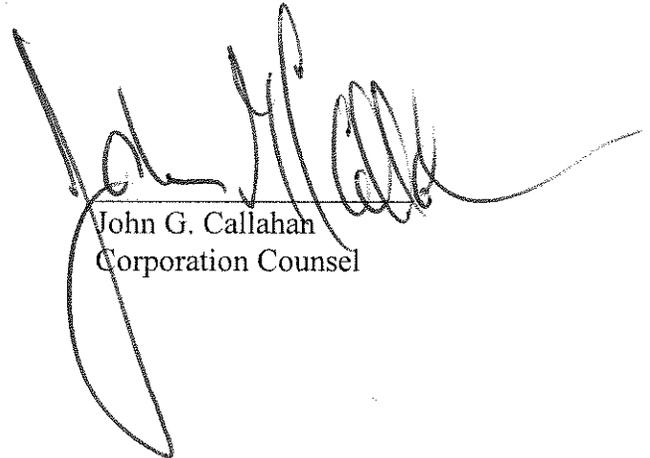
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

The Law Department has reviewed the application submitted on behalf of UCM/ONYX-1311 Mamaroneck Owners LLC, the owners of property known as 1311 Mamaroneck Avenue (Section 138.18, Block 1, Lot 3) ("Applicant") located in the C-O (Campus Office) Zoning District for an amendment to a previously approved Site Plan on property containing "environmentally sensitive features," to allow certain site improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting building, in accordance with Sections 4.4.25.3 and 7 of the Zoning Ordinance of the City of White Plains.

Sit plan applications and amendments thereto involving "environmentally sensitive" features require a public hearing prior to taking action. Accordingly, a resolution scheduling concurrent public hearings on the application for September 8, 2015 is submitted herewith for your consideration.



John G. Callahan
Corporation Counsel

Dated: July 27, 2015
(For the Common Council Meeting of
August 3, 2015)

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR SEPTEMBER 8, 2015 IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF UCM/ONYX-1311 MAMARONECK OWNERS LLC, THE OWNERS OF PROPERTY KNOWN AS 1311 MAMARONECK AVENUE (SECTION 138.18, BLOCK 1, LOT 3) (“APPLICANT”), LOCATED IN THE C-O (CAMPUS OFFICE) ZONING DISTRICT FOR AN AMENDMENT TO THE PREVIOUSLY APPROVED SITE PLAN ON PROPERTY CONTAINING “ENVIRONMENTALLY SENSITIVE FEATURES” TO ALLOW CERTAIN SITE IMPROVEMENTS, INCLUDING ADDITIONAL PARKING SPACES, ADDING DIRECTIONAL SIGNAGE, LANDSCAPING UPGRADES AND ENHANCED SITE LIGHTING, IN ACCORDANCE WITH SECTION 4.4.25.2 AND 7 OF THE ZONING ORDINANCE.

RESOLVED, that a public hearing on the application submitted on behalf of UCM/ONYX-1311 Mamaroneck Avenue Owners LLC, the owners of property known as 1311 Mamaroneck Avenue (Section 138.18, Block 1, Lot 3) (“Applicant”) located in the C-O (Campus Office) Zoning District, for an amendment to a previously approved Site Plan on property containing “environmentally sensitive features,” to allow certain site improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting, in accordance with Sections 4.4.25.2 and 7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) will be held before the Common Council on September 8, 2015 at 7:30 p.m. in the Common Council Chamber, Municipal Office Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is directed to give notice of said application in accordance with Sections 4.4.25.2, 7, 12.2 and 12.7 of the Zoning Ordinance; and be it further

RESOLVED, that the City Clerk is directed to forward a certified copy of this resolution to the Applicant’s counsel.

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

The Department of Building has reviewed, per referral of the White Plains Common Council at its meeting of July 6, 2015, a proposed amendment (dated June 23, 2015) to a previously approved site plan associated with 41 East Post Road, 71 East Post Road and 2-4 Longview Avenue.

The signage proposed as part of this application includes

41 East Post Road (Major Modernization)

- a) Two (2) illuminated logo signs (signs "A" and "D") are proposed at the upper most segments of the west and south elevations;
- b) One (1) illuminated sign (sign "C") is proposed to be mounted to the port cochere;
- c) Two (2) sets of lettering are proposed to recognize donor contributions. One (1) set on the west elevation and one (1) set on the south elevation; and
- d) A ground sign (sign #2) is proposed at the Davis Avenue entrance driveway.

71 East Post Road:

- a) Two (2) illuminated logo signs (signs "G" and "F") are proposed at the upper most segments of the east and west elevations;
- b) A ground sign (sign #6) is proposed adjacent to the building on the Longview Avenue side.

2-4 Longview (Cancer Center):

- a) One (1) illuminated logo sign (sign "I") is proposed be mounted to the building facade facing east (Longview Avenue);
- b) One (1) illuminated sign (sign "J") is proposed be mounted to the entrance canopy overhang;
- c) One (1) non-illuminated "Dickstein Cancer Treatment" sign (sign "K") is proposed be mounted to the building facade facing east (Longview Avenue); and
- c) One (1) set of lettering is proposed to recognize donor contributions. Facing east (Longview Avenue).

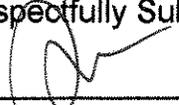
Miscellaneous

There are four (4) ground signs (#1, 3, 4 and 5) that are proposed at various locations around the campus.

This department has no objection to approval being granted for the aforementioned signs with the exception of the following:

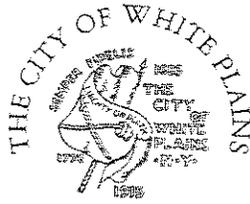
1. Ground signs #2 and #6 require variances to permit their proposed location and size. These signs should be excluded from the approval resolution and the applicant should request a variance from the Zoning Board of Appeals (ZBA).
2. Ground signs #1, 3, 4 and 5 should be excluded from the approval resolution as there is no design information provided as part of the submittal.

Respectfully Submitted,



Damon A. Amadio P.E.
Commissioner of Building

DATED: July 22, 2015
(for the August 3, 2015 Common Council Meeting)



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

July 20, 2015

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

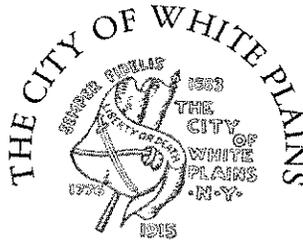
Dear Mayor and Council Members:

The Design Review Board, at its meeting on July 13, 2015, reviewed the a proposed amendment to a previously approved site plan 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 located at 71 East Post Road, White Plains, NY.

OUTCOME: The Design Review Board recommends approval of sign package as submitted.

Kent Johnsson

Kent Johnsson, Member
Design Review Board



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICI
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS HOSPITAL SITE PLAN AMENDMENT
41 EAST POST ROAD, 71 EAST POST ROAD AND 2-4 LONGVIEW AVENUE

The Department of Planning has reviewed a proposed amendment to a previously approved site plan associated with 41 East Post Road, 71 East Post Road and 2-4 Longview Avenue.

The applicant, White Plains Hospital Center, proposes to install new signage at certain locations around the existing campus specifically:

41 East Post Road (Major Modernization)

- A) Two illuminated logo signs (Signs "A" and "D") are proposed at the upper most segments of the west and south elevations.
- B) One illuminated sign (Sign "C") is proposed to be mounted to the port cochere.
- C) Two sets of lettering are proposed to recognize donor contributions, one each on west and south elevation.
- D) A ground sign is proposed at the Davis Avenue entrance driveway.

71 East Post Road

- A) Two illuminated logo signs (signs "G" and "F") are proposed for the uppermost segments of the east and west elevations.
- B) A ground sign (sign #6) is proposed adjacent to the building on Longview Avenue.

2-4 Longview Avenue

- A) One illuminated logo sign (“I”) proposed to be mounted on the building façade facing east (Longview Avenue).
- B) One illuminated sign (“J”) proposed to be mounted to the entrance canopy overhang.
- C) One non-illuminated “Dickstein Cancer Treatment” sign (“K”) proposed to be mounted to the building façade facing east (Longview Avenue).
- D) One set of lettering proposed to recognize donor contributions facing east (Longview Avenue).

An additional four ground signs (#1,#3,#4 and #5) are proposed at various locations throughout the campus.

The Planning Department has no objection to approval being granted for the signs depicted above and notes that the placement and scale of the proposed signs are appropriate and will improve wayfinding for patrons without adversely impacting surrounding neighborhoods.

Further, ground signs #2 and #6 require variances to permit their proposed location and size and ground signs #1,#3,#4 and #5 lack sufficient design information and should thus be excluded from the approval at this time.

Respectfully Submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: July 23, 2015

For the August 3, 2015 Common Council Meeting



AGENDA

MEETING August 3, 2015
 CLOSING DATE July 23, 2015
 DATE SUBMITTED _____
 SUBMITTED BY Planning Board
 BUDGET DEPT. _____
 TOPIC WP Hosp. Signs

MAYOR LAW

PI
70 Church S
(914)
E-Ma

AICP

THOMAS M. ROACH
MAYOR

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS HOSPITAL CENTER - 71 EAST POST ROAD AND 2-4 LONGVIEW AVENUE - SITE PLAN AMENDMENT TO INSTALL NEW ILLUMINATED LOGO SIGNS AND LETTERING AT LOCATIONS AROUND THE HOSPITAL

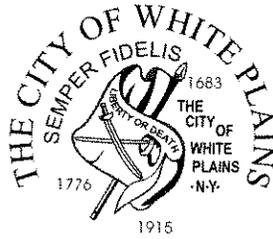
At its July 21, 2015 meeting, the Planning Board reviewed the proposed signs to be installed at various locations at the White Plains Hospital Center.

The Board is supportive of the application, finding that the signage is well thought out, and creates a more unified, cohesive presence for the expanding hospital campus, which will improve identification for visitors.

Planning Board members voting in favor of the motion to send a letter to the Common Council recommending approval of the proposed site plan amendment for signs: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and Mr. Westlund (7); Opposed: None (0); Absent: None (0).

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

36



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

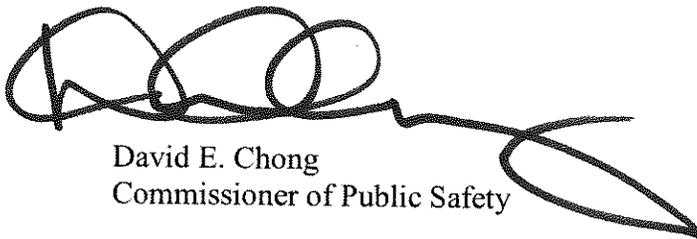
RICHARD L. LYMAN
Fire Chief
422-6360

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 these plans. There are no
objections.

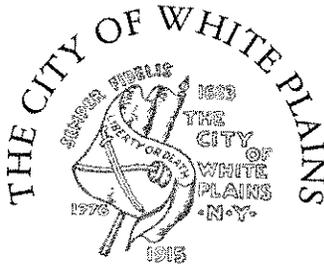
White Plains Hospital
Site Plan Amendment
71 E. Post Road
2-4 Longview Ave.



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: July 21, 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
ACTING COMMISSIONER

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

We have reviewed an application submitted by Cuddy & Feder, LLP on behalf of the White Plains Hospital Center for an amendment to the previously approved Site Plan and Special Permit for the construction of a new hospital office building situated at 71 East Post Road and an addition to the Existing Dickstein Cancer Treatment Center located at 2-4 Longview Avenue. The submittal consists of various plan sheets last revised 6/23/15, prepared by McLaren Engineering Group, and a Short Form EAF dated June 23, 2015.

We offer the following comments for the Common Council's consideration:

- The applicant shall provide the Right of Way line on the building sections plans as it relates to the proposed signs.
- The applicant shall provide design calculations for proposed sign to be installed within the municipal right-of way. All signs to be located within the City's ROW are to be designed using the latest City of White Plains Building Code wind loading requirements.
- Any municipal utilities, retaining walls, pavement, sidewalk, curbing, grass area, etc. disturbed and/or damaged during construction must be replaced/repared at the applicant's expense.
- The applicant must prevent soil from entering the right of way by providing measures to prevent dirt from being tracked through the existing parking area and entrance road.

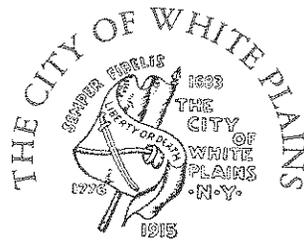
In conclusion, we have no objection to conditioned approval provided the comments are addressed to the sole satisfaction of the Commissioner of Public Works prior to the issuance of a Building Department permit.

Respectfully submitted,

Richard G. Hope
Acting Commissioner of Public Works

Dated: July 22, 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

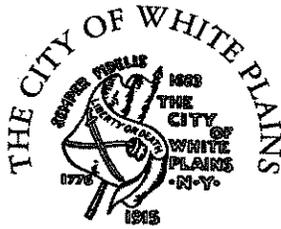
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the application dated June 24, 2015 on behalf of the White Plains Hospital Center requesting a site plan amendment for the installation of new illuminated logo signs at 71 East Post Road and 2-4 Longview Avenue which was referred by the Common Council on July 6, 2015.

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

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

Dated: July 22, 2015
(for the August 3, 2015 Common Council Meeting)



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

THOMAS M. ROACH
MAYOR

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

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

The Traffic Commission, at its meeting held on July 15, 2015, reviewed a request from White Plains Hospital Center, for a site plan amendment to the site plan associated with 71 East Post Road and 2-4 Longview Avenue as referred by the Common Council on July 6, 2015.

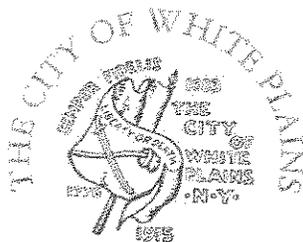
The Transportation Commission had no objection to the proposed changes.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: July 22, 2015 (for the August 3, 2015 Common Council Meeting)

40

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 AND COMMON COUNCIL
OF THE CITY OF WHITE PLAINS**

**Re: #86 – Site Plan Amendment – White Plains Hospital
71 East Post Road – 2-4 Longview Avenue**

The Department of Parking has received and reviewed the above-noted Site Plan Amendment for White Plains Hospital.

The Department of Parking has no objection to this amendment.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: August 3, 2015

41

**Submission Form to the Westchester County Planning Board
For Planning and Zoning Referrals
REQUIRING NOTIFICATION ONLY**

County Ref. No. **WHP N15-006**

The Westchester County Planning Board has predetermined that certain categories of planning and zoning applications are matters for local determination only. For any application listed below, submission of this completed form will satisfy the requirements of NYS General Municipal Law and the Westchester County Administrative Code that the local board provided adequate notification to the County Planning Board in accordance with Planning Board procedures. No other material need be sent. Upon receipt, the County Planning Board will complete the bottom section of this form and return it to you to for your records to indicate compliance with referral requirements.

