



**COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
November 2, 2015
7:30 P.M.**

PLEDGE TO THE FLAG: Hon. John Martin

ROLL CALL: City Clerk

RECOGNITION: Frank Williams, Director, Youth Bureau
The Bill Bud Award

PUBLIC HEARINGS:

1. Public Hearing in relation to the application submitted on behalf of 166 WP Hospitality, LLC ("Applicant") for a Special Permit to operate a Cabaret at the Copper Face Jacks Sports Bar and Grill, located at 166B Mamaroneck Avenue. **ADJOURNED TO DEC 7, 2015.**
2. Communication from the City Clerk **F/S**
3. Public Hearing in relation to the application submitted on behalf of 166 WP Hospitality, LLC ("Applicant") for a Special Permit to operate a Cabaret at the Black Bear Sports Bar and Grill, located at 166A Mamaroneck Avenue. **ADJOURNED TO DEC 7, 2015**
4. Communication from the City Clerk **F/S**

**FIRST READING
ORDINANCES:**

5. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings. **F/S**

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

7. Communication from Corporation Counsel in relation to the employment of Roffe Group as Special Counsel for Legislative Affairs. **F/S**

8. Ordinance authorizing the Corporation Counsel to enter into an agreement retaining the services of the law firm Andrew Roffe Group, P.C., as Special Counsel for the period November 15, 2015 through November 14, 2016.
ADOPTED 7 - 0

9. Communication from Corporation Counsel in relation to the employment of Special Counsel, in an amount not to exceed \$50,000, to provide professional services in regard to the City's cable franchise agreement. **F/S**

10. Ordinance of the Common Council of the City of White Plains authorizing the Corporation Counsel to retain Special Counsel to provide professional services in connection with the renewal of the City's franchise agreement with Cablevision and the anticipated request of Cablevision to transfer its cable franchise to Altice.
ADOPTED 7 - 0

11. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5468, Garage Elevator Modernization FY 2016. **F/S**

12. Communication from Environmental Officer **F/S**

13. Environmental Findings Resolution **ADOPTED**

14. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5468, Garage Elevator Modernization FY 2016. **ADOPTED 7 - 0**

15. Bond Ordinance dated November 2, 2015, authorizing the issuance of \$606,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the installation or reconstruction of an elevator system in a Class A building. **ADOPTED 7 - 0**

16. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5469, Park Fence Replacement Phase I. **F/S**

17. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5469, Park Fence Replacement Phase I. **ADOPTED 7 - 0**

18. Bond Ordinance dated November 2, 2015, authorizing the issuance of \$50,500 aggregate principal serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the acquisition, construction and reconstruction of improvements to City Parks and Recreation Areas. **ADOPTED 7 - 0**
19. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. W5470, Species Management. **F/S**
20. Communication from Environmental Officer **F/S**
21. Environmental Findings Resolution **ADOPTED 7 - 0**
22. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. W5470, entitled, Species Management. **ADOPTED 7 - 0**
23. Bond Ordinance dated November 2, 2015, authorizing the issuance of \$489,850 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the improvements to City Parkways including plant removal and general beautification. **ADOPTED 7 - 0**
24. Communication from Commissioner of Public Works in relation to an amendment to the Municipal Code, Water Rules and Regulations in relation to fees. **F/S**
25. Ordinance of the Common Council of the City of White Plains amending Paragraph F of Appendix A, Section 7-8-121 of the White Plains Municipal Code, Water Rules and Regulations, prescribed by the Commissioner of Public Works pertaining to revising certain Water Rates and charges and connection fees. **ADOPTED 7 - 0**
26. Communication from Chief of Police in relation to agreement between the City and Westchester Merchant Services, Inc., for the placement of two ATM machines in the Public Safety Building. **F/S**
27. Ordinance authorizing the Mayor or his desigee to execute an agreement on behalf of the City of White Plains with Westchester Merchant Services Inc. of White Plains, for the placement of two (2) separate 24 Hour ATM Machines in the Public Safety Building. **ADOPTED 7 - 0**
28. Communication from Commissioner of Public Safety in relation to the acceptance of a Pedestrian Safety Initiative Grant in the amount of \$8,000 from the New York State

Governors' Traffic Safety Committee. **F/S**

29. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute grant documents on behalf of the City of White Plains in relation to the acceptance of a Pedestrian Safety Initiative Grant, in the amount of \$8,000, from the New York State Governors' Traffic Safety Committee, to be used for law enforcement purposes to reduce the number of accidents with injuries involving pedestrians that are largely due to driver inattention and traffic violations, such as unsafe speed and failure to yield to pedestrians. **ADOPTED 7 - 0**
30. Communication from Commissioner of Public Safety in relation to the acceptance of a Livescan Equipment Grant from the New York State Division of Criminal Justice Services in the amount of \$10,000, to be used to purchase equipment for capturing and processing electronic fingerprints. **F/S**
31. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute grant documents on behalf of the City of White Plains in relation to the acceptance of the Livescan Equipment Grant from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$10,000, to be used by the Department of Public Safety to purchase equipment to continue to satisfy New York State fingerprint mandates regarding the capturing and processing of electronic fingerprints for both criminals and civilians. **ADOPTED 7 - 0**
32. Communication from Director, Youth Bureau, in relation to an amendment to a previously adopted ordinance which increased a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) to support the White Plains Cares Coalition, to further amend the grant period from 9/29/2015 to 4/30/2016. **F/S**
33. Ordinance amending an ordinance adopted March 2, 2015, entitled, "An ordinance amending an ordinance adopted October 6, 2014, entitled, 'An ordinance authorizing the Mayor or his designee to enter into a contract with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), to receive a Drug Free Communities Grant in the amount of \$125,000 and to authorize the Budget Director to amend the FY 2014-2015 Youth Development Fund to reflect this Grant'." **ADOPTED 7 - 0**
34. Communication from Director, Youth Bureau, in relation to an award from the Westchester Clubmen Foundation to be used to operate the Clubmen Higher Aims Program. **F/S**
35. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to execute a contract to accept, on behalf of the City of White Plains (Youth Bureau), an award from the Westchester Clubmen Foundation to be used to operate the Clubmen Higher Aims Program and to

authorize the Budget Director to amend the FY 2015-2016 Youth Development Fund to reflect this Award. **ADOPTED 7 - 0**

36. Communication from Deputy Commissioner of Parking in relation to proposed amendments to the Traffic Ordinance. **F/S**
37. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a "Two Hour Parking" Zone on the south side of Woodcrest Avenue and "Speed of Motor Vehicles, Etc." on North Street. **ADOPTED 7 - 0**

RESOLUTIONS:

38. Communication from Commissioner of Building in relation to a proposed site plan amendment submitted on behalf of Hindu Temple of Tristate, for the construction of a single story temple in lieu of the previously approved site plan for a two story temple to be located at 390 North Street. **F/S**

ITEMS 39 - 49 F/S

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

50. Environmental Findings Resolution **ADOPTED**

51. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Hindu Temple of Tristate ("Applicant") for an amendment to its existing site plan approved by the Common Council on April 7, 2014, to construct a one (1) story, approximately 7,842 square foot Temple, on property located at 390 North Street, which will house a sanctuary, a cafeteria, restrooms, an entry lobby and support spaces. **ADOPTED**

52. Communication from Deputy Commissioner of Planning in relation to a Memorandum of Understanding for the operation of the White Plains Education and Training Center. **F/S**

53. Resolution authorizing the Mayor, or his designee, to execute a Partners Memorandum of Understanding for the White Plains Education and Training Center for a period commencing January 1, 2016 and terminating December 31, 2016. **ADOPTED**

ITEM FOR REFERRAL:

54. Communication from Commissioner of Building in relation to an site plan approval submitted on behalf of Maple and Broadway Holdings, LLC, for the construction of a mixed use development at 60 South Broadway (a/k/a The Pavilion). **F/S AND REFERRED TO LAW, BUILDING DEPT, DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

55. Communication from the City Clerk in relation to a petition submitted on behalf of Jonathan P. Krisbergh and Rachel Krisbergh, and Matthew P. Scanlon and Mary Eagleson (as trustees), to demap a portion of a paper street known as Greenacres Way (a/k/a Van Wart Avenue, f/k/a Oakley Avenue). **F/S AND REFERRED TO LAW, ASSESSOR, BUILDING DEPT, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., AND ENVIRONMENTAL OFFICER.**



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

Anne M. McPherson CMC
City Clerk/Registrar

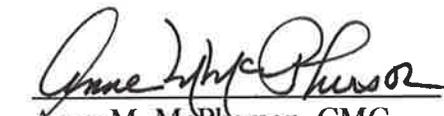
Teresa Torelli
Deputy Registrar

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

Attached is a communication submitted by 166 WP Hospitality d/b/a Black Bear Sports Bar and Grill, 166A Mamaroneck Avenue, in relation to an application for a Special Permit for Cabaret Use and requesting an adjournment of the public hearing to December 7, 2015, in order that the public notice might be perfected.

This is being transmitted for your information and action as appropriate.

Sincerely,


Anne M. McPherson, CMC
City Clerk

DATED: October 29, 2015



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

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

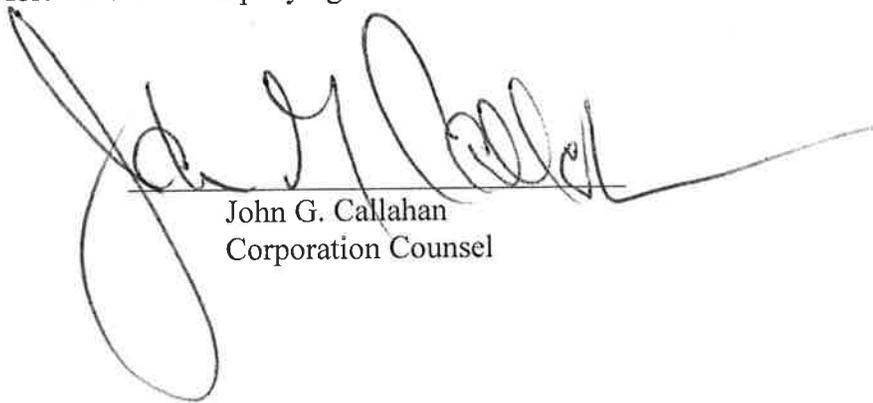
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner or lessee of the property located at 572 North Broadway, 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: October 27, 2015
(For the Common Council Meeting
of November 2, 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

**JDC Realty, LLC
572 North Broadway
SBL: 120.20-2-3**

<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>
2009/10	\$ 63,725	\$ 50,000	\$ 13,725	\$ 2,155.65
2010/11	\$ 63,725	\$ 50,000	\$ 13,725	\$ 2,303.33
2011/12	\$ 48,500	\$ 48,500	\$ 0	\$ 0.00
			Total:	<u>\$ 4,458.98</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

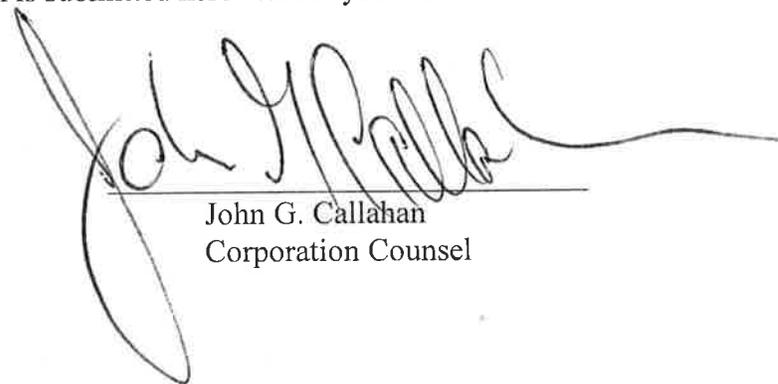
DANIEL K. SPENCER
Deputy Corporation Counsel

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

For the past twenty (20) years, the Common Council has authorized the retention of the law firm The Roffe Group, P.C. ("the firm"), to act as Special Counsel for legislative affairs for the City. Among the firm's responsibilities are to assist in the drafting of State legislation proposed by the City; to monitor the progress of bills which are of interest to the City in the State legislature; to coordinate the City's efforts with the New York State Conference of Mayors; and to act as an advocate of the City's position on legislative matters with State legislators and the Governor's Office.

On November 14, 2015, the term of the City's contract with the firm will expire. I recommend its retention for another one year for the annual fee of \$44,000, which includes expenses, and which will be paid on a quarterly basis, at the rate of \$11,000 per quarter.

An ordinance authorizing the firm's retention is submitted herewith for your consideration.



John G. Callahan
Corporation Counsel

Dated: October 22, 2015
(For the Common Council Meeting
of November 2, 2015)

AN ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO ENTER INTO AN AGREEMENT RETAINING THE SERVICES OF THE LAW FIRM ANDREW ROFFE GROUP, P.C., AS SPECIAL COUNSEL FOR THE PERIOD NOVEMBER 15, 2015 THROUGH NOVEMBER 14, 2016.

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

Section 1. The Corporation Counsel of The City of White Plains is hereby authorized to enter into an agreement retaining the law firm of The Roffe Group, P.C., for a period of one year, commencing November 15, 2015 and ending November 14, 2016, at an annual fee of Forty-Four Thousand Dollars (\$44,000), to be paid on a quarterly basis at the rate of \$11,000 per quarter, to act as Special Counsel for legislative affairs for The City of White Plains, and to be responsible for such matters as may be assigned to it by the Corporation Counsel.

Section 2. Funds are available for the current fiscal year for this purpose in Account No. A011-4.004, Consultants, Department of Law, and the Commissioner of Finance is hereby authorized and directed to disburse funds accordingly.

Section 3. This ordinance shall take effect immediately.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a single character or a very short word.



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

(914) 422-1241 • FAX (914) 422-1231

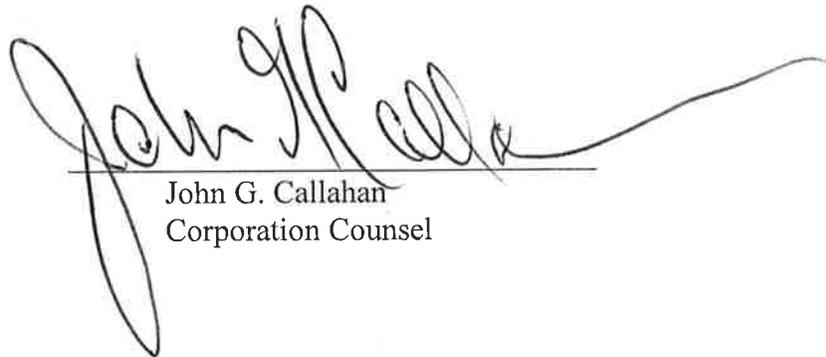
JOHN G. CALLAHAN
Corporation Counsel

CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

Submitted herewith for your consideration is an ordinance authorizing the Corporation Counsel to retain special counsel, for a cost not to exceed \$50,000, to provide professional services relating to the renewal of the City's cable franchise agreement with Cablevision, and the anticipated request of Cablevision to transfer its cable franchise to Altice. Funds are available for this purpose in the Law Department's budget.



John G. Callahan
Corporation Counsel

Dated: October 29, 2015
(For the Common Council meeting of
November 2, 2015)

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CORPORATION COUNSEL TO RETAIN SPECIAL COUNSEL TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH THE RENEWAL OF THE CITY'S FRANCHISE AGREEMENT WITH CABLEVISION AND THE ANTICIPATED REQUEST OF CABLEVISION TO TRANSFER ITS CABLE FRANCHISE TO ALTICE .

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

Section 1. The Corporation Counsel of the City of White Plains is hereby authorized to retain special counsel to provide professional services in connection with the renewal of the City's franchise agreement with Cablevision and the anticipated request of Cablevision to transfer its cable franchise to Altice, in an amount not to exceed \$50,000, including reasonable disbursements.

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

Section 3. The ordinance shall take effect immediately.



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

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

The Capital Projects Board has recommended the inclusion of modernization of the two elevators in the Lexington Grove East Garage at an estimated cost of \$600,000. Included within the scope of the project is the cost of design services to facilitate the upgrading of the elevators. The design work that is done can also be applied to other elevator modernization projects included in the Capital Improvement Program. The upgrade includes the replacement of mechanical parts and controls and the renovation of the interior cabs.

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. C5468, entitled "Garage Elevator Modernization FY 2016," as follows:

REVENUES

C5468-08810	Serial Bonds	<u>\$606,000</u>
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EXPENDITURES

C5468-4.005	Finance and Auditing	\$ 6,000
C5468-8.106	Major Additions-Improvements	<u>600,000</u>
		<u>\$606,000</u>

It is further requested that issuance of \$606,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project from the General Fund 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

November 2, 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

October 21, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5468
GARAGE ELEVATOR MODERNIZATION FY 2016

Capital Project No. C5468, entitled “Garage Elevator Modernization FY 2016,” (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves modernization and upgrades for the two elevators in the Lexington Grove East Garage including the replacement of mechanical parts and controls and the renovation of the interior cabs.

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

It is recommended that the Common Council, (a) 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. C5468
GARAGE ELEVATOR MODERNIZATION FY 2016

WHEREAS, Capital Project No. C5468, entitled "Garage Elevator Modernization FY 2016," (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR); and

WHEREAS, the Proposed Action involves modernization and upgrades for the two elevators in the Lexington Grove East Garage including the replacement of mechanical parts and controls and the renovation of the interior cabs; 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 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 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. C5468 ENTITLED, "GARAGE ELEVATOR MODERNIZATION FY 2016."

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended inclusion of modernization of the two elevators in the Lexington Grove East Garage at an estimated cost of \$600,000. Included within the scope of the project is the cost of design services to facilitate the upgrading of the elevators. The design work that is done can also be applied to other elevator modernization projects included in the Capital Improvement Program. The upgrade includes the replacement of mechanical parts and controls and the renovation of the interior cabs.

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. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5468, entitled, "**Garage Elevator Modernization FY 2016,**" with a budget as follows:

REVENUES:

C5468-08810	Serial Bonds	<u>\$606,000</u>
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EXPENDITURES:

C5468-4.005	Finance and Auditing	\$ 6,000
C5468-8.106	Park Fencing	<u>600,000</u>
		<u>\$606,000</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$606,000, and to advance funds, as necessary, from the General Fund, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED NOVEMBER 2, 2015, AUTHORIZING THE ISSUANCE OF \$606,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE INSTALLATION OR RECONSTRUCTION OF AN ELEVATOR SYSTEM IN A CLASS A BUILDING.

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 installation or reconstruction of an elevator system in a Class A building, 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 \$606,000, 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 \$606,000, pursuant to the Local Finance Law, in order to finance 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 \$606,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the

expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took “official action” for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of “Class A” construction as that term is defined in the Local Finance Law) and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial

bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any

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

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance

proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure

agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



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

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

The Capital Projects Board has recommended a project entitled "Park Fence Replacement" in the Capital Improvement Program for 2015-16. This is the first year in a four year program to repair and replace deteriorated fences on 150 acres of City's parkland.

Submitted herein is legislation which would authorize the Mayor to direct the Commissioners of Recreation and Parks, Public Works and Purchase to enter into various contracts, as necessary, to purchase and repair these fences.

The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5469, entitled Park Fence Replacement-Phase I, and to establish a project budget as follows:

REVENUES:

C5469-08810	Serial Bonds	<u>\$50,500</u>
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EXPENDITURES:

C5469-4.005	Finance and Auditing	\$ 500
C5469-8.218	Park Fencing	<u>50,000</u>
		<u>\$50,500</u>

It is also requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$50,500 of serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

November 2, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5469 ENTITLED, "PARK FENCE REPLACEMENT-PHASE I."

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended a capital project entitled "Park Fence Replacement." This is the first year in a four year program to repair and replace deteriorated fences on 150 acres of the City's parkland.

Section 2. The Mayor is hereby authorized to direct the Commissioners of Recreation and Parks, Public Works and Purchase to enter into various contracts, as necessary, to purchase and repair these fences. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5469, entitled, "**Park Fence Replacement-Phase I,**" with a budget as follows:

REVENUES:

C5469-08810	Serial Bonds	<u>\$50,500</u>
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EXPENDITURES:

C5469-4.005	Finance and Auditing	\$ 500
C5464-8.218	Park Fencing	<u>50,000</u>
		<u>\$50,500</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance

to authorize the sale of serial bonds totaling \$50,500, and to advance funds, as necessary, from the General Fund, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED NOVEMBER 2, 2015, AUTHORIZING THE
ISSUANCE OF \$50,500 AGGREGATE PRINCIPAL AMOUNT SERIAL
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS
OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION
OF IMPROVEMENTS TO CITY PARKS AND RECREATION AREAS.**

WHEREAS, the Common Council of the City of White Plains (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the acquisition, construction and reconstruction of improvements to City parks and recreation areas, 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 \$50,500, 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 \$50,500, pursuant to the Local Finance Law, in order to finance 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 \$50,500, (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

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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 19 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.



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

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended a project entitled, "Species Management," to remove the invasive plants growing along the Central Westchester Parkway north of the George Washington School. The City's spillway from its dams terminates in this area, and the Department of Environmental Conservation is requiring the City to remove the existing species and replant the entire area with native plants.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts as necessary and further to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project W5470, entitled "**Species Management**," and to establish a project budget as follows:

REVENUES

W5470-08810	Serial Bonds	<u>\$489,850</u>
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EXPENSES

W5470-4.005	Finance and Audit	\$ 4,850
W5470-8.681	Water System Improvements	<u>485,000</u>
		<u>\$489,850</u>

Finally, it is requested that the sale of \$489,850 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the Water Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

November 2, 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

October 28, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. W5470,
SPECIES MANAGEMENT

Capital Project No. W5470, entitled Species Management (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended a project entitled, "Species Management," to remove the invasive plants growing along the Central Westchester Parkway north of the George Washington School. The City's spillway from its dams terminates in this area, and the Department of Environmental Conservation is requiring the City to remove the existing species and replant the entire area with native plants.

The Environmental Officer recommends that the Common Council (a) declare itself to be the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action under SEQR regulations; and (c) find that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment for the following reasons:

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

The Comprehensive Plan supports the highest possible quality and maintenance of the City's essential public works facilities, infrastructure and services. This infrastructure includes the public water supply and water distribution system,

The Comprehensive Plan also calls for the preservation of the City Watershed Area as a protected area, and prohibit development for recreational or other public uses in this area.

The Proposed Action does not involve construction of any specific structures or infrastructure improvements. The use and management of municipal facilities, including the City Watershed Area is permitted by the White Plains Zoning Ordinance.

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

flooding, leaching or drainage problems.

The Proposed Action does not involve construction of any structure or infrastructure improvements or a change in the use of the city owned land as a protected watershed area.

The project and management procedures are presented the following reports:

- A. The email from Gary Dale, PE., CHA Companies, dated October 29, 2015.
- B. The report entitled "White Plains Reservoirs 1 & 2 Dam Rehabilitation Invasive Species Management Plan, City of White Plains, Westchester County, New York, prepared by CHA Companies, dated October 2, 2102.
(Together referred to as the "Management Reports")

These management procedures and reports have been reviewed and approved by the Department of Environmental Conservation.

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

The Proposed Action involves the removal of the existing species in the designated, approximately 11 acres, project area and replant the entire area with native plants.

The project area is located within the designated New York State Freshwater Wetland Area Wetland, Identification Code No. G- 9.

This project is being undertaken at the direction and approval of the Department of Environmental Conservation.

The reason that wetland mitigation is being performed is because the dam safety rehabilitation project for Reservoir No. 1 and No. 2 Dams resulted in permanent impacts to wetlands, and specifically had an impact to DEC Regulated Wetland W9 (the large wetland next to the Pump Station). In 2010, CHA was hired by the City to assist in developing permit applications for the US Army Corps of Engineers and the New York State Department of Environmental Conservation, specifically related to wetland impacts, based on dam rehabilitation design plans prepared by McGimpsey. During this process, significant wetland impacts were identified at both reservoirs with impacts to the DEC Regulated Wetland W9 of 1.83 acres. This level of impacts would have required an Individual Permit from the USACE (a multi-year process and significant wetland creation (at least 1.5 to 2 times the 1.83 acre impact). This would have resulted in significant cost to the City through probable land acquisition to create a wetland, and then subsequent wetland design and construction. This option was not beneficial from a financial perspective to the City, and not preferable to either the USACE or the DEC; the DEC requested that the project wetland impacts be minimized or avoided.

In 2011, CHA was hired to re-evaluate the dam rehabilitation design. In that process, CHA was able to significantly reduce the size of the dam rehabilitation improvements (that is, reduce the spillway sizes) at both the Reservoir No. 1 and No. 2 Dams, and in-turn reduce the wetland impacts of the entire project. Specifically, the impacts to the DEC Regulated Wetland W9 was reduced from 1.83 acres to about 0.07 acres. However, the DEC still required some form of wetland mitigation as

a condition for granting the permit for the dam rehabilitation.

The creation of a new wetland was still a difficult task to complete, as there was no land adjacent to the site where a new wetland could be created, and therefore, a wetland would have to be created off-site on a new plot of land. In evaluating options, CHA (in a letter to the DEC and USACE dated October 7, 2011) presented an alternative to creating a wetland; perform an invasive species management plan in the DEC Regulated Wetland W9. The plan was to significantly reduce the presence of invasive plant species in the wetland, primarily the phragmites, using herbicides followed by cut and removal. A secondary benefit of this work to the City was that it would reduce the threat of wild fire caused by phragmites during dry periods, which was experienced in this area in the past.

This wetland mitigation work would occur over multiple years to be effective, and CHA suggested a 5-year timeframe. The DEC and USACE agreed to this wetland mitigation strategy, as presented in the Invasive Species Management Plan (attached) prepared by CHA in October 2012, and approved the permits for dam rehabilitation. It is important to note that the wetland mitigation is a requirement for both the USACE and DEC permits for the dam rehabilitation projects at Reservoir No. 1 and No. 2 Dams. If the wetland mitigation work is not performed, the agencies could order the City to cease and desist work on the dam rehabilitation project until another mitigation solution can be developed.

Due to the density and extent of phragmites in the wetland, herbicide is the only viable method for control. "Weeding" the plant is not viable because phragmites spreads primarily by underground rhizomes. The plant, and its underground rhizomes, will very likely break into pieces if weeding is conducted. New plants will likely regenerate from broken plant fragments. To remove this plant by mechanical means only would require excavation of the soil to a depth of at least 6 feet. This would destroy the wetland and is highly unlikely to be approved by the DEC or USACE. There is no known biological control for phragmites.

Glyphosate and/or Imazamox (or similar/approved) will be used in the wetland areas (bulk of the site). Treatments in years 1 and 2 (and possibly later years) will likely involve spraying on plants via vehicle-mounted or backpack sprayer in relatively non-windy conditions (standard practice to limit contact with desired plants). Vegetation in upland areas will be treated with Triclopyr or similar/approved, and will generally be applied to cut stems.

The applicators (AES in this case) are required to be licensed and properly trained to apply these herbicides in a manner conforming to the manufacturers labeling.

- (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.

Again, the Proposed Action involves the removal of the existing species in the designated, approximately 11 acres, project area and replant the entire area with native plants.

- (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. The project conforms to the Department of Environmental Conservation standards and procedures.

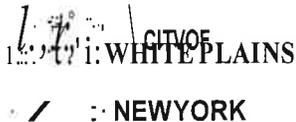
- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.
- (h) The Proposed Action 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



Hope, Richard <rhope@whiteplainsny.gov>

RE: Dams Project - Wetland Mitigation

1 message

Dale, Gary <GDale@chacompanies.com>

Thu, Oct 29, 2015 at 2:14 PM

To: "Hope, Richard" <rhope@whiteplainsny.gov>

Cc: "Mignone, Stefania" <smignone@whiteplainsny.gov>, "Greaves IV, John" <JGreavesIV@chacompanies.com>, "Einstein, Chris" <CEinstein@chacompanies.com>

Commissioner,

The reason that wetland mitigation is being performed is because the dam safety rehabilitation project for Reservoir No. 1 and No. 2 Dams resulted in permanent impacts to wetlands, and specifically had an impact to DEC Regulated Wetland W9 (the large wetland next to the Pump Station). In 2010, CHA was hired by the City to assist in developing permit applications for the US Army Corps of Engineers and the New York State Department of Environmental Conservation, specifically related to wetland impacts, based on dam rehabilitation design plans prepared by McGimpsey. During this process, significant wetland impacts were identified at both reservoirs with impacts to the DEC Regulated Wetland W9 of 1.83 acres. This level of impacts would have required an Individual Permit from the USACE (a multi-year process and significant wetland creation (at least 1.5 to 2 times the 1.83 acre impact). This would have resulted in significant cost to the City through probable land acquisition to create a wetland, and then subsequent wetland design and construction. This option was not beneficial from a financial perspective to the City, and not preferable to either the USACE or the DEC; the DEC requested that the project wetland impacts be minimized or avoided.

In 2011, CHA was hired to re-evaluate the dam rehabilitation design. In that process, CHA was able to significantly reduce the size of the dam rehabilitation improvements (that is, reduce the spillway sizes) at both the Reservoir No. 1 and No. 2 Dams, and in-turn reduce the wetland impacts of the entire project. Specifically, the impacts to the DEC Regulated Wetland W9 was reduced from 1.83 acres to about 0.07 acres. However, the DEC still required some form of wetland mitigation as a condition for granting the permit for the dam rehabilitation.