When completed save this form and e-mail to: muniref@westchestergov.com or print and fax to 914-995-3780.

Municipality: **White Plains**

Referring Agency (check one): Planning Board or Commission
 Zoning Board of Appeals
 City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: **White Plains Hospital Illuminated Logo Signs**

Address: **71 East Post Rd & 2-4 Longview Ave**

Section: **130.27** Block: **10** Lot: **3 & 4**

Submitted by (name and title): **Anne McPherson, City Clerk**

E-mail address (or fax number): **amcpherson@whiteplainsny.gov**

The above referenced application qualifies for the notification only procedure to the County Planning Board because it falls within the category of action checked below:

- Zoning Area Variance** to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park
- Special Use Permit or Use Variance** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.
- Site Plan** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:
- *The boundary of a city, town or village*
 - *The boundary of an existing or proposed state or county park, recreation area or road right-of-way*
 - *An existing or proposed county drainage channel line*
 - *The boundary of state- or county-owned land on which a public building/institution is located or*
 - *The boundary of a farm located in an agricultural district.*

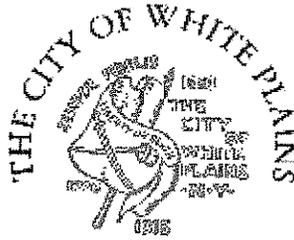
(Please note: All applications given a Positive Declaration pursuant to SEQR must be referred as a complete application. Do not use this form.)

Do not write below this line.

Date received by the Westchester County Planning Board: **7/9/15**

Notification acknowledged by (name and title): **Kay Eisenman, Planner**

4/1a



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 28, 2015

The application submitted on behalf of applicant White Plains Hospital for an amendment to the Hospital's current Special Permit and Site Plan ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review ("SEQR") regulations.

The Proposed Action involves the installation wall signs at various location as shown on Drawing No. C-100, prepared by Posen Architects, LLC, and McLaren Engineering Group, P.C., entitled "Overall Site Plan," dated 06/23/15, as follows:

1. 41 East Post Road (Major Modernization):
 - a) Two illuminated "Logo/White Plains Hospital" signs will be mounted above the four-story level:
 1. One sign (Sign A) on the south facade of the parking garage stair tower along Davis Avenue.
 2. One sign (Sign D) on the west facade of the main building at 41 East Post Road (at the corner of East Post Road and Davis Avenue).
 - b) One illuminated "White Plains Hospital" sign (Sign C) will be mounted on the port cochere at the entrance along Davis Avenue.
 - c) Two future donor recognition signs:
 1. One sign (Sign B) on the south facade of the stair tower of the parking garage along Davis Avenue.
 2. One sign (Sign E) on the west facade of the main building at 41 East Post Road (at the corner of East Post Road and Davis Avenue).
2. 71 East Post Road (Hospital Office Building)
 - a) Two illuminated Logo/White Plains Hospital signs mounted above the four-story level on the new hospital office building at 71 East Post Road
 1. One sign (Sign F) at the upper most segment of the west facade.
 2. One sign (Sign G) at the upper most segment of the east facade.
3. 2-4 Longview Avenue (Cancer Treatment Center)

42

1. One illuminated Logo/White Plains Hospital sign (Sign I) mounted at the third-story level on the Cancer Center facing east toward Longview Avenue.
3. One illuminated “White Plains Hospital Cancer Care” sign (Sign J) will be mounted to the canopy overhang at the entrance for the Cancer Center facing east toward Longview Avenue.
4. One non- illuminated “Dickstein Cancer Treatment Center” Sign (Sign K) facing east toward Longview Avenue.
5. One non-illuminated future donor recognition sign (Sign H) facing east toward Longview Avenue.

As recommended by the City Boards and Departments, the proposed Ground Signs/Entrance driveway signage identified as Sign # 1,2,3,4,5 and 6, and shown on Drawing No. C-100, prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C., entitled “Overall Site Plan,” dated 06/23/15, ARE NOT APPROVED for the following.

1. Ground signs #2, and 6 require variances to permit the proposed location and size. These signs should be excluded from the approval resolution and the applicant should request a variance from the Zoning Board of Appeals.
2. Ground signs #1,3,4, and 5 should be excluded from the approval resolution as there is no design information provided as part of the application. The applicant should submit a revised signage package with information regarding the content, material, illumination, and overall design of the signs (e.g. color, size, and amount of text).

The Proposed Action involves the following approval actions:

- a. Approval of a wall sign when the mounting height of a wall sign exceeds fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of a building, the Common Council of the City of White Plains shall have jurisdiction over the approval thereof.
- b. Common Council approval of a signage plan as required by conditions of the Common Council special permit and site plan amendments dated September 8, 2009, October 7, 2013 and November 3, 2014.

The applicant has submitted the following documents in support of the Proposed Action (“Application Materials”):

- A. A cover letter prepared by William Null, Cuddy & Feder, LLP, dated June 23, 2015.
- B. Site Plan drawings generally titled “Hospital Office Building, 2-4 Longview Avenue, White Plains, NY, prepared by Posen Architects, LLC, and McLaren Engineering Group, P.C., numbered, titled, and dated as follows:

<u>No.</u>	<u>Title</u>	<u>Dated</u>
C-100	Overall Site Plan	06/23/15
A-08-03	Exterior East Elevations	06/23/15
A-08-02	Exterior West Elevations	06/23/15

- C. Site Plan drawings generally titled “WPHC Exterior Signage” prepared by Perkins Eastman,

Architects, numbered, titled, and dated as follows:

<u>No.</u>	<u>Title</u>	<u>Dated</u>
A002	West Elevations	06/23/15
A003	South Elevations	06/23/15

- D. Drawing entitled “ White Plains Hospital Exterior Signage“ prepared by Sign Design & J Awning, dated 6/19/15
- E. A Short Full Environmental Assessment Form, dated June 23, 2015.

History of Prior White Plains Hospital Approvals

At its meeting of September 8, 2009, the Common Council approved an amendment to the Hospital’s Special Permit and Site Plan regarding the Modernization Plan which would, over a period of 5 years would create an additional 155,315 square feet gross floor area (GFA) of new hospital use space (“2009 Approval”).

At the October 7, 2013 meeting, the Common Council approved an amendment to the Zoning Ordinance of the City of White Plains to re-map two (2) parcels of land, both owned and utilized by White Plains Hospital and known as 71 East Post Road and 211 South Lexington Avenue, from the B-3 Intermediate Business Zoning District to the O-R Office - Residential District Zoning District which is the zoning designation for the overall White Plains Hospital campus.

At the November 4, 2013 meeting, the Common Council last approved an amendment to the Special Permit and Site Plan approved by the Common Council on September 8, 2009, to permit construction of a new hospital office building at 71 East Post Road (to be known as 2-4 Longview Avenue) and a small addition to the Dickstein Cancer Center at 2-4 Longview Avenue (“2013 Approval”).

At the November 3, 2014 meeting, the Common Council last approved an amendment to the Special Permit and Site Plan including, among other things, a canopy at the entrance of Dickstein Cancer Treatment Center at 2-4 Longview Avenue and Architectural Design for the Hospital Office Building at 2-4 Longview Avenue (“2014 Approval”).

The 2014 Approval included a condition that the Hospital should submit a revised signage package as follows:

1. The Applicant shall submit to the Common Council for approval a revised wall sign package for all wall signage with a mounting height exceeding fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of the building(s), with information regarding the content, material, illumination and overall design of the signs (e.g. color, size, and amount of text) it would like to place on the building(s).
2. The Applicant shall submit to the Design Review Board for approval a revised ground (monument) sign package with information regarding the content, material, illumination and overall design of the ground sign and any wall signs less than fifty (50) feet zero (0) inches or four stories, whichever is lower, above the average grade of the building(s) (e.g. color, size, and amount of text) it would like to place on the building(s).

The Environmental Officer recommends that the following conditions be included as part of the

Proposed Action for the purposes of the environmental review:

1. All the conditions included with the 2009 Approval, 2013 Approval and 2014 Approval remain in effect.
2. As recommended by the City Boards and Departments, the proposed Ground Signs/Entrance driveway signage identified as Sign # 1,2,3,4,5 and 6, and shown on Drawing No. C-100, prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C., entitled "Overall Site Plan," dated 06/23/15, is NOT APPROVED.

The proposed ground sign #2,3,4, and 6 are located on the street property lines and therefore does not comply with the City's regular signage standards. For sign #1 and 5, no information has been provided.

The Hospital should submit a revised signage package with information regarding the content, material, illumination, and overall design of the signs (e.g. color, size, and amount of text); and

It is recommended that the Common Council (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 will not have a significant effect on the environment for the following reasons:

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

Comprehensive Plan recognizes the White Plains Hospital Center as an important regional health services facility and one of the largest employers in the city.

The Plan endorses efforts to support the Hospital's operation and growth and encourages hospital-related development which meets both hospital and neighborhood needs.

The Highlands residential neighborhood located to the south of Maple Avenue and the White Plains Hospital Campus is identified as a Close-In Neighborhood in the Comprehensive Plan. The Plan generally recommends the protection of the Close-In Neighborhood from impacts associated with nearby non-residential, industrial or institution uses.

The previous Special Permit and Site Plan approvals in regard to the Hospital's ongoing Modernization Plan have addressed potential impacts. The Common Council has determined the Modernization Plan, subject to the future monitoring of specific projects will not have any impacts to the adjacent residential neighborhoods.

The planned expansion and recent improvements represent enhancements to the long term goals or operation of the Hospital. The Proposed Action regarding signage contributes to these efforts.

Based on the above analysis, the Proposed Action is consistent with the Comprehensive Plan.

Conformance to the Sign and Zoning Ordinance:

The Proposed Action is being reviewed in regard to the Sign Ordinance and an amendment to the special permit for a Hospital use.

The proposed signage plan does not change the approved development plan for the White Plains Hospital.

Section 9-10-15 (f) of the Sign Ordinance requires that ground signs shall be located in no case nearer the street property line or the side or rear property line than six (6) feet. The ground signs identified as Sign # 1,2,3,4,5 and 6, and shown on Drawing No. C-100, Overall Site Plan do not comply with this standard and are not approved.

Section 9-10-15 of the Sign Ordinance requires that "When the mounting height of a wall sign exceeds fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of a building, the Common Council of the City of White Plains shall have jurisdiction over the approval thereof. The review and standards regarding such signage is best addressed under the Special use permit standards discussed below.

The signage plan conforms to use and dimensional regulations of the OR District.

The special permit regulations for Hospital uses in Section 6.7.5 of the Zoning Ordinance basically address land area requirements and building dimensional standards and do not specifically address signage. Any impacts related to project signage is more appropriately addressed in the discussion of the general Standards for Special Permit uses. As such the Proposed Action complies with standards for Hospital at Section 6.7.5, discussed below. .

General Standards for Special Permit Uses in Section 6.5 of the Zoning Ordinance include the following:

- 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.
- 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."
- 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.
- 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 Proposed Action involves the installation of various wall signs around the Hospital campus.

There are four wall signs mounted higher than fifty (50) feet or four (4) stories are Logo/White Plains Hospital signs approximately 7'-10" by 15'- 11. Three of these signs (Signs D, F & G) are mounted at the high parapet level of the main hospital building at 41 East Post Road or medical office building at 71 East Post Road. These signs are oriented to pedestrians and vehicles traveling along the East Post Road corridor. These signs are not directly facing in a southerly direction toward the Highland residential neighborhood and are located approximately 400 ft. from the nearest

residential property in the Highland neighborhood. As such these signs will not have a significant visual impact on the nearby residential community.

The forth high mounted Logo/White Plains Hospital sign (Signs A) is located on the south building facade above the fourth-floor level and oriented to pedestrians and vehicles approaching the hospital and parking garage entrances on Davis Avenue from Maple Avenue. This sign is approximately 350 feet distant from the nearest residential building along Davis Avenue and also screened from view by the garage structure and the six story medical office building at the corner of Davis Avenue and Maple Avenue. As such this sign will not be generally visible from the Highlands neighborhood and will not have a significant visual impact on the nearby residential community.

All of the other proposed wall signs are mounted below the fourth-story level and oriented away from or distant from any residential properties

Based on the above discussion, the proposed signage conforms to the general special permit standards.

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

The proposed signage plan does not change the approved development plan for the White Plains Hospital.

- (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 WPHC property and surrounding neighborhood are highly urban in character. There are no naturally landscaped conditions on the project 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.

Based on the placement, directional orientation and distance of these signs to any sensitive residential uses, the proposed sign plan is suitable and appropriate in relationship to adjacent buildings and the surrounding neighborhood

- (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 Parking.

- (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 determinations and findings is offered for the Common Council's consideration.

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
AMENDMENTS TO THE SPECIAL PERMIT AND SITE PLAN ON BEHALF OF THE
WHITE PLAINS HOSPITAL MEDICAL CENTER

WHEREAS, the application submitted on behalf of applicant White Plains Hospital Center for an amendment to the Hospital's current Special Permit and Site Plan ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review ("SEQR") regulations; and

WHEREAS, the Proposed Action involves the installation wall signs at various location as shown on Drawing No. C-100, prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C., entitled "Overall Site Plan," dated 06/23/15, as follows:

1. 41 East Post Road (Major Modernization):
 - a) Two illuminated "Logo/White Plains Hospital" signs will be mounted above the four-story level:
 1. One sign (Sign A) on the south facade of the parking garage stair tower along Davis Avenue.
 2. One sign (Sign D) on the west facade of the main building at 41 East Post Road (at the corner of East Post Road and Davis Avenue).
 - b) One illuminated "White Plains Hospital" sign (Sign C) will be mounted on the port cochere at the entrance along Davis Avenue.
 - c) Two future donor recognition signs:
 1. One sign (Sign B) on the south facade of the stair tower of the parking garage along Davis Avenue.
 2. One sign (Sign E) on the west facade of the main building at 41 East Post Road (at the corner of East Post Road and Davis Avenue).
2. 71 East Post Road (Hospital Office Building)
 - a) Two illuminated Logo/White Plains Hospital signs mounted above the four-story level on the new hospital office building at 71 East Post Road
 1. One sign (Sign F) at the upper most segment of the west facade.
 2. One sign (Sign G) at the upper most segment of the east facade.
3. 2-4 Longview Avenue (Cancer Treatment Center)
 1. One illuminated Logo/White Plains Hospital sign (Sign I) mounted at the third-story level on the Cancer Center facing east toward Longview Avenue.
 3. One illuminated "White Plains Hospital Cancer Care" sign (Sign J) will be mounted to the canopy overhang at the entrance for the Cancer Center facing east toward Longview Avenue.
 4. One non- illuminated "Dickstein Cancer Treatment Center" Sign (Sign K) facing east toward Longview Avenue.
 5. One non-illuminated future donor recognition sign (Sign H) facing east toward Longview Avenue.

WHEREAS, as recommended by the City Boards and Departments, the proposed Ground Signs/Entrance driveway signage identified as Sign # 1,2,3,4,5 and 6, and shown on Drawing No. C-100, prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C., entitled “Overall Site Plan,” dated 06/23/15, ARE NOT APPROVED for the following .

1. Ground signs #2, and 6 require variances to permit the proposed location and size. These signs should be excluded from the approval resolution and the applicant should request a variance from the Zoning Board of Appeals.
2. Ground signs #1,3,4, and 5 should be excluded from the approval resolution as there is no design information provided as part of the application. The applicant should submit a revised signage package with information regarding the content, material, illumination, and overall design of the signs (e.g. color, size, and amount of text); and

WHEREAS, the Proposed Action involves the following approval actions:

- a. Approval of a wall sign when the mounting height of a wall sign exceeds fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of a building, the Common Council of the City of White Plains shall have jurisdiction over the approval thereof.
- b. Common Council approval of a signage plan as required by conditions of the Common Council special permit and site plan amendments dated September 8, 2009, October 7, 2013 and November 3, 2014; and

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

- A. A cover letter prepared by William Null, Cuddy & Feder, LLP, dated June 23, 2015.
- B. Site Plan drawings generally titled “Hospital Office Building, 2-4 Longview Avenue, White Plains, NY, prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C., numbered, titled, and dated as follows:

<u>No.</u>	<u>Title</u>	<u>Dated</u>
C-100	Overall Site Plan	06/23/15
A-08-03	Exterior East Elevations	06/23/15
A-08-02	Exterior West Elevations	06/23/15

- C. Site Plan drawings generally titled “WPHC Exterior Signage” prepared by Perkins Eastman, Architects, numbered, titled, and dated as follows:

<u>No.</u>	<u>Title</u>	<u>Dated</u>
A002	West Elevations	06/23/15
A003	South Elevations	06/23/15

- D. Drawing entitled “ White Plains Hospital Exterior Signage“ prepared by Sign Design & J Awning, dated 6/19/15
- E. A Short Full Environmental Assessment Form, dated June 23, 2015; and

History of Prior White Plains Hospital Approvals

WHEREAS, at its meeting of September 8, 2009, the Common Council approved an amendment to the Hospital's Special Permit and Site Plan regarding the Modernization Plan which would, over a period of 5 years would create an additional 155,315 square feet gross floor area (GFA) of new hospital use space ("2009 Approval"); and

WHEREAS, at the October 7, 2013 meeting, the Common Council approved an amendment to the Zoning Ordinance of the City of White Plains to re-map two (2) parcels of land, both owned and utilized by White Plains Hospital and known as 71 East Post Road and 211 South Lexington Avenue, from the B-3 Intermediate Business Zoning District to the O-R Office - Residential District Zoning District which is the zoning designation for the overall White Plains Hospital campus; and

WHEREAS, at the November 4, 2013 meeting, the Common Council approved an amendment to the Special Permit and Site Plan approved by the Common Council on September 8, 2009, to permit construction of a new hospital office building at 71 East Post Road (to be known as 2-4 Longview Avenue) and a small addition to the Dickstein Cancer Center at 2-4 Longview Avenue ("2013 Approval"); and

WHEREAS, At the November 3, 2014 meeting, the Common Council last approved an amendment to the Special Permit and Site Plan including, among other things, a canopy at the entrance of Dickstein Cancer Treatment Center at 2-4 Longview Avenue and Architectural Design for the Hospital Office Building at 2-4 Longview Avenue ("2014 Approval"); and

WHEREAS, The 2014 Approval included a condition that the Hospital should submit a revised signage package as follows:

1. The Applicant shall submit to the Common Council for approval a revised wall sign package for all wall signage with a mounting height exceeding fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of the building(s), with information regarding the content, material, illumination and overall design of the signs (e.g. color, size, and amount of text) it would like to place on the building(s).
2. The Applicant shall submit to the Design Review Board for approval a revised ground (monument) sign package with information regarding the content, material, illumination and overall design of the ground sign and any wall signs less than fifty (50) feet zero (0) inches or four stories, whichever is lower, above the average grade of the building(s) (e.g. color, size, and amount of text) it would like to place on the building(s); and

WHEREAS, the Environmental Officer recommends that the following conditions be included as part of the Proposed Action for the purposes of the environmental review:

1. All the conditions included with the 2009 Approval, 2013 Approval and 2014 Approval remain in effect.
2. As recommended by the City Boards and Departments, the proposed Ground Signs/Entrance driveway signage identified as Sign # 1,2,3,4,5 and 6, and shown on Drawing No. C-100, prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C., entitled "Overall Site Plan," dated 06/23/15, is NOT APPROVED.

The proposed ground sign #2,3,4, and 6 are located on the street property lines and therefore does not comply with the City's regular signage standards. For sign #1 and 5, no information has been provided.

The Hospital should submit a revised signage package with information regarding the content, material, illumination, and overall design of the signs (e.g. color, size, and amount of text); and

WHEREAS, under the 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 Environmental Officer has recommended that the Common Council (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; Application Materials, 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 foregoing reasons, that the Common Council hereby designates itself as the 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 consistent with the Comprehensive Plan , the 2006 Plan Update, the White Plains Zoning Ordinance.

Comprehensive Plan recognizes the White Plains Hospital Center as an important regional health services facility and one of the largest employers n the city.

The Plan endorses efforts to support the Hospitals operation and growth and encourages hospital-related development which meets both hospital and neighborhood needs.

The Highlands residential neighborhood located to the south of Maple Avenue and the White Plains Hospital Campus is identified as a Close-In Neighborhood in the Comprehensive Plan. The Plan generally recommends the protection of the Close-In Neighborhood from impacts associated with nearby non-residential, industrial or institution uses.

The previous Special Permit and Site Plan approvals in regard to the Hospital’s ongoing Modernization Plan have addressed potential impacts. The Common Council has determined the Modernization Plan, subject to the future monitoring of specific projects will not have any impacts to the adjacent residential neighborhoods.

The planned expansion and recent improvements represent enhancements to the long term goals or operation of the Hospital. The Proposed Action regarding signage contributes to these efforts.

Based on the above analysis, the Proposed Action is consistent with the Comprehensive Plan.

Conformance to the Sign and Zoning Ordinance:

The Proposed Action is being reviewed in regard to the Sign Ordinance and an amendment to the special permit for a Hospital use.

The proposed signage plan does not change the approved development plan for the White Plains Hospital.

Section 9-10-15 (f) of the Sign Ordinance requires that ground signs shall be located in no case nearer the street property line or the side or rear property line than six (6) feet. The ground signs identified as Sign # 1,2,3,4,5 and 6, and shown on Drawing No. C-100, Overall Site Plan do not comply with this standard and are not approved.

Section 9-10-15 of the Sign Ordinance requires that "When the mounting height of a wall sign exceeds fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of a building, the Common Council of the City of White Plains shall have jurisdiction over the approval thereof. The review and standards regarding such signage is best addressed under the Special use permit standards discussed below.

The signage plan conforms to use and dimensional regulations of the OR District.

The special permit regulations for Hospital uses in Section 6.7.5 of the Zoning Ordinance basically address land area requirements and building dimensional standards and do not specifically address signage. Any impacts related to project signage is more appropriately addressed in the discussion of the general Standards for Special Permit uses. As such the Proposed Action complies with standards for Hospital at Section 6.7.5, discussed below. .

General Standards for Special Permit Uses in Section 6.5 of the Zoning Ordinance include the following:

- 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.
- 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."
- 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.
- 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 Proposed Action involves the installation of various wall signs around the Hospital campus.

There are four wall signs mounted higher than fifty (50) feet or four (4) stories are Logo/White Plains Hospital signs approximately 7'-10" by 15'- 11. Three of these signs (Signs D, F & G) are mounted at the high parapet level of the main hospital building at 41 East Post Road or medical office building at 71 East Post Road. These signs are oriented to pedestrians and vehicles traveling along the East Post Road corridor. These signs are not directly facing in a southerly direction toward the Highland residential neighborhood and are located approximately 400 ft. from the nearest residential property in the Highland neighborhood. As such these signs will not have a significant visual impact on the nearby residential community.

The forth high mounted Logo/White Plains Hospital sign (Signs A) is located on the south building facade above the fourth-floor level and oriented to pedestrians and vehicles approaching the hospital and parking garage entrances on Davis Avenue from Maple Avenue. This sign is approximately 350 feet distant from the nearest residential building along Davis Avenue and also screened from view by the garage structure and the six story medical office building at the corner of Davis Avenue and Maple Avenue. As such this sign will not be generally visible from the Highlands neighborhood and will not have a significant visual impact on the nearby residential community.

All of the other proposed wall signs are mounted below the fourth-story level and oriented away from or distant from any residential properties

Based on the above discussion, the proposed signage conforms to the general special permit standards.

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

The proposed signage plan does not change the approved development plan for the White Plains Hospital.

- (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 WPHC property and surrounding neighborhood are highly urban in character. There are no naturally landscaped conditions on the project 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.

Based on the placement, directional orientation and distance of these signs to any sensitive residential uses, the proposed sign plan is suitable and appropriate in relationship to adjacent buildings and the surrounding neighborhood

- (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 Parking.

- (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 authorized to distribute the appropriate notice as required by SEQR.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF WHITE PLAINS HOSPITAL CENTER (“APPLICANT”) TO FURTHER AMEND A PREVIOUSLY APPROVED SITE PLAN AND SPECIAL PERMIT REGARDING THE HOSPITAL MODERNIZATION PLAN, ORIGINALLY GRANTED BY THE COMMON COUNCIL ON SEPTEMBER 8, 2009, AMENDED AND EXTENDED BY A RESOLUTION ADOPTED NOVEMBER 4, 2013, AND LAST AMENDED BY A RESOLUTION ADOPTED NOVEMBER 3, 2014, FOR PERMISSION TO INSTALL NEW SIGNAGE FOR THE FOLLOWING LOCATIONS: (1) 41 EAST POST ROAD (MAJOR MODERNIZATION) CONSISTING OF : (A) TWO ILLUMINATED LOGO SIGNS (“A” AND “D”) AT THE UPPERMOST SEGMENTS OF THE WEST AND SOUTH ELEVATIONS; (B) ONE ILLUMINATED SIGN (“C”) TO BE MOUNTED TO THE PORTE COCHERE; (C) TWO SETS OF LETTERING TO RECOGNIZE DONOR CONTRIBUTIONS, SIGNS (“B” AND “E”); (2) 71 EAST POST ROAD CONSISTING OF TWO ILLUMINATED LOGO SIGNS (“G” AND “F”) AT THE UPPERMOST EAST AND WEST ELEVATIONS; AND (3) 2-4 LONGVIEW AVENUE CONSISTING OF (A) ONE ILLUMINATED LOGO SIGN (“I”) TO BE MOUNTED ON THE BUILDING FACADE FACING EAST (LONGVIEW AVENUE); (B) ONE ILLUMINATED SIGN (“J”) TO BE MOUNTED TO THE ENTRANCE CANOPY OVERHANG; (C) ONE NON-ILLUMINATED “DICKSTEIN CANCER TREATMENT” SIGN (“K”) TO BE MOUNTED TO THE BUILDING FACADE FACING EAST (LONGVIEW AVENUE) AND (D) ONE SET OF LETTERING TO RECOGNIZE DONOR CONTRIBUTIONS FACING EAST (LONGVIEW AVENUE) SIGN (“H”).

WHEREAS, on September 8, 2009, the Common Council of the City of White Plains (“Common Council”), after conducting a public hearing and adopting environmental findings, approved an application submitted on behalf of White Plains Hospital Center (“Applicant” or “Hospital”) for an amendment to a previously approved Special Permit and Site Plan, to allow for a hospital modernization plan (“2009 Modernization Plan”), intended to improve the functionality and aesthetics of the Hospital’s existing facilities to be implemented over a five (5) year period including: (1) the construction of a new six (6) story building on the site of the main lobby; (2) improvements to pedestrian and vehicular access between the new lobby and Davis Avenue; (3) modifications to Davis Avenue to improve traffic flow and pedestrian safety; (4) modifications to

44

the Davis Avenue garage; and (5) a series of other improvements and additions to the existing Hospital and consideration by the Common Council to permit the Applicant to exceed the sixty percent (60%) “building coverage” limit set forth under Section 6.7.5.7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) and to allow up to sixty five percent (65%) “building coverage” in order to enable future development of up to 10,000 square feet of the Hospital use on its property within the O-R Zoning District on East Post Road, Longview Avenue, Maple Avenue, and Davis Avenue; and

WHEREAS, the aforementioned Special Permit/Site Plan amendment granted by resolution of the Common Council on September 8, 2009, for a period of five (5) years, required the Applicant’s compliance with thirty-three (33) conditions set forth in said resolution; and

WHEREAS, the Common Council, at a meeting held on August 5, 2013, received a communication from the Commissioner of Building dated July 30, 2013, transmitting on behalf of the Applicant White Plains Hospital Center and its wholly owned subsidiary, Post Development Corporation, a petition requesting to amend the Zoning Ordinance (“rezoning petition”) by remapping two (2) discrete parcels of land utilized by the Hospital from the B-3 (Intermediate Business) Zoning District (Section 130.27, Block 7, Lot 4), also known as 71 East Post Road, and the property known as Section 130.27, Block 10, Lot 3, also known as 211 South Lexington Avenue) which does not permit “hospital use” to the O-R (Office Residential) Zoning District which permits a “hospital use” as a special permit use, so as to allow future development of hospital “uses” as special permit “uses” on these parcels as they are contiguous to the Hospital campus which is already

mapped within the O-R Zoning District; and

WHEREAS, the Common Council, at its October 7, 2013 meeting, after conducting a duly noticed public hearing, receiving recommendations and comments from the various City departments, boards, commissions, and officers and the Westchester County Planning Board, and adopting environmental findings, adopted an ordinance amending the Zoning Ordinance with respect to placing the property known as Section 130.27, Block 7, Lot 4, also known as 71 East Post Road, and the property known as Section 130.27, Block 10, Lot 3, also known as 211 South Lexington Avenue, in the O-R (Office-Residential) Zoning District; and

WHEREAS, the Common Council, at a meeting held on October 7, 2013, after adopting the rezoning amendment, received a communication from the Commissioner of Building, dated October 7, 2013, forwarding an application, pursuant to Sections 6 and 7 of the Zoning Ordinance, submitted on behalf of Applicant White Plains Hospital Center for an amendment to its existing previously approved Special Permit and Site Plan adopted by the Common Council on September 8, 2009, for a Hospital Modernization Plan, to allow, *inter alia*, (A) in lieu of a new 100,000 square foot Hospital office building (HOB) on the Hospital's single development site, the demolition of an existing mixed use building at 71 East Post Road, and the construction on the site of a new six (6) story HOB, of approximately 37,000 square feet, connecting the HOB to the existing Dickstein Cancer Center building at 2-4 Longview Avenue on the first, second and third floors; (B) a new two-story addition to the existing Dickstein Cancer Center building creating a modified drop-off and valet area linking the Dickstein Cancer Center to share a single entrance area; (C) an overall

amendment of the Master Plan of the Hospital; (D) an increase to the current maximum building coverage of 65% to 70% and, pursuant to Section 6.7 of the Zoning Ordinance, a waiver of the special permit standard regarding coverage at Section 6.7.5.7 of the Zoning Ordinance; (E) approval of valet parking for patients and visitors to the Dickstein Cancer Center and the HOB; (F) the elimination of one (1) ADA accessible parking space along Longview Avenue in front of the Dickstein Cancer Center to facilitate a proposed change to the vehicular circulation; and (G) a three (3) year extension to the approval resolution adopted September 8, 2009; and