The creation of a new wetland was still a difficult task to complete, as there was no land adjacent to the site where a new wetland could be created, and therefore, a wetland would have to be created off-site on a new plot of land. In evaluating options, CHA (in a letter to the DEC and USACE dated October 7, 2011) presented an alternative to creating a wetland; perform an invasive species management plan in the DEC Regulated Wetland W9. The plan was to significantly reduce the presence of invasive plant species in the wetland, primarily the phragmites, using herbicides followed by cut and removal. A secondary benefit of this work to the City was that it would reduce the threat of wild fire caused by phragmites during dry periods, which was experienced in this area in the past.

This wetland mitigation work would occur over multiple years to be effective, and CHA suggested a 5-year

timeframe. The DEC and USACE agreed to this wetland mitigation strategy, as presented in the Invasive Species Management Plan (attached) prepared by CHA in October 2012, and approved the permits for dam rehabilitation. It is important to note that the wetland mitigation is a requirement for both the USACE and DEC permits for the dam rehabilitation projects at Reservoir No. 1 and No. 2 Dams. If the wetland mitigation work is not performed, the agencies could order the City to cease and desist work on the dam rehabilitation project until another mitigation solution can be developed.

Due to the density and extent of phragmites in the wetland, herbicide is the only viable method for control. "Weeding" the plant is not viable because phragmites spreads primarily by underground rhizomes. The plant, and its underground rhizomes, will very likely break into pieces if weeding is conducted. New plants will likely regenerate from broken plant fragments. To remove this plant by mechanical means only would require excavation of the soil to a depth of at least 6 feet. This would destroy the wetland and is highly unlikely to be approved by the DEC or USACE. There is no known biological control for phragmites.

Glyphosate and/or Imazamox (or similar/approved) will be used in the wetland areas (bulk of the site). Treatments in years 1 and 2 (and possibly later years) will likely involve spraying on plants via vehicle-mounted or backpack sprayer in relatively non-windy conditions (standard practice to limit contact with desired plants). Vegetation in upland areas will be treated with Triclopyr or similar/approved, and will generally be applied to cut stems.

The applicators (AES in this case) are required to be licensed and properly trained to apply these herbicides in a manner conforming to the manufacturers labeling.

The internet links below provide some information on toxicity levels, exposure, ability to become airborne, etc. Glyphosate, in the form of Rodeo, is approved by New York State for aquatic applications.

Glyphosate:

EPA Website Info on Glyphosate: <http://water.epa.gov/drink/contaminants/basicinformation/glyphosate.cfm#three>

Also see attached FactSheet

Imazamox:

<http://dnr.wi.gov/lakes/plants/factsheets/imazamoxfactsheet.pdf>

http://www.fs.fed.us/foresthealth/pesticide/pdfs/052-24-02a_Imazamox.pdf

Triclopyr:

<http://pmep.cce.cornell.edu/profiles/extoxnet/pyrethrins-ziram/triclopyr-ext.html>

10/29/2015

The City of White Plains Mail- RE: Dams Project - Wetland Mitigation

I hope the summary above and the information provided in this email is helpful.

Thank you,

Gary Dale, PE*

Dam Safety Sub-Market Leader

CHA - ...

518.453.8714 (o)

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gdale@chacompanies.com

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Water: Basic Information about Regulated Drinking Water Contaminants

You are here: » Drinking Water » Drinking Water Contaminants » Basic Information about Regulated Drinking Water Contaminants » Basic Information about Glyphosate in Drinking Water

Basic Information about Glyphosate in Drinking Water

EPA regulates glyphosate in drinking water to protect public health. Glyphosate may cause health problems if present in public or private water supplies in amounts greater than the drinking water standard set by EPA.

- [What is glyphosate?](#)
- [Uses for glyphosate](#)
- [What are glyphosate's health effects?](#)
- [What are EPA's drinking water regulations for glyphosate?](#)
- [How does glyphosate get into my drinking water?](#)
- [How will I know if glyphosate is in my drinking water?](#)
- [How will glyphosate be removed from my drinking water?](#)
- [How do I learn more about my drinking water?](#)

What is glyphosate?

Glyphosate is an organic solid of odorless white crystals.

Uses for glyphosate.

Glyphosate is a non-selective herbicide used on many food and non-food crops as well as non-crop areas such as roadsides. When applied at lower rates, it serves as a plant growth regulator. The most common uses include control of broadleaf weeds and grasses in: hay/pasture, soybeans, field corn; ornamentals, lawns, turf, forest plantings, greenhouses, rights-of-way.

If you are concerned about glyphosate in a private well, please visit

- [EPA's private drinking water wells website](#)
- [Water Systems Council website](#)

What are glyphosate's health effects?

Some people who drink water containing glyphosate well in excess of the maximum contaminant level (MCL) for many years could experience problems with their kidneys or reproductive difficulties.

This health effects language is not intended to catalog all possible health effects for glyphosate. Rather, it is intended to inform consumers of some of the possible health effects associated with glyphosate in drinking water when the rule was finalized.

What are EPA's drinking water regulations for glyphosate?

In 1974, Congress passed the Safe Drinking Water Act. This law requires EPA to determine the level of contaminants in drinking water at which no adverse health effects are likely to occur. Those non-enforceable health goals, based solely on possible health risks and exposure over a lifetime with an adequate margin of safety, are called maximum contaminant level goals (MCLG). Contaminants are any physical, chemical, biological or radiological substances or matter in water.

The MCLG for glyphosate is 0.7 mg/L or 700 ppb. EPA has set this level of protection based on the best available science to prevent potential health problems. EPA has set an enforceable regulation for glyphosate, called a maximum contaminant level (MCL), at 0.7 mg/L or 700 ppb. MCLs are set as close to the health goals as possible, considering cost, benefits and the ability of public water systems to detect and remove contaminants using suitable treatment technologies. In this case, the MCL equals the MCLG, because analytical methods or treatment technology do not pose any limitation.

The Phase V Rule, the regulation for glyphosate, became effective in 1994. The Safe Drinking Water Act requires EPA to periodically review the national primary drinking water regulation for each contaminant and revise the regulation, if appropriate. EPA reviewed glyphosate as part of the Six Year Review and determined that the 0.7 mg/L or 700 ppb MCLG and 0.7 mg/L or 700 ppb MCL for glyphosate are still protective of human health.

- [More information on the Six Year Review of Drinking Water Standards](#)

States may set more stringent drinking water MCLGs and MCLs for glyphosate than EPA.

How does glyphosate get into my drinking water?

The major source of glyphosate in drinking water is runoff from herbicide use.

A federal law called the Emergency Planning and Community Right to Know Act (EPCRA) requires facilities in certain industries, which manufacture, process, or use significant amounts of toxic chemicals, to report annually on their releases of these chemicals. For more information on the uses and releases of chemicals in your state, contact the Community Right-to-Know Hotline: (800) 424-9346.

- [EPA's Toxics Release Inventory \(TRI\) website provides information about the types and amounts of toxic chemicals that are released each year to the air, water and land.](#)

How will I know if glyphosate is in my drinking water?

When routine monitoring indicates that glyphosate levels are above the MCL, your water supplier must take steps to reduce the amount of glyphosate so that it is below that level. Water suppliers must notify their customers as soon as practical, but no later than 30 days after the system learns of the violation. Additional actions, such as providing

Maximum Contaminant Level (MCL) = 0.7 milligram per Liter (mg/L) or 700 parts per billion (ppb)

Maximum Contaminant Level Goal (MCLG) = 0.7 mg/L or 700 ppb

Health Effects

Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

[Drinking Water Health Advisories provide more information on health effects](#)

Chemical Abstract Service Registry Number
1071-83-6

Sources of Contamination
Runoff from herbicide use

[List of all Regulated Contaminants <PDF>](#)
(6 pp, 396 K, [About PDF](#))

Imazamox Chemical Fact Sheet

Formulations

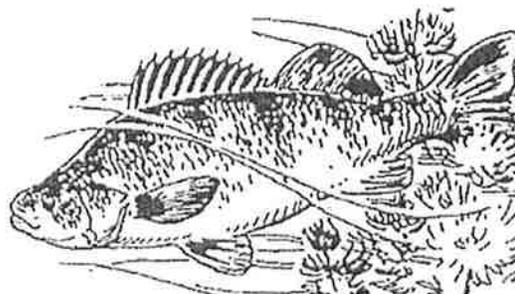
Imazamox is the common name of the active ingredient ammonium salt of imazamox (2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazo[2-y]-5-(methoxymethyl)-3-pyridinecarboxylic acid). It was registered with EPA in 2008, and is currently marketed for aquatic use as Clearcast™. It is a liquid formulation that is applied to submerged vegetation by broadcast spray or underwater hose application and to emergent or floating leaf vegetation by broadcast spray or foliar application. There is also a granular version (Clearcast 2.7G™).

Aquatic Use and Considerations

Imazamox is a systemic herbicide that moves throughout the plant tissue and prevents plants from producing a necessary enzyme, acetolactate synthase (ALS), which is not found in animals. Susceptible plants will stop growing soon after treatment, but plant death and decomposition will occur over several weeks.

In Wisconsin, imazamox is used for treating emergent vegetation such as common reed (*Phragmites australis*) and flowering rush (*Butomus umbellatus*). Imazamox may also be used to treat the invasive curly-leaf pondweed (*Potamogeton crispus*). Imazamox is a relatively new herbicide that has not been extensively field tested, so there is some uncertainty regarding the sensitivity of non-target species. Desirable native species that may be affected could include other pondweeds (*P. nodosus*, *P. zosteriformis*, *P. foiosus*, *P. illinoensis*, *P. pusillus*, *P. gramineus*, *P. diversifolius*, *P. perfoliatus*, *P. amplifolius*), water shield (*Brasenia schreberi*) and some bladderworts (*Utricularia* spp.). Higher rates of imazamox will control Eurasian watermilfoil (*Myriophyllum spicatum*), but would also have a greater impact on native plants.

Used as a post-emergence herbicide, imazamox should be applied to plants that are



actively growing. It can also be used during a drawdown to prevent plant regrowth and on the emergent vegetation.

Repeated use of herbicides with the same mode of action can lead to herbicide-resistant plants. Herbicide resistance has now been found in at least one aquatic nuisance plant species. In particular, ALS inhibitor-resistant weeds have appeared at a higher rate than other herbicide types in terrestrial uses. In order to prevent herbicide resistance, avoid using the same type of herbicides year after year, and when possible, use non-herbicide methods of control instead.

Post-Treatment Water Use Restrictions

Treated water may be used immediately following application for fishing, swimming, cooking, bathing, and watering livestock. If water is to be used as potable water or for irrigation, the tolerance is 50 parts per billion (ppb), and a 24-hour irrigation restriction may apply depending on the water body.

Herbicide Degradation, Persistence and Trace Contaminants

Dissipation studies in lakes indicate a half-life ranging from 4 to 49 days with an average of 17 days. Herbicide breakdown doesn't occur in deep, poorly-oxygenated water where there is no light. In this part of a lake, imazamox will tend to bind to sediment rather than breaking down, with a half-life of approximately 2 years.



Once in soil, leaching to groundwater is believed to be very limited.

The breakdown products of imazamox are nicotinic acid and di- and tricarboxylic acids. None of the breakdown products are herbicidal nor suggest concerns for aquatic organisms or human health.

Impacts on Fish and Other Aquatic Organisms

Laboratory tests using rainbow trout, bluegill, and water fleas (*Daphnia magna*) indicate that imazamox is not toxic to these species at label application rates. Imazamox is rated practically non-toxic to fish and aquatic invertebrates. Imazamox does not bioaccumulate in fish.

Additional studies on birds indicate toxicity only at dosages that exceed approved application rates. However, honeybees are affected at application rates so drift during application should be minimized.

Human Health

Most concerns about adverse effects on human health involve applicator exposure. Concentrated imazamox can cause eye and skin irritation and is harmful if inhaled. Applicators should minimize exposure by wearing long-sleeved shirt and pants, rubber gloves, and shoes and socks.

In chronic tests, imazamox was not shown to cause tumors, birth defects or reproductive toxicity in test animals. Most studies show no

evidence of mutagenicity. Imazamox is not metabolized and was excreted by mammals tested. Based on its low acute toxicity to mammals, and its rapid disappearance from the water column due to light and microbial degradation and binding to soil, imazamox is not considered to pose a risk to recreational water users.

For Additional Information

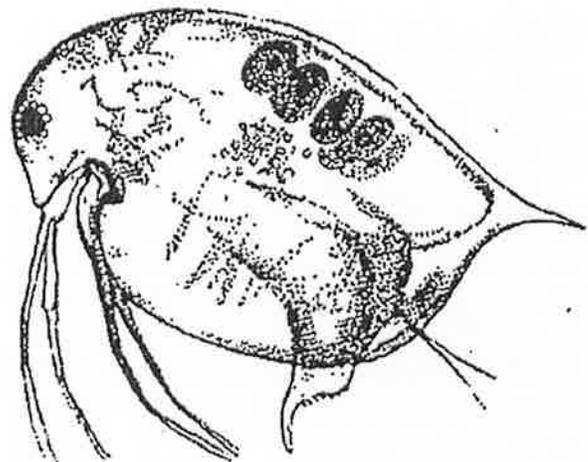
Environmental Protection Agency
Office of Pesticide Programs
www.epa.gov/pesticides

Wisconsin Department of Agriculture, Trade,
and Consumer Protection
<http://datcp.wi.gov/Plants/Pesticides/>

Wisconsin Department of Natural Resources
608-266-2621
<http://dnr.wisconsin.gov/lakes/plants/>

Wisconsin Department of Health Services
<http://www.dhs.wisconsin.gov/>

National Pesticide Information Center
1-800-858-7378
<http://npic.orst.edu/>



EXTOXNET

Extension Toxicology Network

A Pesticide Information Project of Cooperative Extension Offices of Cornell University, Michigan State University, Oregon State University, and University of California at Davis. Major support and funding was provided by the USDA/Extension Service/National Agricultural Pesticide Impact Assessment Program.

Pesticide
Information
Profile

Triclopyr

Publication Date: 9/93

TRADE OR OTHER NAMES

The trade names for herbicides containing this product are Garlon, Turflon, Access, Redeem, Crossbow, Grazon and ET. The herbicide may be mixed with picloram or with 2,4-D to extend its utility range (.8.).

INTRODUCTION

Triclopyr, a pyridine, is a selective systemic herbicide used for control of woody and broadleaf plants along rights-of-way, in forests, on industrial lands and on grasslands (†). Unlike a similar product 2,4,5-T, which has been banned in the United States, there is no possibility of dioxin impurities occurring in triclopyr.

Some or all applications of the product Access may be classified as Restricted Use Pesticides (RUP). Restricted Use Pesticides may be purchased and used only by certified applicators.

(NOTE: Unless otherwise specified, triclopyr will be assumed to be the technical material for this document.)

TOXICOLOGICAL EFFECTS

ACUTE TOXICITY

The product will either have a DANGER or CAUTION signal word on the label depending on the specific formulation. Products marked DANGER include Garlon 3A, Redeem, Turflon Amine.

The oral LD50 of triclopyr in rats ranges from 630 to 729 mg/kg and from 2,000 to 3,000 mg/kg for various formulated products. Similar differences were noted for skin toxicity in the rabbit. The LD50 for the technical material was greater than 2,000 mg/kg and greater than 4,000 mg/kg for the formulations. Inhalation of triclopyr (technical) did not affect rats but inhalation of some of the formulations did cause nasal irritations. A similar result was seen when rabbit eyes were exposed. The technical material had only a slight effect on rabbit eyes and the undiluted formulated material caused significant eye irritation. Other oral LD50 values for triclopyr are 550 mg/kg in the rabbit and 310 mg/kg in the guinea pig.

CHRONIC TOXICITY

Rats fed diets containing between 3 and 30 mg/kg/day of triclopyr experienced no ill effects. Males fed much higher doses (100 mg/kg) had decreased liver and body weight and increased kidney weight. The male mice were also sensitive at moderate doses. They had reduced liver weight at 60 mg/kg/day (:1). Monkeys fed small amounts of triclopyr (30 mg/kg/day) had no adverse effects.

Reproductive Effects

Triclopyr fed to rabbits daily at low to moderate doses (25 to 100 mg/kg) caused some maternal toxicity and death but not fetal toxicity or birth defects. The maternal mortality was inconsistent with other studies. There is not enough data to draw any conclusion about the reproductive hazards of triclopyr due to chronic exposure in humans.

Teratogenic Effects

Pregnant rats given moderate doses (up to 200 mg/kg/day) on days 6-15 of gestation had offspring with mild fetotoxicity, but no birth defects (.2). There were no teratogenic effects in rabbits treated in a similar manner at 10 or 20 mg/kg/day. The evidence suggests that the human risk of birth defects is fairly low due to chronic exposure to triclopyr.

Mutagenic Effects

Both bacteria and isolated cells did not mutate in response to the presence of triclopyr. Another mutagen study using rats was weakly positive, but negative in mice, the more sensitive species. There were no chromosome changes noted in rat bone marrow. Triclopyr is not considered to be mutagenic.

Carcinogenic Effects

Rats and mice fed low levels (3 to 30 mg/kg/day) of triclopyr for two years showed no carcinogenic response. Even though the mice did have a high incidence of lymph cancer, this incidence were apparently characteristic of the particular strain of mice and did not represent a dose-related effect (1).

Organ Toxicity

Garlon 3A, the triethylamine salt of triclopyr, can cause considerable eye and skin irritation. Prolonged skin contact will cause flaking but a different formulation, Garlon 4, is not as severe a skin and eye irritant (:1).

Fate in Humans and Animals

When rats were intravenously dosed at 5 mg/kg, most of the dose was excreted in urine. At 100 mg/kg urinary excretion still predominated. At higher doses, an increasing amount was in the feces. In dogs, 0.5 mg/kg of triclopyr had a half-life of 14 hours for clearance from blood plasma, and a dose of 20 mg/kg had a half-life of 95 hours reflecting the unique capacity for excretion of organic acids by the dog. Excreted triclopyr is mostly the parent compound but small quantities of breakdown products are also present.

Triclopyr was found in greater quantities in the liver and fatty tissue of the rat when compared to the blood plasma. The dog had higher levels in the kidney than in the blood plasma, and in monkeys, residues in all tissues were the same as in blood plasma. The compound is not expected to concentrate to any significant degree in the tissues of animals.

ECOLOGICAL EFFECTS

Triclopyr is slightly toxic to mallard ducks. When fed the compound the LD50 was 1698 mg/kg. Bobwhite quail and Japanese quail fed for eight days had LC50's of 2,935 ppm and 3,278 ppm, respectively.

The compound is practically non-toxic to fish. Triclopyr has a LC50 of 117 ppm for rainbow trout and a 96-hour LC50 of 148 ppm for bluegill sunfish. The compound is practically non-toxic to the aquatic invertebrate *Daphnia magna*, a water flea (LC50 for the triclopyr salt of 1170 ppm) (J_Q). The compound is non-toxic to bees (1).

ENVIRONMENTAL FATE

In natural soil and in aquatic environments, the two of the formulations rapidly convert to the acid which in turn is neutralized to a salt. Triclopyr is not strongly adsorbed to soil particles, has the potential to be mobile, and is fairly rapidly degraded by soil microorganisms. Concentrations of 500 ppm had no apparent effects on the growth of common soil microorganisms. Triclopyr was tested but not found in a host of groundwater sites throughout the country (1).

The half-life in soil is from 30 to 90 days, depending on soil type and environmental conditions, with an average of about 46 days. The half-life of one of the breakdown products (trichloro-pyridinol) in 15 soils ranged from 8- 279 days with 12 of the tested soils having half-lives of less than 90 days. Longer half-lives occur in cold or arid conditions.

Breakdown by the action of sunlight is the major means of triclopyr degradation in water. The half-life is 10 hours at 25 degrees C. The major metabolite is trichloropyridinol.

Triclopyr is readily translocated throughout a plant after being taken up by either roots or the foliage. Cowberries with residues of 2.4 ppm at six days had 0.7-1.1 ppm at 30-36 days, and 0.2-0.3 ppm in 92-98 days. The estimated half-life in aboveground drying foliage as in a forest overstory is two to three months.

PHYSICAL PROPERTIES AND GUIDELINES

Exposure Guidelines:

NOEL (dog): 2.5 mg/kg/day

RID: 0.025 mg/kg/day (OPP)

Physical Properties:

CAS #: 55335-06-3

Chemical name:	[(3,5,6-trichloro-2-pyridinyl) Oxy]acetic acid
Chemical class/use:	triethylamino acid herbicide
Solubility in water:	amine salt: 2,100,000 mg/l; ester: 23 mg/l
Solubility in other solvents:	acetone 98.9 g/100 g; benzene 2.73 g/100 g; acetonitrile 12.6 g/100 g
Melting Point:	148-150 degrees C
Vapor Pressure:	1.26 x 10 to the minus 6 mm Hg at 25 degrees C

BASIC MANUFACTURER

Dow Elanco
9002 Purdue Rd.
Indianapolis, Indiana
Telephone: 800-870-7290
Emergency: 517/636-4400

Review by Basic Manufacturer:

Comments solicited: November, 1992
Comments received: December, 1992

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Consumer Factsheet on: GLYPHOSATE

List of Contaminants

As part of the Drinking Water and Health pages, this fact sheet is part of a larger publication:
National Primary Drinking Water Regulations

This is a factsheet about a chemical that may be found in some public or private drinking water supplies. It may cause health problems if found in amounts greater than the health standard set by the United States Environmental Protection Agency (EPA).

What is Glyphosate and how is it used?

Glyphosate is an organic solid of odorless white crystals. It is a non-selective herbicide used on many food and non-food crops as well as non-crop areas such as roadsides. When applied at lower rates, it serves as a plant growth regulator. The most common uses include control of broadleaf weeds and grasses in: hay/pasture, soybeans, field corn; ornamentals, lawns, turf, forest plantings, greenhouses, rights-of-way.

The list of trade names given below may help you find out whether you are using this chemical at home or work.

Trade Names and Synonyms:

Glialka
Roundup
Sting
Rodeo
Spasor
Muster
Tumbleweed
Sonic
Glifonox
Glycel
Rondo

Why is Glyphosate being Regulated?

In 1974, Congress passed the Safe Drinking Water Act. This law requires EPA to determine safe levels of chemicals in drinking water which do or may cause health problems. These non-enforceable levels, based solely on possible health risks and exposure, are called Maximum Contaminant Level Goals.

The MCLG for glyphosate has been set at 0.7 parts per million (ppm) because EPA believes this level of protection would not cause any of the potential health problems described below.

Based on this MCLG, EPA has set an enforceable standard called a maximum Contaminant Level (MCL). MCLs are set as close to the MCLGs as possible, considering the ability of public water systems to detect and remove contaminants using suitable treatment technologies.

The MCL has been set at 0.7 ppm because EPA believes, given present technology and resources, this is the lowest level to which water systems can reasonably be required to remove this contaminant should it occur in drinking water.

These drinking water standards and the regulations for ensuring these standards are met, are called National Primary Drinking Water Regulations. All public water supplies must abide by these regulations.

What are the Health Effects?

Short-term: EPA has found glyphosate to potentially cause the following health effects when people are exposed to it at levels above the MCL for relatively short periods of time: congestion of the lungs; increased breathing rate.

Long-term: Glyphosate has the potential to cause the following effects from a lifetime exposure at levels above the MCL: kidney damage, reproductive effects.

How much Glyphosate is produced and released to the environment?

Glyphosate is released to the environment in its use as a herbicide for controlling woody and herbaceous weeds on forestry, right-of-way, cropped and non-cropped sites. These sites may be around water and in wetlands.

It may also be released to the environment during its manufacture, formulation, transport, storage, disposal and cleanup, and from spills. Glyphosate is among the most widely used pesticides by volume. Usage in 1990 was estimated to be 11,595,000 pounds. It ranked eleventh among conventional pesticides in the US during 1990-91. In recent years, 13 to 20 million acres were treated with 18.7 million lbs. annually.

What happens to Glyphosate when it is released to the environment?

Glyphosate is strongly adsorbed to soil, with little potential for leaching to ground water. Microbes in the soil readily and completely degrade it even under low temperature conditions. It tends to adhere to sediments when released to water. Glyphosate does not tend to accumulate in aquatic life.

How will Glyphosate be Detected in and Removed from My Drinking Water?

The regulation for glyphosate became effective in 1994. Between 1993 and 1995, EPA required your water supplier to collect water samples every 3 months for one year and analyze them to find out if glyphosate is present above 6 parts per billion. If it is present above this level, the system must continue to monitor this contaminant.

If contaminant levels are found to be consistently above the MCL, your water supplier must take steps to reduce the amount of glyphosate so that it is consistently below that level. The following treatment methods have been approved by EPA for removing glyphosate: Granular activated charcoal.

How will I know if Glyphosate is in my drinking water?

If the levels of glyphosate exceed the MCL, 0.7 ppm, the system must notify the public via newspapers, radio, TV and other means. Additional actions, such as providing alternative drinking water supplies, may be required to prevent serious risks to public health.

Drinking Water Standards:

Mclg: 0.7 ppm

Mel:0.7 ppm

Learn more about your drinking water!

EPA strongly encourages people to learn more about their drinking water, and to support local efforts to protect and upgrade the supply of safe drinking water. Your water bill or telephone book's government listings are a good starting point.

Your local water supplier can give you a list of the chemicals they test for in your water, as well as how your water is treated.

Your state Department of Health/Environment is also a valuable source of information.

For help in locating these agencies or for information on drinking water in general, call: EPA's Safe Drinking Water Hotline: (800) 426-4791.

For additional information on the uses and releases of chemicals in your state, contact the: Community Right-to-Know Hotline: (800) 424-9346

White Plains Reservoirs 1 & 2 Dam Rehabilitation

Invasive Species Management Plan

**City of White Plains
Westchester Co., New York**

CHA Project Number: 22350

Prepared for:

*City of White Plains
Department of Public Works
255 Main Street
White Plains, NY 10601*

Prepared by:



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October 3, 2012

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ATTACHMENTS

- Attachment 1 Project Location Map**
- Attachment 2 Invasive Species Management Area Map**
- Attachment 3 Site Photographs**

1.0 INTRODUCTION

The City of White Plains (the City) plans to rehabilitate the Reservoir No. 1 and Reservoir No. 2 Dams to meet current New York State Dam Safety standards. The project site is located in the City of White Plains, Westchester County, New York and is shown on the USGS White Plains Quadrangle (Attachment 1 – Project Location Map). The approximate coordinates of the Reservoir # 1 dam are 41° 3' 27.0" N latitude and 73° 45' 33.001" W longitude and coordinates of the Reservoir # 2 are 41° 3' 11.002" N latitude and 73° 45' 42.998" W longitude.

The project will result in permanently filling 0.116 acres of jurisdictional wetland. Included in that impact is the permanent filling of 0.051 acres of New York State-regulated freshwater Wetland W9 (Class 1). A total of 1.1 acres of the Adjacent Area of this wetland will also be impacted. As mitigation for these impacts, the City proposes to restore Freshwater Wetland W9 by suppressing invasive species to an acceptable level within 5 years.

The most noticeable issue associated with Wetland W9 is that it is significantly invaded by common reed (*Phragmites australis*). Common reed has displaced native vegetation and significantly lowered diversity and wildlife value throughout much of the wetland. Additionally, the dead common reed stalks pose a fire hazard – this wetland has caught fire on multiple occasions. The City recognizes this opportunity to mitigate by restoring the wetland, which has an added benefit of controlling common reed and the associated fire hazard.

Reed canarygrass (*Phalaris arundinacea*) has also been documented within the wetland and will be managed. Additionally, invasive species occur along the wetland edge and within the upland areas surrounding the wetland. Species that have been identified, and will be managed as part of this plan include: multiflora rose (*Rosa multiflora*); tatarian honeysuckle (*Lonicera tatarica*); Japanese honeysuckle (*Lonicera japonica*); Oriental bittersweet (*Celastrus orbiculatus*); garlic mustard (*Alliaria petiolata*); and Japanese knotweed (*Fallopia japonica*). These plants have displaced native plants in some areas. Although purple loosestrife (*Lythrum salicaria*) has not been documented within the wetland, it has been incorporated into this management plan because of the likelihood of it occurring in the wetland.

The goal of this management plan is to reduce the common reed and other invasive plant species presence to acceptable levels (less than 10% cover), and allow the suppressed seedbank and woody remnants to re-establish. Additionally, seeding will occur if needed to promote desired species. Please refer to Attachment 2 for the location of the area to be managed.

The presence of invasive plants is likely a function of past disturbance of this wetland and its surrounding lands from development, hydrology manipulation and pollutants from the adjacent roadway. The current degraded conditions provide limited ecological value. Habitat diversity and wildlife food availability is limited in habitats with such low plant diversity. Managing the invasive species will result in reestablishing a better diversity of native plant species. Such a community benefits native wildlife species in that it provides good habitat for nesting, foraging and shelter.

2.0 EXISTING CONDITIONS

The property is currently owned by the City of White Plains. As previously discussed, most of Wetland W9 is dominated by common reed; however, other invasive species are present as well. Most of Wetland W9 is an emergent wetland, and hydrology characteristics vary by location. There are areas with seasonally saturated soils and other areas appear to be flooded at least seasonally. Wetland W9 is tributary to the Bronx River and ultimately the Atlantic Ocean.