WHEREAS, on November 4, 2013, the Common Council, after conducting a public hearing and adopting environmental findings, approved the aforementioned amendment to the Applicant's existing previously approved Special Permit and Site Plan, which includes, *inter alia*, the construction of a new hospital office building located at 71 East Post Road and an addition to the existing Dickstein Cancer Treatment Center located at 2-4 Longview Avenue, and also granted a three (3) year extension, until September 5, 2017, of the amended Site Plan, in accordance with Section 7.6 of the Zoning Ordinance, subject to all of the applicable conditions set forth in the September 8, 2009 approval resolution and required the Applicant's compliance with twenty-nine (29) additional conditions set forth in said resolution; and

WHEREAS, the Common Council, at a meeting held on October 6, 2014, received a communication from the Commissioner of Building, dated September 26, 2014, forwarding an application, submitted on behalf of Applicant White Plains Hospital Center for a further amendment to its existing Special Permit and Site Plan to allow for a Hospital Modernization Plan, last amended

by resolution adopted November 4, 2013, to permit: (1) modification to the lobby of the combined buildings to substitute a rectilinear canopy for the serpentine canopy previously provided over the main entrance and drop-off area; (2) modification of the stairwell area to provide a pedestrian doorway for delivery access; (3) approval of two exterior glass wall detailing options; and (4) to amend the site plan to identify the location of future signage, including a monument sign along Longview Avenue, and signage on multiple locations on the upper levels of the building; and

WHEREAS, the Common Council, at a meeting held on November 3, 2014, after conducting a duly noticed public hearing and making environmental findings, adopted a resolution re-affirming the findings set forth in the approval resolution adopted September 8, 2009, and last amended and extended by resolution adopted November 4, 2013, subject to the following approved modifications and conditions:

1. A modification to the canopy over the main entrance and drop-off area on Longview Avenue to substitute a rectilinear canopy for the serpentine canopy previously approved, which design change does not adversely affect the purpose or utility of the canopy or the overall project.

2. Modification to the stairwell area to provide a pedestrian doorway for delivery access which change improves the access and convenience for deliveries and pedestrian safety.

3. Design modification of the architectural design of the building facade for the

Hospital Office Building at 2-4 Longview Avenue authorizing either of two (2) exterior glass wall detailing options (a) Option A: a modification of the approved design of the glass material, maintaining the approved glass color and style, to add an architectural detail, internal to the glass called “fretting” which would reveal a vertical line in certain windows; or (b) Option B: the same glass material as Option A, but without glass “fretting” architectural detail.

4. In accordance with Section 9-10-44 (“Wall Signs”) of the White Plains Municipal Code, any signs exceeding 50 feet in height or 4 stories, whichever is lower, are subject to approval by the Common Council with respect to location, design and content. Four of the five proposed wall signs as shown on the site plans last revised February 14, 2014, are proposed on the building exterior at mounting heights above 50 feet and all five wall signs are located at or above the fourth story. By virtue of their prominent location, these signs need to be carefully evaluated for potential visual impacts. The largest sign, a 400 square foot sign block located on the 7th floor, faces the Highland residential neighborhood. Given these factors, the Applicant must provide additional information for the Common Council to make a determination as to final content, material, illumination and overall design of the signs (*e.g.* color, size, and amount of text) the Applicant wishes to place on the building(s). Thus, that portion of the application seeking approval of the wall signage is not approved, and the Applicant must make a further application to the Common Council for final approval as to signage.

5. In accordance with Section 9-10-42 (“Ground Signs”) of the White Plains Municipal Code, a ground (monument) sign is to be located as shown on Plan Sheet C-110 on

Longview Avenue. The Applicant must provide additional information for the Design Review Board to make a determination as to final content, material, illumination and overall design of the sign. The design and content of the ground sign shall be subject to final Design Review Board approval, and as such, the Applicant must make an application to the Design Review Board for final design and content approval; and

WHEREAS, the aforementioned resolution adopted November 3, 2014 also approved the application for an amendment to the existing Special Permit/Site Plan to permit: (1) modification to the lobby of the combined buildings to substitute a rectilinear canopy for the serpentine canopy previously provided over the main entrance and drop-off area; (2) modification to the stairwell area to provide a pedestrian doorway for delivery access; and (3) approval of two exterior wall glass detailing options and subject to the all of the applicable conditions set forth in the September 8, 2009 and November 4, 2013 approval resolutions, and the following additional conditions:

1. The Applicant shall submit to the Common Council for approval a revised wall sign package for all wall signage with a mounting height exceeding fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of the building(s), with information regarding the content, material, illumination and overall design of the signs (*e.g.* color, size, and amount of text) it would like to place on the building(s).

2. The Applicant shall submit to the Design Review Board for approval a revised ground (monument) sign package with information regarding the content, material, illumination and

overall design of the ground sign and any wall signs less than fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of the building(s) (e.g. color, size, and amount of text) it would like to place on the building(s); and

WHEREAS the Common Council, at a meeting held on July 6, 2015, received a communication from the Commissioner of Building, dated September 26, 2014, forwarding an application, submitted on behalf of Applicant White Plains Hospital Center (“Application”) for an amendment to its existing Site Plan component of its Special Permit, seeking approval of new signage at certain locations around the existing site as follows:

41 East Post Road (Major Modernization)

1. Two (2) illuminated logo signs (Signs “A” and “D”) proposed to be mounted at the uppermost segments of the west and south elevations above the four-story level:
 - (a) Sign “A” is to be mounted on the south facade of the parking garage stair tower along Davis Avenue;
 - (b) Sign “D” proposed to be mounted on the west facade of the main building at 41 East Post Road (at the corner of East Post Road and Davis Avenue);
2. One (1) illuminated “White Plains Hospital” sign (Sign “C”) proposed to be mounted on the porte cochere at the entrance of Davis Avenue; and
3. Two (2) sets of lettering proposed to recognize donor contributions:
 - (a) One sign (Sign “B”) on the south facade of the stair tower of the parking garage along Davis Avenue;

(b) One sign (Sign “E”) on the west facade of the main building at 41 East Post Road
(at the corner of East Post Road and Davis Avenue)

4. A ground sign (Sign #2) is proposed at the Davis Avenue entrance driveway.

71 East Post Road (Hospital Office Building)

1. Two (2) illuminated logo/White Plains Hospital signs (Signs “F” and “G”) proposed to be mounted above the four-story level on the new hospital office building at 71 East Post Road:

(a) One sign (Sign “F”) is proposed at the uppermost segment of the west facade;

(b) One sign (Sign “G”) is proposed at the uppermost segment of the east facade.

2. A ground sign (Sign #6) is proposed adjacent to the building on Longview Avenue.

2-4 Longview Avenue (Cancer Treatment Center)

1. One (1) illuminated logo/White Plains Hospital sign (Sign “I”) proposed to be mounted at the third-story level on the Cancer Center building facade facing east toward Longview Avenue;

2. One (1) illuminated sign “White Plains Hospital Cancer Care” (Sign “J”) proposed to be mounted to the canopy overhang at the entrance of the Cancer Center facing east toward Longview Avenue;

3. One (1) non-illuminated sign “Dickstein Cancer Treatment Center”(Sign “K”) proposed to be mounted to the building facade facing east toward Longview Avenue;

4. One (1) set of lettering (non-illuminated future donor recognition sign, Sign “H”) facing east toward Longview Avenue; and

An additional four (4) ground signs (Signs #1, #3, #4 and #5) are proposed at various locations throughout the site; and

WHEREAS, the instant Application includes the following documents:

A. A cover letter dated June 23, 2015, from William S. Null, Esq. of the law firm of Cuddy & Feder LLP, counsel for the Applicant, forwarding and describing the details of the Application;

B. A Short Environmental Assessment Form (EAF), dated June 23, 2015, affirmed by William S. Null, Esq., of the law firm of Cuddy & Feder, LLP;

C. Plans entitled, “Hospital Office Building, 2-4 Longview Avenue, White Plains Hospital,” as prepared by McLaren Engineering Group, as follows:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
C-100	Overall Site Plan	6/22/15; and

D. Plans entitled, “WPH-Phase 2,” as prepared by Perkins Eastman, consisting of

the following drawings:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
A-002	WPH Exterior Signage, West Elevation	6/23/15
A-003	Exterior Signage, South Elevation	6/23/15

E. Plans entitled, “WPH Exterior Signage,” as prepared by RGR Landscape, consisting of the following drawing:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
LS101	Wall Sign Location Enlargements	6/23/15; and

F. Plans entitled, “Hospital Office Building Addition, 2-4 Longview Avenue, White Plains, NY,” as prepared by Posen Architects, consisting of the following drawings:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
A-08-02	Site Plan Application-Exterior East Elevations	6/23/15
A-08-03	Site Plan Application-Exterior West Elevations	6/23/15; and

G. Plan, as prepared by Sign Design, showing “Exterior Signage,” dated June 23, 2015; and

WHEREAS, the Common Council, at its July 6, 2015 meeting, referred the Application to all necessary City departments, officers, agencies, boards, and commissions, and the Westchester County Planning Board for review, comments and recommendations in accordance with

the Zoning Ordinance of the City of White Plains; and

WHEREAS, the Common Council, at its August 3, 2015 meeting, received communications with respect to the Application from the Commissioner of Building, dated July 22, 2015; the Commissioner of Planning, dated July 23, 2015; the Commissioner of Public Works, dated July 22, 2015; the Commissioner of Public Safety, dated July 21, 2015; the Commissioner of Parking, dated August 3, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated July 22, 2015; the Chair of the Planning Board, dated July 23, 2015; the Acting Chair of the Transportation Commission, dated July 22, 2015; the Design Review Board, dated July 20, 2015; the Environmental Officer, dated July 28, 2015; and the Westchester County Planning Board, received July 9, 2015; and

WHEREAS, in connection with the Application, pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), the Common Council, at its meeting of August 3, 2015, adopted a resolution that declared the Common Council to be Lead Agency for the environmental review of the Application (“Proposed Action”); determined the Proposed Action to be an Unlisted Action under SEQRA regulations; determined that the signage plan does not change the approved development plan for White Plains Hospital Center; determined that there are no relevant changes in circumstances related to the project that would change the SEQRA Findings, last adopted on November 3, 2014; reconfirmed the SEQRA Findings last adopted on November 3, 2014; found that the Proposed Action will not have a significant adverse effect on the environment; and adopted environmental findings, including a negative declaration; and

WHEREAS, the Application is in compliance with the applicable requirements of the O-R (Office Residential) Zoning District and is consistent with the Zoning Ordinance and the 1997 Comprehensive Plan and the amendments thereto adopted by the Common Council on July 11, 2006; and

WHEREAS, the Common Council has reviewed and considered the comments from the public, as well as from the various City departments, agencies, boards, commissions and officers, and the Westchester County Planning Board, and has reviewed the instant Application in light of the 1997 Comprehensive Plan and the 2006 Comprehensive Plan Update adopted July 11, 2006, and the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 6.5, 6.7.5 and 7, 7.5, and Chapter 9-10 of the Municipal Code of the City of White Plains entitled, "Outdoor Signs and Awnings" ("Sign Ordinance"); now, therefore be it

RESOLVED, that the Common Council hereby finds the following as to the proposed Application:

1. Section 9-10-15 (f) of the Sign Ordinance requires that ground signs shall be located in no case nearer the street property line or the side or rear property line than six (6) feet. The ground signs identified as Signs # 1,2,3,4,5 and 6, and shown on Drawing No. C-100, "Overall Site Plan," do not comply with this standard and are **not** approved herein.

2. Ground signs #2 and #6 require variances to permit the proposed location and size,

and thus, the Applicant is required to seek a variance from the Board of Appeals (Zoning).

3. Ground signs #1,3, 4 and 5 are not approved herein as there is no design information provided as part of the Application. The Applicant must submit a revised signage package with information regarding the content, material, illumination, and overall design of the signs (e.g. color, size, and amount of text).

4. The Common Council has jurisdiction over the approval of a wall sign when the mounting height of a wall sign exceeds fifty (50) feet zero (0) inches or four (4) stories, whichever is lower, above the average grade of a building.

5. There are four (4) wall signs mounted higher than fifty (50) feet or four (4) stories which are Logo/White Plains Hospital signs approximately 7'-10" by 15'-11." Three (3) of these signs (Signs "D", "F" and "G") are mounted at the high parapet level of the main hospital building at 41 East Post Road or medical office building at 71 East Post Road. These signs are oriented to pedestrians and vehicles traveling along the East Post Road corridor. These signs are not directly facing in a southerly direction toward the Highland residential neighborhood and are located approximately 400 feet from the nearest residential property in the Highland neighborhood. As such, these signs will not have a significant visual impact on the nearby residential community.

6. The fourth high mounted Logo/White Plains Hospital sign (Sign "A") is located on the south building facade above the fourth floor level and oriented to pedestrians and vehicles

approaching the Hospital and parking garage entrances on Davis Avenue from Maple Avenue. This sign is approximately 350 feet distant from the nearest residential building along Davis Avenue and also screened from view by the garage structure and the six (6) story medical office building at the corner of Davis Avenue and Maple Avenue. As such, this sign will not be generally visible from the Highlands neighborhood and will not have a significant visual impact on the nearby residential community.

7. All of the other proposed wall signs are mounted below the fourth-story level and oriented away or distant from any residential properties.

8. That portion of the signage plan approved herein conforms to use and dimensional regulations for hospital uses in the O-R Zoning District.

9. The placement and scale of the proposed signs are appropriate and will improve wayfaring for patrons without adversely impacting surrounding neighborhoods.