The northeast portion of Wetland W9 has been investigated. It contains a narrow band of wetland that has not been overcome by invasive species. This area consists of open-canopy sedge-dominated wetland and a small portion of red maple hardwood swamp.

The open-canopy sedge wetland is dominated by tussock sedge (*Carex stricta*), hairy sedge (*Carex lacustris*) and other sedge species. Other herbaceous species that occur include skunk cabbage (*Symplocarpus foetidus*), reed canarygrass, marsh marigold (*Caltha palustris*) and grasses. Shrubs occur in some areas and include spicebush (*Lindera benzoin*), highbush blueberry (*Vaccinium corymbosum*), red maple (*Acer rubrum*) and the invasive tatarian honeysuckle and multiflora rose.

The canopy of the red maple hardwood swamp is dominated by red maple (*Acer rubrum*) trees. Shrubs are limited to red maple and multiflora rose. Royal fern (*Osmunda regalis*) and multiflora rose are the dominant groundcover species. Japanese honeysuckle vines are present.

South of the narrow band of wetland that is not dominated by invasive species is a large tract of wetland that has been overcome with common reed. Common reed constitutes approximately 90 percent aerial cover. Desired species such as tussock sedge and skunk cabbage occur in some areas but in low numbers. Japanese knotweed was observed along the eastern edge of the wetland.

The terrestrial portions of the site that were investigated are predominantly forested and include pine plantation and mixed hardwood forest of both early and late successional stages. Areas of successional shrubland are likely. Additionally, some residential properties abut the wetland.

Please refer to Attachment 3 for representative photographs that depict site conditions.

3.0 OBJECTIVES

The primary objective of this management is to control common reed and significantly reduce the extent of monotypic common reed stands. The secondary objective is to reduce the abundance and diversity of invasive herbs and shrubs within the wetland, along the wetland edge and within the upland areas abutting the wetland edge (within the designated management area). The objective will be met at the end of the 5 year management period if:

- Common reed and other invasive plants constitute less than 10 percent total aerial coverage throughout Wetland W9;
- the areas where common reed has been controlled are re-vegetating (greater than or equal to 85 percent aerial coverage (excluding open water)) with non-invasive plants from seed stock or seeding; and
- invasive herbs and shrubs constitute less than 10 percent total aerial coverage along the wetland edge and within the upland areas abutting the edge of Wetland W9 (within the designated management area).

4.0 RESTORATION METHODOLOGY

4.1 *Plant Management*

In areas where common reed and other invasive species are dominant and have formed almost monotypic stands, it will be appropriate and most effective to apply herbicide with a broadcast sprayer. Avoid spraying desired species in these areas to the greatest extent practicable. In areas dominated by desired species the herbicide will be wicked onto the individual plants or spot treated with a backpack sprayer. An environmental monitor (EM) will be present during all herbicide application activities, as necessary, to determine appropriate herbicide application techniques in each area.

Herbicide application must be conducted by a licensed applicator and the type of herbicide must be approved prior to use. Chemicals approved for aquatic use such as Aquatic glyphosate (trade name Rodeo) and/or Imazamox (trade name Clearcast) can be used in the wetland. Other chemicals can be used but must be approved prior to use.

Phragmites australis

Herbicide application for common reed should be conducted early August through October when the plants are going to seed and when energy is being transferred back to the roots (herbicide is more effective at this time). At least one month after herbicide application areas of densely vegetated common reed growth should be removed from the site by cutting or prescribed burn. This will prevent shading in the spring and allow desired species to grow.

If cutting is chosen, dead plants will be cut to within approximately 6" of the ground surface. Cutting and removal may be best during winter when the soils are frozen. However, due to areas of deep standing water this may not be achievable so removal may be conducted at the discretion of the contractor provided that they do their best to prevent disturbing the soils. Seed heads and plant stalks must be contained and disposed of in an approved landfill or left in the on-site wetland, raked to selected area(s) that contain no shrubs or trees, and then thoroughly burned (notify fire department and comply with state and local regulations). All actions must be aimed at preventing seed dispersal and introduction to new areas. If the plants are transported to a landfill the truck bed must be securely covered during transport to prevent seed dispersal.

If a prescribed burn is chosen, a Burn Plan will have to be submitted to the New York State Department of Environmental Conservation (NYSDEC) for their approval and a Burn Boss will need to be present during the burn.

Phalaris arundinacea

In early spring (when most native plants are dormant and reed canarygrass (rcg) growth is observable) check for rcg growth. If dense rcg is observed, remove dead rcg plants from the areas to be treated (to expose rhizomes, increase herbicide application efficiency and prevent shading after treatment) and mark the areas to be treated so they do not get missed when it comes time to apply herbicide. To remove, hand-rake the dead grass blades out of the area with a rigid metal rake. To prevent seed and underground rhizome dispersal (both are methods that rcg uses to spread), while remaining in the infected areas, place dead rcg blades and other portions of the

plants in plastic bags for proper disposal in a landfill. Try not to disturb, trample or apply herbicide to the other desired vegetation that is present. Carefully spot treat the growing rcg plants with the appropriate herbicide. Be careful to avoid desired vegetation that may be growing. Two herbicide applications may be necessary. Removing the dead vegetation will expose the soils and promote seed bank germination and rcg seed depletion.

Check the rcg patches again in the beginning of June. If rcg has regenerated, carefully re-treat with herbicide in early June before the seeds ripen and disperse in late June (prevents seed dispersal). It is likely that numerous desired species will be present and intermixed with any remaining rcg. Carefully apply herbicide by wicking or brushing to the leaves of the rcg plants or spot treating with a backpack sprayer. The goal is to reduce herbicide spillage and indirect killing of desired species. Dense mats or monotypic areas may be carefully sprayed.

Rosa multiflora

As management for multiflora rose we recommend cutting the main stem during the growing season and removing the majority of the plant. Immediately following the cutting, apply an appropriate herbicide, such as *triclopyr* (Pathfinder II), to the top of the cut stem to prevent regrowth. Type of herbicide used is at the discretion of the herbicide applicator and must be approved by the NYSDEC.

Lonicera tatarica

As management for tatarian honeysuckle we recommend cutting the main stem during the growing season and removing the majority of the plant. Immediately following the cutting, apply an appropriate herbicide, such as *triclopyr* (Pathfinder II), to the top of the cut stem to prevent regrowth. Type of herbicide used is at the discretion of the herbicide applicator and must be approved by the NYSDEC.

Lonicera japonica

We recommend spraying Japanese honeysuckle plants with an approved systematic herbicide such as glyphosate or *triclopyr*. Herbicide application can be conducted any time between spring and fall. Type of herbicide used is at the discretion of the herbicide applicator and must be approved by the NYSDEC.

Alliaria petiolata

As management for garlic mustard we recommend carefully spraying garlic mustard plants with an approved herbicide such as glyphosate in early spring prior to it going to seed. Type of herbicide used is at the discretion of the herbicide applicator and must be approved by the NYSDEC.

Fallopia japonica

We recommend spraying Japanese knotweed plants with an approved systematic herbicide such as glyphosate or *triclopyr*. This will help kill above and below ground portions of the plants. Application should be conducted when plants are 3 to 6 feet in height (most likely in June or July). A follow-up application may be desired later in the season to battle regrowth. Type of herbicide used is at the discretion of the herbicide applicator and must be approved by the

NYSDEC. Dense stands should be removed at least a month after treatment to allow light penetration to the soils.

Celastrus orbiculatus

As management for Oriental bittersweet we recommend cutting the main stem during the growing season and immediately following the cutting apply an appropriate herbicide, such as *triclopyr* (Pathfinder II), to the top of the cut stem to prevent regrowth. Type of herbicide used is at the discretion of the herbicide applicator and must be approved by the NYSDEC.

Lythrum salicaria

If purple loosestrife is or becomes problematic within the management area, management will be required.

According to *Control Methods for Purple Loosestrife (Lythrum salicaria)* found on the NYSDEC website:

- *Purple loosestrife has a vigorous rootstock that serves as a storage organ, providing resources for growth in spring and regrowth if the plant has been damaged from cuttings. New stems emerge from the perennial roots enabling the plant to establish dense stands within a few years. A single, mature plant can produce more than 2.5 million seeds annually which can remain viable after 20 months of submergence in water. In addition, plant fragments produced by animal and mechanical clipping can contribute to the spread of purple loosestrife.*

Herbicide application in mid-summer (prior to going to seed) will kill the above ground and underground portions of this plant and prevent seed dispersal. A systematic herbicide is recommended. Once the above ground portion of the plant is dead, densely-vegetated areas can be removed to allow light penetration and seed germination of desired species.

4.2 Seeding

If the desired seedbank does not respond/regenerate quickly following the first year of management it may be necessary to seed the managed areas. Seeding necessity will be determined by a coordinated effort between the EM and the herbicide applicator based on observations of site responses to management. Seed mix should reflect the native habitats and species assemblages of Wetland W9. Recommended seed mix would include ERNST OBL-FACW Perennial Food & Cover Wetland Mix or similar.

4.3 Monitoring

It is expected that the management measures described above will be required over an approximate 5 year period to effectively control the invasive species and establish the desired vegetative cover. To accomplish this, the wetland will be monitored yearly over a 5-year period. It is anticipated that less intense herbicide applications and vegetation removal will be required each year, such that by the end of the third year the composition of invasive species will be less

than 10 percent of the total vegetative cover. The goal at the end of 5 years is less than 10 percent dominance of invasive species.

5.0 SCHEDULE OF TREATMENTS, MONITORING & REPORTING

Year 1

Early spring (April/May)

Check for reed canarygrass and garlic mustard plants. Remove dense stands of dead reed canarygrass if necessary. Treat reed canarygrass and garlic mustard. The designated EM will be present to oversee these activities.

Early June

Check for reed canarygrass and garlic mustard plants. Remove dense stands of dead reed canarygrass if necessary. Treat reed canarygrass and garlic mustard. The designated EM will be present to observe site conditions and oversee these activities.

Mid-summer

Check for and treat multiflora rose, tatarian honeysuckle, Japanese honeysuckle, Oriental bittersweet, Japanese knotweed and purple loosestrife. The designated EM will be present to oversee the activities and to inventory invasive species and the effectiveness of the previous herbicide applications. The EM will evaluate the success of the management activities to date which will be used to guide future management.

Late-August to early-October

Treat common reed. Also check for and treat other plants where a fall treatment may be beneficial, such as Japanese knotweed. The designated EM will be present to observe site conditions and oversee these activities.

Mid fall through late winter

Conduct common reed removal. The designated EM will observe the site after the vegetation removal to document thoroughness/completeness.

December

The EM will prepare the first of five annual monitoring reports. The first report will detail the herbicide application and plant removal activities conducted during the first year of management. This report will be supplemented with site photographs to document before and after conditions. The report will be submitted to the appropriate contact at NYSDEC and USACE by December 1 of the reporting year.

Years 2 - 5**Early spring (April/May)**

Check for reed canarygrass and garlic mustard plants. Remove dense stands of dead reed canarygrass if necessary. Treat reed canarygrass and garlic mustard.

The designated EM will be present to oversee these activities.

Early to mid-June

Check for reed canarygrass and garlic mustard plants. Remove dense stands of dead reed canarygrass if necessary. Treat reed canarygrass and garlic mustard. The designated EM will be present to observe site conditions and oversee these activities.

Early July

If necessary, cut and remove common reed plants at this time to further stress the plants.

Mid-summer

Check for and treat multiflora rose, tatarian honeysuckle, Japanese honeysuckle, Oriental bittersweet, Japanese knotweed and purple loosestrife. The EM will be present to oversee the activities, inventory invasive species and document native wetland plant species response by percent cover. The EM will evaluate the success of the management activities to date which will be used to guide future management.

Late-August to early-October

Treat common reed that has regenerated. Also check for and treat other plants where a fall treatment may be beneficial, such as Japanese knotweed. The designated EM will be present to observe site conditions and oversee these activities.

Note: if native wetland plant species are not regenerating in managed areas by this time, it may be necessary to seed with an appropriate wetland seed mix approved by NYSDEC. It will be the EM's responsibility to prepare a seeding plan identifying the need for seeding, type of seed mix to be used, and timing (spring or fall).

Mid fall through late winter

If necessary, conduct removal of vegetation in the wetland and other pertinent areas before March 1 (i.e. densely-vegetated areas). The designated EM will observe the site after the vegetation removal to document thoroughness/completeness.

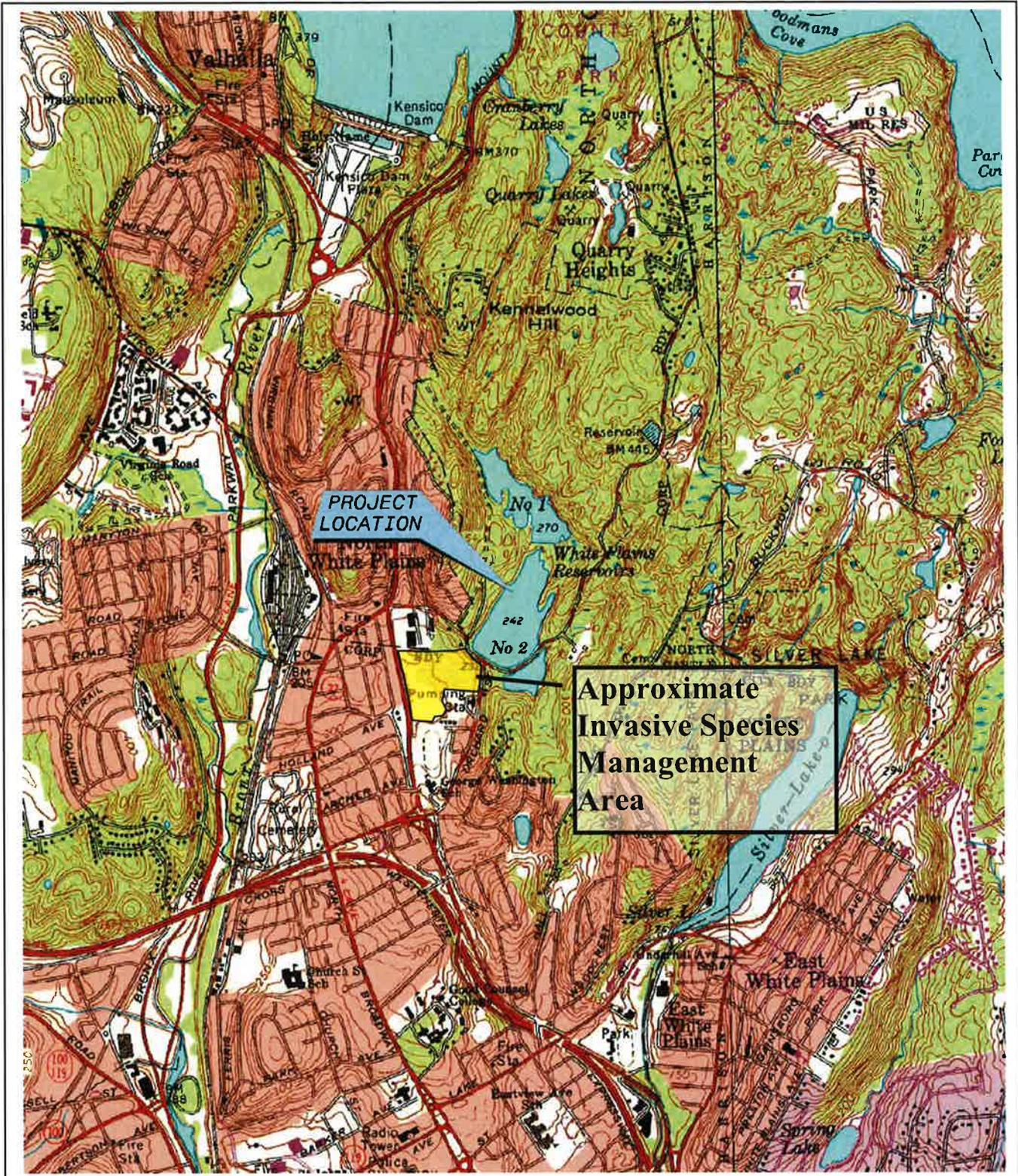
December

The EM will prepare the annual monitoring report detailing the success of the year's management activities. This report will include a detailed description of the plant species currently occurring within the managed areas, in relation to percent dominance of desired native species vs. invasive, exotic species. A list of dominant species will be provided and problematic areas will be discussed. The report will be supplemented with site photographs to document before and after conditions and will provide additional management recommendations. The report will be submitted to NYSDEC and USACE by December 1 of each year.

6.0 SUMMARY

Incorporating the measures identified in this plan will help to restore the degraded wetland community that occurs on the project property. Restoration will be considered complete after the 5th year of management if the wetland has a minimum of 85 percent cover by native, non-invasive species, and less than 10 percent invasive species are present.

Attachment 1
Project Location Map



Project Location Map

Scale 1" = 2000'

Figure 1

White Plains Reservoirs Dam Rehabilitation
 White Plains, New York
 White Plains USGS Quad

Attachment 2

Invasive Species Management Area Map



Legend

Invasive Species Management Area



111 Winners Circle • P.O. Box 5269 • Albany, NY 12205-0269
Main: (518) 453-4500 • www.cloughharbour.com

Invasive Species Management Map

*White Plains Reservoirs Dam Rehabilitation
White Plains, Westchester County, New York*



Figure 4

October 2012

0 100 200 Feet

Attachment 3

Site Photos



Photo 1- Wetland W9 near the dam rehab project area. Emergent wetland (PEM1B) on the left side. Red maple hardwood swamp (PFO1B) on the right side of the photo.



Photo 2 – Upland adjacent to Wetland W9 where dam rehab work will be conducted, looking north.



SITE PHOTOGRAPHS

**White Plains Reservoirs 1 & 2 Dam Rehabilitation
City of White Plains, Westchester Co., NY**



Photo 3 – Wetland W9 (PEM2B).



Photo 4 – Upland area adjacent to Wetland W9.



SITE PHOTOGRAPHS

**White Plains Reservoirs 1 & 2 Dam Rehabilitation
City of White Plains, Westchester Co., NY**



Photo 5 – Stream flowing into Wetland W9.



SITE PHOTOGRAPHS

**White Plains Reservoirs 1 & 2 Dam Rehabilitation
City of White Plains, Westchester Co., NY**

**Photographs of Wetland W9 taken during the Bog Turtle
Phase 2 survey.**

**These photos show the remnant/desired sedge-dominated
community and the areas dominated by common reed.**

**These photographs were taken at the north end of Wetland
W9 in the vicinity of the proposed wetland impact associated
with the dam rehab project.**



Figure 3. Surveying for bog turtles within narrow band of tussock sedges bordering *Phragmites* marsh



Figure 4. Ground-level conditions of a tussock sedge community in the process of transitioning into closed-canopy *Phragmites* marsh

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE PROPOSED
CAPITAL PROJECT NO. W5470, ENTITLED SPECIES MANAGEMENT

WHEREAS, the proposed Capital Project No. W5470, entitled Species Management (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, as part of the continuing program of Capital Improvements, the Capital Projects Board has recommended a project entitled, "Species Management," to remove the invasive plants growing along the Central Westchester Parkway north of the George Washington School. The City's spillway from its dams terminates in this area, and the Department of Environmental Conservation is requiring the City to remove the existing species and replant the entire area with native plants; and

WHEREAS, the Environmental Officer recommends that the Common Council (a) declare itself to be the Lead Agency for the environmental review; (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, 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 Common Council has considered the Proposed Action and Management Reports which, when considered together, constitute the Environmental Review Record which serves as a basis for the SEQR determination; now, therefore, be it

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

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

RESOLVED that the Common Council has examined the potential environmental effects of the Proposed Action regarding the SEQR criteria of environmental effect and makes the following environmental findings:

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

The Comprehensive Plan supports the highest possible quality and maintenance of the City's essential public works facilities, infrastructure and services. This infrastructure includes the public water supply and water distribution system,

The Comprehensive Plan also calls for the preservation of the City Watershed Area as a protected area, and prohibit development for recreational or other public uses in this area.

The Proposed Action does not involve construction of any specific structures or infrastructure improvements. The use and management of municipal facilities, including the City Watershed

Area is permitted by the White Plains Zoning Ordinance.

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

The Proposed Action does not involve construction of any structure or infrastructure improvements or a change in the use of the city owned land as a protected watershed area.

The project and management procedures are presented the following reports:

- A. The email from Gary Dale, PE., CHA Companies, dated October 29, 2015.
- B. The report entitled "White Plains Reservoirs 1 & 2 Dam Rehabilitation Invasive Species Management Plan, City of White Plains, Westchester County, New York, prepared by CHA Companies, dated October 2, 2102.
(Together referred to as the "Management Reports")

These management procedures and reports have been reviewed and approved by the Department of Environmental Conservation

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

The Proposed Action involves the removal of the existing species in the designated, approximately 11 acres, project area and replant the entire area with native plants.

The project area is located within the designated New York State Freshwater Wetland Area Wetland, Identification Code No. G- 9.

This project is being undertaken at the direction and approval of the Department of Environmental Conservation.

The reason that wetland mitigation is being performed is because the dam safety rehabilitation project for Reservoir No. 1 and No. 2 Dams resulted in permanent impacts to wetlands, and specifically had an impact to DEC Regulated Wetland W9 (the large wetland next to the Pump Station). In 2010, CHA was hired by the City to assist in developing permit applications for the US Army Corps of Engineers and the New York State Department of Environmental Conservation, specifically related to wetland impacts, based on dam rehabilitation design plans prepared by McGimpsey. During this process, significant wetland impacts were identified at both reservoirs with impacts to the DEC Regulated Wetland W9 of 1.83 acres. This level of impacts would have required an Individual Permit from the USACE (a multi-year process and significant wetland creation (at least 1.5 to 2 times the 1.83 acre impact). This would have resulted in significant cost to the City through probable land acquisition to create a wetland, and then subsequent wetland design and construction. This option was not beneficial from a financial perspective to the City, and not preferable to either the USACE or the DEC; the DEC requested that the project wetland impacts be minimized or avoided.

In 2011, CHA was hired to re-evaluate the dam rehabilitation design. In that process, CHA was

able to significantly reduce the size of the dam rehabilitation improvements (that is, reduce the spillway sizes) at both the Reservoir No. 1 and No. 2 Dams, and in-turn reduce the wetland impacts of the entire project. Specifically, the impacts to the DEC Regulated Wetland W9 was reduced from 1.83 acres to about 0.07 acres. However, the DEC still required some form of wetland mitigation as a condition for granting the permit for the dam rehabilitation.

The creation of a new wetland was still a difficult task to complete, as there was no land adjacent to the site where a new wetland could be created, and therefore, a wetland would have to be created off-site on a new plot of land. In evaluating options, CHA (in a letter to the DEC and USACE dated October 7, 2011) presented an alternative to creating a wetland; perform an invasive species management plan in the DEC Regulated Wetland W9. The plan was to significantly reduce the presence of invasive plant species in the wetland, primarily the phragmites, using herbicides followed by cut and removal. A secondary benefit of this work to the City was that it would reduce the threat of wild fire caused by phragmites during dry periods, which was experienced in this area in the past.

This wetland mitigation work would occur over multiple years to be effective, and CHA suggested a 5-year timeframe. The DEC and USACE agreed to this wetland mitigation strategy, as presented in the Invasive Species Management Plan (attached) prepared by CHA in October 2012, and approved the permits for dam rehabilitation. It is important to note that the wetland mitigation is a requirement for both the USACE and DEC permits for the dam rehabilitation projects at Reservoir No. 1 and No. 2 Dams. If the wetland mitigation work is not performed, the agencies could order the City to cease and desist work on the dam rehabilitation project until another mitigation solution can be developed.

Due to the density and extent of phragmites in the wetland, herbicide is the only viable method for control. "Weeding" the plant is not viable because phragmites spreads primarily by underground rhizomes. The plant, and its underground rhizomes, will very likely break into pieces if weeding is conducted. New plants will likely regenerate from broken plant fragments. To remove this plant by mechanical means only would require excavation of the soil to a depth of at least 6 feet. This would destroy the wetland and is highly unlikely to be approved by the DEC or USACE. There is no known biological control for phragmites.

Glyphosate and/or Imazamox (or similar/approved) will be used in the wetland areas (bulk of the site). Treatments in years 1 and 2 (and possibly later years) will likely involve spraying on plants via vehicle-mounted or backpack sprayer in relatively non-windy conditions (standard practice to limit contact with desired plants). Vegetation in upland areas will be treated with Triclopyr or similar/approved, and will generally be applied to cut stems.

The applicators (AES in this case) are required to be licensed and properly trained to apply these herbicides in a manner conforming to the manufacturers labeling.

- (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.

Again, the Proposed Action involves the removal of the existing species in the designated, approximately 11 acres, project area and replant the entire area with native plants.

- (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. The project conforms to the Department of Environmental Conservation standards and procedures.

- (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 file the appropriate notice as required by SEQR.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. W5470 ENTITLED, "SPECIES MANAGEMENT."

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended a project entitled, "Species Management," to remove the invasive plants growing along the Central Westchester Parkway north of the George Washington School. The City's spillway from its dams terminates in this area, and the Department of Environmental Conservation is requiring the City to remove the existing species and replant the entire area with native plants.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. W5470, entitled, "**Species Management**," with a budget as follows:

REVENUES:

W5470-08810	Serial Bonds	<u>\$489,850</u>
-------------	--------------	------------------

EXPENDITURES:

W5470-4.005	Finance and Auditing	\$ 4,850
W5470-8.681	Water System Improvements	<u>485,000</u>
		<u>\$ 489,850</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$489,850, and to advance funds, as necessary, from the Water Fund, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED NOVEMBER 2, 2015, AUTHORIZING THE ISSUANCE OF \$489,850 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE IMPROVEMENTS TO CITY PARKWAYS INCLUDING PLANT REMOVAL AND GENERAL BEAUTIFICATION

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 the costs of the improvements to City parkways, including plant removal and general beautification and including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$489,850, 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 \$489,850, 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 \$489,850, (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 \$489,850, (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 ten (10) years. The serial bonds authorized herein shall have a maximum maturity of ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation

notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations,

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

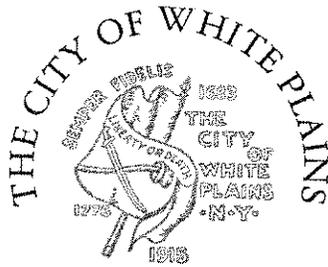
Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with

environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed

collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

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

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

Having reviewed the current and projected operating expenses of the City's Water Fund, and in support of New York State water conservation goals, I am herewith submitting, for your consideration, an ordinance approving revised water rates and fees pursuant to Section 197 of the City Charter.

Water rates for the Basic Schedule would increase over the current rates by eight percent for the first five ranges of consumption and ten percent for the last three ranges. Rates for the Excess Non Per Capita Schedule would increase over the current rates by eight percent for the first six ranges of consumption and ten percent for the last three ranges. The fee for availability/demand charges would increase by ten percent for both schedules. It is further recommended that the rate changes take effect on December 1, 2015 for the Basic Schedule, January 1, 2016 for the Excess Non Per Capita Schedule, and introduced on a pro-rated basis by the Commissioner of Public Works.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: November 2, 2015

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ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
 AMENDING PARAGRAPH F OF APPENDIX A, SECTION 7-8-121 OF THE WHITE
 PLAINS MUNICIPAL CODE, WATER RULES AND REGULATIONS PRESCRIBED BY
 THE COMMISSIONER OF PUBLIC WORKS PERTAINING TO REVISING CERTAIN
 WATER RATES AND CHARGES AND CONNECTION FEES.

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

Section 1. Paragraph (f) of Section 7-8-121 of the White Plains Municipal Code, Appendix A, is hereby amended in its entirety to read as follows:

(f) Water Rates:

<i>Consumption (semi-annual)</i>	<i>Basic Schedule (Semi-annual)</i>	<i>Excess Non-Per Capita Users Schedule 120,000cf and over (Quarterly as defined in this Chapter herein)</i>
First 2,500cf	----	<u>\$4.11/100cf</u>
First 5,000cf	<u>\$2.18/100cf</u>	----
Next 5,000cf	----	<u>4.61/100cf</u>
Next 10,000cf	<u>2.43/100cf</u>	----
Next 10,000cf	----	<u>5.15/100cf</u>
Next 20,000cf	<u>2.74/100cf</u>	----
Next 15,000cf	----	<u>6.16/100cf</u>
Next 30,000cf	<u>3.96/100cf</u>	----
Next 27,500cf	----	<u>8.13/100cf</u>
Next 55,000cf	<u>4.35/100cf</u>	----
Next 60,000cf		<u>10.20/100cf</u>
Next 130,000cf		<u>12.23/100cf</u>

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Next 380,000cf	<u>5.73/100cf</u>	----
Next 250,000cf	----	<u>14.06/100cf</u>
Next 500,000cf	<u>7.27/100cf</u>	----
Over 500,000cf	----	<u>16.38/100cf</u>
Over 1,000,000cf	<u>8.50/100cf</u>	----

Section 2. Paragraph (h) of Section 7-8-121 of the White Plains Municipal Code, Appendix A, is hereby amended in its entirety to read as follows:

(h) Water Availability/Demand Charge: These charges are applicable to the domestic service from the date the tap or connection made to the city's water supply system is placed in service until such time as the same tap or connection is permanently discontinued in accordance with section 7-8-30 (c) of this Code:

WITHIN CITY LIMITS

<i>Basic Schedule</i>		<i>Excess Non Per Capita Schedule</i>	
<i>Size of Connection</i>	<i>Charge (semi-annual)</i>	<i>Size of Connection</i>	<i>Charge (quarterly)</i>
1" & less	<u>\$29.43</u>	1" & less	<u>\$14.73</u>
1 ½"	<u>67.66</u>	1 ½"	<u>33.86</u>
2"	<u>117.73</u>	2"	<u>58.87</u>
3"	<u>264.88</u>	3"	<u>132.45</u>
4"	<u>470.89</u>	4"	<u>235.44</u>
6"	<u>1,103.65</u>	6"	<u>551.83</u>

8" & over

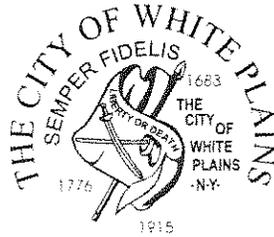
1,898.26

8"& over

949.16

OUTSIDE CITY LIMITS: Double the "within city limits" charge.

Section 3. Notwithstanding any provision of the White Plains Charter and Code to the contrary, the aforementioned revised water rates and charges for the Basic Schedule (semi-annual) shall take effect December 1, 2015. The aforementioned revised water rates and charges for the Excess Non Per Capita Schedule (quarterly) shall take effect January 1, 2016. Both Schedules shall be introduced on a prorated basis by the Commissioner of Public Works.



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 MEMBERS OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS

Dear Mayor and Members of the Common Council:

The Department of Public Safety wishes to enter into a new agreement with Westchester Merchant Services Inc. of White Plains ("Westchester Merchant Services") for the placement of two (2) separate 24-hour ATM machines in the Public Safety Building.

Westchester Merchant Services will install, maintain, cash fill and monitor these ATM machines with no interaction needed by the Department. For this opportunity, Westchester Merchant Services will pay the City a flat rate with a combined rental fee for both spaces in the amount of \$200.00 per month (\$2400.00 yearly).

Westchester Merchant Services is fully insured and will place no liability on the Department of Public Safety for any damages or theft of either ATM machine. Westchester Merchant Services may charge customers a surcharge of no more than three dollars (\$3.00) with no fee for balance inquiries. The required Westchester County Non-Bank ATM fees will be paid by Westchester Merchant Services.

This agreement will be for one year commencing November 1, 2015 and terminating November 1, 2016 with an option for two additional years at the City's option. The Department requests permission to enter into this agreement and have the Commissioner of Finance accept the monthly rental fees on behalf of the City.



James M. Bradley
Chief of Police

Dated: October 22, 2015

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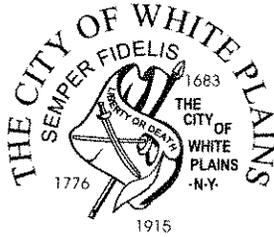
AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH WESTCHESTER MERCHANT SERVICES INC. OF WHITE PLAINS FOR THE PLACEMENT OF TWO (2) SEPARATE 24-HOUR ATM MACHINES IN THE PUBLIC SAFETY BUILDING.

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

Section 1. The Mayor or his designee is hereby authorized to execute an agreement on behalf of the City of White Plains with Westchester Merchant Services Inc. of White Plains (“Westchester Merchant Services”) for the placement of two (2) separate 24-hour ATM machines in the Public Safety Building. Under the terms of the agreement, Westchester Merchant Services will install, maintain, cash fill and monitor the two ATM machines and pay the City a flat rate with a combined rental fee for both spaces in the amount of \$200.00 per month (\$2,400 yearly). Westchester Merchant Services will be solely responsible for any damages or theft of either ATM machine. The required Westchester County Non-Bank ATM permit fees will be paid by Westchester Merchant Services. Westchester Merchant Services may charge customers a surcharge fee of no more than three dollars (\$3.00) with no fees for balance inquiries. The agreement shall be for a period of one (1) year, commencing on November 1, 2015 and terminating on November 1, 2016, and may be extended at the City’s option, for an additional two (2) year term, for a total of three (3) years, commencing on November 1, 2016 and terminating on October 31, 2018. The contract shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is hereby further authorized to direct the Commissioner of Finance to accept the monthly rental fees under the agreement.

Section 3. This ordinance shall take effect immediately.



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

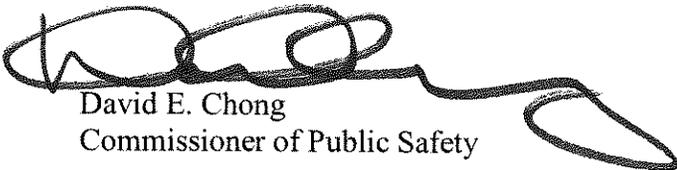
Dear Mayor and Common Council Members:

The Department of Public Safety has been awarded a Pedestrian Safety initiative grant in the amount of \$8,000 by the New York State Governors' Traffic Safety Committee.

The Department of Public Safety will use these funds for enforcement purposes to reduce the number of accidents with injuries, specifically, those involving pedestrians that are largely contributed to driver inattention, and traffic violations, such as unsafe speed and failure to yield to pedestrians.

Accordingly, submitted for your consideration is an ordinance authorizing the Mayor to execute the documents necessary to accept the funds for the Pedestrian Safety Initiative grant under the New York State Highway Safety Program.

It is also requested that the Commissioner of Finance be authorized to receive and disburse funds accordingly.



David E. Chong
Commissioner of Public Safety

Dated: October 16, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY OF WHITE PLAINS IN RELATION TO THE ACCEPTANCE OF A PEDESTRIAN SAFETY INITIATIVE GRANT, IN THE AMOUNT OF \$8,000, FROM THE NEW YORK STATE GOVERNORS' TRAFFIC SAFETY COMMITTEE, TO USED FOR LAW ENFORCEMENT PURPOSES TO REDUCE THE NUMBER OF ACCIDENTS WITH INJURIES, INVOLVING PEDESTRIANS, THAT ARE LARGELY DUE TO DRIVER INATTENTION AND TRAFFIC VIOLATIONS, SUCH AS UNSAFE SPEED AND FAILURE TO YIELD TO PEDESTRIANS.

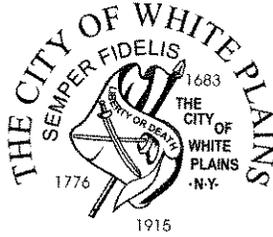
The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor of the City of White Plains or his designee is hereby authorized to accept on behalf of the City of White Plains, a Pedestrian Safety Initiative grant in the amount of \$8,000 from the New York State Governors' Traffic Safety Committee, and in connection therewith, execute any and all necessary documents, in a form acceptable to the Corporation Counsel, and accept funds under grant documents for the Pedestrian Safety Initiative grant. The Department of Public Safety will use these funds for law enforcement purposes to reduce the number of accidents with injuries, specifically those involving pedestrians that are largely contributed to driver inattention, and traffic violations, such as unsafe speed and failure to yield to pedestrians.

Section 2. The Mayor is further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 3. This ordinance shall take effect immediately.

A handwritten signature in black ink, appearing to be the initials 'JH', located in the bottom right corner of the page.



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 City of White Plains has been awarded a Livescan Equipment grant by the New York State Division of Criminal Justice Services (DCJS) in the amount of \$10,000. The Department of Public Safety will use these funds to purchase equipment to continue to satisfy New York State mandates regarding the capturing and processing of electronic fingerprints for both criminals and civilians.

Accordingly, submitted for your consideration is an ordinance authorizing the Mayor or his designee to execute the necessary documents to accept the funds under the grant documents for the Livescan Equipment Grant program.

It is also requested that the Commissioner of Finance be authorized to receive and disburse funds accordingly.

David E. Chong
Commissioner of Public Safety

Dated: October 16, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY OF WHITE PLAINS IN RELATION TO THE ACCEPTANCE OF THE LIVESCAN EQUIPMENT GRANT FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS) IN THE AMOUNT OF \$10,000, TO BE USED BY THE DEPARTMENT OF PUBLIC SAFETY TO PURCHASE EQUIPMENT TO CONTINUE TO SATISFY NEW YORK STATE FINGERPRINT MANDATES REGARDING THE CAPTURING AND PROCESSING OF ELECTRONIC FINGERPRINTS FOR BOTH CRIMINALS AND CIVILIANS.

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

Section 1. The Mayor of the City of White Plains or his designee is hereby authorized to accept on behalf of the City of White Plains, a Livescan Equipment Grant in the amount of \$10,000 from the New York State Division of Criminal Justice Services (DCJS), and in connection therewith, execute any and all necessary documents, in a form acceptable to the Corporation Counsel, and accept funds under grant documents for the Livescan Equipment Grant Program. The Department of Public Safety will use these funds to purchase equipment to continue to satisfy New York State fingerprint mandates regarding the capturing and processing of electronic fingerprints for both criminals and civilians.

Section 2. The Mayor is further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 3. This ordinance shall take effect immediately.



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

THOMAS M. ROACH
Mayor

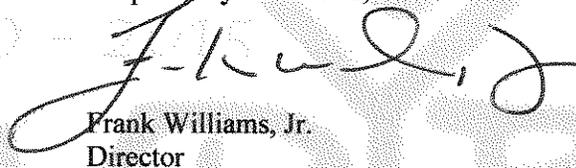
FRANK WILLIAMS, JR.
Executive Director

October 13, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

On March 2, 2015 the Common Council enacted an ordinance increasing the grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) from \$125,000 to \$132,333 by carrying forward the balance from FY 2013/14 to support the White Plains Care Coalition for a period of one year from 9/30/2014 to 9/29/2015. The Youth Bureau is requesting to amend the grant period from 9/29/2015 to 4/30/2016 at no additional cost. We are requesting that the Mayor and the Common Council approve this amendment.

Respectfully Submitted,



Frank Williams, Jr.
Director

For: November 2, 2015 Common Council Meeting

AN ORDINANCE AMENDING AN ORDINANCE ADOPTED MARCH 2, 2015, ENTITLED "AN ORDINANCE AMENDING AN ORDINANCE ADOPTED OCTOBER 6, 2014, ENTITLED 'AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT WITH THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA), TO RECEIVE A DRUG FREE COMMUNITIES GRANT IN THE AMOUNT OF \$125,000 AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2014-2015 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT'."

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

Section 1. Section 1 of the aforementioned ordinance adopted by the Common Council on March 2, 2015, is hereby amended to read as follows:

Section 1. The Mayor or his designee, is hereby authorized to enter into a contract with the US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), in order to receive a Drug Free Communities Grant in the amount of \$132,333 to provide substance abuse prevention services to White Plains youth in support of the *White Plains Care Coalition*. The contract period is [September 30, 2014] September 29, 2015 to [September 29, 2015] April 30, 2016. Said contract shall be in a form to be approved by the Corporation Counsel.

Section 4. All of the remaining provisions of the aforementioned ordinance adopted by the Common Council on October 6, 2014, as amended on March 2, 2015, shall remain in full force and effect.

Section 5. This ordinance shall take effect September 29, 2015.



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

Thomas M. Roach
 Mayor

Frank Williams, Jr.
 Executive Director

October 15, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Westchester Clubmen Foundation has awarded the City of White Plains Youth Bureau \$40,000 to operate the Clubmen Higher Aims Program at the White Plains Middle Schools and High School to provide youth in the City of White Plains with positive youth development after school services to strengthen their success and lead them on a path to college or work careers. The contract period is October 01, 2015 through June 30, 2016. I am requesting that the Mayor be authorized to enter into a contract with the Westchester Clubmen Foundation to receive these funds and it is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Funds as follows:

Increase Estimated Revenue:

HAIMS - 06275	Contributions – Higher Aims	<u>\$40,000</u>
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Increased Appropriations:

HAIMS - 1.800	Part Time Salaries	\$31,354
HAIMS - 2.001	FICA	\$2,399
HAIMS - 2.020	MTA PR Tax	\$107
HAIMS - 2.101	NYS Emp. Pension	\$200
HAIMS - 3.011	Program Supplies	\$1,340
HAIMS - 4.019	Bus Transportation	\$4,600
	TOTAL	<u>\$40,000</u>

Respectfully submitted,

Frank Williams, Jr.
 Director, Youth Bureau

For the November 2, 2015 Common Council Meeting

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A CONTRACT TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS (YOUTH BUREAU), AN AWARD FROM THE WESTCHESTER CLUBMEN FOUNDATION TO BE USED TO OPERATE THE CLUBMEN HIGHER AIMS PROGRAM AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2015 - 2016 YOUTH DEVELOPMENT FUND TO REFLECT THIS AWARD.

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

Section 1. The Mayor, or his designee, is hereby authorized to accept, on behalf of the City of White Plains (Youth Bureau), an award in the amount of \$40,000 from the Westchester Clubmen Foundation and execute a contract in regard to same. Said award will be used to operate the Clubmen Higher Aims Program at the White Plains Middle Schools and the High School to provide positive youth development after school services to strengthen their success and lead them on a path to college or work careers. The contract period is October 1, 2015 through June 30, 2016. The contract shall be in a form approved by the Corporation Counsel.

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

INCREASE ESTIMATED REVENUE:

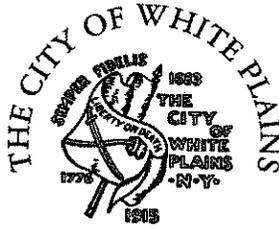
HAIMS - 06275	Contributions - Higher Aims	<u>\$40,000</u>
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INCREASE APPROPRIATIONS:

HAIMS - 1.800	Part Time Salaries	\$31,354
HAIMS - 2.001	FICA	2,399
HAIMS - 2.020	MTA PR Tax	107
HAIMS - 2.101	NYS Emp. Pension	200
HAIMS - 3.011	Program Supplies	1,342
HAIMS - 4.019	Bus Transportation	<u>4,600</u>
		<u>\$40,000</u>

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

Section 4. This ordinance shall take effect October 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 "Two Hour Parking" zone on the south side of Woodcrest Avenue as described in Section 203-a, Subdivision 30.
- 2.) Modify a "Speed of Motor Vehicles, Etc." on North Street as described in Section 302 Subdivisions 4 (s).

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: October 27, 2015 (for the November 2, 2015 Common Council Meeting)

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AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A “TWO HOUR PARKING” ZONE ON THE SOUTH SIDE OF WOODCREST AVENUE AND “SPEED OF MOTOR VEHICLES, ETC.” ON NORTH STREET.

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

Two Hour Parking

Section 1. Article II, Section 203-a, Subdivision 30 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 3rd day of August 2015, is hereby amended to read as follows:

30. Woodcrest Avenue, ~~[both]~~ north ~~[sides]~~ side, from a point 225 feet east of the easterly curb line of Kensico Place to the westerly curb line of Upland Avenue at its southerly intersection with Woodcrest Avenue, on the south side from Kensico Place to the westerly curb line of Upland Avenue at its southerly intersection with Woodcrest Avenue.

Speed of Motor Vehicles, Etc.

Section 2. Article III, Section 302, Subdivision 4 of said ordinance, as last amended on the 5th day of October 2015, is hereby amended by adding a new Subsection (s) to read as follows:

(s). North Street, at the German School (in the vicinity of Club Pointe Drive) within the area marked by flashing yellow signals and signs reading 25 miles per hour between the hours of 7:15 a.m. to 8:30 a.m. and 2:15 p.m. to 3:30 p.m.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per referral by the Common Council on October 6, 2015, the Department of Building has reviewed a proposed site plan amendment to a project located at 390 North Street. The applicant, Hindu Temple of Tristate, proposes the construction a single story temple in lieu of the previously approved two story temple. The original project was approved by the Common Council on April 7, 2014.

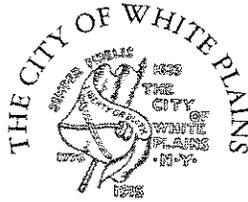
The new temple design consists of approximately 7,800 square feet of space on one level which will house the sanctuary, a cafeteria, restrooms, an entry lobby and support spaces. The previous design encompassed approximately 15,000 square feet on two levels.

These premises are situated within an R1-30 (Residential One Family) Zoning District where churches and other places of worship are permitted principal uses. The total site area is approximately 1.75 acres.

This department has no objection to this amendment being approved.

Damon A. Amadio P.E.
Commissioner of Building

DATED: October 22, 2015
(For the November 2, 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

NORMAN DICHIARA, AIA

Chairman

DAMON A AMADIO, P.E.

Commissioner of Building

KEVIN M. HODAPP, P.E.

Deputy Commissioner of Building

NICK PUJA

Secretary

October 27, 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 October 26, 2015, reviewed the Site Plan amendment to an original Site Plan approval for The Hindu Temple of Tri-State location at 390 North St, White Plains, NY.

OUTCOME: The Design Review Board reviewed this application and recommends approval as submitted.

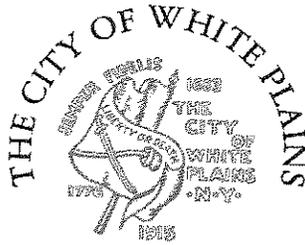
Norman DiChiara

Norman DiChiara, Chairman
Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HINDU TEMPLE OF TRI-STATE AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN FOR THE CONSTRUCTION OF A TEMPLE AT 390 NORTH STREET

PROJECT LOCATION

The project site is an approximately 76,000-square-foot (1.74-acre) vacant lot situated on the east side of North Street between Meadowbrook Road and Bryant Avenue within the R1-30 (Residential One-Family) Zoning District where places of worship are defined as a principal permitted use. The parcel is more than twice the district's minimum lot size of 30,000 square feet.

The project site is bounded to the north by the Shinnyo-en Buddhist Temple, and single-family homes border the site to the east and south. Directly opposite the site across North Street to the west is Wyndham Close, a multi-family townhouse community. The temple will be one of several places of worship grouped together, including the Buddhist Temple, Trinity Evangelical Church, and the First Baptist Church of White Plains.

SITE PLAN AMENDMENT

The original site plan approval, granted on April 7, 2014, was for a 15,000 square foot, two-story temple with 56 parking spaces to be provided within the property, and an additional 36 overflow pervious paver tandem parking spaces in the courtyard area adjacent to the main parking lot for a total of 92 spaces. It is anticipated that the overflow spaces will be utilized approximately once a month on particular high holy days.

The site plan amendment proposes to eliminate the second story, but the building footprint and location on the site will be the same as was approved in 2014, with the exception of the minor reduction in impervious area due to the removal of a previously proposed stairway. In addition, the copper domes have been eliminated from the rooftop, but the single Shikara has been maintained. No reduction in parking is proposed.

ENVIRONMENTAL IMPACT

The environmental impacts associated with the proposed site plan amendment will be the same as the approved site plan, with the exception of the visual impact, which will be reduced, as the lower structure will be less visible from surrounding properties and views from North Street.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Places of worship, such as the proposed Hindu Temple, are specifically excluded from the following Comprehensive Plan strategy concerning institutional uses in residential districts:

Limit intrusions or expansions by institutional uses other than religious institutions in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts.

In addition, the Comprehensive Plan stresses the importance of promoting community facilities and services. The proposed Hindu Temple is a much needed facility to serve the region's Hindu community. As discussed above, the temple would be clustered among various places of worship in this section of North Street. Based on the foregoing, the proposed project is consistent with the Comprehensive Plan and existing neighborhood character.

CONFORMANCE WITH THE ZONING ORDINANCE

The Department of Planning has reviewed the Application for consistency with applicable zoning standards and finds that the proposed site plan amendment conforms to both the use and dimensional requirements of the R1-30 zoning district.

CONCLUSION

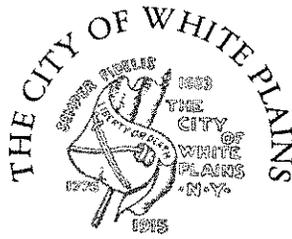
Based on the foregoing analysis, the Planning Department finds that the application is in compliance with the relevant standards set forth in the Zoning Ordinance and Municipal Code. Therefore, the Planning Department recommends that the Common Council approve the application for Site Plan Amendment as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris N. Gomez", written in a cursive style.

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: October 20, 2015
For the November 2, 2015 Common Council Meeting



PLANNING BOARD

MUNICIPAL BUILDING • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300 • FAX: (914) 422-1471

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

October 21, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HINDU TEMPLE OF TRI-STATE AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN FOR THE CONSTRUCTION OF A TEMPLE AT 390 NORTH STREET

At its October 20, 2015 meeting, the Planning Board reviewed the application for an amendment of the site plan approved by the Common Council on April 7, 2014, and extended on April 6, 2015. The new plan maintains the same building footprint, but eliminates the second floor and reduces the temple from 15,000 square feet to approximately 7,800 square feet. No reduction in the number of parking spaces is proposed.

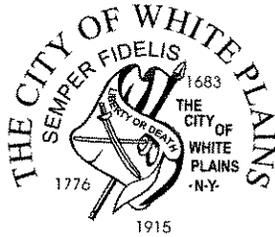
No changes have occurred to the surroundings, and no zoning amendments affecting this property have been approved since the original site plan approval.

The Planning Board voted unanimously to send a letter to the Common Council stating no objection to the requested site plan amendment, and finding that, even at the reduce scale, the project is an attractive addition to the North Street corridor, and the parking management plan is thorough.

Planning Board members voting in favor of the motion to find no objection to the site plan extension: M. Quinn, A. Cabrera, J. Ioris, L. Oliva, and J. Westlund (5); Opposed: None (0); Absent: J. Durante and R. Stackpole (2).

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

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

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Chief of Police
422-6230

DAVID E. CHONG
Commissioner
422-6350

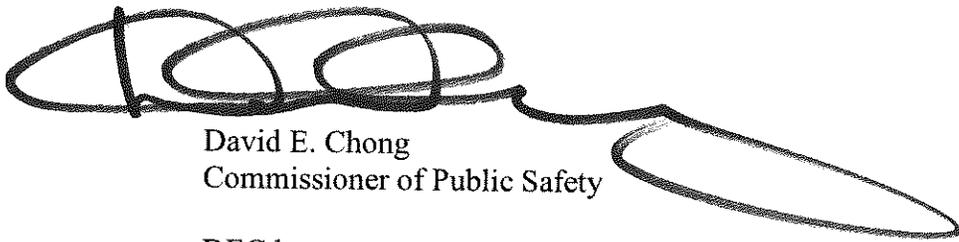
RICHARD L. LYMAN
Fire Chief
422-6360

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.

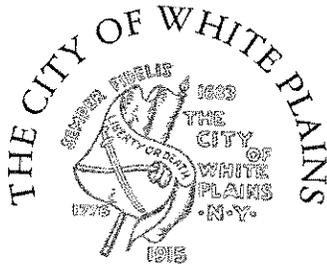
Hindu Temple of Tristate
Site Plan Amendment
390 North Street



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: October 20, 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
COMMISSIONER

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

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

We have reviewed documents submitted by Hindu Temple of Tri-State, for a proposed Site Plan amendment to the previously approved project at 390 North Street. The applicant proposes the construction of a single story temple in lieu of the two story structure, as approved on April 7, 2014.

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

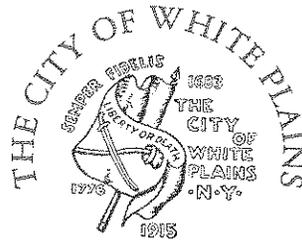
1. The applicant's engineer of record, Hudson Engineering & Consulting, P.C., has certified that the proposed changes to the project included in this submittal will not impact the approved stormwater management design. Therefore, the Stormwater Pollution Prevention Plan (SWPPP), as prepared by Hudson Engineering & Consulting, P.C. dated February 2014, for which NYSDEC acknowledgment letter, dated 4/20/15, is on file identifying this site as NYR10Z249, must remain in effect as approved.
2. DPW provided the applicant with the required service connections details during the building department permit approval. Plan sheet S-1, where the proposed utility services are shown, must be revised to show the required water valve configuration. The plans must illustrate three (3) line valves which must be installed on the municipal main; one on each side of the fire and domestic connections, and one between the two. In order to make these connections, the applicant must install line stops on the municipal main as directed by the Department of Public Works (DPW).
3. With the understanding that all of our previous comments and concerns, as previously adopted by the Common Council, are addressed, as well as due consideration for our current comments prior to the issuance of any Building Department permit, the Department of Public Works has no objection to the approval of this Site Plan amendment.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: October 21, 2015

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

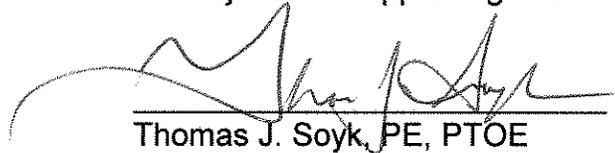
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER/
CITY TRANSPORTATION ENGINEER

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

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

The Parking Department/ Traffic Division has reviewed the application for the revised Site Plan of the 390 North Street Project (Hindu Temple of Tristate), referred by the Common Council on October 5, 2015.

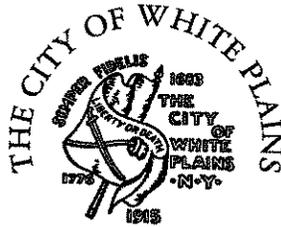
The Department of Parking/ Traffic Division has no objection to approving this revised plan.



Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: October 26, 2015
(for the November 2, 2015 Common Council Meeting)

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

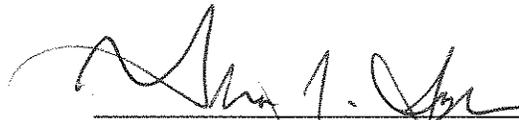
THOMAS M. ROACH
MAYOR

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 October 21, 2015, reviewed a request from Hindu Temple of Tri-State, 390 North Street for a site plan amendment, as referred by the Common Council on October 6, 2015.

The Commission recommended that the Temple notify the Department of Public Safety Chief of Police of the location of any off-site parking, in writing, at least fifteen days prior to an event requiring off-site parking.

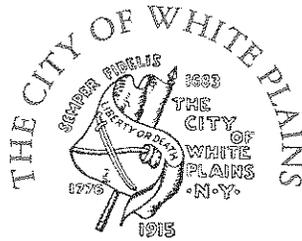


Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: October 27, 2015 (for the November 2, 2015 Common Council Meeting)

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THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

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

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

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

**Re: #63 – Hindu Temple of Tri-State -
Proposed Site Plan Amendment**

The Department of Parking has received and reviewed the above-noted application.

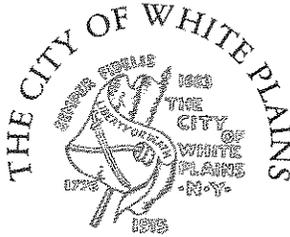
The Department of Parking has no objection to this amendment.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: November 2, 2015

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CONSERVATION BOARD

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1252 \$ FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

ROD JOHNSON
STAFF

DATE: October 28, 2015
TO: The Honorable Mayor and Members of the Common Council
RE: Hindu Temple of Tri-state
390 North Street
Amendment to the Approved Site Plan for House of Worship.

REFERRAL:

This application was referred to the Conservation Board on October 5, 2015, regarding proximity of the site to the adjacent property listed on White Plains Open Space Inventory (PV-40, Shinnyo-En Temple site).

FINDINGS:

The site plan for this project was previously approved by the Common Council on April 7, 2014, which approval was extended on April 6, 2015 for one year until April 4, 2016.

The approved project involved construction of new two-story temple building of approximately 15,000 square feet of floor area and construction of 56 self-park spaces with an additional 36 overflow tandem parking spaces in the courtyard area adjacent to the main parking lot for a total of 92 on-site spaces.

The current amendment will eliminate the second story and proposes a new, one-story temple of approximately 7,842 square feet. While the proposed one-story temple is smaller, the building foot print, site circulation, engineering details, 92 on-site parking spaces and the overall site plan have not changed from the previous approvals.

There are no environmentally sensitive features (steep slopes, wetlands, streams, rock outcrops) on the site.

RECOMMENDATIONS:

The Conservation Board recognizes that this amendment will not result in any significant changes to

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the previously approved site plan and, for the record, restates the recommendations offered for the original project by the letter dated February 24, 2014.

- The Conservation Board recommends that the project incorporate as much “green technology” as possible.
- A unified Tree Preservation and Reforestation Plan should be prepared for the project to coordinate the different architectural, landscaping, utility, grading and pavement plans.

The trees located along the northern property line will be impacted by damage to the root zones resulting from construction of the adjacent parking lot. Drawing M101 shows utility lines that will require the remove of approximately 15 trees along the southern property line. Drawing C-1 shows site grading that will impact existing trees.

- Drawing A-101 specifies planting composed of only Arborvitae trees. The landscaping plan should provide a variety of deciduous and other evergreen varieties.
- The site plan should specify the on-site stone walls to be preserved and restored after the construction of utilities and the construction entrance driveway.
- Specifications should be provided for the “GRASSPAVE COURTYARD” pavement material and approved by the Building Department.
- The plans should provide details for an additional means of stormwater detention, if in the future, the paving of the overflow parking area is warranted.
- The project should be subject to the City’s standard Construction Management Protocol
- The applicant’s plans should specify how parking will be provided to the accommodate maximum occupancy events. If additional off-site parking is necessary to provide appropriate parking for maximum occupancy events, the location and operation of any off-site parking should be provided.