10. The signage approved herein conforms to the general special permit standards set forth in Section 6.5 of the Zoning Ordinance and also conforms to the general site plan standards of Section 7.5 of the Zoning Ordinance and to the applicable provisions of the Sign Ordinance; and be it further

RESOLVED, that based upon the above findings, the Common Council determines

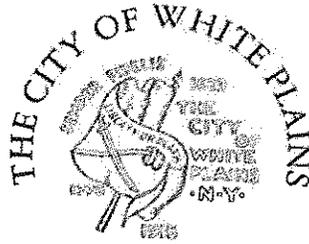
that the applicable standards of the Zoning Ordinance and Sign Ordinance have been satisfied and the Applicant's instant application for a further amendment to a previously approved Special Permit/Site Plan amendment and for a Hospital Modernization Plan, originally granted on September 8, 2009, amended and extended by a resolution adopted November 4, 2013, and last amended on November 3, 2014, to permit the installation of new signage for the following locations: (1) 41 East Post Road (Major Modernization) consisting of: (A) two illuminated signs (Signs "A" and "D") at the uppermost segments of the west and south elevations; (B) one illuminated sign (Sign "C") to be mounted to the porte cochere; (C) two sets of lettering to recognize donor contributions, Signs ("B" and "E"); (2) 71 East Post Road consisting of two illuminated logo signs (Signs "G" and "F") at the uppermost east and west elevations; and (3) 2-4 Longview Avenue consisting of (A) one illuminated logo sign (Sign "I") to be mounted on the building facade facing east (Longview Avenue); (B) one illuminated sign (Sign "J") to be mounted to the entrance canopy overhang; (C) one non-illuminated "Dickstein Cancer Treatment" Sign (Sign "K") to be mounted to the building facade facing east (Longview Avenue) and (D) one set of lettering to recognize donor contributions facing east (Longview Avenue) (Sign "H") is hereby approved, and subject to the all of the applicable conditions set forth in the September 8, 2009, November 4, 2013 and November 3, 2014 approval resolutions, and the following additional conditions:

1. As per the communication of the Acting Commissioner of Public Works dated July 22, 2015, prior to the issuance of a Building Department permit, the Applicant shall provide to the Commissioner of Public Works for approval, the Right of Way line on the building section plans as it relates to the proposed signs.

2. As per the communication of the Acting Commissioner of Public Works dated July 22, 2015, prior to the issuance of a Building Department permit, the Applicant shall provide to the Commissioner of Public Works for approval, design calculations for proposed signs to be installed within the municipal right of way. All signs to be located within the City's right of way shall be designed using the latest City of White Plains Building Code wind loading requirements.

3. As per the communication of the Acting Commissioner of Public Works dated July 22, 2015, any municipal utilities, retaining walls, pavement, sidewalk, curbing, grass area, etc. disturbed and/or damaged during construction must be replaced/repared at the Applicant's expense, and to the satisfaction of the Department of Public Works, prior to the issuance of a Building Department permit.

4. As per the communication of the Acting Commissioner of Public Works dated July 22, 2015, the Applicant must prevent soil from entering the right of way by providing measures to prevent dirt from being tracked through the existing parking area and entrance road.



COMMUNITY DEVELOPMENT PROGRAM

70 Church Street, White Plains, New York 10601

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

E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

July 22, 2015

To: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Subject: RESOLUTION AMENDMENT REQUEST:
NYS AFFORDABLE HOME OWNERSHIP DEVELOPMENT PROGRAM GRANT
AWARD OF \$242,000 FROM THE NYS AFFORDABLE HOUSING CORPORATION

On December 1, 2014, the Common Council adopted a resolution authorizing the Mayor, or his designee, to enter into an agreement, on behalf of the City of White Plains, with the New York State Affordable Housing Corporation (AHC) for receipt of funds under the Affordable Housing Corporation's Affordable Home Ownership Development Program.

Since that time, the City staff has been engaged with AHC staff in the development of the grant agreement and it has become evident that there was confusion regarding the terms of the grant. City staff had mistakenly understood that under the terms of the agreement, this program would be able to offer services to White Plains residents earning within three distinct income ranges. However, upon development of the grant agreement, it was discovered that AHC has limited the program services to White Plains residents from only one of the three distinct income ranges.

Regardless of this change, the grant funding in the amount of \$242,000 from the NYS Affordable Housing Corporation ("AHC"), under its Affordable Home Ownership Development Program ("AHODP"), will continue to provide critically needed services to White Plains residents.

The goal of AHODP is to provide financial assistance to qualifying homeowners, whose homes are in need of substantial repairs that qualify under the AHODP as home improvements, thereby assisting these homeowners in maintaining and staying in their homes. This funding will enable the City to broaden its funding support to eligible home owners and to protect and improve the quality of residential housing in the City of White Plains.

This change requires an amendment to the third paragraph, whereas clause, of the adopted resolution.

45

The AHODP grant award can only be used to fund White Plains households earning no more than 112% of the U.S. Department of Housing and Urban Development (HUD) low income limits for Westchester County, adjusted for family size.

The grant will be administered by the City's Community Development Neighborhood Rehabilitation Program and used in conjunction with Community Development rehabilitation funds. The eligibility requirements of the AHODP enable the City to serve a broader income range than is permitted under the Community Development Program rules and regulations.

Submitted herewith for your consideration is an amended resolution authorizing the Mayor, or his designee, to act on behalf of the City, and enter into a grant agreement reflective of the changes as previously stated, from AHC and the "Affordable Home Ownership Development Program Agreement" ("AHODP Agreement"), including all understandings and assurances contained therein, and to designate the Mayor, or his designee, as the authorized representative of the City to act in connection with the AHODP Agreement.

Respectfully submitted,



Christopher Gomez, AICP
Commissioner of Planning

RESOLUTION AMENDING A RESOLUTION OF THE COMMON COUNCIL ADOPTED ON DECEMBER 1, 2014 ENTITLED "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF WHITE PLAINS, WITH THE NEW YORK STATE AFFORDABLE HOUSING CORPORATION FOR RECEIPT OF FUNDS UNDER THE AFFORDABLE HOUSING CORPORATION'S "AFFORDABLE HOME OWNERSHIP DEVELOPMENT PROGRAM"

WHEREAS, the Common Council adopted on December 1, 2014 a Resolution entitled "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF WHITE PLAINS, WITH THE NEW YORK STATE AFFORDABLE HOUSING CORPORATION FOR RECEIPT OF FUNDS UNDER THE AFFORDABLE HOUSING CORPORATION'S "AFFORDABLE HOME OWNERSHIP DEVELOPMENT PROGRAM", and

WHEREAS, the third WHEREAS clause of that Resolution needs to be amended to conform to the award letter; Now therefore be it

RESOLVED that the Third WHEREAS clause in the Resolution adopted on December 1, 2014 entitled "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF WHITE PLAINS, WITH THE NEW YORK STATE AFFORDABLE HOUSING CORPORATION FOR RECEIPT OF FUNDS UNDER THE AFFORDABLE HOUSING CORPORATION'S "AFFORDABLE HOME OWNERSHIP DEVELOPMENT PROGRAM" be amended in its entirety to read as follows:

WHEREAS, the grant award is for home improvement assistance to a twenty-five (25) eligible dwelling units with grant funds not to exceed the lesser of:

- 1) Sixty percent (60%) of the project cost for projects involving acquisition; or,
- 2) The following per dwelling unit limitations and AHC's adoption of certain per unit award and affordability guidelines:
 - a. Up to \$40,000 per unit awards will be limited to those households with incomes at or less than 112% of HUD's low-income limits (or approximately 90% of average median income), adjusted for family size.
 - b. The NYS Affordable Housing Corporation reserves the right to adjust the amount of the grant so that it does not exceed such limitations; and

RESOLVED, that this Resolution shall take effect immediately.

46



DEPARTMENT OF FINANCE

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

TEL: (914) 422-1233 - Fax: (914) 422-1273

Thomas M. Roach
Mayor

Michael A. Genito
Commissioner of Finance

Carol Endres
Deputy Commissioner

To the Honorable Mayor and Members of the Common Council:

Section 39 of the General Municipal Law requires all municipalities to adopt an investment policy to serve as a guide for investing, monitoring and reporting public funds. The City initially adopted an investment policy in 1994 and most recently revised it on December 3, 2012. Submitted for your consideration is a resolution to adopt the attached investment policy and authorizing the Commissioner of Finance to invest funds accordingly. The attached investment policy reflects changes to the investment policy revised and adopted on December 3, 2012, as follows:

- Section VII Authorized Depositories, Financial Institutions and Dealers – We have replaced Veribanc with BauerFinancial as the rating agency we will use to determine the creditworthiness of our banks and depositories. Veribanc requires a paid subscription to obtain a bank's credit rating, while BauerFinancial offers this same service at no cost. BauerFinancial has been in the business of rating banks since 1983.
- Section VIII Collateralization of Deposits has been revised to reflect changes to General Municipal Law §10 since December 3, 2012. We have also added a provision that allows us to use any form of collateral authorized by GML §10, which allows us to keep current with the provisions of GML §10 as the law is updated.
- Appendix A List of Authorized List of Authorized Depositories, Financial Institutions and Dealers has been updated to remove Hudson Valley Bank (which has been acquired by Sterling National Bank) and to add Sterling National Bank. The Schedule of Securities Eligible for Collateralization of Deposits has been deleted, as this information duplicates that already found in Section VIII. A note has been added that the City is authorized to use an entity that has acquired, merged with, or changed the business name of a listed authorized depository until the investment policy is amended, provided that the entity meets the minimum financial ratings set forth in the investment policy.

Respectfully submitted,

Michael A. Genito
Commissioner of Finance

Dated: July 23, 2015

(For the Common Council Meeting of August 3, 2015)

47

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
ADOPTING A REVISED INVESTMENT POLICY FOR THE CITY OF WHITE PLAINS.

WHEREAS, Section 39 of the General Municipal Law requires all municipalities to adopt an investment policy to serve as a guide for investing, monitoring and reporting public funds; and

WHEREAS, this investment policy is to be reviewed annually to ensure that it is current with State law and fulfills the financial objectives of the municipality; and

WHEREAS, the City of White Plains adopted an investment policy in 1994 and last revised it on December 3, 2012; and

WHEREAS, the attached revised investment policy reflects changes to the collateralization of deposits in excess of FDIC insurance, the authorized depositories and credit rating criteria of said authorized depositories;

NOW, THEREFORE, BE IT

RESOLVED, that the attached revised investment policy of the City of White Plains, dated August 3, 2015, is hereby adopted and approved by the Common Council of the City of White Plains.

**INVESTMENT POLICY
CITY OF WHITE PLAINS, NEW YORK
AUGUST 3, 2015**

I. SCOPE

This Investment Policy applies to all moneys and other financial resources available for investment of the City of White Plains, New York (City), or held by the City on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the City's investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and,
- to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The Common Council's responsibility for administration of the investment program is delegated to the Commissioner of Finance, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information, and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. They shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. They shall refrain from undertaking personal investment transactions with the same individual(s) with which business is conducted on behalf of the City.

V. DIVERSIFICATION

It is the policy of the City to diversify its deposits and investments by financial institution, by investment instrument, and by maturity.

VI. INTERNAL CONTROLS

All moneys collected by any officer or employee of the City shall be transferred to the Department of Finance within two business days of receipt, or within the time period specified by law, whichever is shorter.

The Commissioner of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization, recorded properly, and managed in compliance with applicable laws and regulations.

VII. AUTHORIZED DEPOSITORIES, FINANCIAL INSTITUTIONS, AND DEALERS

A list of depositories, financial institutions, and dealers authorized for the deposit and investment of monies and the maximum amount of combined deposits or investments to be held at any time by such depositories, financial institutions, and dealers is found in Appendix A attached as part of this Investment Policy. This list may be amended from time to time to reflect market changes and/or ensure compliance with laws, rules, regulations, and this Investment Policy.

Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the City. Security dealers not affiliated with a bank shall be required to be classified as primary government securities dealers reporting to the Government Securities Dealers Statistics Unit of the Federal Reserve Bank of New York. The Commissioner of Finance is responsible for evaluating the financial position and maintaining the list of depositories, trading partners, and custodians. Such listing shall be evaluated at least annually.

All authorized depositories, financial institutions, and dealers must at all times be creditworthy. Banks must have a BauerFinancial, Inc. rating of four stars. Bank ratings will be reviewed at least annually. To the extent that it is practical, the City will strive to invest with institutions that have a presence in the City.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law §10, all deposits of the City, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by:

1. A pledge of “eligible securities” with an aggregate “market value” as provided by General Municipal Law §10, that is at least equal to the aggregate amount of deposits from all officers of the City. See Appendix A to this Investment Policy for a listing of “eligible securities.”
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all officers of the City at the bank or trust company.
3. An “eligible surety bond” payable to the City for an amount at least equal to 100% of the aggregate amount of deposits and the agreed-upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The City’s Corporation Counsel shall approve the terms and conditions of the surety bond.
4. An eligible “letter of credit” payable to the City as security for the payment of 140% of the aggregate amount of deposits and the agreed upon interest, if any. An “eligible letter of credit” shall be an irrevocable letter of credit issued in favor of the City for a term not to exceed 90 days by a qualified bank, other than the bank where the secured money is deposited. A qualified bank is either one whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company’s commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or one that is in compliance with applicable federal minimum risk-based capital requirements.
5. An “irrevocable letter of credit” issued in favor of the City by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of deposits and the agreed-upon interest, if any.
6. Any other form of securitization in accordance with General Municipal Law §10.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company, subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure City deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the

securities may be sold, presented for payment, substituted or released and the events which will enable the City to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the City, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the City, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the City a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law §11, the City authorizes the Commissioner of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to Local Finance Law §24.00 or §25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the City.

All investment obligations shall be payable or redeemable at the option of the City within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the City within two years of the date of purchase.

XI. PURCHASE OF INVESTMENTS

The Commissioner of Finance is authorized to purchase investments:

1. Directly, including through a repurchase agreement, from an authorized financial institution or dealer.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller, Opinion No. 88-46, and the specific program has been authorized by the Common Council. A list of cooperative investment programs authorized by the Common Council is found in Appendix A attached as part of this Investment Policy.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Common Council.

All purchased obligations, unless registered or inscribed in the name of the City, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Commissioner of Finance by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the City, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the City a perfected interest in the securities.

XII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America where principal and interest are guaranteed by the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

APPENDIX A

List of Authorized Depositories, Financial Institutions, and Dealers

Name	Maximum Deposits	BauerFinancial Inc. Star Rating ¹
Bank of America, NA	\$35 Million	****
JPMorgan Chase Bank, NA	\$35 Million	****
M&T Bank	\$35 Million	****
Signature Bank	\$35 Million	*****
Sterling National Bank	\$35 Million	*****
TD Bank, NA	\$35 Million	****
Webster Bank, NA	\$35 Million	****

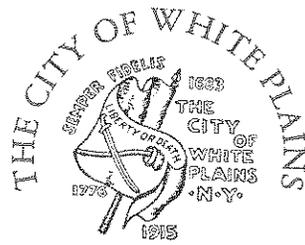
¹ BauerFinancial Inc. star ratings July 10, 2015 (http://www.bauerfinancial.com/btc_ratings.asp accessed July 10, 2015).

Note: In the event that an authorized depository, financial institution, or dealer is acquired, merged, or changes its business name (the "new entity"), the new entity must meet the creditworthiness standards as set forth in Section VII of this Investment Policy and shall be an authorized depository, financial institution, or dealer until such time as this Investment Policy has been updated.

List of Authorized Cooperative Investment Programs

New York Cooperative Liquid Assets Securities System (NYCLASS)
New York Liquid Asset Fund (NYLAF)

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: SNOW-RELATED EXPENSES – FY 14/15

Due to this winter's extreme weather conditions, the Department of Parking exceeded its budgeted overtime expenses related to snow plowing and snow removal operations.

Accordingly, it is requested that the Mayor be authorized to direct the Budget Director to transfer \$14,427.00 from the Department of Parking expense line as outlined below:

TRANSFER FROM:

<u>Org. Code</u>	<u>Object Code</u>	<u>Object Code Description</u>	<u>Amount</u>
P500	4.059	Ticket Collection Contract	\$14,427.00

TRANSFER TO:

<u>Org. Code</u>	<u>Object Code</u>	<u>Object Code Description</u>	<u>Amount</u>
P100	1.201	CSEA Overtime	\$14,427.00

Respectfully submitted,

John Fuerst, Deputy Commissioner of Parking
City of White Plains

Date: July 20, 2015

49

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE DEPARTMENT OF
PARKING.

WHEREAS, due to this winter's extreme weather conditions, the Department of Parking exceeded its budgeted overtime expenses related to snow plowing and snow removal operations; now, therefore be it

RESOLVED, that the Mayor be, and he hereby is, authorized to direct the Budget Director to transfer the sum of \$14,427 from within the budget of the Department of Parking as follows:

TRANSFER FROM:

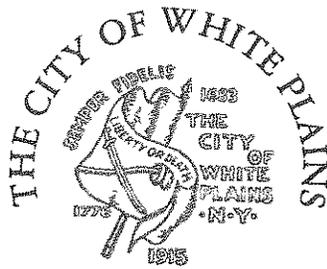
P500-4.059	Ticket Collection Contract	<u>\$14,427.00</u>
------------	----------------------------	--------------------

TRANSFER TO:

P100-1.201	CSEA Overtime	<u>\$14,427.00;</u>
------------	---------------	---------------------

and be further

RESOLVED, that the Mayor is further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.



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

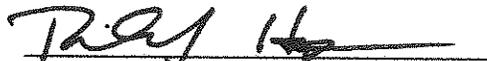
**TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF
THE CITY OF WHITE PLAINS**

The City of White Plains is seeking authorization to submit a grant proposal under the New York State Infrastructure Improvement Act of 2015, NYS Water Grant Program offered through the New York State Department of Health and Environmental Facilities Corporation, for a project entitled, "City of White Plains Water Transmission Main from the Central Avenue Pump Station (CAPS), Phase IV."

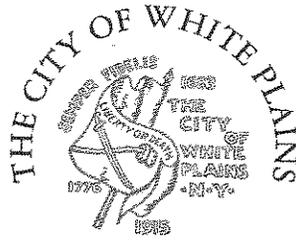
The application seeks grant funding and access to financing to support the City of White Plains Project: Water Transmission Main from the Central Avenue Pump Station, Phase IV. The capital project is listed in the approved City of White Plains 2015-16 Capital Improvement Program for \$2,500,000.

Attached for your consideration is a resolution approving and endorsing the City of White Plains' grant application and authorizing the Mayor to submit such application on behalf of the City.

Respectfully submitted,


Richard G. Hope
Acting Commissioner of Public Works

Dated: July 30, 2015



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

July 23, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT : 2015-16 CAPITAL PROJECT:
WATER TRANSMISSION MAIN FROM CAPS PHASE IV

The proposed Capital Project: Water Transmission Main from CAPS, Phase IV, is listed in the approved City of White Plains 2015-16 Capital Improvement Program and has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The proposed 30" Water Transmission Main is the fourth phase of a multi-year project to deliver water from the Central Avenue Pump Station (CAPS) to the Orchard Street Pump Station and the City's pressure basin located on the north side of the City. At present there is no means for conveyance of water from the CAPS directly to the pressure basin. This Phase IV project will extend the 30 inch diameter water transmission main along Ferris Avenue a distance of approximately 2,248 linear feet from the intersection at Richards Street, northerly to the intersection at Cemetery Road.

Work shall consist of furnishing and installing approximately 2,348 linear feet of 30" diameter ductile iron pipe, furnishing and installing necessary 6" ductile iron pipe and 6" gate valves for three new hydrant laterals to connect to the new 30" main and install three 30" butterfly valves.

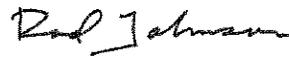
Work shall also include, but not be limited to excavation, backfilling, laying and jointing of pipe, new hydrants and gate valves, new butterfly valves, concrete encasement for vertical clearance deviations, thrust blocks, pavement replacement, maintenance of traffic, disinfection, testing, restoration to structures and road surfaces and all other work, required to complete the work specified on the plans and in the Contract Specifications.

All work will occur within existing improved street rights-of-way and paved roadway areas. Project specifications will include maintenance of vehicular and pedestrian traffic and access to abutting properties. There are no properties located in the project area or along Ferris Avenue that are listed on or are eligible for listing on the New York State or National Register of Historic Places.

This Phase IV project 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
2015-16 CAPITAL PROJECT: WATER TRANSMISSION MAIN FROM CAPS PHASE IV

WHEREAS, the proposed Capital Project: Water Transmission Main from CAPS, Phase IV, is listed in the approved City of White Plains 2015-16 Capital Improvement Program and has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the proposed 30" Water Transmission Main is the fourth phase of a multi-year project to deliver water from the Central Avenue Pump Station (CAPS) to the Orchard Street Pump Station and the City's pressure basin located on the north side of the City. At present there is no means for conveyance of water from the CAPS directly to the pressure basin. This Phase IV project will extend the 30 inch diameter water transmission main along Ferris Avenue a distance of approximately 2,248 linear feet from the intersection at Richards Street, northerly to the intersection at Cemetery Road; and

WHEREAS, the project shall consist of furnishing and installing approximately 2,348 linear feet of 30" diameter ductile iron pipe, furnishing and installing necessary 6" ductile iron pipe and 6" gate valves for three new hydrant laterals to connect to the new 30" main and install three 30" butterfly valve; and

WHEREAS, the project shall also include, but not be limited to excavation, backfilling, laying and jointing of pipe, new hydrants and gate valves, new butterfly valves, concrete encasement for vertical clearance deviations, thrust blocks, pavement replacement, maintenance of traffic, disinfection, testing, restoration to structures and road surfaces and all other work, required to complete the work specified on the plans and in the Contract Specification; and

WHEREAS, the work will occur within existing improved street rights-of-way and paved roadway areas. Project specifications will include maintenance of vehicular and pedestrian traffic and access to abutting properties. There are no properties located in the project area or along Ferris Avenue that are listed on or are eligible for listing on the New York State or National Register of Historic Places; 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 is a Type II Action under SEQR regulations at 6 NYCRR §617, in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; and

WHEREAS, Type II actions are determined under SEQR regulations not to have a significant effect on the environment; 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.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING AND DIRECTING THE FILING OF AN APPLICATION FOR FUNDS FROM THE NEW YORK STATE DEPARTMENTS OF HEALTH AND ENVIRONMENTAL FACILITIES CORPORATION IN ACCORDANCE WITH THE PROVISIONS OF THE NEW YORK STATE INFRASTRUCTURE IMPROVEMENT ACT OF 2015, IN AN AMOUNT NOT TO EXCEED \$2,500,000, AND UPON APPROVAL OF SAID APPLICATION FOR GRANT FUNDS AND FINANCING REQUEST TO ENTER INTO AND EXECUTE A PROJECT AGREEMENT WITH THE STATE FOR SUCH FINANCIAL ASSISTANCE TO THE CITY OF WHITE PLAINS FOR THE PROJECT, "CITY OF WHITE PLAINS WATER TRANSMISSION MAIN FROM THE CENTRAL AVENUE PUMP STATION (CAPS), PHASE IV."

WHEREAS, the City of White Plains is applying for funds from the New York State Department of Health and Environment Facilities Corporation in accordance with the provisions of the New York State Infrastructure Improvement Act of 2015, NYS Water Grant program, in an amount not to exceed \$2,500,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of White Plains for the project, "City of White Plains Water Transmission Main from the Central Avenue Pump Station (CAPS), Phase IV," to be located in the City of White Plains; and

WHEREAS, the application seeks grant funding and access to financing to support the approved City of White Plains 2015-16 Capital Improvement Program: Water Transmission Main from the Central Avenue Pump Station, Phase IV; and

WHEREAS, the capital project is listed in the approved City of White Plains 2015-16 Capital Improvement Program for \$2,500,000;

WHEREAS, the application requires the municipality to obtain the approval/endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, be it

RESOLVED, that the Common Council of the City of White Plains does approve and endorse the application under the 2015 New York State Infrastructure Improvement Act , NYS Water Grant program, for a project entitled, "City of White Plains Water Transmission Main from the Central Avenue Pump Station (CAPS), Phase IV," to be located in the City of White Plains; and be it further

RESOLVED, that the Mayor is hereby authorized to submit said application on behalf of the City of White Plains.

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**

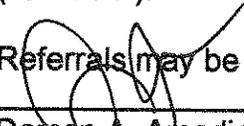
Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7 of the White Plains Zoning Ordinance, is a proposed amendment (dated July 23 2015), to a previously approved site plan associated with 333 Westchester Avenue.

The applicant, Westchester Building Company LLC , proposes to relocate an entrance driveway that connects to Westchester Avenue. The relocation of this ingress only driveway will result in better alignment with Westchester Avenue and therefore improve the traffic flow onto the site.

The relocation of the driveway requires the elimination of forty three (43) parking spaces, however, the site has parking that exceeds the zoning required quantity and therefore the reduction has no impact on zoning compliance.

It should also be noted that the proposed improvement is less than an acre in size and therefore does not trigger the requirement for a Storm Water Pollution Prevention Plan ("SWPPP).

Referrals may be made at this time to appropriate City Departments and Boards.


Damon A. Amadio P.E.
Commissioner of Building

DATED: July 24 , 2015
(for the August 3, 2015 Common Council Meeting)

DOCUMENTS
SUBMITTED: A cover letter dated July 22, 2015 submitted by Gerhard Schwalbe P.E.; a Short Form Building Permit Application dated April 24, 2015; a Short Environmental Assessment Form dated July 21, 2015; drawings D-1, SP-1, SP-2, SP-3 and SP-4 as prepared by Divney Tung Schwalbe LLP and a property survey prepared by Link Land Surveyors.

July 22, 2015

Honorable Thomas Roach, Mayor
and Members of the Common Council
City of White Plains
City Hall
255 Main Street
White Plains, NY 10601

Re: Grading and Excavation Permit
Westchester Building Company, LLC
333 Westchester Avenue

Dear Mayor Roach and Members of the Common Council:

On behalf of Westchester Building Company, LLC ("Applicant"), we are pleased to submit the enclosed documents in support of a Minor Site Plan Amendment which will allow the Applicant to obtain a Grading and Excavation Permit for the referenced site. The purpose of the permit will be to allow the Applicant to modify an existing ingress only driveway to better realign it with Westchester Avenue which underwent a major redesign and construction initiated by the New York State Department of Traffic (NYSDOT).

This application consists of:

- This cover letter with figures and attachments
- Short Environmental Assessment Form
- Thirty five (35) copies of the application submitted to the Building Department with the following documentation:
 - Designer's Affidavit for plans
 - Certificate coverage under the NYS Disability Benefits Law
 - Certificate of Worker's Compensation Insurance
 - Certificate of Liability Insurance
- Thirty five (35) sets of plans with the following sheets:
 - Title Sheet

- Site Preparation & Erosion and Sediment Control Plan, Sheet D-1, prepared and certified by Divney Tung Schwalbe, LLP
- Site Layout Plan, Sheet SP-1, prepared and certified by Divney Tung Schwalbe, LLP
- Grading Plan & Utility Plan, Sheet SP-2, prepared and certified by Divney Tung Schwalbe, LLP
- Site Details, Sheet SP-3, prepared and certified by Divney Tung Schwalbe, LLP
- Site Details, Sheet SP-4, prepared and certified by Divney Tung Schwalbe, LLP
- A Topographic Survey of the property, prepared by Link Surveyors, P.C.

Background

333 Westchester Avenue is a 38.363 acre site and is located between Westchester Avenue and North Street near its terminus with White Plains Avenue in White Plains, NY. The site is zoned C-O Campus Office and once served as an office park that housed one corporate entity on a large campus like setting. Currently the site is comprised of four (4) separate interconnected buildings and associated parking lots with 1,780 parking spaces in a campus like setting.

Westchester Avenue has two (2) lanes of travel and is one-way eastbound towards Port Chester in the vicinity of the existing driveway (see Figure No. 1 *Proposal Area of Study*). NYSDOT recently completed a major reconstruction project along Westchester Avenue in White Plains which rerouted the roadway and allowed for additional and more efficient connections with existing roadways in the corridor. The reconstruction shifted Westchester Avenue closer to the Applicant's site, reducing the length of ramp for the ingress driveway that extended along Westchester Avenue (See Figure No. 2 *Site Approach*). It is this situation that the Applicant wishes to address through this application.

Permits

The Applicant is submitting this application for a grading and excavation permit from the White Plains Department of Buildings to permit the relocation of the driveway. Additionally, work along this stretch of roadway requires the Applicant to obtain a permit from Westchester County Department of Public Works; this process was initiated in January 2015.

To facilitate this work, forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue will be removed. Since excess parking exists in this area of the campus adequate and abundant parking is available and no adverse parking impacts are anticipated.

Honorable Thomas Roach and Members of the Common Council
Re: 333 Westchester Avenue

July 23, 2015
Page 3

This work will also reduce the amount of pavement and impervious area by 14,937 SF (See Figure No. 3 *Impervious Area Calculations and Table 1 Impervious & Pervious Surfaces within the Limit of Disturbance (Existing vs Proposed)*), thus providing a positive stormwater improvement. The area of improvements as proposed is under an acre in size and thus would not require the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

Table 1: Impervious & Pervious Surfaces within the Limit of Disturbance (Existing vs Proposed)

	Impervious Surfaces (SF)	Pervious Surfaces (SF)
Existing	23,050 SF	14,289 SF
Proposed	8,113 SF	29,226 SF

An aerial photograph showing the existing and proposed site conditions of the driveway are illustrated on Figure No. 4, *333 Westchester Avenue*. The proposed site conditions show a reduction of 43 excess parking spaces, a decrease in the amount impervious surface pavement and an improved and safer alignment of the existing driveway with respect to Westchester Avenue. The Applicant seeks to obtain approval for a Minor Site Plan Amendment from the Common Council which will allow the Department of Buildings to issue a Grading and Excavation Permit for the referenced site.

We look forward to answering any questions you may have regarding the proposed plan at the August 3, 2015 meeting of the Common Council.