CONCLUSION:

Subject to the above recommendations, the Conservation Board has no objection to the approval of the site plan application.

Respectfully submitted,

ANDREW BERGER

Andrew Berger, Acting Chairman



Robert P. Astorino
County Executive

Department of Planning

Edward Burroughs, AICP
Commissioner

October 20, 2015

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

Subject: Referral File No. WHP 15-005B- Hindu Temple of Tristate, Site Plan Amendment

Dear Ms. McPherson:

The Westchester County Planning Board has received a proposed amended site plan, dated September 24, 2015, and related materials for the above referenced proposal for an amendment to a previously approved site plan for the Hindu Temple of Tri-State. The scale of the temple is proposed to be reduced from a two-story to a one-story building on a 76,000 square foot vacant site located at 390 North Street (NYS Route 127 – County Road 30). The footprint of the building and its location on the site remains identical, as does the parking and circulation areas, site lighting design and storm water mitigation.

We previously reviewed the earlier proposal for this development under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and responded to the city in a letter dated February 24, 2013. We respectfully direct your attention to our previous comments which remain relevant to the current application:

1. **County road.** North Street is a County road (CR 30). A new curb cut is proposed from North Street. The proposed use of the new parking lot may affect local traffic volumes. Approval for this work from the Westchester County Department of Public Works and Transportation under Section 239-F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F-submittal. The driveway must also be designed in accordance with current County, State and AASHTO standards.

2. **Reduction of impervious surfaces.** We commend the applicant for proposing the use of a permeably paved courtyard as a means to meet overflow parking needs for this facility. We note that the site directly abuts another religious building with its own parking lot. The City and applicant may want to explore if shared parking is feasible if the two facilities have different peak periods of use.

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3. Green building technology. The City should encourage the applicant to incorporate as many "green" or sustainable building methods and technologies as possible into the proposed redevelopment project, including the provision of bicycle parking. We note that the site is near the City's bicycle route system.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

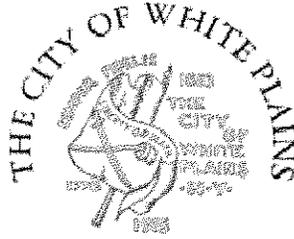
For:
By:



Edward Buroughs, AICP
Commissioner

EEB/KE

cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation



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

October 26, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HINDU TEMPLE OF TRI-STATE
390 NORTH STREET
SITE PLAN AMENDMENT

The application for an amendment to the approved site plan regarding construction of a new temple or place of worship at 390 North Street on behalf of Hindu Temple of Tri-state ("Proposed Action" or "2015 Site Plan Amendment") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations

The Common Council on April 7, 2014 granted the original site plan approval (2014 Approval), and on April 6, 2015 granted a one-year extension until April 4, 2016.

The 2014 and 2015 Approvals involved the site plan approval to construct a new two-story temple building of approximately 15,000 square feet of floor area on a lot containing approximately 76,000-square feet of land area and construction of 56 self-park spaces with an additional 36 overflow tandem parking spaces in the courtyard area adjacent to the main parking lot for a total of 92 on-site spaces.

The Proposed Action involves a reduction in scale and building bulk and proposes construction of a new, one-story temple of approximately 7,842 square feet (as compared to the previously approved two-story building with 15,000 square feet.

While the proposed one-story temple is smaller, the building foot print, site circulation, engineering details, 92 on-site parking spaces and the overall site plan have not changed from the 2014 and 2015 Approvals.

The Environmental Officer recommends that the following conditions of the 2014 and 2015 Approvals and additional 2015 Site Plan Amendment Conditions listed below be continued and included as part of the Proposed Action for the purpose of the SEQR review:\

2014 and 2015 Approval Conditions

1. As per the recommendation set forth in the communication from the Commissioner of Building dated

March 31, 2014, the final site lighting design shall be subject to review and approval by the Commissioners of Building and Planning and the Design Review Board.

2. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the final building exterior material selection shall be subject to review and approval of the Design Review Board.
3. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a detailed elevation of the south side of the building showing all mechanical equipment shall be subject to review and approval of the Commissioners of Building and Planning and the Design Review Board.
4. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, exterior mechanical equipment and generator shall comply with the applicable provisions of the Noise Ordinance of City of White Plains.
5. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a Type I Kitchen Exhaust System with electrostatic precipitation shall be installed by the Applicant.
6. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the building shall be equipped with a Smoke Purge System in accordance with the White Plains Supplemental Building Code.
7. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the two-way entrance and exit roadway shall be marked with a double yellow line and two lanes of exiting traffic (left turn and right turn lane). All other markings shall be white except for the handicap space markings which shall be blue. Colors must be indicated on the plans. Unless a separate signing and striping plan is to be provided, the actual signs and markings must be identified on the site plan.
8. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, a stop sign and stop line must be shown at the exit point prior to a potential future sidewalk.
9. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the radii and depth of the turnaround for truck deliveries and trash pickup shall be modified to accommodate a SU-35 vehicle (or the largest vehicle anticipated for delivery of goods or pick up of trash).
10. As per the recommendation set forth in the communications from the Deputy Commissioner of Parking dated February 19, 2014, a Parking Management Plan must be submitted by the Applicant within sixty (60) days of adoption of this approval resolution herein. This plan must include making provisions for satellite parking sites for major holidays, when necessary, and a stipulation of no parking permitted on North Street.
11. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the following materials shall be provided by the Applicant in accordance with Section 7.3 of the Zoning Ordinance

- a. More details on the location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
 - b. A more detailed landscaping plan, to include type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. The Applicant shall provide a greater variety of plant materials, particularly native species. The plan shall include an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction.
 - c. More details on the type, location, design, shielding and hours of operation of exterior lighting.
 - d. More details on the location, type, size, wording, design, color and illumination of all signs.
12. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, prior to the purchase and planting of new landscaping, the Applicant shall meet with the Tree Preservation Committee to review the selection of plant materials and ensure that such plants and trees are native species and are located in a manner so as to have maximum success in growing.
 13. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, all landscaping shown on the landscaping plan shall be properly installed, trimmed, and maintained in good condition at all times; any planting not so maintained shall be replaced at the beginning of the next growing season. The Applicant shall be permitted to substitute plant species to enhance the health and durability of the approved plantings, as necessary.
 14. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide adequate screening of the garbage receptacles, the HVAC equipment, the generators, and all other equipment. More detailed specifications and visual materials must also be provided to show how the garbage dumpster will be screened and what materials the structure will contain. A picket fence may not provide adequate screening.
 15. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide more diversity in the planting materials, which are now almost exclusively arborvitae.
 17. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, all lighting shall be shielded and screened in a manner which prevents the source of light from being seen from any adjoining streets or residences.
 18. As per the recommendation set forth in the Commissioner of Planning's communication dated February 20, 2014, lighting shall only be utilized in the overflow parking areas when these areas are in use for parking. Lighting times shall be tied to those hours when the facility is in operation.
 19. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, all service areas, including mechanical space, storage areas, refuse areas, etc., shall be properly contained and screened so as not to be visible from adjoining lots.
 20. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Works and Public Safety.

21. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall incorporate as much "green technology" as possible.
22. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, a unified Tree Preservation and Reforestation Plan shall be prepared by the Applicant for the project to coordinate the different architectural, landscaping, utility, grading and pavement plans. The trees located along the northern property will be impacted by damage to the root zones resulting from construction of the adjacent parking lot. Drawing M101 shows utility lines that will require the removal of approximately 15 trees along the southern property line. Drawing C-1 shows site grading that will impact existing trees.
23. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, Drawing A-101 specifies planting composed of only Arborvitae trees. The landscaping plan shall be revised to provide a variety of deciduous and other evergreen varieties.
24. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the site plan shall specify the on-site stone walls to be preserved and restored after the construction of utilities and the construction entrance driveway.
25. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, specifications shall be provided for the "GRASSPAVE COURTYARD" pavement material and approved by the Commissioner of Building.
26. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the plans shall provide details for an additional means of stormwater detention, if in the future, the paving of the overflow parking area is warranted.
27. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall be subject to the City's standard Construction Management Protocol, which includes, *inter alia*, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access. All construction work shall be subject to the City's Construction Management Protocol as set forth below:
 - A. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

- B. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.
- C. The Construction Management Plan for the Proposed Project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot or parking garage is proposed for construction worker parking.
- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- E. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

2. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
3. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
4. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
5. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

- H. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.
- I. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- J. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
- K. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.

- L. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
 - M. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
 - N. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
 - O. The Applicant or any of its successor(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.
28. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated February 24, 2014, the Applicant's plans shall specify how parking will be provided to accommodate maximum occupancy events. If additional off-site parking is necessary to provide appropriate parking for maximum occupancy events, the location and operation of any off-site parking shall be provided and described in the Parking Management Plan required by Condition 10 herein..
29. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated February 24, 2014, prior to the issuance of a building permit, the Applicant shall present to the City a report and analysis from a LEED (Leadership in Energy and Environmental Design) certified architect or engineer explaining actions taken or being considered to improve the energy efficiency and "green design" of the building and its systems in light of the criteria for LEED certification.
30. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, a solid fence shall be located on top of the retaining wall along the north side of the parking lot to screen the glare from vehicle head lights directed toward the adjacent Shinnyo-En property.
31. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final landscaping plan shall be submitted by the Applicant to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:
- A. The existing trees along the south property line may be impacted by building construction activities or site grading. A row of additional trees shall be planted along this property line to help mitigate the size and bulk of the proposed new building as viewed from the adjacent single-family residence. This row of trees shall include a variety of species, both evergreens and deciduous tree and a variety of plant heights.
 - B. Vehicles in the parking lot and overflow parking area directly face the south property line and adjacent single-family residence. A row of plant screening or a screening fence shall be located along this property line to screen the glare from vehicle headlights.

32. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final site lighting design shall be submitted to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:
 - A. The lighting on the south side of the building toward the adjacent residential property and lighting in the parking lot and overflow parking area shall be turned off during night time hours when no activities are scheduled or minimized as permitted for safety reasons.
 - B. The light fixtures shall be specified to insure that all light sources are shielded to prevent spillage of light beyond the property line. Special attention shall be given to screen the adjacent residential property on the south and the Shinnyo-En property to the north.
 - C. The approximately 15 pole lights located around the parking lot shall be reduced in height from the specified 20 feet to avoid light spillage beyond the property line and shall be subject to the approval of the Commissioners of Building and Planning and the Environmental Officer. It shall be noted that along the north property line, the pole lights are mounted at the top of the proposed retaining wall that is 6 feet higher than the adjacent property, which height shall be considered in the determination of the height of the pole lights at this location.
33. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, although the site may have excess parking for most activity during the year, management of traffic at holy days or events such as weddings will be important. A traffic management plan shall be developed, including arrangements for satellite parking.
34. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, existing and proposed landscaping appears to be adequate; however, protection of neighbors from substantial visual impact shall be a consideration in evaluating the plan.
35. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, use of honeycomb grass surface for the overflow parking area is a good idea, as it will appear as lawn when not used for parking.
36. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, if signs are to be installed, the Design Review Board shall have approval authority.
37. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, the domes/shikaras are not proposed to be lighted. Any illumination of the domes/shikaras shall require a Site Plan amendment.
38. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, mechanical equipment shall be not only be shielded from view, but also shall comply with the City's Noise Ordinance.
39. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Stormwater Pollution Prevention Plan (SWPPP) has been reviewed and approved by the Department of Public Works. A Department of Public Works (DPW) MS4 stormwater permit is required prior to the issuance of any permits. When an excavation contractor is identified, the contractor must sign the SWPPP certification and provide a NYSDEC "trained

individual" card to DPW for the individual who will be on site at all times during soil disturbing activities. SWPPP reporting is required at the onset of excavation, and the construction of all stormwater facilities must be under the supervision of the stormwater design engineer of record.

40. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant shall provide a report from the Applicant's M.E.P. Engineer of Record (EOR) who must evaluate the total needs of the building's water and sanitary sewer service lines, in accordance with the NY State Building Code. Once this is provided, DPW can evaluate the proposed service connections, in particular, the sanitary sewer service, as there is no indication of the proposed size on the plan. There are particular details for the water services (fire and domestic lines) and sanitary sewer service that must be included on the plan with the associated notes indicating the materials of construction.
41. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, since a kitchen will be constructed, the sanitary sewer service line must be equipped with an aerated type grease trap to reduce the possibility of grease in the municipal sanitary sewer main.
42. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant must show the location of the municipal utilities on the plans and label the sizes and materials.
43. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, imported fill must be tested for composition and chemicals in accordance with NYS DEC and DPW direction, and at the full expense of the owner. These test results must be received prior to depositing the material. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution prevention insurance must be provided in the amount to be determined by the Commissioner of Public Works.
44. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant may utilize a private carter for refuse and recycling, or slightly modify the proposed solid waste and recycling area and site geometry so as to accommodate municipal collection. The Applicant must provide to the City of White Plains Department of Public Works (DPW) a Solid Waste Management Plan form, including a diagram with truck turning movements to the Commissioner of Public Works.
45. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, in accordance with the City's Complete Streets ordinance, the Applicant shall provide a four (4) foot wide concrete sidewalk in the municipal right-of-way along the property frontage. The Applicant shall provide the appropriate DPW details on the plan.
46. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, there are a number of technical comments that must be addressed by the Applicant to the satisfaction of the Commissioner of Public Works prior to the issuance of any permits, including but not limited to, delineation of the snow storage area on the plan with signage, delineation of the width of the proposed curb cut, construction level stormwater supporting calculations, backflow devices on the fire and domestic services.

47. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, an as-built will be required, and a stormwater maintenance agreement must be executed with the City of White Plains, approved as to form by the Corporation Counsel, prior to the issuance of a certificate of occupancy. A typical escrow account must also be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to reasonably reset the escrow account value and utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City Department of Public Works shall receive 20% of all costs as an administrative fee.
48. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant's contractor must use ultra-low sulfur diesel fuel (ULSD) in all off-road equipment located on site, and have on-site trucks and equipment fitted with variable volume back-up alarms.
49. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, all construction under the jurisdiction of DPW must be in conformance with DPW standards regardless of what may be shown or omitted on the Applicant's plans.

2015 Site Plan Amendment Conditions:

50. As per the recommendation set forth in the communication of the Commissioner of Public Works dated October 21, 2015, the letter from the applicant's engineer of record, Hudson Engineering & Consulting, P.C., has certified that the proposed changes to the project included in this submittal will not impact the approved stormwater management design. Therefore, the Stormwater Pollution Prevention Plan (SWPPP), as prepared by Hudson Engineering & Consulting, P.C. dated February 2014, for which NYSDEC acknowledgment letter, dated 4/20/15, is on file identifying this site as NYR10Z249, must remain in effect as approved.
51. As per the recommendation set forth in the communication of the Commissioner of Public Works dated October 21, 2015, DPW provided the applicant with the required service connections details during the building department permit approval. Plan sheet S-1, where the proposed utility services are shown, must be revised to show the required water valve configuration. The plans must illustrate three (3) line valves which must be installed on the municipal main; one on each side of the fire and domestic connections, and one between the two. In order to make these connections, the applicant must install line stops on the municipal main as directed by the Department of Public Works.
52. As per the recommendation set forth in the communication of the Commissioner of Public Works dated October 21, 2015, all previous DPW conditions previously adopted by the Common Council, remain in effect as approved, as well as compliance with any current DPW comments prior to the issuance of any Building Department permit.
53. As per the recommendation set forth in the communication of the Transportation Commission dated October 21, 2015, the Temple is required to notify the Department of Public Safety Chief of Police of the location of any off-site parking, in writing, at least fifteen days prior to an event requiring off-site parking.
54. As per the recommendation set forth in the communication of the Environmental Officer dated October 26, 2015, the final landscaping plan should be submitted to the Tree Preservation Committee for approval. Drawing S-1, entitled "Site Plan," Prepared by Lynstaar Engineering, P.E, shows the location of underground utility lines that will be adversely impact six deciduous trees in the front yard

previously identified for preservation. These trees should be replaced by six 2-1/2 inch diameter deciduous trees; and

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action under SEQR regulations; (c) determine that the Proposed Action, which includes the reduction in building bulk dimensions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the 2014 and 2015 environmental findings and Approvals; and (d) reconfirm the SEQR findings adopted April 7, 2014 and April 6, 2015; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment for the following reasons:

- (a) The Proposal Action is consistent with the goals or regulations of the 1997 Comprehensive Plan and 2006 Update and the White Plains Zoning Ordinance.

The Comprehensive Plan Vision Statement for the Outer Area Neighborhoods recommends the preservation of neighborhood diversity and sense of community; preservation of the high-quality homes on spacious lots; and preservation of tree-lined streets, public open spaces and substantial portions of open space on quasi-public and private institutional and commercial properties

Strategies for the Outer Area Neighborhoods include recommendations to ensure that new development is compatible with the surrounding residential community and enhances the character of the neighborhood.

The Comprehensive Plan envisions North Street as a primarily residential corridor with a largely rural character distinguished by a gently winding road course, fieldstone walls, mature indigenous trees, significant natural buffering from the Hutchinson River Parkway to Ridgeway, and heavily landscaped, deeply set back non-residential uses with preserved natural buffers from Ridgeway to Westchester Avenue. The Plan specifically envisions North Street not being widened from Westchester Avenue south to the City line.

Strategies for the North Street corridor include measures to preserve the stone walls, mature trees and other natural features along North Street.

The Proposed Action conforms to the recommendations of the Comprehensive Plan regarding the preservation of the residential community and landscaped character of the North Street corridor.

The 75 ft. building front-yard setback conforms to the Zoning Ordinance and matches the setback of other residential buildings along North Street. In addition, the stone wall at the front of the property will be maintained.

Zoning Compliance.

Houses of Worship are Permitted Principal Uses in all single family Zoning Districts. They are subject to review by the Common Council where 50 or more parking spaces are required. Section 7.5 of the Zoning Ordinance sets forth the standards for site plan approval. Churches or places of worship are permitted principal uses in the R1-30 District.

The proposed temple building conforms to all of the building bulk and dimensional regulations of the R1-30 Single-family Residential Zoning District as follows:

The Proposed Action conforms to the dimensional regulations of the R1-12.5 District as follows:

	<u>Permitted</u>	<u>Proposed</u>
Min Lot area	30,000 sq. ft.	76,194 sq. ft.
Max. Building Coverage:	20 %	10.27% 7,842 sq. ft.
Floor Area Ratio:	30% 22,857 sq. ft.	10.27% 7,842 sq. ft.
Lot frontage:	150 ft.	150.5 ft.
Lot depth:	150'	482 ft. average
Lot front yard:	75 ft.	91.5 ft.
One side yard:	25 ft.	25.25 ft.
Two side yards:	50 ft.	25.5 ft. and 79.2 ft or 104.7 ft.
Rear Yard:	30 ft.	236 ft.
Max, Height stories:	2 ½ stories ,	1 story,
Max. Height feet:		
Building roof height:	35 ft.	29 ft.
"Shikara"	See Sec. 4.4.15	54 ft.

The proposed structure conforms to the height regulations for the R1-30 District.

Section 2.4 of the White Plains Zoning Ordinance provides the following definition of building "height:"

"The vertical distance from "grade" to the level of the highest point of the roof if the roof is flat or mansard, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type. Where "grade" is defined to be the average level of the ground adjacent to the exterior walls of the "building," the average "height" of the "building" wall facing the "street" shall not exceed 1 1/4 times the maximum "height" allowed in that district."

Section 4.4.15 of the White Plains Zoning Ordinance provides the following Exceptions to "Height" Limitations applicable to the site and the proposed use. as follows:

4.4.15.1 Churches, schools and "uses" of the City of White Plains in residence districts provided that for each 1 foot by which the "height" of such "building" exceeds the maximum "height" permitted in the district, the "side," "front" and "rear yards" required shall be increased an additional 1 foot.

4.4.15.2 Church spires, belfries, cupolas, domes, monuments, observation towers, chimneys, smoke stacks, derricks, flag poles, radio towers, masts and aerials, where not used for human occupancy.

The proposed "Shikara" structure with a maximum height of 72 ft. conforms to the exceptions to "Height" Limitations and permitted height applicable to the site and the proposed use in Section 4.4.15.1 and 4.4.15.2 of the Zoning Ordinance.

The Proposed Action will provide the required parking spaces associated with both the existing building and the proposed building addition.

The parking requirement for the proposed use has been reviewed by the Departments of Building and Parking. The schedule for parking requirements is provided on site plan Drawing No. A-101a. The applicant has also provided a Traffic Impact Study and Parking Evaluation Study,

The amount of required parking has been determined by a detailed analysis of parking demand for two separate periods: all regular days and weekends and for special High Holy Days or maximum occupancy events.

The following is a calculation of the required parking:

<u>Use / Parking Requirement</u>	<u>Applicable Area</u>	<u>Required Spaces</u>
1. Regular days and weekends		
Office 3/1000 sf.	220 sf.	0.66
Area of church assembly and cafeteria		
10/1000 sf.	3,855 sf.	38.55 spaces
Pujari's residence	1 DU	1
		Total: 40.21spaces
2. Special High Holy Days		
Office 3/1000 sf.	220 sf.	0.66
Area of church assembly and cafeteria		
10/1000 sf.	7,4,81 sf.	74.8 spaces
Pujari's residence	1 DU	
		Total: 76.46 spaces

The site plan provides 56 spaces within a standard paved parking lot, plus 36 parking spaces within an overflow parking area where 36 additional vehicles can be parked in tandem to accommodate maximum occupancy events. Thus, the total on-site parking of 92 spaces provides the necessary 76 spaces.

The Applicant has not requested, and the Proposed Action does not involve any approval to waive construction of any required parking spaces under Section 8.7.3 of the Zoning Ordinance.

As a condition of approval, a parking management plan must be submitted which describes the operation of the overflow parking. This plan will also include making provisions for satellite parking site(s) for major holidays, when necessary, and a stipulation of no parking permitted on the North Street.

Section 4.4.19.2 of the Zoning Ordinance requires the 10-foot landscaped buffer for a nonresidential use in a residential district or the substitution with a wall or fence. As a condition of the Proposed Action, final site plans will be submitted to include buffer landscaping or fencing.

- (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 property does not contain any environmentally sensitive features, wetlands, streams, steep slopes, or rock outcrops.

The Traffic Impact Study, which has been reviewed by the Parking Department, demonstrates that the regular activities and uses to take place at the site will not create a substantial demand for increased traffic to the site on City streets which does not already exist.

Since the proposed land disturbance exceeds one acre of land area, a complete Stormwater Pollution Prevention Plan (SWPPP) has been submitted and has been approved by the City's Department of Public Works. The SWPPP will be subject to the final approval by the Department. The project provides for storm water quantity control and has the capacity to handle the stormwater runoff from impervious areas for a 100 year storm event.

The Storm Water Analysis Report includes an erosion and sedimentation control plan.

All construction work should be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures.

The project incorporates design and operational features to increase the environmental sustainability of the site improvements and proposed use.

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

The proposed building will be constructed in what has been a landscaped lawn area.

A Tree Preservation and Reforestation Plan has been prepared for the project.

A final landscaping plan will be submitted to the Departments of Building and Planning and the Design review Board Department for approval prior to the issuance of a Building Permit.

- (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 project site is bounded to the north by the Shinnyo-en Buddhist Temple. Single-family homes border the site to the east and south. Directly opposite the site across North Street to the west is Wyndham Close, a townhouse community. The predominant land use pattern along this section of North Street is of institutional and residential uses along the North Street frontage buffering single-family homes located to the rear. The temple will be one of several places of worship grouped together, including the Buddhist Temple, Trinity Evangelical Church, and the First Baptist Church of White Plains. Other institutional and residential uses in this section of North Street include The Bristol, an assisted living and independent senior apartment complex, White Plains High School, the YMCA, Westchester Church of Christ, and the North Street senior residence community.

The project provides the necessary parking for the regular daily or weekend use and additional parking necessary for the special High Holy Days or maximum occupancy events which occur only 10 to 12 times each year. The site plan provides this additional parking by use of an overflow tandem parking area which is designed as a landscaped courtyard and which reduces the visual appearance of the parking facilities.

The project includes landscaping to provide screening toward the adjacent properties.

All lighting will be shielded and screened in a manner which prevents the source of light from being seen from any adjacent properties.

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

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

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

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.
- (i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.
- (j) The Proposed Action does not represent change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.
- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT OF SITE PLAN APPROVAL TO CONSTRUCT A NEW TEMPLE OR PLACE OF WORSHIP AT 390 NORTH STREET ON BEHALF OF HINDU TEMPLE OF TRI-STATE.

WHEREAS, the application for an amendment to the approved site plan regarding construction of a new temple or place of worship at 390 North Street on behalf of Hindu Temple of Tri-state ("Proposed Action" or "2015 Site Plan Amendment") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Common Council on April 7, 2014 granted the original site plan approval (2014 Approval), and on April 6, 2015 granted a one-year extension until April 4, 2016 (2015 Approval); and

WHEREAS, the 2014 and 2015 Approvals involved the site plan approval to construct a new two-story temple building of approximately 15,000 square feet of floor area on a lot containing approximately 76,000-square feet of land area and construction of 56 self-park spaces with an additional 36 overflow tandem parking spaces in the courtyard area adjacent to the main parking lot for a total of 92 on-site spaces; and

WHEREAS, the Proposed Action involves a reduction in building size and bulk and proposes construction of a new, one-story temple of approximately 7,842 square feet (as compared to the previously approved two-story building with 15,000 square feet); and

WHEREAS, while the proposed one-story temple is smaller, the building foot print, site circulation, engineering details, 92 on-site parking spaces and the overall site plan have not changed from the 2014 and 2015 Approvals; and

WHEREAS, the 2014 and 2015 Approvals were based on the following documents (herein after referred to as "2014 and 2015 Application Materials"):

- A. A cover letter prepared by William Null, Cuddy & Feder, LLP, dated January 16, 2014.
- B. Traffic Impact Study, prepared by Maser Consulting, dated January 15, 2014.
- C. Parking Evaluation Study, prepared by Maser Consulting, dated January 15, 2014.
- D. Storm Water Analysis Report, prepared by Hudson Engineering & Consulting P. C., Dated December 23, 2013.
- E. A Short Environmental Assessment Form dated January 15, 2014.
- G. Short Form Building Permit Application dated February 23, 2013.
- F. Preliminary LEED Checklist, prepared by Dipti Shah Architect, dated 11/15/2014.
- G. A Stormwater Pollution Prevention Plan has been submitted to the Department of Public Works and has been accepted "as to form."
- H. Site Plan drawings generally titled "Hindu Temple of Tri-Sate, 390 North Street, White Plains, New York," prepared by Dipti Shah, Architect (DSA), RAB Lighting (RAB) or Hudson Engineering & Consulting (HEC), numbered, titled, and dated as follows:

No.	Title	Prepared by:	Dated
---	Cover	-	-
A-101	Site Plan and Zoning Chart	DSA	1-15-2014
A-101a	Parking Calculations	DSA	1-15-2014
A-102	Level 01 Plan	DSA	1-15-2014
A-103	Level 02 Plan	DSA	1-15-2014
A-104	Elevations	DSA	1-15-2014
A-105	Elevations	DSA	1-15-2014
A-106	Elevations	DSA	1-15-2014
A-107	Parking Calculations (North, West, South, East View)	DSA	1-15-2014
A-108	Sections	DSA	1-15-2014
E1	Site Plan - Lighting	DSA	1-15-2014
-	Site Plan - Lighting	RAB	1-24-2014
-	Site Plan - Lighting	RAB	1-24-2014
M101	MEP Site Plan	DSA	1-24-2014
C-1	Stormwater Management Plan	HEC	1-24-2014
C-2	Sediment & Erosion Control Plan	HEC	1-24-2014
C-3	Site Details	HEC	12-23-2013
C-4	Site Details	HEC	12-23-2013
C-5	Site Details	HEC	12-23-2013
C-6	Notes	HEC	12-23-2013
SD-1	Site Distance Plan and Profile	HEC	12/23/2013; and

WHEREAS, the Applicant has submitted the following documents (“Site Plan Amendment Materials”)

- I. Site Plan drawings generally titled A Hindu Temple of Tri-Sate, 390 North Street, White Plains, New York, prepared by Dipti Shah, Architect (DSA), or Lynstaar Engineering, P.E. (LE), numbered, titled, and dated as follows:

No.	Title	Prepared by:	Dated
--	Survey prepared by Summit Land Surveying, P.C.,	-	4/6/2011 Rev. 3/14/2012-
A-101	Revised Site Plan and Zoning Chart	DSA	2-24-2015 Rev 9-24-2015
A-101a	Revised Parking Calculations	DSA	2-24-2015 Rev 9-24-2015
A-102	New Floor Plan	DSA	2-24-2015 Rev 9-24-2015
A-103	New Elevations	DSA	2-24-2015 Rev 9-24-2015
A-104	Section	DSA	2-24-2015 Rev 9-24-2015
S-1	Site Plan	LE	2-5-2015
S-2	Details	LE	2-5-2015
E1	Site Plan – Lighting	DSA	2-5-2015

J. A September 23, 2015 letter from Michael Stein confirming the engineering details remain the same.

K. A Sustainability Checklist prepared by Dipti Shah, Architect.

L. “Parking Management Plan,” prepared by Maser Consulting, P.A., dated April 13, 2015.

M. Duplicate "Parking Evaluation Study," prepared by Maser Consulting, dated January 15, 2014.

N. A Short Environmental Assessment Form dated January 15, 2014.

O. A copy of the Building Permit issued June 4, 2015; and.

WHEREAS, the Environmental Officer recommends that the following conditions of the 2014 and 2015 Approvals and additional 2015 Site Plan Amendment conditions listed below be included as part of the Proposed Action for the purpose of the SEQR review:

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2014 and 2015 Approval Conditions

1. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the final site lighting design shall be subject to review and approval by the Commissioners of Building and Planning and the Design Review Board.
2. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the final building exterior material selection shall be subject to review and approval of the Design Review Board.
3. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a detailed elevation of the south side of the building showing all mechanical equipment shall be subject to review and approval of the Commissioners of Building and Planning and the Design Review Board.
4. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, exterior mechanical equipment and generator shall comply with the applicable provisions of the Noise Ordinance of City of White Plains.
5. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a Type I Kitchen Exhaust System with electrostatic precipitation shall be installed by the Applicant.
6. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the building shall be equipped with a Smoke Purge System in accordance with the White Plains Supplemental Building Code.
7. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the two-way entrance and exit roadway shall be marked with a double yellow line and two lanes of exiting traffic (left turn and right turn lane). All other markings shall be white except for the handicap space markings which shall be blue. Colors must be indicated on the plans. Unless a separate signing and striping plan is to be provided, the actual signs and markings must be identified on the site plan.
8. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, a stop sign and stop line must be shown at the exit point prior to a potential future sidewalk.

9. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the radii and depth of the turnaround for truck deliveries and trash pickup shall be modified to accommodate a SU-35 vehicle (or the largest vehicle anticipated for delivery of goods or pick up of trash).
10. As per the recommendation set forth in the communications from the Deputy Commissioner of Parking dated February 19, 2014, a Parking Management Plan must be submitted by the Applicant within sixty (60) days of adoption of this approval resolution herein. This plan must include making provisions for satellite parking sites for major holidays, when necessary, and a stipulation of no parking permitted on North Street.
11. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the following materials shall be provided by the Applicant in accordance with Section 7.3 of the Zoning Ordinance
 - a. More details on the location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
 - b. A more detailed landscaping plan, to include type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. The Applicant shall provide a greater variety of plant materials, particularly native species. The plan shall include an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction.
 - c. More details on the type, location, design, shielding and hours of operation of exterior lighting.
 - d. More details on the location, type, size, wording, design, color and illumination of all signs.
12. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, prior to the purchase and planting of new landscaping, the Applicant shall meet with the Tree Preservation Committee to review the selection of plant materials and ensure that such plants and trees are native species and are located in a manner so as to have maximum success in growing.
13. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, all landscaping shown on the landscaping plan shall be properly installed, trimmed, and maintained in good condition at all times; any planting not so maintained shall be replaced at the beginning of the next growing season. The Applicant shall be permitted to substitute plant species to enhance the health and durability of the approved plantings, as necessary.
14. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide adequate screening of the garbage receptacles, the HVAC equipment, the generators, and all other equipment. More detailed specifications and visual materials must also be provided to show how the garbage dumpster will be screened and what materials the structure will contain. A picket fence may not provide adequate screening.
15. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide more diversity in the planting materials, which are now almost exclusively arborvitae.

17. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, all lighting shall be shielded and screened in a manner which prevents the source of light from being seen from any adjoining streets or residences.
18. As per the recommendation set forth in the Commissioner of Planning's communication dated February 20, 2014, lighting shall only be utilized in the overflow parking areas when these areas are in use for parking. Lighting times shall be tied to those hours when the facility is in operation.
19. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, all service areas, including mechanical space, storage areas, refuse areas, etc., shall be properly contained and screened so as not to be visible from adjoining lots.
20. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Works and Public Safety.
21. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall incorporate as much "green technology" as possible.
22. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, a unified Tree Preservation and Reforestation Plan shall be prepared by the Applicant for the project to coordinate the different architectural, landscaping, utility, grading and pavement plans. The trees located along the northern property will be impacted by damage to the root zones resulting from construction of the adjacent parking lot. Drawing M101 shows utility lines that will require the removal of approximately 15 trees along the southern property line. Drawing C-1 shows site grading that will impact existing trees.
23. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, Drawing A-101 specifies planting composed of only Arborvitae trees. The landscaping plan shall be revised to provide a variety of deciduous and other evergreen varieties.
24. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the site plan shall specify the on-site stone walls to be preserved and restored after the construction of utilities and the construction entrance driveway.
25. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, specifications shall be provided for the "GRASSPAVE COURTYARD" pavement material and approved by the Commissioner of Building.
26. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the plans shall provide details for an additional means of stormwater detention, if in the future, the paving of the overflow parking area is warranted.
27. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall be subject to the City's standard Construction Management Protocol, which includes, *inter alia*, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access. All construction work shall be subject to the City's Construction Management Protocol as set forth below:

- A. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
- B. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.
- C. The Construction Management Plan for the Proposed Project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot or parking garage is proposed for construction worker parking.
- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.

- E. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
 2. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
 3. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
 4. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
 5. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

- H. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.

- I. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
 - J. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
 - K. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
 - L. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
 - M. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
 - N. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
 - O. The Applicant or any of its successor(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.
28. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated February 24, 2014, the Applicant's plans shall specify how parking will be provided to accommodate maximum occupancy events. If additional off-site parking is necessary to provide appropriate parking for maximum occupancy events, the location and operation of any off-site parking shall be provided and described in the Parking Management Plan required by Condition 10 herein..
29. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated February 24, 2014, prior to the issuance of a building permit, the Applicant shall present to the City a report and analysis from a LEED (Leadership in Energy and Environmental Design) certified architect or engineer explaining actions taken or being considered to improve the energy efficiency and "green design" of the building and its systems in light of the criteria for LEED certification.
30. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, a solid fence shall be located on top of the retaining wall along the north side of the parking lot to screen the glare from vehicle head lights directed toward the adjacent Shinnyo-En property.

31. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final landscaping plan shall be submitted by the Applicant to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:
 - A. The existing trees along the south property line may be impacted by building construction activities or site grading. A row of additional trees shall be planted along this property line to help mitigate the size and bulk of the proposed new building as viewed from the adjacent single-family residence. This row of trees shall include a variety of species, both evergreens and deciduous tree and a variety of plant heights.
 - B. Vehicles in the parking lot and overflow parking area directly face the south property line and adjacent single-family residence. A row of plant screening or a screening fence shall be located along this property line to screen the glare from vehicle headlights.

32. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final site lighting design shall be submitted to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:
 - A. The lighting on the south side of the building toward the adjacent residential property and lighting in the parking lot and overflow parking area shall be turned off during night time hours when no activities are scheduled or minimized as permitted for safety reasons.
 - B. The light fixtures shall be specified to insure that all light sources are shielded to prevent spillage of light beyond the property line. Special attention shall be given to screen the adjacent residential property on the south and the Shinnyo-En property to the north.
 - C. The approximately 15 pole lights located around the parking lot shall be reduced in height from the specified 20 feet to avoid light spillage beyond the property line and shall be subject to the approval of the Commissioners of Building and Planning and the Environmental Officer. It shall be noted that along the north property line, the pole lights are mounted at the top of the proposed retaining wall that is 6 feet higher than the adjacent property, which height shall be considered in the determination of the height of the pole lights at this location.

33. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, although the site may have excess parking for most activity during the year, management of traffic at holy days or events such as weddings will be important. A traffic management plan shall be developed, including arrangements for satellite parking.

34. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, existing and proposed landscaping appears to be adequate; however, protection of neighbors from substantial visual impact shall be a consideration in evaluating the plan.

35. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, use of honeycomb grass surface for the overflow parking area is a good idea, as it will appear as lawn when not used for parking.

36. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, if signs are to be installed, the Design Review Board shall have approval authority.
37. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, the domes/shikaras are not proposed to be lighted. Any illumination of the domes/shikaras shall require a Site Plan amendment.
38. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, mechanical equipment shall be not only be shielded from view, but also shall comply with the City's Noise Ordinance.
39. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Stormwater Pollution Prevention Plan (SWPPP) has been reviewed and approved by the Department of Public Works. A Department of Public Works (DPW) MS4 stormwater permit is required prior to the issuance of any permits. When an excavation contractor is identified, the contractor must sign the SWPPP certification and provide a NYSDEC "trained individual" card to DPW for the individual who will be on site at all times during soil disturbing activities. SWPPP reporting is required at the onset of excavation, and the construction of all stormwater facilities must be under the supervision of the stormwater design engineer of record.
40. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant shall provide a report from the Applicant's M.E.P. Engineer of Record (EOR) who must evaluate the total needs of the building's water and sanitary sewer service lines, in accordance with the NY State Building Code. Once this is provided, DPW can evaluate the proposed service connections, in particular, the sanitary sewer service, as there is no indication of the proposed size on the plan. There are particular details for the water services (fire and domestic lines) and sanitary sewer service that must be included on the plan with the associated notes indicating the materials of construction.
41. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, since a kitchen will be constructed, the sanitary sewer service line must be equipped with an aerated type grease trap to reduce the possibility of grease in the municipal sanitary sewer main.
42. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant must show the location of the municipal utilities on the plans and label the sizes and materials.
43. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, imported fill must be tested for composition and chemicals in accordance with NYS DEC and DPW direction, and at the full expense of the owner. These test results must be received prior to depositing the material. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution prevention insurance must be provided in the amount to be determined by the Commissioner of Public Works.
44. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant may utilize a private carter for refuse and recycling, or slightly

modify the proposed solid waste and recycling area and site geometry so as to accommodate municipal collection. The Applicant must provide to the City of White Plains Department of Public Works (DPW) a Solid Waste Management Plan form, including a diagram with truck turning movements to the Commissioner of Public Works.

45. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, in accordance with the City's Complete Streets ordinance, the Applicant shall provide a four (4) foot wide concrete sidewalk in the municipal right-of-way along the property frontage. The Applicant shall provide the appropriate DPW details on the plan.
46. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, there are a number of technical comments that must be addressed by the Applicant to the satisfaction of the Commissioner of Public Works prior to the issuance of any permits, including but not limited to, delineation of the snow storage area on the plan with signage, delineation of the width of the proposed curb cut, construction level stormwater supporting calculations, backflow devices on the fire and domestic services.
47. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, an as-built will be required, and a stormwater maintenance agreement must be executed with the City of White Plains, approved as to form by the Corporation Counsel, prior to the issuance of a certificate of occupancy. A typical escrow account must also be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to reasonably reset the escrow account value and utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City Department of Public Works shall receive 20% of all costs as an administrative fee.
48. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant's contractor must use ultra-low sulfur diesel fuel (ULSD) in all off-road equipment located on site, and have on-site trucks and equipment fitted with variable volume back-up alarms.
49. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, all construction under the jurisdiction of DPW must be in conformance with DPW standards regardless of what may be shown or omitted on the Applicant's plans; and

2015 Site Plan Amendment Conditions:

50. As per the recommendation set forth in the communication of the Commissioner of Public Works dated October 21, 2015, the letter from the applicant's engineer of record, Hudson Engineering & Consulting, P.C., has certified that the proposed changes to the project included in this submittal will not impact the approved stormwater management design. Therefore, the Stormwater Pollution Prevention Plan (SWPPP), as prepared by Hudson Engineering & Consulting, P.C. dated February 2014, for which NYSDEC acknowledgment letter, dated 4/20/15, is on file identifying this site as NYR10Z249, must remain in effect as approved.
51. As per the recommendation set forth in the communication of the Commissioner of Public Works dated October 21, 2015, DPW provided the applicant with the required service connections detail during the building department permit approval. Plan sheet S-1, where the proposed utility services are shown, must be revised to show the required water valve configuration. The plans must illustrate three (3) line valves which must be installed on the municipal main; one on each side of the fire and

domestic connections, and one between the two. In order to make these connections, the applicant must install line stops on the municipal main as directed by the Department of Public Works.

52. As per the recommendation set forth in the communication of the Commissioner of Public Works dated October 21, 2015, all previous DPW conditions previously adopted by the Common Council, remain in effect as approved, as well as compliance with any current DPW comments prior to the issuance of any Building Department permit.
53. As per the recommendation set forth in the communication of the Transportation Commission dated October 21, 2015, the Temple is required to notify the Department of Public Safety Chief of Police of the location of any off-site parking, in writing, at least fifteen days prior to an event requiring off-site parking.
54. As per the recommendation set forth in the communication of the Environmental Officer dated October 26, 2015, the final landscaping plan should be submitted to the Tree Preservation Committee for approval. Drawing S-1, entitled "Site Plan," Prepared by Lynstaar Engineering, P.E, shows the location of underground utility lines that will be adversely impact six deciduous trees in the front yard previously identified for preservation. These trees should be replaced by six 2-1/2 inch diameter deciduous trees; 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 Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action, (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action under SEQR regulations; (c) determine that the Proposed Action, which includes the reduction in building bulk dimensions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the 2014 and 2015 Approvals; (d) reconfirm the SEQR findings adopted April 7, 2014 and April 6, 2015; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the Proposed Action, Site Plan Amendment Materials, the 2014 and 2015 Approval Conditions and 2015 Site Plan Amendment Conditions, and reports from the various City departments, boards or commissions and involved agencies, and public comments which, when considered together, constitute the Environmental Review Record which serves as a basis for the SEQR determination; now, therefore, be it

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the Proposed Action, which includes the reduction in building bulk dimensions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the 2014 and 2015 environmental findings and Approvals; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council has examined the potential environmental effects of the Proposed Action and hereby reconfirms the following environmental findings adopted April 7, 2014 and April 6, 2015:

- (a) The Proposal Action is consistent with the goals or regulations of the 1997 Comprehensive Plan and 2006 Update and the White Plains Zoning Ordinance.

The Comprehensive Plan Vision Statement for the Outer Area Neighborhoods recommends the preservation of neighborhood diversity and sense of community; preservation of the high-quality homes on spacious lots; and preservation of tree-lined streets, public open spaces and substantial portions of open space on quasi-public and private institutional and commercial properties

Strategies for the Outer Area Neighborhoods include recommendations to ensure that new development is compatible with the surrounding residential community and enhances the character of the neighborhood.

The Comprehensive Plan envisions North Street as a primarily residential corridor with a largely rural character distinguished by a gently winding road course, fieldstone walls, mature indigenous trees, significant natural buffering from the Hutchinson River Parkway to Ridgeway, and heavily landscaped, deeply set back non-residential uses with preserved natural buffers from Ridgeway to Westchester Avenue. The Plan specifically envisions North Street not being widened from Westchester Avenue south to the City line.

Strategies for the North Street corridor include measures to preserve the stone walls, mature trees and other natural features along North Street.

The Proposed Action conforms to the recommendations of the Comprehensive Plan regarding the preservation of the residential community and landscaped character of the North Street corridor.

The 75 ft. building front-yard setback conforms to the Zoning Ordinance and matches the setback of other residential buildings along North Street. In addition, the stone wall at the front of the property will be maintained.

Zoning Compliance.

Houses of Worship are Permitted Principal Uses in all single family Zoning Districts. They are subject to review by the Common Council where 50 or more parking spaces are required. Section 7.5 of the Zoning Ordinance sets forth the standards for site plan approval. Churches or places of worship are permitted principal uses in the R1-30 District.

The proposed temple building conforms to all of the building bulk and dimensional regulations of the R1-30 Single-family Residential Zoning District as follows:

The Proposed Action conforms to the dimensional regulations of the R1-30 District as follows:

	Permitted	Proposed
Min Lot area	30,000 sq. ft.	76,194 sq. ft.
Max. Building Coverage:	20 %	10.27% 7,842 sq. ft.
Floor Area Ratio:	30% 22,857 sq. ft.	10.27% 7,842 sq. ft.
Lot frontage:	150 ft.	150.5 ft.

Lot depth:	150'	482 ft. average
Lot front yard:	75 ft.	91.5 ft.
One side yard:	25 ft.	25.25 ft.
Two side yards:	50 ft.	25.5 ft. and 79.2 ft or 104.7 ft.
Rear Yard:	30 ft.	236 ft.
Max. Height stories:	2 2 stories ,	1 story,
Max. Height feet:		
Building roof height:	35 ft.	29 ft.
AShikara@	See Sec. 4.4.15	54 ft.

The proposed structure conforms to the height regulations for the R1-30 District.

Section 2.4 of the White Plains Zoning Ordinance provides the following definition of building "height:"

"The vertical distance from "grade" to the level of the highest point of the roof if the roof is flat or mansard, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type. Where "grade" is defined to be the average level of the ground adjacent to the exterior walls of the "building," the average "height" of the "building" wall facing the "street" shall not exceed 1 1/4 times the maximum "height" allowed in that district."

Section 4.4.15 of the White Plains Zoning Ordinance provides the following Exceptions to "Height" Limitations applicable to the site and the proposed use. as follows:

4.4.15.1 Churches, schools and "uses" of the City of White Plains in residence districts provided that for each 1 foot by which the "height" of such "building" exceeds the maximum "height" permitted in the district, the "side," "front" and "rear yards" required shall be increased an additional 1 foot.

4.4.15.2 Church spires, belfries, cupolas, domes, monuments, observation towers, chimneys, smoke stacks, derricks, flag poles, radio towers, masts and aerials, where not used for human occupancy.

The proposed "Shikara" structure with a maximum height of 72 ft. conforms to the exceptions to "Height" Limitations and permitted height applicable to the site and the proposed use in Section 4.4.15.1 and 4.4.15.2 of the Zoning Ordinance.

The Proposed Action will provide the required parking spaces associated with both the existing building and the proposed building addition.

The parking requirement for the proposed use has been reviewed by the Departments of Building and Parking. The schedule for parking requirements is provided on site plan Drawing No. A-101a. The applicant has also provided a Traffic Impact Study and Parking Evaluation Study,

The amount of required parking has been determined by a detailed analysis of parking demand for two separate periods: all regular days and weekends and for special High Holy Days or maximum occupancy events.

The following is a calculation of the required parking:

<u>Use / Parking Requirement</u>	<u>Applicable Area</u>	<u>Required Spaces</u>
1. Regular days and weekends		
Office 3/1000 sf.	220 sf.	0.66 spaces
Area of church assembly and cafeteria		
10/1000 sf.	3,855 sf.	38.55 spaces
Pujari's residence	1 DU	1
	Total :	40.21 spaces
2. Special High Holy Days		
Office 3/1000 sf.	220 sf.	0.66 spaces
Area of church assembly and cafeteria		
10/1000 sf.	7,481 sf.	74.80 spaces
Pujari's residence	1 DU	1
	Total :	76.46 spaces

The site plan provides 56 spaces within a standard paved parking lot, plus 36 parking spaces within an overflow parking area where 36 additional vehicles can be parked in tandem to accommodate maximum occupancy events. Thus, the total on-site parking of 92 spaces provides the necessary 76 spaces.

The Applicant has not requested, and the Proposed Action does not involve any approval to waive construction of any required parking spaces under Section 8.7.3 of the Zoning Ordinance.

As a condition of approval, a parking management plan must be submitted which describes the operation of the overflow parking. This plan will also include making provisions for satellite parking site(s) for major holidays, when necessary, and a stipulation of no parking permitted on the North Street.

Section 4.4.19.2 of the Zoning Ordinance requires the 10-foot landscaped buffer for a nonresidential use in a residential district or the substitution with a wall or fence. As a condition of the Proposed Action, final site plans will be submitted to include buffer landscaping or fencing.

- (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 property does not contain any environmentally sensitive features, wetlands, streams, steep slopes, or rock outcrops.

The Traffic Impact Study, which has been reviewed by the Parking Department, demonstrates that the regular activities and uses to take place at the site will not create a substantial demand for increased traffic to the site on City streets which does not already exist.

Since the proposed land disturbance exceeds one acre of land area, a complete Stormwater Pollution Prevention Plan (SWPPP) has been submitted and has been approved by the City's Department of Public Works. The SWPPP will be subject to the final approval by the Department. The project

provides for storm water quantity control and has the capacity to handle the stormwater runoff from impervious areas for a 100 year storm event.

The Storm Water Analysis Report includes an erosion and sedimentation control plan.

All construction work should be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures.

The project incorporates design and operational features to increase the environmental sustainability of the site improvements and proposed use.

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

The proposed building will be constructed in what has been a landscaped lawn area.

A Tree Preservation and Reforestation Plan has been prepared for the project.

A final landscaping plan will be submitted to the Departments of Building and Planning and the Design review Board Department for approval prior to the issuance of a Building Permit.

- (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 project site is bounded to the north by the Shinnyo-en Buddhist Temple. Single-family homes border the site to the east and south. Directly opposite the site across North Street to the west is Wyndham Close, a townhouse community. The predominant land use pattern along this section of North Street is of institutional and residential uses along the North Street frontage buffering single-family homes located to the rear. The temple will be one of several places of worship grouped together, including the Buddhist Temple, Trinity Evangelical Church, and the First Baptist Church of White Plains. Other institutional and residential uses in this section of North Street include The Bristol, an assisted living and independent senior apartment complex, White Plains High School, the YMCA, Westchester Church of Christ, and the North Street senior residence community.

The project provides the necessary parking for the regular daily or weekend use and additional parking necessary for the special High Holy Days or maximum occupancy events which occur only 10 to 12 times each year. The site plan provides this additional parking by use of an overflow tandem parking area which is designed as a landscaped courtyard and which reduces the visual appearance of the parking facilities.

The project includes landscaping to provide screening toward the adjacent properties.

All lighting will be shielded and screened in a manner which prevents the source of light from being seen from any adjacent properties.

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

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

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.
- (l) 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 file the appropriate notice as required by SEQR.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF HINDU TEMPLE OF TRISTATE (“APPLICANT”) FOR AN AMENDMENT TO ITS EXISTING SITE PLAN APPROVED BY THE COMMON COUNCIL ON APRIL 7, 2014 TO CONSTRUCT A ONE (1) STORY, APPROXIMATELY 7,842 SQUARE FOOT TEMPLE, ON PROPERTY LOCATED AT 390 NORTH STREET, WHICH WILL HOUSE A SANCTUARY, A CAFETERIA, RESTROOMS, AN ENTRY LOBBY AND SUPPORT SPACES.

WHEREAS, on April 7, 2014, the Common Council of the City of White Plains, after adopting environmental findings, approved an application for a Site Plan approval, submitted on behalf of Hindu Temple of Tristate (hereinafter “Applicant” or “Temple”) in accordance with Sections 7 and 8 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), to construct a two (2) story, approximately 15,000 square foot temple, on property at 390 North Street, on the east side of such street, southerly of Bryant Avenue, which would include an entrance foyer, a community hall, dining area/kitchen, a cleric’s apartment, a congregational store, restrooms, mechanical spaces and a sanctuary and prayer space; and

WHEREAS, the Site Plan approval, granted by resolution adopted on April 7, 2014, contained the following conditions:

1. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the final site lighting design shall be subject to review and approval by the Commissioners of Building and Planning and the Design Review Board.

2. As per the recommendation set forth in the communication from the

Commissioner of Building dated March 31, 2014, the final building exterior material selection shall be subject to review and approval of the Design Review Board.

3. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a detailed elevation of the south side of the building showing all mechanical equipment shall be subject to review and approval of the Commissioners of Building and Planning and the Design Review Board.

4. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, exterior mechanical equipment and generator shall comply with the applicable provisions of the Noise Ordinance of City of White Plains.

5. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a Type I Kitchen Exhaust System with electrostatic precipitation shall be installed by the Applicant.

6. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the building shall be equipped with a Smoke Purge System in accordance with the White Plains Supplemental Building Code.

7. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the two-way entrance and exit roadway shall be

marked with a double yellow line and two lanes of exiting traffic (left turn and and right turn lane). All other markings shall be white except for the handicap space markings which shall be blue. Colors must be indicated on the plans. Unless a separate signing and striping plan is to be provided, the actual signs and markings must be identified on the site plan.

8. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, a stop sign and stop line must be shown at the exit point prior to a potential future sidewalk.

9. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the radii and depth of the turn around for truck deliveries and trash pickup shall be modified to accommodate a SU-35 vehicle (or the largest vehicle anticipated for delivery of goods or pick up of trash).

10. As per the recommendation set forth in the communications from the Deputy Commissioner of Parking dated February 19, 2014, a Parking Management Plan must be submitted by the Applicant within sixty (60) days of adoption of this approval resolution herein. This plan must include making provisions for satellite parking sites for major holidays, when necessary, and a stipulation of no parking permitted on North Street.

11. As per the recommendation set forth in the communication from the then Commissioner of Planning, dated February 20, 2014, the following materials shall be provided by

the Applicant in accordance with Section 7.3 of the Zoning Ordinance

- a. More details on the location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
- b. A more detailed landscaping plan, to include type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. The Applicant shall provide a greater variety of plant materials, particularly native species. The plan shall include an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction.
- c. More details on the type, location, design, shielding and hours of operation of exterior lighting.
- d. More details on the location, type, size, wording, design, color and illumination of all signs.

12. As per the recommendation set forth in the communication of the then Commissioner of Planning dated February 20, 2014, prior to the purchase and planting of new landscaping, the Applicant shall meet with the Tree Preservation Committee to review the selection of plant materials and ensure that such plants and trees are native species and are located in a manner so as to have maximum success in growing.

13. As per the recommendation set forth in the communication from the then Commissioner of Planning, dated February 20, 2014, all landscaping shown on the landscaping plan shall be properly installed, trimmed, and maintained in good condition at all times; any planting not so maintained shall be replaced at the beginning of the next growing season. The Applicant shall be permitted to substitute plant species to enhance the health and durability of the approved plantings, as necessary.

14. As per the recommendation set forth in the communication from the then Commissioner of Planning, dated February 20, 2014, the Applicant shall provide adequate screening of the garbage receptacles, the HVAC equipment, the generators, and all other equipment. More detailed specifications and visual materials must also be provided to show how the garbage dumpster will be screened and what materials the structure will contain. A picket fence may not provide adequate screening.

15. As per the recommendation set forth in the communication from the then Commissioner of Planning, dated February 20, 2014, the Applicant shall provide more diversity in the planting materials, which are now almost exclusively arborvitae.

[Condition 16 - Reserved]

17. As per the recommendation set forth in the communication from the then Commissioner of Planning, dated February 20, 2014, all lighting shall be shielded and screened in a manner which prevents the source of light from being seen from any adjoining streets or residences.

18. As per the recommendation set forth in the then Commissioner of Planning's communication dated February 20, 2014, lighting shall only be utilized in the overflow parking areas when these areas are in use for parking. Lighting times shall be tied to those hours when the facility is in operation.

19. As per the recommendation set forth in the communication of the then Commissioner of Planning dated February 20, 2014, all service areas, including mechanical space, storage areas, refuse areas, etc., shall be properly contained and screened so as not to be visible from adjoining lots.

20. As per the recommendation set forth in the communication from the then Commissioner of Planning, dated February 20, 2014, sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Works and Public Safety.

21. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall incorporate as much "green technology" as possible.

22. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, a unified Tree Preservation and Reforestation Plan shall be prepared by the Applicant for the project to coordinate the different architectural, landscaping, utility, grading and pavement plans. The trees located along the northern property will be impacted by damage to the root zones resulting from construction of the adjacent parking lot.

Drawing M101 shows utility lines that will require the removal of approximately 15 trees along the southern property line. Drawing C-1 shows site grading that will impact existing trees.

23. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, Drawing A-101 specifies planting composed of only Arborvitae trees. The landscaping plan shall be revised to provide a variety of deciduous and other evergreen varieties.

24. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the site plan shall specify the on-site stone walls to be preserved and restored after the construction of utilities and the construction entrance driveway.

25. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, specifications shall be provided for the "GRASSPAVE COURTYARD" pavement material and approved by the Commissioner of Building.

26. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the plans shall provide details for an additional means of stormwater detention, if in the future, the paving of the overflow parking area is warranted.

27. As per the recommendation set forth in the communication from the Acting

Chair of the Conservation Board dated February 24, 2014, the project shall be subject to the City's standard Construction Management Protocol, which includes, *inter alia*, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access. All construction work shall be subject to the City's Construction Management Protocol as set forth below:

- A. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction, with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents

advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

- B. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.
- C. The Construction Management Plan for the Proposed Project shall require

that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot or parking garage is proposed for construction worker parking.

- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.

- E. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.

F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:

1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

2. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that

there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.

3. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
4. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
5. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

- H. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.
- I. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- J. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.

- K. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.

- L. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.

- M. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.

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

- O. The Applicant or any of its successor(s) shall be required to notify the

Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.

28. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated February 24, 2014, the Applicant's plans shall specify how parking will be provided to accommodate maximum occupancy events. If additional off-site parking is necessary to provide appropriate parking for maximum occupancy events, the location and operation of any off-site parking shall be provided and described in the Parking Management Plan required by Condition 10 herein.

29. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated February 24, 2014, prior to the issuance of a building permit, the Applicant shall present to the City a report and analysis from a LEED (Leadership in Energy and Environmental Design) certified architect or engineer explaining actions taken or being considered to improve the energy efficiency and "green design" of the building and its systems in light of the criteria for LEED certification.

30. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, a solid fence shall be located on top of the retaining wall along the north side of the parking lot to screen the glare from vehicle head lights directed toward the adjacent Shinnyo-En property.

31. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final landscaping plan shall be submitted by the Applicant to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:

A. The existing trees along the south property line may be impacted by building construction activities or site grading. A row of additional trees shall be planted along this property line to help mitigate the size and bulk of the proposed new building as viewed from the adjacent single-family residence. This row of trees shall include a variety of species, both evergreens and deciduous tree and a variety of plant heights.

B. Vehicles in the parking lot and overflow parking area directly face the south property line and adjacent single-family residence. A row of plant screening or a screening fence shall be located along this property line to screen the glare from vehicle headlights.

32. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final site lighting design shall be submitted to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:

A. The lighting on the south side of the building toward the adjacent residential property and lighting in the parking lot and overflow parking area shall be turned off during night time hours when no activities are scheduled or minimized as permitted for safety reasons.

B. The light fixtures shall be specified to insure that all light sources are shielded to prevent spillage of light beyond the property line. Special attention shall be given to screen the adjacent residential property on the south and the Shinnyo-En property to the north.

C. The approximately 15 pole lights located around the parking lot shall be reduced in height from the specified 20 feet to avoid light spillage beyond the property line and shall be subject to the approval of the Commissioners of Building and Planning and the Environmental Officer. It shall be noted that along the north property line, the pole lights are mounted at the top of the proposed retaining wall that is 6 feet higher than the adjacent property, which height shall be considered in the determination of the height of the pole lights at this location.

33. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, although the site may have excess parking for most activity during the year, management of traffic at holy days or events such as weddings will be important. A traffic management plan shall be developed, including arrangements for satellite parking.

34. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, existing and proposed landscaping appears to be adequate; however, protection of neighbors from substantial visual impact shall be a consideration in evaluating the plan.

35. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, use of honeycomb grass surface for the overflow parking

area is a good idea, as it will appear as lawn when not used for parking.

36. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, if signs are to be installed, the Design Review Board shall have approval authority.

37. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, the domes/shikaras are not proposed to be lighted. Any illumination of the domes/shikaras shall require a Site Plan amendment.

38. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, mechanical equipment shall be not only be shielded from view, but also shall comply with the City's Noise Ordinance.

39. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, the Stormwater Pollution Prevention Plan (SWPPP) has been reviewed and approved by the Department of Public Works. A Department of Public Works (DPW) MS4 stormwater permit is required prior to the issuance of any permits. When an excavation contractor is identified, the contractor must sign the SWPPP certification and provide a NYSDEC "trained individual" card to DPW for the individual who will be on site at all times during soil disturbing activities. SWPPP reporting is required at the onset of excavation, and the construction of all stormwater facilities must be under the supervision of the stormwater design engineer of record.

40. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, the Applicant shall provide a report from the Applicant's M.E.P. Engineer of Record (EOR) who must evaluate the total needs of the building's water and sanitary sewer service lines, in accordance with the NY State Building Code. Once this is provided, DPW can evaluate the proposed service connections, in particular, the sanitary sewer service, as there is no indication of the proposed size on the plan. There are particular details for the water services (fire and domestic lines) and sanitary sewer service that must be included on the plan with the associated notes indicating the materials of construction.

41. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, since a kitchen will be constructed, the sanitary sewer service line must be equipped with an aerated type grease trap to reduce the possibility of grease in the municipal sanitary sewer main.

42. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, the Applicant must show the location of the municipal utilities on the plans and label the sizes and materials.

43. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, imported fill must be tested for composition and chemicals in accordance with NYS DEC and DPW direction, and at the full expense of the

owner. These test results must be received prior to depositing the material. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution prevention insurance must be provided in the amount to be determined by the Commissioner of Public Works.

44. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, the Applicant may utilize a private carter for refuse and recycling, or slightly modify the proposed solid waste and recycling area and site geometry so as to accommodate municipal collection. The Applicant must provide to the City of White Plains Department of Public Works (DPW) a Solid Waste Management Plan form, including a diagram with truck turning movements to the Commissioner of Public Works.

45. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, in accordance with the City's Complete Streets ordinance, the Applicant shall provide a four (4) foot wide concrete sidewalk in the municipal right-of-way along the property frontage. The Applicant shall provide the appropriate DPW details on the plan.

46. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, there are a number of technical comments that must be addressed by the Applicant to the satisfaction of the Commissioner of Public Works prior

to the issuance of any permits, including but not limited to: delineation of the snow storage area on the plan with signage; delineation of the width of the proposed curb cut; construction level stormwater supporting calculations; backflow devices on the fire and domestic services.

47. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, an as-built will be required, and a stormwater maintenance agreement must be executed with the City of White Plains, approved as to form by the Corporation Counsel, prior to the issuance of a certificate of occupancy. A typical escrow account must also be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to reasonably reset the escrow account value and utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City Department of Public Works shall receive 20% of all costs as an administrative fee.

48. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, the Applicant's contractor must use ultra-low sulfur diesel fuel (ULSD) in all off-road equipment located on site, and have on-site trucks and equipment fitted with variable volume back-up alarms.

49. As per the recommendation set forth in the communication of the then Commissioner of Public Works dated April 7, 2014, all construction under the jurisdiction of DPW must be in conformance with DPW standards regardless of what may be shown or omitted on the Applicant's plans; and

WHEREAS, the Common Council, at a meeting held on March 2, 2015, received a communication from the Commissioner of Building, dated February 19, 2015, forwarding an application in the form of a letter dated February 14, 2015, from Dipti Shah, RA, Benowitz Shah Architects, P.C., on behalf of the Applicant, requesting a one (1) year extension of the Site Plan previously approved by the Common Council on April 7, 2014, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance; and

WHEREAS, the Common Council, after making environmental findings, adopted a resolution on April 6, 2015, approving a one (1) year extension of the Site Plan, until April 4, 2016, subject to the Applicant's compliance with the conditions set forth in the approval resolution adopted April 7, 2014, and the following additional conditions:

1. As per the communication of the then Commissioner of Public Works dated April 6, 2015, a Stormwater Pollution prevention Plan (SWPPP) prepared by Hudson Engineering & Consulting, P.C., dated February 2014, was previously submitted by the Applicant and approved by the Department of Public Works. Regulations governing stormwater have become more strict and were updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or local requirements and fees in effect at the time of the subsequent issuance of any Building Department would apply. This includes new regulations adopted by the City of White Plains or NYSDEC. Such regulations, as well as any revisions proposed to the stormwater design, would require a SWPPP amendment as well, in advance of the Building

Department permitting process.

2. As per the communication of the Acting Chair of the Transportation Commission, dated March 26, 2015, at its meeting of March 18, 2015, the Transportation Commission requested the corrected reports and a parking management plan that was previously required to be provided from the Applicant during the February 19, 2014 meeting of the Commission. This plan must include making provisions for satellite parking sites for major holidays; and

WHEREAS, a Building Permit was issued on June 4, 2015; however, no construction has commenced to date; and

WHEREAS, the Common Council, at a meeting held on October 5, 2015, received a communication from the Commissioner of Building, dated September 25, 2015, forwarding an application for an amendment to the existing Site Plan, submitted on behalf of the Applicant, for the reduction in scale and size of the Temple and Place of Worship previously approved by resolution of the Common Council adopted on April 7, 2014; and

WHEREAS, specifically, according to the letter dated September 24, 2015 from the Applicant's attorney, William S. Null, Esq., the amended Site Plan application proposes the construction of a single story Temple (in lieu of the previously approved two (2) story Temple) consisting of approximately 7,842 square feet (as compared to the previously approved approximately 15,000 square feet), including, the elimination of social hall previously approved for

the first floor, and the relocation of the sanctuary to the first floor; the size of the sanctuary remaining the same; the footprint of the Temple and its location on the premises also remains identical to that previously approved by the Common Council, with the exception of the minor reduction in impervious area due to the removal of a previously proposed stairway; in addition the copper domes have been eliminated from the rooftop, but the single Shikara has been maintained; and no reduction in parking is proposed; and

WHEREAS, Mr. Null, Esq. also notes in his letter dated September 24, 2015, that since the parking and circulation areas remain the same, the engineering details have not been changed from those detailed in the previous Site Plan approval, as confirmed by Michael F. Stein, P.E., in a letter dated September 23, 2015, included as part of the amended Site Plan Application; and

WHEREAS, the new proposed Temple will house a sanctuary, a cafeteria, restrooms, an entry lobby and support spaces; and

WHEREAS, the instant amended Site Plan Application includes the following documents:

A. A cover letter dated September 24, 2015, from William S. Null, Esq., of the law firm of Cuddy & Feder LLP, submitting on behalf of the Applicant an application for an amended Site Plan approval, and describing the details of same; and

B. A survey prepared by Summit Land Surveying, P.C., dated August 6, 2011, last revised March 14, 2012, entitled, “Topographical Survey of Lot 1 as shown on the certain map entitled, “Amended Map of Lots 1, 2, 3 and 4 of Section 1 of Old Oak Ridge located at City of White Plains, Westchester County, New York;” and

C. Architectural Drawings, entitled, “Hindu Temple of Tri-State, 390 North Street, White Plains, NY,” prepared by Dipti Shah Architect, consisting of the following:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
A101	Revised Site Plan, Revised	9/24/15
A101a	Revised Parking Calculations	9/24/15
A102	New Floor Plan	9/24/15
A103	New Elevations	9/24/15
A104	Section	9/24/15

D. Plans prepared by LynStaar Engineering PC, entitled, “Hindu Temple of Tri-States, 390 North Street, White Plains, New York,” consisting of the following:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
S1	Site Plan	2/5/15
S2	Details	2/5/15; and

E. A plan prepared by Dipti Shah Architect, dated April 30, 2015, numbered E1 and entitled, “Site Plan-Lighting;” and

F. A letter dated September 23, 2015 from Michael F. Stein, P.E., President of Hudson Engineering & Consulting, P.C., confirming that the revised building footprint will not impact the approved Stormwater Management design since it will not result in a change in impervious cover of the site; and

G. A Sustainability Checklist prepared by Dipti Shah Architect; and

H. "Parking Management Plan," prepared by Maser Consulting P.A., dated April 13, 2015, together with duplicate copies of the former "Traffic Impact Study for Hindu Temple of Tristate (390 North Street) White Plains, Westchester County, NY," dated January 15, 2014, prepared by Maser Consulting P.A.; and

I. Duplicate copies of the former "Parking Evaluation for Hindu Temple of Tristate (390 North Street) White Plains, Westchester County, NY," dated January 15, 2014, prepared by Maser Consulting P.A.; and

J. A Short Environmental Assessment Form (EAF) dated September 24, 2015, certified by Mr. Om Dhiman, trustee for the Applicant; and

K. A copy of the Building Permit issued by the Department of Building on June 4, 2015, together with a Short Form Building application dated September 24, 2015, signed by Mr. Om Dhiman, trustee for the Applicant; and

L. A LEED project checklist, dated September 24, 2015; and

WHEREAS, the amended Site Plan Application was referred by the Common Council to all necessary City departments, boards, commissions, and officers and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, at the meeting of the Common Council held on November 2, 2015, representatives of the Applicant appeared before the Common Council to discuss the amended Site Plan Application and made a presentation regarding same; and

WHEREAS, at the November 2, 2015 meeting, the Common Council received communications in relation to the amended Site Plan Application from the Commissioner of Building, dated October 22, 2015; the Commissioner of Planning, dated October 20, 2015; the Commissioner of Public Works, dated October 21, 2015; the Commissioner of Public Safety, dated October 20, 2015; the Commissioner of Parking, dated November 2, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated October 26, 2015; the Chair of the Planning Board, dated October 21, 2015; the Chair of the Design Review Board, dated October 27, 2015; the Acting Chair of the Transportation Commission, dated October 27, 2015; the Acting Chair of the Conservation Board, dated October 28, 2015; the Environmental Officer dated October 26, 2015; and the Westchester County Planning Board, dated October 20, 2015; and

WHEREAS, in connection with this Application, the Common Council, at its meeting held on November 2, 2015, declared itself as Lead Agency for the environmental review of this Proposed Action pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQR”), classified this proposal as an Unlisted Action, and adopted environmental findings, including a negative declaration; and

WHEREAS, the Common Council has reviewed and considered the comments and recommendations from the various City departments, boards, commissions and officers and the Westchester County Planning Board, and has reviewed and considered the amended Site Plan Application, with respect to the standards set forth in Sections 4, 7 and 8 of the Zoning Ordinance and the 1997 Comprehensive Plan and the 2006 Plan Update, adopted by the Common Council on July 11, 2006; and

WHEREAS, according to the cover letter from William S. Null, Esq., dated September 24, 2015, forwarding the instant Site Plan amendment Application, the proposed new Temple will serve a community of members who have lacked a permanent place of worship; and

WHEREAS, Mr. Null further states in his letter dated September 24, 2015, that the proposed temple will accommodate around 400 people during the “high holy days;” on other holy days, it is anticipated that no more than 100 people regularly will attend with the average requirement for parking being thirty (30) spaces on a daily basis with slightly more needed on the weekends; and

WHEREAS, Mr. Null also states in his September 24, 2015 letter forwarding the Site Plan amendment Application, that the amended Site Plan shows the same fifty-six (56) self-park spaces to be provided within the property together with an additional thirty-six (36) overflow tandem parking spaces in a courtyard area adjacent to the main parking lot for a total of ninety-two (92) spaces, all as had been initially shown to the Common Council in connection with the original Site Plan Application and approval adopted April 7, 2014; and

WHEREAS, Mr. Null further notes in his September 24, 2015 letter that the temple has been designed to incorporate the traditional components of a Hindu Temple that include the following six design elements: (a) dome and steeple; (b) inner chamber (sanctum sanctorum); (c) Temple hall; (d) front porch; (e) reservoir; and (f) walkway around inner chamber; and

NOW, THEREFORE, BE IT RESOLVED, that the following findings are hereby adopted in accordance with the Zoning Ordinance:

Consistency with the Comprehensive Plan

1. Places of worship, such as the proposed Temple, are specifically excluded from the following 1997 Comprehensive Plan and 2006 Plan Update adopted July 11, 2006 strategy concerning the institutional uses in residential districts:

*Limit intrusions or expansions by institutional uses **other than religious institutions***

in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts.
(emphasis added).

2. In addition, both the 1997 Comprehensive Plan and the 2006 Plan Update stress the importance of promoting community facilities and services. The proposed Temple is a community resource which is currently entirely lacking and needed by the region's Hindu community. Based upon the aforementioned findings, the proposed project is consistent with the Comprehensive Plan.

Conformance with the Zoning Ordinance

Section 7.3 - Application

The proposed site plan application meets the requirements of Section 7.3 of the Zoning Ordinance. However, as set forth in Conditions 11a-d of the Site Plan approval resolution adopted April 7, 2014, the Applicant must provide additional detail as to the following items:

1. In accordance with 7.3.5.6 of the Zoning Ordinance and as set forth in Condition 11(a) of the April 7, 2014 approval resolution, Applicant must provide additional detail on the location, design and proposed screening of outdoor storage area, including proposed provisions for refuse storage and collection.

2. In accordance with Section 7.3.5.9 of the Zoning Ordinance and as set forth in

Condition 11(b) of the April 7, 2014 approval resolution, the Applicant must provide a more detailed landscaping plan, to include the type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. The plan shall include an indication of all existing vegetation to be retained and the methods to be used to protect vegetation during the course of construction.

3. In accordance with Section 7.3.5.10 of the Zoning Ordinance and as set forth in Condition 11(c) of the April 7, 2014 approval resolution, the Applicant shall provide additional detail regarding the type, location, design, shielding and hours of operation of exterior lighting.

4. In accordance with Section 7.3.5.11 of the Zoning Ordinance and as set forth in Condition (d) of the April 7, 2014 approval resolution, the Applicant shall provide more detail on the location, type, size, wording, design, color and illumination of all signs.

Section 7.5 of the Zoning Ordinance

7.5 Standards

In considering and approving "site plans," the approving agency shall take into consideration the purposes of this Ordinance, including the purposes of the applicable zoning district or districts, and, as a condition of approval, may require such modifications of the proposed "site plans" as it deems necessary to comply with the spirit as well as the letter of this Ordinance. The approving agency shall specifically take into account the following:

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan." Variances granted by the Board of Appeals need not be regarded by the approving agency as satisfying the requirement of conformity with this Ordinance for purposes of this review and approval. The approving agency

shall review any such variances and may deny approval or require modifications pursuant to Section 7.5, above, in the event it finds any such variances produce or permit an unsatisfactory condition or arrangement in the "site plan" before it.

The Common Council finds that the site plan amendment herein is consistent with the 1997 Comprehensive Plan and the 2006 Plan Update.

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

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

Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, and in accordance with the Traffic Impact Study prepared for the project and the recommendations of the Deputy Commissioner of Parking for Transportation Engineering, the proposed Temple will not significantly affect the traffic conditions in the area.

Based on the above, the Common Council finds that the amended Site Plan Application satisfies the requirements of Section 7.5.2.1 of the Zoning Ordinance.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways. Vehicular access to State and County roads must also be approved by the State Department of Transportation or the County Department of Public Works, as appropriate.

Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, the Common Council finds that the amended Site Plan Application satisfies the requirements of Section 7.5.2.2 of the Zoning Ordinance.

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

Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, the Common Council finds that the amended Site Plan Application satisfies the requirements of Section 7.5.2.3 of the Zoning Ordinance.

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

Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, the Common Council finds that the amended Site Plan Application satisfies the requirements of Section 7.5.2.4 of the Zoning Ordinance.

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

The main and overflow parking areas will be connected by a five (5) foot by 130 foot pedestrian walkway. The overflow lot is anchored by a patio to the east and the temple itself to the west. Three (3) of the overflow spaces are located on the eastern patio. The Common Council finds that the Site Plan Application satisfies Section 7.5.2.5 of the Zoning Ordinance.

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

No loading spaces are required for houses of worship by the Zoning Ordinance.

Therefore, this standard does not apply

7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system. Sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Safety and Public Works.

Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, and based upon the previous sections pertaining to pedestrian and vehicular circulation, the Common Council finds that the design of the parking and circulation layout on the site is appropriate and in conformance with Section 7.5.2.7 of the Zoning Ordinance.

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

The Applicant proposes two (2) ADA parking spaces directly across from the main

entrance into the Temple. The Common Council finds that the amended Site Plan Application provides appropriate access for the handicapped and satisfies Section 7.5.2.8 of the Zoning Ordinance.

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

Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, and based upon the previous sections pertaining to pedestrian and vehicular circulation, the Common Council finds that the amended Site Plan Application is in conformance with Section 7.5.2.9 of the Zoning Ordinance.

Section 8.7.5 of the Zoning Ordinance

1. According to Section 8.7.5.1 of the Zoning Ordinance, 6% of the total land area of off-street parking lots of twenty-five (25) spaces or more must be adequately landscaped. The Applicant proposes to plant fifteen (15) new six (6) foot arborvitae trees along the western side of the Temple near the front entrance. Fifteen (15) new six (6) foot arborvitae trees along the back of the building to screen mechanical equipment, condensers and a refuse area, and twenty five (25) new six (6) foot arborvitae trees along the overflow parking area and the eastern side of the main parking area. Two (2) barberry and four (4) spirea shrubs for a total of six (6) are proposed directly across from the main entrance and surrounding parking space #1. This is in addition to those existing trees already on the property which will remain. The Applicant shall provide more diversity in the

planting materials, which are now almost exclusively arborvitae. *See* Condition 11(b) set forth in the April 7, 2014 approval resolution herein.

2. Section 8.7.5.2 of the Zoning Ordinance requires raised planters where there are opposing rows of parking. There are no opposing rows of parking in this parking area. Section 8.7.5.2 therefore does not apply to this amended Site Plan Application.

3. Section 8.7.5.3 of the Zoning Ordinance provides that “suitable landscaping shall be provided, as required by the agency approving the ‘site plan,’ along the periphery of ‘parking lots’ ‘parking garages’ and ‘loading spaces’ where they abut ‘streets,’ public spaces and residential districts.” Such screening shall be in accordance with the requirements of Section 4.4.19 of the Zoning Ordinance.

Section 4.4.19 of the Zoning Ordinance

1. Section 4.4.19.1 will be satisfied through the Applicant’s landscaping plan as part of the amended Site Plan approval herein. *See* Condition 11(b) as set forth in the April 7, 2014 approval resolution.

2. Section 4.4.19.2 of the Zoning Ordinance requires that the buffer area between a non-residential use and a residential use in a residential district be screened with evergreen screening and be at least 10 feet in width, unless the approving agency shall “allow the substitution of a wall or fence of location, height, design and materials approved by it” for part of the approved planting area.

3. The Applicant proposes to plant 15 arborvitae trees between the main parking area and the adjacent residential home to the east. The distance between the trees and the property line is 50, or at least 10 feet. The distance between the trees to be planted on the southerly property line and the residential home is approximately 15 feet. The Applicant proposes to construct a four foot stone wall on the northern side of the property. All buffers are arborvitae trees, which are evergreens. As recommended by the then Commissioner of Planning in a communication dated February 20, 2014, the Applicant shall provide a more detailed landscaping plan with a greater variety of plant materials, particularly native species. *See* Conditions 11 and 12 set forth herein above citing the April 7, 2014 approval resolution.

5. Section 8.7.5.4 of the Zoning Ordinance provides that the selection, amount and location of landscaping be subject to the approval of the approving agency. *See* Condition 11 as set forth in the April 7, 2014 approval resolution.

6. Sections 4.4.19.3 and 8.7.5.5. of the Zoning Ordinance require that all landscaping continue to be maintained, and that any plantings not maintained must be replaced at the beginning of the next growing season.

7. Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, based on a review of the Application and Sections 7.5.2.9, 8.7.5 and 4.4.19, the Common Council finds that the landscaping is well designed and located, and satisfies the requirements of Sections

7.5.2.9, 8.7.5 and 4.4.19. See Conditions 12 and 13 as set forth in the April 7, 2014 approval resolution.

7.5.2.10 Adequacy of fire lanes and other emergency zones. The approving agency may require the provision of fire zones and may also require suitable legal agreements for enforcement of any accompanying parking restrictions.

1. The Applicant has worked with the Departments of Parking, Public Safety and Public Works to demonstrate that fire engines and garbage trucks can make necessary turning movements to access the site and provide fire safety and garbage collection. The Department of Public Works will require a Solid Waste Management Plan and will determine if a private carter is necessary for the facility.

2. Subject to the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, the Common Council finds that the amended Site Plan Application satisfies the requirements of Section 7.5.2.10 of the Zoning Ordinance.

3. Based on the Applicant's compliance with the applicable conditions set forth in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, the Common Council finds that the amended Site Plan Application satisfies the requirements of Section 7.5.2 of the Zoning Ordinance.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

1. The Applicant proposes to install a 3'-6" stone wall around the parking area, which will match the stone wall that currently exists along the property line. The Applicant will also install a white picket fence around the garbage and recycling area located at the northwestern corner of the property, subject to Condition 30 set forth in the April 7, 2014 approval resolution.

2. As per the recommendation of the then Commissioner of Planning set forth in a communication dated February 20, 2014, the Applicant shall provide more detailed specifications and visual materials to show how the garbage dumpster will be screened and what materials that structure is made from since the picket fence may not provide adequate screening. See Condition 14 as set forth in the April 7, 2014 approval resolution.

3. Section 4.4.16 of the Zoning Ordinance provides that fences and walls, including retaining walls, are permitted within required "yards" and "courts" provided that:

(A). Section 4.4.16.1 - the fence should not exceed 6 feet in height if located in a

required "yard." The stone wall around the parking area will be 3'-6" and is not located within a required yard. The picket fence is proposed to be installed around the garbage and recycling area for screening, which is located in the main parking area and is not in a required yard. As provided in Condition 14 of the April 7, 2014 approval resolution, this fence shall be subject to review with regard to the adequacy of the screening provided.

(B). Section 4.4.16.2 does not apply. The proposed fence is not located on a corner lot in a residential district.

(C). Section 4.4.16.3 - if any such fence or wall located within a required "yard" has a finished or more attractive side, such side shall face the neighboring property or "street." This section does not apply.

(D). Section 4.4.16.4 - all fences or walls must be inside all "lot lines." The Applicant complies with this section of the Zoning Ordinance.

(E) Section 4.4.16.5 does not apply as neither the stone wall nor the picket fence will have barbed wire.

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

The Common Council finds that this requirement will be met as part of the requirements of the Construction Management Protocol which is made a condition of all approvals involving construction on a site. *See* Condition No. 27 set forth in the April 7, 2014 approval resolution. Based on the requirement for the Construction Management Protocol, the Common Council finds that the Application satisfies Section 7.5.3.2 of the Zoning Ordinance.

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

1. There are no known natural features that exist on the site. However, the Applicant intends on removing 13 existing trees to make room for the Temple itself, the entranceway to the site, the access way through the site, and the parking. The Common Council finds that the Application is introducing new plantings along the perimeter of the side to provide screening of the parking spaces. As per the recommendation set forth in the then Commissioner of Planning's communication dated February 20, 2014, prior to purchase and planting of new landscaping, the Applicant shall meet with the Tree Preservation Committee to review the selection of plant materials and ensure that such plants and trees are native species and are located in a manner so as to have maximum success in growing. *See* Condition 12 as set forth in the April 7, 2014 approval resolution.

2. Subject to the Applicant's compliance with the applicable conditions set forth in this approval resolution herein, the Common Council finds that the amended Site Plan Application is in conformance with Section 7.5.3.3 of the Zoning Ordinance.

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

1. The Applicant proposes to install 16 LED flood light fixtures around the perimeter of the main and overflow parking areas. As per Condition 32 (a)-(c) set forth in the April 7, 2014 approval resolution, each light fixture will be mounted to a 4 inch square steel pole, will be less than 20 feet in height and will be fully shielded. The light poles are spaced roughly 20 feet apart from each other.

2. As set forth in Condition 1 and 17 in the April 7, 2014 approval resolution, all lighting shall be shielded and screened in a manner which prevents the source of light from being seen from any adjoining street or residences, pursuant to Section 4.4.20 of the Zoning Ordinance.

3. As set forth in Condition 18 set forth in the April 7, 2014 approval resolution, lighting shall only be utilized in the overflow parking areas when these areas are in use for parking. Lighting times shall be tied to those hours when the facility is in operation.

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

The Common Council notes that all service areas, including mechanical space, storage areas, refuse areas, etc., shall be properly contained and screened so as not to be visible from

adjoining lots.

7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding. Upon completion of development, the control and retention of storm water runoff shall be provided as directed by the Commissioner of Public Works, who may require the submission of an Engineer's Report.

The Applicant submitted a Stormwater Pollution Prevention Plan (SWPPP) to the Department of Public Works and to the County's Department of Public Works and Transportation for review. The Commissioner of Public Works has approved the SWPPP and has provided comments regarding stormwater quality treatment and quantity control in his communication. Subject to the Applicant's satisfaction of all of the applicable conditions set forth in this approval resolution recommended by the then Commissioner of Public Works in a communication dated April 7, 2014, the Common Council finds that Section 7.5.3.6 of the Zoning Ordinance is satisfied.

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

1. The proposed Hindu Temple will be located on the site in such a manner that the building will not obstruct any access to sunlight for present and potential solar energy systems. Therefore, the Common Council finds that the amended Site Plan Application satisfies Section 7.5.3.7 of the Zoning Ordinance.

2. Subject to the Applicant's compliance with the applicable conditions contained

in the approval resolutions of April 7, 2014 and April 6, 2015 and in this approval resolution herein, the Common Council finds the amended Site Plan Application is consistent with all of the standards set forth in Section 7.5.3 of the Zoning Ordinance.

7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood. On report and recommendation of the Design Review Board, the approving agency shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk dimensions, materials and location on the site and, in relation to development on adjoining properties, the natural terrain and vegetation.

1. The Hindu Temple will be constructed of concrete composite, white granite block veneer and granite coping, which are typical materials for temple construction. Wall murals will also be featured around the building. The proposed height of the Hindu Temple will be 34'-6" plus the Shikara which will be 37'-6" for a total of 72 feet. The proposed height of the Temple is within the maximum permitted height of 35 feet. Pursuant to Section 4.4.15 of the Zoning Ordinance, the height limitations of the Zoning Ordinance do not apply to "[c]hurch spires, belfries, cupolas, domes, monuments, observation towers, chimneys, smoke stacks, derricks, flag poles, radio towers, masts and aerials, where not used for human occupancy." Therefore, the temple is in compliance with respect to height.

2. The Temple will be visible from adjoining properties. The neighboring home is at a lower elevation (248 feet) than the temple. The spires will not be illuminated and its height is consistent with other houses of worship in the immediate vicinity. The distance between the towers

and the residential property to the east is at least 350 feet.

3. The Common Council finds that the high quality of design will be compatible with its location and the character of North Street. Thus, the design, location and materials of the temple are in harmony with the neighborhood.