Very truly yours,

DIVNEY TUNG SCHWALBE, LLP

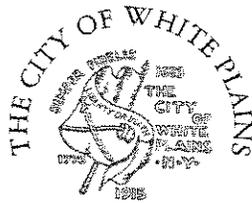


Gerhard M. Schwalbe, P.E.
Partner

Enclosures

cc: Westchester Building Company, LLC
787

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

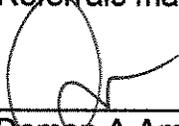
**TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by Westchester Healthcare Properties I, LLC, for an extension of the site plan approval for their project at 120 Church Street.

A letter petition, dated July 21, 2015, prepared by DelBello, Donnellan, Weingarten, Wise and Wiederkehr LLP on behalf of Westchester Healthcare Properties I, LLC has been submitted for a one (1) year extension to a Common Council Resolution originally approved on February 11th 2011 relating to a Special Permit / Site Plan approval to construct a Skilled Nursing facility at the intersection of Church Street and Barker Avenue.

It should be noted that the requisite site plan extension fee was paid by the applicant in conjunction with this request.

Referrals may be made at this time to appropriate City departments and boards.



Damon A. Amadio P.E.
Commissioner of Building

Dated: July 21, 2015
(for August 3, 2015, Common Council Meeting)

Documents
Submitted: Cover letter as prepared by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP dated July 21, 2015

**DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP**

Mark P. Weingarten
Partner
mpw@ddw-law.com

COUNSELLORS AT LAW
THE GATEWAY BUILDING
ONE NORTH LEXINGTON AVENUE
WHITE PLAINS, NEW YORK 10601
(914) 681-0200
FACSIMILE (914) 684-0288

Connecticut Office
1111 SUMMER STREET
STAMFORD, CT 06905
(203) 219-9896

July 21, 2015

By Hand Delivery

Honorable Thomas M. Roach, Mayor
and Members of the Common Council
City of White Plains
255 Main Street
White Plains, New York 10601

Re: Application of White Plains Healthcare Properties I, LLC for Special Permit/Site Plan Approval of a proposed Skilled Nursing Facility to be developed at 120 Church Street, White Plains (Corner of Church and Barker).

Dear Mayor Roach and Members of the Common Council:

This firm represents White Plains Healthcare Properties I, LLC, (the "Applicant") in connection with its property located at 116-120 Church Street, which property is also known and designated on the tax assessment map of the City as Section 125.67, Block 3, Lot 1 (the "Property"). As you may remember, in August 2013, the Common Council granted amended site plan and special permit approvals (collectively, the "Amended Approval") to permit the construction of a skilled nursing and rehabilitation facility on the Property to be known as the "White Plains Institute of Rehabilitation and Healthcare" (the "Project").¹ The Amended

¹ In February, 2011, the Common Council granted special permit and site plan approvals for the project which were extended and subsequently amended in August 2013 to reduce the size and scope of the previously approved facility by "Resolution of the Common Council of the City of White Plains extending for (A) an additional one (1) year the Special Permit/Site Plan Approval granted on February 7, 2011 and extended for one (1) year by resolution adopted on April 2, 2012, to Westchester Healthcare Properties I, LLC ("Applicant") for a skilled nursing and rehabilitation facility to be known as the White Plains Institute of Rehabilitation and Healthcare to be located at 116-120 Church Street consisting of six (6) story, approximately 96,989 square foot building that will house 180 beds and include administrative and staff offices, common dining and recreation facilities, a second level outdoor landscaped plaza and two (2) level parking garage; and (B) the instant amendment to modify the approved and extended Special Permit/Site Plan, including (1) reducing the number of beds from 180 to 160; (2) reducing the height of the building from 6-5 stories; (3) reducing the height from 78 feet to 65 feet; (4) reducing the parking levels from 2 to 1; (5) increasing the number of on-site parking spaces from 29 to 49 spaces and requesting a Fee-In-Lieu payment for the balance of the required 4 spaces; (6) increasing the basement space; (7) reducing the gross floor area from 96,989 square feet to 88,605 square feet; (8) eliminating the curb cut on Barker Avenue; (9) adding a rehabilitation gym

Approval was extended by the Common Council in October, 2014 through and including August 4, 2015.

Since the time that the Amended Approval was granted, the Applicant has been working toward obtaining the financing necessary to begin construction of the Project. Although the Applicant expected to close on construction financing for the Project in the Spring of 2015, the process has taken longer than anticipated.

The Applicant intends to commence construction of the Project upon closing on the financing, however, "substantial construction" will not be completed within one year of site plan approval as required by Section 7.6 of the Zoning Ordinance of the City. Accordingly, on behalf of the Applicant, we respectfully request that this matter be placed on the Council's next available agenda for consideration of an extension of the Amended Approval for a period of one (1) year, through and including August 4, 2016. By copy of this letter, we have submitted to the Department of Building a check in the amount of \$2,508.15 made payable to the City of White Plains representing the application fee.

Thank you for your consideration. Please feel free to contact me if you have any questions or if you need any additional information.

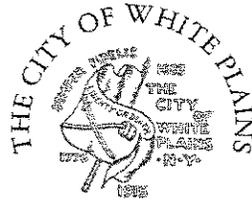
Very truly yours,

Mark P. Weingarten
MARK P. WEINGARTEN 

cc: John Callahan, Esq., Corporation Counsel and Chief of Staff
Damon Amadio, Commissioner of Building (with application fee)

over the garage at the second level roof garden and including a new additional roof garden on the third level; (10) reconfiguring the massing at the rear end corner of the building to accommodate the new garage entry ramp; (11) relocating the "back of house" support space from the basement level to the ground floor level; (12) relocating the loading access from ground level garage to the rear alley of the building; and (13) several architectural modifications."

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 of the White Plains Zoning Ordinance, is an application filed on July 14, 2015, on behalf of Maple and Broadway LLC, the Contract Vendee of the property known as 60 South Broadway (aka "The Westchester Pavilion"), White Plains NY. The applicant has submitted an application for Site Plan and Special Permit approval for the proposed redevelopment of this site.

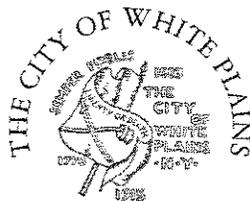
The site encompasses 3.58 acres bounded on the south by Maple Avenue, on the west by South Broadway and on the east by Hale Avenue.

The property is situated in a CB-3 zone and is located within the Central Parking Area ("CPA"). It is known and designated on the tax assessment map of the City of White Plains as Section 125.84, Block 3 , Lot 1.

The redevelopment will comprise approximately 858,000 square feet of mixed-use residential and commercial development as follows:

1. A total of 707 residential dwelling units contained within two (24) story towers. One of the towers will have 254 apartments and the other tower will have 453 apartments. The buildings will stand approximately 280 feet in height and will have amenity space on the rooftops.
2. Approximately 95,000 square feet of commercial use, including:
 - a. Approximately 43,000 square feet of retail space;
 - b. Approximately 22,000 square feet of restaurant space with appurtenant outdoor dining in select locations;

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

- c. Approximately 30,000 square feet of commercial space that, alternatively, will be health club or additional retail/restaurant space;
3. A four-level, below-grade parking garage with approximately 1,051 parking spaces; and
4. A loading area for trucks and other service vehicles accessible from Hale Avenue.

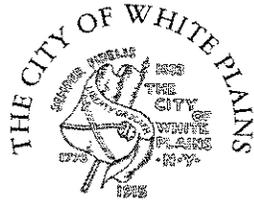
The Common Council is the approving agency for the following:

1.) Site Plan Approval-- Overall redevelopment

The applicant has requested that special permit approval be granted for proposed outdoor dining areas associated with the restaurant spaces. Our department recommends that the special permit review process associated with outdoor dining be excluded from the site plan approval process.. Evaluating locations for potential future outdoor dining is appropriate as part of the site plan review process, however, it is our position that special permit approval only be considered after each restaurateur has made application for their specific tenancy. Similarly, contemplating the location for a health club is appropriate as part of the site plan review but the requisite special permit should not be considered until the operator has made application.

Referrals may be made at this time to appropriate City departments and boards for their review and comments.

THOMAS M. ROACH
MAYOR



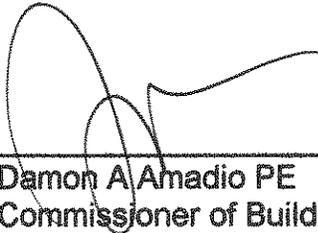
DEPARTMENT OF BUILDING

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



Damon A. Amadio PE
Commissioner of Building

Date: July 20, 2015
(for the August 3, 2015 Common Council meeting)

Submission: A cover letter dated July 14 2015 as prepared by William Null, Esq; A Building Short Form Permit Application dated July 15, 2015; a memo regarding parking and loading management dated July 14, 2015 as prepared by Perkins Eastman Architects; a Full Environmental Assessment Form dated July 9, 2015 as prepared by BFJ Planning and architectural/engineering drawings as listed in Mr. Null's letter dated July 14, 2015.

July 24, 2015

BY EMAIL

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: The Source (4th Floor/West Side): Bloomingdale Road Investors, LLC &
Hudson Gateway Association of Realtors, Inc.
Site Plan Amendment for Office Use

Dear Mayor Roach and Members of the Common Council:

On behalf of Bloomingdale Road Investors, LLC, (the "Owner"), and Hudson Gateway Association of Realtors, Inc. (the "Tenant") (collectively referred to as the "Applicant"), we respectfully submit this request for a Site Plan Amendment approval for The Source, situated at the corner of Maple Avenue and Bloomingdale Road and classified in the B-1 "S" District. The upper floor of The Source includes adjacent parking, which will remain in place as initially approved for Fortunoff's.

The enclosed plans illustrate minor exterior modifications to the west side of the upper floor to create a 15,614 square foot office for HGAR, enabling it to relocate from its current office at 60 S. Broadway in White Plains. The changes to the exterior of the building consist of the following:

- (a) The installation of windows on the westerly wall of the building;
- (b) The installation of windows and two new, solid, exit doors on the southerly wall thereof;
- (c) The replacement of existing solid doors with glass doors on the southerly wall; and
- (d) The installation of skylights that will extend approximately three to four feet above the roof level and provide natural light to the interior office spaces.

These changes do not enlarge the building area and fully conform to all dimensional parameters applicable to the B-1 District. Further, the glass and mullions for the windows, doors and skylights, as well as other architectural details, are compatible with the existing architecture of the building.

In furtherance of this Application, we respectfully enclose thirty-six (36) copies of this letter and thirty-six (36) copies of the revised Building Permit Short Form, which should be reviewed together with the Application previously forwarded to Commissioner Damon Amadio, dated July 17, 2015, together with thirty-six (36) sets of plans as follows:

1. Plans prepared by MKDA, LLC, Architects, entitled "HGAR, One Maple Avenue, White Plains, NY, 4th Floor" consisting of the following sheets, dated July 17, 2015:
 - a. (CS-1) "Filing/Cover Sheet;"
 - b. (P-1) "Proposed Plan;"
 - c. (AE-01) "Overall Roof Plan w/Proposed Skylight Locations;"
 - d. (AE-02) "Overall Plan - Level 4;"
 - e. (AR-1) "Window & Skylight Demolition Plan & Elevs.;"
 - f. (AR-2) "Proposed Window & Skylight Plan & Elevs."

July 24, 2015
Page 2

In addition to the above-referenced plans, we respectfully have submitted the following documents in support of this Application:

2. A Building Permit Short Form; and
3. A Short Environmental Assessment Form 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").

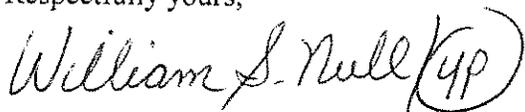
Lastly, we have enclosed a check for \$390.35 as the Application Fee, based upon \$25 per 1,000 square feet of gross floor area for this 15,614 square foot office.¹

We respectfully submit that the proposed changes to the building are minor and merit issuance of approval for this Site Plan Amendment. There is no increase in the size of the facilities over that previously approved, nor is there a change proposed to anything but a Principal Permitted Use. Further, the character and design of the building remains consistent with that initially approved.

Accordingly, in an effort to move the Tenant closer to occupying its new office, we respectfully request Site Plan Amendment approval pursuant to the Zoning Ordinance. We look forward to appearing before the Common Council.

Thank you for your courtesy and attention to this matter.

Respectfully yours,



William S. Null

Enclosures

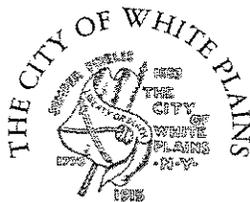
WSN:yp

cc: (By Hand): John G. Callahan, Esq., Chief of Staff and Corporation Counsel;
(Via Email): Mr. Christopher Gomez, AICP, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Mr. James A. Zilora; Mr. Peter DeVito; Mr. Willing L. Biddle; Ms. Julia Lindh; and Mr. Scott Pollack

¹ As set forth at Section 11.5.6.2 of the Zoning Ordinance, the Application Fee is calculated as follows:

for non-residential "uses" outside the Central Parking Area and residential and non-residential "uses" in the Central Parking Area, excluding one and two family residences: for up to 30,000 sf of "gross floor area" a fee of \$25/1,000 sf of "gross floor area;" from 30,001 sf to 100,000 sf of gross floor area a fee of \$30.00/1,000 sf of gross floor area; from 100,001 to 200,000 sf "gross floor area" a fee of \$25.00/1,000 sf of gross floor area; for over 200,000 sf the same as above for the first 200,000 sf of "gross floor area" and \$30.00 for each additional 1,000 sf of "gross floor area."

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**

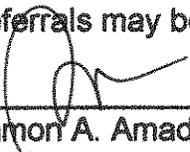
Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7 of the White Plains Zoning Ordinance, is a proposed amendment (dated July 17, 2015), to a previously approved site plan associated with One Maple Avenue (aka "The Source").

Bloomington Road Investors LLC (the "Owner") and Hudson Gateway Association of Realtors (the "Tenant") propose to make certain exterior modifications at the fourth floor of the building in support of Hudson Gateway Association of Realtors occupancy of part of the fourth floor.

The proposed modifications include:

- (a) The installation of new windows on the westerly wall of the building;
- (b) The installation of new windows and two (2) new exit doors on the southerly wall;
- (c) The replacement of existing solid doors with glass doors on the southerly wall; and
- (d) The installation of skylights that extend approximately three to four feet above the roof level.

Referrals may be made at this time to appropriate City Departments and Boards.



Damon A. Amadio P.E.
Commissioner of Building

DATED: July 27, 2015
(for the August 3, 2015 Common Council Meeting)

DOCUMENTS
SUBMITTED: Cover letter from Mr. William Null dated July 24, 2015;
A Short form Building Permit Application dated July 24,
2015; a Short Environmental Assessment Form dated
July 17, 2015; and drawings CS-1, P-1, AE-01, AE-02,
AR-1 and AR-2 as prepared by MKDA LLC

July 24, 2015

BY EMAIL

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: The Source (4th Floor/West Side): Bloomingdale Road Investors, LLC &
Hudson Gateway Association of Realtors, Inc.
Site Plan Amendment for Office Use

Dear Mayor Roach and Members of the Common Council:

On behalf of Bloomingdale Road Investors, LLC, (the "Owner"), and Hudson Gateway Association of Realtors, Inc. (the "Tenant") (collectively referred to as the "Applicant"), we respectfully submit this request for a Site Plan Amendment approval for The Source, situated at the corner of Maple Avenue and Bloomingdale Road and classified in the B-1 "S" District. The upper floor of The Source includes adjacent parking, which will remain in place as initially approved for Fortunoff's.

The enclosed plans illustrate minor exterior modifications to the west side of the upper floor to create a 15,614 square foot office for HGAR, enabling it to relocate from its current office at 60 S. Broadway in White Plains. The changes to the exterior of the building consist of the following:

- (a) The installation of windows on the westerly wall of the building;
- (b) The installation of windows and two new, solid, exit doors on the southerly wall thereof;
- (c) The replacement of existing solid doors with glass doors on the southerly wall; and
- (d) The installation of skylights that will extend approximately three to four feet above the roof level and provide natural light to the interior office spaces.

These changes do not enlarge the building area and fully conform to all dimensional parameters applicable to the B-1 District. Further, the glass and mullions for the windows, doors and skylights, as well as other architectural details, are compatible with the existing architecture of the building.

In furtherance of this Application, we respectfully enclose thirty-six (36) copies of this letter and thirty-six (36) copies of the revised Building Permit Short Form, which should be reviewed together with the Application previously forwarded to Commissioner Damon Amadio, dated July 17, 2015, together with thirty-six (36) sets of plans as follows:

1. Plans prepared by MKDA, LLC, Architects, entitled "HGAR, One Maple Avenue, White Plains, NY, 4th Floor" consisting of the following sheets, dated July 17, 2015:
 - a. (CS-1) "Filing/Cover Sheet;"
 - b. (P-1) "Proposed Plan;"
 - c. (AE-01) "Overall Roof Plan w/Proposed Skylight Locations;"
 - d. (AE-02) "Overall Plan – Level 4;"
 - e. (AR-1) "Window & Skylight Demolition Plan & Elevs.;"
 - f. (AR-2) "Proposed Window & Skylight Plan & Elevs."

July 24, 2015

Page 2

In addition to the above-referenced plans, we respectfully have submitted the following documents in support of this Application:

2. A Building Permit Short Form; and
3. A Short Environmental Assessment Form 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").

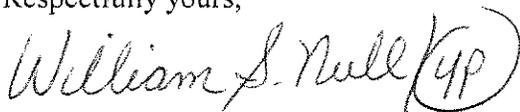
Lastly, we have enclosed a check for \$390.35 as the Application Fee, based upon \$25 per 1,000 square feet of gross floor area for this 15,614 square foot office.¹

We respectfully submit that the proposed changes to the building are minor and merit issuance of approval for this Site Plan Amendment. There is no increase in the size of the facilities over that previously approved, nor is there a change proposed to anything but a Principal Permitted Use. Further, the character and design of the building remains consistent with that initially approved.

Accordingly, in an effort to move the Tenant closer to occupying its new office, we respectfully request Site Plan Amendment approval pursuant to the Zoning Ordinance. We look forward to appearing before the Common Council.

Thank you for your courtesy and attention to this matter.

Respectfully yours,



William S. Null

Enclosures

WSN:yp

cc: (By Hand): John G. Callahan, Esq., Chief of Staff and Corporation Counsel;
(Via Email): Mr. Christopher Gomez, AICP, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Mr. James A. Zilora; Mr. Peter DeVito; Mr. Willing L. Biddle; Ms. Julia Lindh; and Mr. Scott Pollack

¹ As set forth at Section 11.5.6.2 of the Zoning Ordinance, the Application Fee is calculated as follows:

for non-residential "uses" outside the Central Parking Area and residential and non-residential "uses" in the Central Parking Area, excluding one and two family residences: for up to 30,000 sf of "gross floor area" a fee of \$25/1,000 sf of "gross floor area;" from 30,001 sf to 100,000 sf of gross floor area a fee of \$30.00/1,000 sf of gross floor area; from 100,001 to 200,000 sf "gross floor area" a fee of \$25.00/1,000 sf of gross floor area; for over 200,000 sf the same as above for the first 200,000 sf of "gross floor area" and \$30.00 for each additional 1,000 sf of "gross floor area."



CITY OF WHITE PLAINS
DEPARTMENT OF BUILDING

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

[Reset Form](#)

<http://www.cityofwhiteplains.com/>

[Print Form](#)

1 APPLICATION TYPE:

MULTI-FAMILY DWELLINGS & COMMERCIAL CONSTRUCTION
 RESIDENTIAL (ONE & TWO FAMILY DWELLINGS)

2 PERMIT TYPE: (Only one permit per application form.)

Legalization SCAN FEE: _____

<input checked="" type="checkbox"/> Building (no volume added)	<input type="checkbox"/> HVAC	<input type="checkbox"/> Plumbing
<input type="checkbox"/> Grading /Excavation	<input type="checkbox"/> Kitchen Exhaust	<input type="checkbox"/> Sign, Awning, Canopy & Bunting
<input type="checkbox"/> Demolition / Scaffold	<input type="checkbox"/> Boiler	<input type="checkbox"/> Fire Alarm
<input type="checkbox"/> Updated & Substitute C.O.	<input type="checkbox"/> Mechanical / Generator	<input type="checkbox"/> Low Voltage Permit
<input type="checkbox"/> Temporary Structures	<input type="checkbox"/> Fire Suppression	<input type="checkbox"/> Electrical
		<input type="checkbox"/> Vertical Transportation
		<input type="checkbox"/> Hoisting

CON ED #: _____

3 Application #: _____ Date Filed: _____ Reviewed by: _____ Ins: _____

Estimated Cost of Work: _____ Fee Amount: _____ Receipt #: _____
(including labor, material & fixtures)

Permit #: _____ Date Issued: _____ Assigned CEO: _____ Assigned Eng: _____

Site Address: 17 Maple Avenue SBL: Sec. 126.77, Blk.2, Lot 2 Zone: B-1 "S" Set Back: _____

Unit #: _____ Floor #: 4 Sq Ft: 15,614 Present Use & Occupancy: Vacant

Sprinkler: _____ Construction Type: _____ Proposed Use & Occupancy: Office

Work Description: Installation of windows, doors and skylights, etc.

4 Applicant: UBS Realty Investors, LLC Address: 242 Trumbull Street, Hartford, CT 06103-1212

Contact: James A. Zilora CELL: _____ PHONE: (860) 616-9145 FAX: (860) 616-9006
 EMAIL: james.zilora@ubs.com

5 Contractor: _____ Address: _____

Contact: _____ CELL: _____ PHONE: _____ FAX: _____

EMAIL: _____

Signature: _____ Date: _____ Do you have any employees? Yes No

6 Engineer or Architect: MKDA, LLC, Architects Address: One Stamford Landing, Suite 002, 62 Southfield Avenue | Stamford, CT

Contact: Julia Lindh CELL: (914) 552-6104 PHONE: (203) 487-3400 FAX: _____

EMAIL: jlinde@mkda.com

7 Owner or Tenant: Bloomingdale Road Investors LLC Address: c/o UBS Realty Investors, LLC (See above address & information)

Contact: James A. Zilora CELL: _____ PHONE: _____ FAX: _____

EMAIL: _____

COUNTY OF WESTCHESTER)

I, William S. Null being duly sworn, deposes and says: that Bloomingdale Road Investors LLC

is the owner in fee of the premises to which this application applies; that he/she (the applicant) is duly authorized to make this application; and that the statements contained here are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations.

Signature of Applicant/Contractor Westchester County License# Unique # & NYS # (Fire Alarm Only)

Applicant Sworn Before Me This 17 Day of July 20 15 Tina Balles

(NOTE: The filing of this application does not constitute a permit to commence construction)

NOTARY PUBLIC Tina Balles Notary Public, State of New York No. 01BA4986514 Qualified in Bronx County Commission Expires: 11/12/2017

9 BUILDING OWNER CERTIFICATION (If applicable): (To be signed by Owner)

I, Peter DeVito, hereby certify that I have full knowledge of the proposed alteration at my property as described herein and take no exception to such activity.

Signature of Property Owner Date July 24, 2015

Peter DeVito VP of Operations Print Name & Title.

Note: An authorization letter granting the above signed applicant permission to submit this application can be attached to application, in lieu of completing owner certification. Owner signature not required if work is being done under a Parent Building Permit. Applicant must provide Parent Building Permit number.

10 HOLD HARMLESS (If applicable)

Homeowner to complete only if you will do all the work yourself. (No employees or subcontractors used.)

To: Commissioner of Building Subject: Building Permit Application# Site Address: SBL:

I, the permittee, to the fullest extent permitted by law, shall save, keep, indemnify and hold harmless the City of White Plains and their respective officers, officials, employees, and agents from and against all liability, injury, loss or damage, cost or expense in law or in equity that may at any time arise directly or indirectly by reason of or in the course of performing the work pursuant to the Building Permit, which may be occasioned by any act or omission of the permittee, any of the permittee's employees, volunteers or any subcontractor. The foregoing provisions shall not be construed to cause the permittee to indemnify the City of White Plains from its sole negligence.

Applicant/Permittee Name: Signature: Date: Witness Name: Signature: Date:

11 PERMIT REQUIREMENT AGREEMENT:

I, (Print Name), understand and will comply with the following: (Initial each requirement and sign)

- 1. Construction shall not begin until the appropriate permit is issued.
2. Construction, alterations or repair work shall not start before 7:00am or continue past 7:00pm on weekdays.
3. Construction, alterations or repairs shall not start before 9:00am or continue past 7:00pm on weekends.
4. Required erosion and sediment control methods will be installed and inspected prior to start of construction.
5. Contractor is responsible to call the W.P. Building Dept for all mandatory inspections.
6. Revision to work involving structure or life safety systems shall have approved amended plans prior to doing the work.

I have read, initialed and fully understand the above requirements (SIGNATURE) Dated:

12 MUST BE COMPLETED FOR ALL PLUMBING APPLICATIONS:

NOTES: A Licensed master plumber and / or certified journeyman shall be present for all plumbing inspections. Plumbing applications shall only be submitted by a duly licensed Westchester County Master Plumber. File drawings, descriptions, etc. must be per the Plumbing Code of New York State & the White Plains Supplemental Building Code.

DOES THE WESTCHESTER COUNTY LICENSED PLUMBER HAVE ANY EMPLOYEES?: YES NO

THE FOLLOWING IS A LIST OF WORK TO BE DONE:

FLOOR	W.C.	LAV.	BATHS	SINKS	SINK & TUB	LAUNDRY	URINAL	SLOP SINK	DRINKING FOUNTAIN	FLOOR DRAINS	H/W HEATER	H/W HEAT DEVICE	OTHER FIXTURE
BSMT LEVEL	<input type="checkbox"/>												
1ST LEVEL	<input type="checkbox"/>												
2ND LEVEL	<input type="checkbox"/>												
3RD LEVEL	<input type="checkbox"/>												
4TH LEVEL	<input type="checkbox"/>												
5TH LEVEL	<input type="checkbox"/>												
6TH LEVEL	<input type="checkbox"/>												
7TH LEVEL	<input type="checkbox"/>												
8TH LEVEL	<input type="checkbox"/>												
9TH LEVEL	<input type="checkbox"/>												
ROOF LEVEL	<input type="checkbox"/>												

OTHER WORK:

GENERAL FILING INSTRUCTIONS : (Building Short Form - No Volume Added)

1. Complete application and have it notarized.
2. File in person at Building Department.
3. Filing hours are Monday through Friday from 9:00 am to 1:00 pm only.
4. Provide copies of all licenses.
5. Provide certificates of insurance made out to The City of White Plains as Holder.
 - a) General Liability showing The City of White Plains as additionally insured for \$1,000,000 coverage /occurrence.
Exception: Homeowners shall provide proof of General Liability insurance of \$500,000 per occurrence.
 - b) Automobile Liability for \$1,000,000 coverage CSL.
 - c) Statutory Worker's Compensation. (Accord Form not acceptable)
Exception: Contractors with no employees, submit completed NYS Worker's Compensation Board Form#CE-200(12-08).*
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
 - d) Statutory N.Y. State Disability. (Accord Form not acceptable)
Exception: Contractors with no employees, submit approved NYS Worker's Compensation Board Form#CE-200(12-08).*
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
6. Refer to individual instructions for each specific Permit Type. (See below)
7. Incomplete applications will not be processed and will be considered abandoned after six months.
8. Provide all fees in form of check or Money Order payable to The City of White Plains. Scan fee applicable for all applications submitted with attached drawings.
9. Engineers are only available for review & consultations from 9am - 1pm.
10. Legalization work requires signed & sealed drawings and certification letter generated by a NYS licensed Design Professional

* CONTRACTOR UNDERSTANDS PERMIT ISSUANCE WILL BE DELAYED WITHOUT RECEIPT OF APPROVED FORM#CE-200(06-08).

ADDITIONAL FILING INSTRUCTIONS : (SPECIFIC INSTRUCTIONS AVAILABLE BY PERMIT TYPE)

1. PLUMBING PERMIT requirements.
2. MECHANICAL PERMIT requirements:
 - a) Central Vacuum Systems.
 - b) Oil tanks.
 - c) Chimney Re-Lining
 - d) Battery Room
3. DEMOLITION requirements.
4. HVAC PERMIT requirements.
5. BOILER PERMIT requirements.
6. KITCHEN EXHAUST PERMIT requirements.
7. FIRE ALARM PERMIT requirements.
8. FIRE SUPPRESSION PERMIT requirements.
9. FENCE & WALL requirements.
10. SIGN & AWNING requirements. (Design Review Board Agenda Requirements)
11. RIGGING & HOISTING requirements.

New Residential Building Sustainability Suggestions:

HAVE YOU CONSIDERED.....

1. Using recycled material in any the building elements?
2. Locating the building on the site to maximize the use of natural lighting?
3. Modular building construction?
4. Using high efficiency insulation such as "Spray foam"?
5. A photovoltaic system for power or water heating?
6. A rainwater harvesting system for irrigation purposes?
7. Energy Star Appliances?
8. Ground source heat pump system for space conditioning?
9. Heat recovery ventilation system?
10. Using high efficiency (low E) double or triple pane windows?
11. Radiant floor (hot water) heating
12. Low flow shower heads?
13. LED lamps in light fixtures?
14. Using Ceiling fans?
15. Using low VOC emitting materials for paints, adhesives, carpets, coating, etc...?
16. Recycling post construction waste?

Note: It is not mandatory that any of the above items be incorporated into your building design/construction unless specifically required by one of the New York State Codes. If you have any questions about any of the above items, please feel free to contact our offices for additional information. The intent of this document is to raise awareness of sustainability techniques for your consideration when planning your project.