4. Subject to the Applicant's compliance with the applicable conditions set forth in this resolution herein, in accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration of the recommendation of the Design Review Board, the Common Council finds that the architectural design of Temple building improvements will enhance and protect the character and property values of the neighborhood, and further finds that the amended Site Plan Application satisfies the requirements of Section 7.5.4 of the Zoning Ordinance; and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 4, 7 and 8 of the Zoning Ordinance have been satisfied and that the application for an amended Site Plan to (a) to construct a one (1) story, approximately 7,842 square foot Temple, on property located at 390 North Street, which will house a sanctuary, a cafeteria, restrooms, an entry lobby and support spaces, be and hereby is granted, subject to all of the applicable conditions set forth in the April 7, 2014 Site Plan approval resolution and April 6, 2015 Site Plan extension resolution, and the following additional conditions set forth herein:

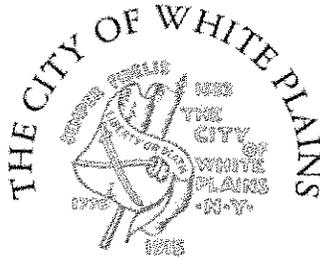
1. As per the recommendation of the Commissioner of Public Works set forth in a

communication dated October 21, 2015, the Applicant's engineer of record, Hudson Engineering & Consulting, P.C., has certified that the proposed changes to the project included in the submittal will not impact the approved stormwater management design. Therefore, the Stormwater Pollution Prevention Plan (SWPPP), as prepared by Hudson Engineering & Consulting, P.C., dated February 2014, for which the New York State Department of Environmental Conservation (NYSDEC) acknowledgment letter, dated April 20, 2015, is on file identifying this site as NYR10Z249, must remain in effect as approved.

2. As per the recommendation of the Commissioner of Public Works set forth in a communication dated October 21, 2015, the Department of Public Works provided the Applicant with the required service connection details during the Building Department permit approval. Plan Sheet S-1, where the proposed utility services are shown, must be revised to show the required water valve configuration. The plans must illustrate three (3) line valves which must be installed on the municipal main; one on each side of the fire and domestic connections, and one between the two. In order to make these connections, the Applicant must install line stops on the municipal main as directed by the Department of Public Works.

3. As per the recommendation of the Acting Chair of the Transportation Commission set forth in a communication dated October 27, 2015, the Temple shall notify the Chief of Police of the Department of Public Safety of the location of any off-site parking, in writing, at least fifteen (15) days prior to an event requiring off-site parking.

4. As per the recommendation of the Environmental Officer set forth in a communication dated October 26, 2015, the final landscaping plan shall be submitted to the Tree Preservation Committee for approval. Drawing S-1, entitled, "Site Plan," prepared by Lynstaar Engineering, P.E. shows the location of underground utility lines that will adversely impact six deciduous trees in the front yard previously identified for preservation. These trees shall be replaced by six 2-1/2 inch diameter deciduous trees.



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 OF
THE CITY OF WHITE PLAINS**

**Re: AUTHORIZATION TO EXECUTE A PARTNERS MEMORANDUM OF
UNDERSTANDING FOR THE WHITE PLAINS EDUCATION AND TRAINING
CENTER**

Submitted, herewith, for your review and approval, is an resolution authorizing the Mayor to execute a Memorandum of Understanding among the City of White Plains, the White Plains Housing Authority, and the various entities that will provide education and training programs at the White Plains Education and Training Center. The Memorandum of Understanding commences January 1, 2016 and terminates December 31, 2016. The City of White Plains has entered into a sub-lease with the owner, WP Housing Company, Inc., to operate a Community Education Facility, according to terms of said sub-lease. This Community Education Facility is known as the White Plains Education and Training Center ("WP ETC") and is located on the grounds of the White Plains Housing Authority's new Brookfield Commons (previously named Winbrook Campus).

The WP ETC will offer a range of education and training programs. The primary target population is the unemployed and the underemployed with the goals of increasing employability through training for real-time job opportunities in today's market and achieving economic self-sufficiency and continued economic growth. The training opportunities available at the WP ETC have been carefully selected based upon research, information, and partnerships with the businesses and industries in White Plains, Westchester County, and the region. The WP ETC has targeted training opportunities to support the employment needs of regional high growth industries, including healthcare, hospitality and technology.

The WP ETC model employs effective and selective partnerships with existing, proven successful organizations that will co-locate at the WP ETC to provide an array of opportunities. The WP ETC features a state-of-the-art teaching facility that includes an industrial teaching kitchen, a computer

classroom, and multi-purpose classrooms. In addition to the training opportunities, the WP ETC will also feature complimentary career development services such as the Career Closet, Café, a computer resource center, WIFI, outdoor space including gardens, and an executive conference room.

The entities that are providing education and training programs at the WP ETC include:

- Culinary Tech Center
- Lifting Up Westchester, Inc.
- Digital Arts Experience
- Southern Westchester BOCES through El Centro Hispano, Inc.
- Westchester Community College
- My Money Workshop, Inc.
- Job Search Direction, Inc.

In addition to the above-named entities, the White Plains Housing Authority will also be named as a party to the Memorandum of Understanding. Through the Memorandum of Understanding, all entities share the vision of career pathways integrating education and training opportunities from all providers toward one unified goal of optimum education and training for each individual participant and agree to work in partnership and collaboratively toward that end. Specific responsibilities of the City of White Plains and each partner entity are also further defined.

Attached is a resolution authorizing the Mayor, or his designee, to execute a Partners Memorandum of Understanding for the White Plains Education and Training Center in a form to be approved by the Corporation Counsel.



Linda Puoplo
Deputy Commissioner

Dated: October 21, 2015
(for the Meeting of the Common Council on November 2, 2015)

RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A PARTNERS MEMORANDUM OF UNDERSTANDING FOR THE WHITE PLAINS EDUCATION AND TRAINING CENTER FOR A PERIOD COMMENCING JANUARY 1, 2016 AND TERMINATING DECEMBER 31, 2016.

WHEREAS, the City of White Plains has entered into a sub-lease with the WP Housing Company, Inc. to operate a Community Education Facility known as the White Plains Education and Training Center which is located on the grounds of the White Plains Housing Authority's new Brookfield Commons (previously named Winbrook Campus); and

WHEREAS, the White Plains Education and Training Center is preparing to offer a range of education and training programs to serve the primary target population of the unemployed and the underemployed with the goals of increasing employability through training for real-time job opportunities in today's market and achieving economic self-sufficiency and continued economic growth; and

WHEREAS, the training opportunities available at the White Plains Education and Training Center have been carefully selected based upon research, information, and partnerships with the businesses and industries in White Plains, Westchester County, and the region; the White Plains Education and Training Center has targeted training opportunities to support the employment needs of regional high growth industries including healthcare, hospitality and technology; and

WHEREAS, the Culinary Tech Center, Lifting Up Westchester, Inc., Digital Arts Experience, Southern Westchester BOCES through El Centro Hispano, Inc., Westchester Community College, My Money Workshop, Inc., and Job Search Direction, Inc., are entities that are providing education and training programs at the White Plains Education and Training Center; and,

WHEREAS, the White Plains Housing Authority will also be named as a partner entity in the Partners Memorandum of Understanding; and,

WHEREAS, all entities share the vision of career pathways integrating education and training opportunities from all providers toward one unified goal of optimum education and training for each individual participant and agree to work in partnership and collaboratively toward that end; and,

WHEREAS, specific responsibilities of the City of White Plains and each partner entity are defined in the Partners Memorandum of Understanding.

NOW THEREFORE BE IT RESOLVED, that the Mayor or his designee is hereby authorized to execute a Partners Memorandum of Understanding between the City and above-named entities; for a period commencing January 1, 2016 and terminating December 31, 2016; and be it further

RESOLVED, that the aforementioned agreement shall be in a form approved by the Corporation Counsel 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

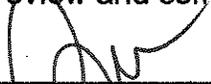
Kevin M. Hodapp, P.E.
Deputy Commissioner

**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, is additional information in support of a Site Plan and Special Permit approval application associated with 60 South Broadway (aka "The Westchester Pavilion"), White Plains NY.

The applicant, Maple and Broadway LLC, the Contract Vendee of the property has submitted this additional information in response to questions raised by the Common Council and city staff.

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



Damon A Amadio PE
Commissioner of Building

Date: October 29,, 2015
(for the November 2, 2015 Common Council meeting)

Submission: A cover letter as prepared by William Null, Esq dated October 21, 2015 describing the additional information along with a list of supporting documents.

October 21, 2015

BY HAND

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

Re: Maple and Broadway Holdings, LLC
Application for Site Plan & Special Permit Approval
Premises: 60 South Broadway, White Plains, New York

Dear Mayor Roach and Members of the Common Council:

On behalf of Maple and Broadway Holdings, LLC (the "Applicant") in cooperation with Urstadt Biddle Properties Inc., the owner of the Premises, we respectfully submit the enclosed documents to supplement the pending Application for Site Plan and Special Permit Approval for the proposed redevelopment of the Westchester Pavilion site at 60 South Broadway. This submission is intended to respond to questions posed by Members of the Common Council and the City's professional staff during the pendency of this Application through narratives, as well as supporting documentation, including revised plans.

Publicly Accessible Open Space

As you know, while the Zoning Ordinance requires each development to include "Usable Open Space,"¹ the open space is not required to either be open to the sky, or open to the public. Yet, the design of this development will add *over 30,000 square feet of open space* within the boundary of the Premises that is *visible and accessible to the public*. This open space will provide meaningful landscaped areas around the perimeter of the Premises including an approximately 7,200 square foot plaza fronting on South Broadway, adjacent to the residential buildings. By way of comparison, two downtown pocket parks - Renaissance Park and the new extension thereof near the Ritz-Carlton comprise approximately 15,000 and 11,000 square feet in area, respectively. The new plaza pocket park would include trellised seat walls defining landscape areas, benches, tables, and chairs sited amongst planting areas.

¹ "Usable Open Space" is defined in the Zoning Ordinance as follows:

An outdoor area or areas, each containing not less than 250 square feet and with a minimum dimension of 10 feet, designed, constructed and maintained for active and passive pedestrian "use." It may include plazas, "courts," lawns, gardens sitting areas and similar types of areas, and shall be provided with such paving, planting beds, fountains, sculptures and works of art, seating, and comparable facilities as may be appropriate to the location. The design shall complement the architecture of the "building" or "buildings" on the same "lot." Up to 50 percent of the required "usable open space" may be beneath a "building" or overhang, canopy, arcade or similar projection at least 12 feet above such "space" provided it is fully open along at least 40 percent of its perimeter. "All "usable open space" shall be designed, constructed and maintained so as to be readily accessible. [See, Section 2-4 of the Zoning Ordinance at p. 2-30.]

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Around the perimeter of the building, there will be smaller plaza areas outside the retail and garage entrances to create attractive and accessible terraces, paths, ramps and stairs framed by landscape plantings that further establish clear circulation paths and promote pedestrian activity. Along Maple Avenue, at key locations between the building and street where nothing currently exists, there will be terraces to transition the steep grade creating a new landscape area between the sidewalk and retail terraces in which plantings will include new street trees, both shade and ornamental, as well as flowering shrubs, perennials, and ornamental grasses. These amenities are oriented on a bias angle so that the broader side faces downhill to provide a wider view of the landscaping as it descends Maple Avenue. Open bench seating, tables and chairs, as well as seat walls will be interspersed around the open space areas to activate the streetscape. Of course, bicycle racks also will be located at key points along the development.

The sidewalks and plantings along the north section of Hale Avenue will create a rhythm of large landscape plantings that connect the retail entrances and service access points. These plantings will include shade and ornamental trees, flowering shrubs, perennials and ornamental grasses. Rather than the utilitarian service corridor that now exists along this streetscape, these changes will welcome the new residents and retail/restaurant customers.

The new publicly accessible open space described above will enhance the frontage along East Post Road, South Broadway and Maple Avenue encouraging pedestrians to stroll, or window shop, or simply linking the downtown and Bloomingdale Road visually and physically with a more inviting and accessible sidewalk infrastructure. The landscaping also will help improve stormwater management.

Rooftop Retail Podium

The roof of the retail podium will serve as an extensive green roof while providing amenity spaces for both residential buildings, as well as rooftop dining for restaurants. While some of the rooftop will be comprised of ballast, the rest will be improved with extensive vegetated green roof assemblies using an interlocking pre-vegetated tray system with a mix of sedum species. While most rooftop stormwater management relies solely upon this sedum tray system, where structural capacity permits this roof will include moderate perimeter areas planted with flowering shrubs, perennials and ornamental grasses. (We have enclosed images showing the type of green roof plantings that are proposed for this development). The spaces will be illuminated with bollard and low level accent lighting. Viewed from the residential buildings and the South Broadway entry plaza, the green roof will provide a unique nighttime experience.

In addition to the publicly accessible open space areas and the green roof, there will be a small residential courtyard above the loading and service garage roof, which courtyard would be reachable only through the entry lobbies for the two residential buildings. The courtyard will service the lobby, fitness center, leasing office and residents. It will contain small pedestal paver

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terraces, open bench seating as well as tables and chairs with integrated landscape plantings and will be illuminated by post, low level and accent lighting.

Stormwater Runoff and Treatment

As you know, managing stormwater is a critical issue for the City of White Plains and the region, yet the Premises are entirely impervious. Accordingly, the Applicant has directed that its consultants ensure that the design of this redevelopment meaningfully improve the overall environmental quality of the community by reducing the rate of run-off by approximately 40% from existing conditions. It is important to place that directive in context since the Premises constitutes 3.58 acres in an overall 3.92 acre watershed of urbanized development defined by the curb lines along Maple Avenue, Hale Avenue, South Broadway, and the northern property line adjacent to Westchester One. Virtually all of this watershed area -- 98.5% -- is comprised of impervious surfaces, including rooftops, drives, parking areas and sidewalks. The remaining 1.5% of the overall watershed consists of ornamental grass, shrubs, and tree wells located parallel to the surrounding roads and outside the confines of the Premises.

The proposed redevelopment of these Premises will incorporate an urban greening concept consisting of a combination of green roofs, tree box filters, and reclamation of impervious surfaces as landscape areas to create an effective strategy for managing storm water runoff and beautifying the built environment. Urban greening reduces the volume of runoff that would otherwise need to be controlled elsewhere in order to replicate natural watershed conditions and attenuate peak flows. In recent years, its use has increased due to its potential for addressing urban flooding and in reducing hydraulic loads on storm sewer systems. To turn back the tides of polluted storm water and overburdened storm sewer systems, many cities throughout the United States are launching ambitious plans involving urban greening. Effectively un-paving urban lands and using practices that help rainwater to be absorbed and better used nearer to where it falls, as opposed to installing larger collection systems.

Based upon dialogue with the City of White Plains Department of Public Works, the City's storm sewer in the vicinity of the project area is overburdened due to runoff generated by blocks of sidewalks, streets, and buildings. Aside from the volume of stormwater, untreated runoff is discharging into waterways and rivers. The storm water benefits offered by green roofs at 60 South Broadway help reduce the volume of runoff, delay the runoff peak and decreasing the peak rate of runoff from the project buildings simulating runoff characteristics expected from a lawn or meadow. These benefits make the proposed green roofs a practical method for easing the pressure on storm drainage systems, where so much of the City of White Plains' downtown is impervious. The proposed green roofs intercept storm water before it runs off a roof, which addresses the storm water issue at the source rather than after the runoff has been collected, a key strategy of urban greening.

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As with natural soil/plant systems, green rooftops reduce runoff problems by a variety of means, including:

- The storage of water in the substrate.
- Absorbing water in the root zone.
- Capturing and holding precipitation in the plant foliage where it is returned to the atmosphere through transpiration and evaporation.
- Slowing the velocity of direct runoff as it infiltrates through layers of vegetated cover.

The urban greening proposed herein will reduce the overall impervious area within the watershed by 33%: the equivalent of 1.3 acres. Accordingly, it is anticipated that the proposed project will reduce the rate of discharge for these Premises by over 40% at each design point. This result is significant, particularly given that the applicable regulations simply mandate that post-development flows not exceed pre-development discharge rates.

Update to SEQRA Record

This Application forwarded a Full Environmental Assessment Form – Part 1, dated July 9, 2015, prepared by BFJ Planning (“Full EAF”), which included a copy of the Findings Statement adopted by the Common Council as Lead Agency herein. In response to the request of the Environmental Officer, we respectfully enclose a completed “Environmental Assessment Report (EAF Part 3)” entitled, “60 South Broadway Mixed-Use Redevelopment Project, City of White Plains, Westchester County, New York,” prepared by BFJ Planning, dated October 20, 2015 (the “Part 3 EAF”). The Part 3 EAF summarizes the prior SEQRA review conducted by the Common Council with regard to the prior rezoning of the Premises from the B-6 District to the CB-3 District. Specifically, the Part 3 EAF cites to relevant portions of the prior Generic Environmental Impact Statement (“GEIS”) prepared in connection with such rezoning that was comprised of a Draft and Final GEIS.

Additional analyses were requested by the City to assist the Common Council in its evaluation of the potential environmental impacts associated with this redevelopment and are included with this submission. The Part 3 EAF incorporates the following analyses:

1. Traffic:
Analysis of additional traffic patterns since the South Broadway driveway portal, previously contemplated in the GEIS, being no longer provided in this plan.
2. Lighting:
Analysis of the lighting proposed for the building and its affect, if any, upon adjacent uses.

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3. Wind:

Analysis of the effect of winds on the surrounding properties and proposed development.

These additional analyses, together with the prior GEIS provide a full and complete background for the evaluation of potential environmental impacts associated with this redevelopment. We respectfully submit that there are no significant adverse environmental impacts arising out of, or in connection with this development, or if any exist, they have been mitigated to the maximum extent practicable as set forth herein.

Revised Plans

In response to comments and due to further refinement of the design, the plans have been revised in the following details:

- A. The rooftop amenities for both buildings have been modified to reduce the enclosed area dedicated thereto and to provide additional apartment area, while maintaining the same number of dwelling units at 707.
- B. To provide Affordable Housing for those at 60% of Westchester County Median Family Income ("MFI"), the development will include 36 dwelling units at 60% MFI rates.
- C. Modifications have been made to the upper level of the residential buildings, while maintaining the enclosed swimming pool.
- D. The location of the vehicular access driveway along Hale Avenue has been modified to separate the residential drop-off area from the garage entrance and exit portal;
- E. The drop-off area along South Broadway has been modified and relocated in accordance with comments issued by the Traffic Commission and Commissioner Soyk.
- F. Parking Signage and Message Plans were prepared by Desman Design Management and are enclosed, as more particularly detailed below.

In further support of this Application, we respectfully submit a limited set of plans that show revisions, only, as set forth on the following documents:²

1. Plans prepared by Perkins Eastman Architects, entitled "60 South Broadway, White Plains, NY, Site Plan Submission," dated July 15, 2015, last revised October 15, 2015 (unless otherwise noted) consisting of the following numbered and titled sheets:
 - a. Cover Sheet
 - b. (G-001) Project Info
 - c. (SV-1) Existing Conditions Plan

² Thirty-six (36) sets of plans have been submitted, as follows: 1 original, signed and sealed full-sized set; 15 full-sized sets; and 20 half-sized copies. The Full EAF and Building Permit Application have been submitted with 36 copies.

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- d. (AS-101) Architectural Site Plan
 - e. (LA-102) Landscape Plan
 - f. (A-201) Overall Exterior Elevations
 - g. (A-202) Overall Exterior Elevations
 - h. (A-203) Overall Exterior Elevations
 - i. (A-204) Overall Exterior Elevations
 - j. (A-101) Parking Level P-1 Floor Plan
 - k. (A-102) Parking Level P-2 Floor Plan
 - l. (A-103) Parking Level P-3 Floor Plan
 - m. (A-104) Parking Level P-4 Floor Plan
 - n. (A-105) Ground Floor Plan
 - o. (A-106) 2nd Floor Plan
 - p. (A-107) 3rd Floor Plan
 - q. (A-108) 23rd Floor Plan
 - r. (A-109) 24th Floor Plan
 - s. (A-110) Roof Plan
 - t. (A-301) Building Section
2. Landscape Architectural Drawings prepared by Moss Gilday Group, dated October 15, 2015 (unless otherwise noted) consisting of the following numbered and titled sheets:
- a. (LA-100) Overall Landscape Site Plan
 - b. (LA-101) Site Lighting Plan
 - c. (LA-102) Landscape Plan (Note: This plan is an inadvertent duplicate)
 - d. (LA-400) Landscape Site Plan South Broadway Residential Entrance
 - e. (LA-401) Landscape Site Plan South Broadway & Maple Avenue
 - f. (LA-402) Landscape Site Plan Maple Avenue & Hale Avenue
 - g. (LA-403) Landscape Site Plan Hale Avenue Residential Entrance
 - h. (LA-404) Landscape Site Plan Residential Courtyard
 - i. (LA-500) General Construction Notes, Legends and Schedules
 - j. (LA-501) Landscape Site Details
 - k. (LA-502) Landscape Details General Plant Schedule
 - l. (LA-503) Landscape Roof Details
 - m. (LA-504) Landscape Roof Details
 - n. (LA-505) Landscape Roof Details

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3. Civil Engineering drawings prepared by The Chazen Companies, dated October 15, 2015 (unless otherwise noted)³ consisting of the following numbered and titled sheets:
 - a. (C-001) Notes and Adjoining Properties Map
 - b. (C-002) Construction Notes
 - c. (C-003) Construction Notes
 - d. (C-101) Demolition Plan
 - e. (C-102) Demolition Plan
 - f. (C-110) Site Plan
 - g. (C-120) Grading and Erosion & Sediment Control Plan
 - h. (C-130) Utility Plan
 - i. (C-301) Ramp and Loading Area Profiles
 - j. (C-401) Overall Sanitary Sewer Off-Site Improvement Routing Diagram
 - k. (C-501) Site Details
 - l. (C-502) Sanitary Sewer System Details
 - m. (C-503) Water System Details
 - n. (C-504) Additional Water System Notes
 - o. (C-505) Erosion & Sediment Control Details
 - p. (C-506) Storm Sewer Details
4. Parking Signage and Message Plans prepared by Desman Design Management, entitled “60 South Broadway Parking Garage, White Plains, New York,” “Signage Message Plan,” dated September 11, 2015, consisting of the following numbered and titled sheets:
 - a. (A101) Parking Level P-1 Floor Plan
 - b. (A102) Parking Level P-2 Floor Plan
 - c. (A103) Parking Level P-3 Floor Plan
 - d. (A104) Parking Level P-4 Floor Plan
5. Full Environmental Assessment Form – Part 3, entitled “60 South Broadway Redevelopment Project,” dated October 20, 2015, prepared by BFJ Planning.

Please note that in connection with the maintenance of the landscaped areas and lighting, some of which is located within the City’s right-of-way, we respectfully request that the City authorize the Applicant to enter into one or more Maintenance Agreement whereby the Applicant shall undertake to manage and maintain such areas, including plants and lighting.

Accordingly, we respectfully submit that this Site Plan Application meets or exceeds the Standards set forth at Section 7.5 of the Zoning Ordinance, including but not limited to:

³ Technical civil engineering plans for water and sanitary sewer improvements have been separately submitted to the Department of Public Works and are being reviewed for comment in connection with this development.

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- Preserving and enhancing property values by replacing an aging and outdated enclosed retail facility with a positive and dynamic, mixed-use residential and retail/restaurant development that will be beneficial to both the downtown and the adjacent Carhart community;
- Improving and protecting environmental quality with this architecturally attractive development incorporating publicly accessible plaza areas, wide sidewalks and designated sitting areas for pedestrians to enjoy extensive landscaping;
- Modifying Maple Avenue from a wide roadway devoid of pedestrians to an attractive, landscaped streetscape for walking and shopping;
- Locating parking and loading in screened areas readily accessible, operationally efficient and safe for traffic circulation within and around the site; and
- Designing and constructing appropriate infrastructure to manage storm and surface water, including green roof technology and cisterns, among other things, thereby reducing impervious surfaces by 40%, minimizing impacts to the City's municipal systems and upgrading infrastructure substantially improving the existing conditions in the area.

For all the reasons set forth herein and detailed in this Application, we respectfully request that this supplemental submission be placed on the Agenda for consideration by the Common Council at its November 2, 2015 meeting.

Thank you for your consideration.

Respectfully submitted,

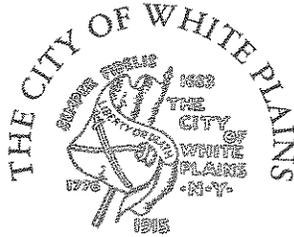


William S. Null

WSN:yp

Enclosures

Cc: John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Messrs. Timothy Mulcahy, George Vomvolakis and John Malone, Lennar Multifamily Communities LLC; Mr. Mike Cohn and Ms. Kerry-Ann Wilson, Lennar Commercial; Mr. Willing L. Biddle, Urstadt Biddle Properties Inc.; Messrs. Carl Ordemann and Stuart Lachs, Perkins Eastman; Mr. Christopher Lapine, P.E., The Chazen Companies; and Messrs. Frank Fish and Georges Jacquemart, and Ms. Sarah Yackel, BFJ Planning



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

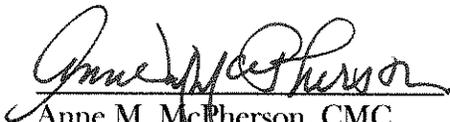
Anne M. McPherson CMC
City Clerk/Registrar

Elizabeth Scardino
Deputy Registrar

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Attached please find a petition submitted on behalf of Jonathan P. Krisbergh and Rachel Krisbergh, and Matthew P. Scanlon and Mary Eagleson (as trustees), to demap a portion of a paper street known as Greenacres Way (a/k/a Van Wart Avenue, f/k/a Oakley Avenue).

This is being forwarded for your information and referral at this time to appropriate City Departments, Boards and Commissions.


Anne M. McPherson, CMC
City Clerk

DATED: October 29, 2015

HOCHERMAN TORTORELLA & WEKSTEIN, LLP
ATTORNEYS AT LAW

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WHITE PLAINS, NEW YORK 10601-2319

GERALDINE N. TORTORELLA
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HENRY M. HOCHERMAN
RETIRED

September 11, 2015

Via Federal Express

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

RE: Petition For "Demapping" of a portion of Greenacres Way a/k/a Van Wart Avenue f/k/a Oakley Avenue

Dear Mayor Roach and Members of the Common Council:

We represent Jonathan P. Krisbergh and Rachel Krisbergh (the "Krisberghs") and Matthew P. Scanlon and Mary Eagleson, the latter two as trustees of both the amended and restated Matthew P. Scanlon 2004 Trust, dated April 1, 2009, and the amended and restated Mary Eagleson 2004 Trust, dated April 1, 2009 (collectively the "Trusts"). We are submitting this letter as a petition requesting on our clients' behalf that the Common Council "demap" that portion of the paper street known as Greenacres Way which is owned by our clients. Please note that this letter is executed by our clients, with their signatures hereon being duly acknowledged.

Greenacres Way is shown on the Official Map of the City of White Plains as Van Wart Avenue (and was apparently formerly known as Oakley Avenue). A copy of the City's Official map, with the location of Greenacres Way (a/k/a Van Wart Avenue) circled, is attached hereto as Exhibit A. The Krisberghs and the Trusts own lots located at 107 Greenacres Avenue, on which the Krisberghs reside (the "Krisbergh Lot"), and 113 Greenacres Avenue, on which Mary Eagleson and Matthew P. Scanlon reside (the "Trust Lot"). Both the Krisbergh Lot and the Trust Lot, which adjoin each other, run to the center line of Greenacres Way. Copies of the deeds by which the Krisberghs and the Trusts acquired their lots (including their respective portions of the roadbed of Greenacres Way) are attached hereto as Exhibits B and C, respectively.

Exhibits D and E to this letter are descriptions of the property within the bed of Greenacres Way owned by the Krisberghs and the Trusts, respectively. As you will note, the descriptions of the salient portions of the roadbed are made with reference to a filed subdivision plat, known as Map No. 2, Subdivision No. 1, White Plains Park, Westchester County made by

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

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and Members of the Common Council
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John M. Farley, Civil Engineer, dated September 24, 1902 and filed in the Office of the Registrar of the Westchester County (now known as the Office of the County Clerk, Division of Land Records) on November 7, 1902 in Volume 15 of Maps at page 21. A copy of said subdivision map is Exhibit F hereto.

Greenacres Way has not been dedicated as a public street and, to our clients' knowledge, has not been used by the public. Its surface is unimproved, except for portions which accommodate a common driveway that splits to serve as vehicular access to both the Krisbergh Lot and the Trust Lot. So far as our clients know, the identified segment of Greenacres Way has never been improved as a street. It does not serve as access to any property other than the Krisbergh Lot and the Trust Lot.

The driveway located within the right-of-way of Greenacres Way is, and for a number of years has been, in a state of disrepair. Its condition continues to deteriorate. On a number of occasions, the Krisberghs, their predecessors in interest in 107 Greenacres Avenue and Matthew Scanlon and Mary Eagleson have independently and jointly sought the permission from the City of White Plains Department of Public Works (the "Department") to improve the driveway to eliminate substandard conditions which potentially pose safety issues and generally constitute a nuisance. In each instance they were denied permission to make improvements and advised by the Department that the available options are to improve the salient portion of Greenacres Way to city road specifications – an action which would be prohibitively expensive – or obtain approval from the Common Council to demap the street. They are submitting this petition for demapping so that they can repair and improve the accessway to their homes and eliminate difficult and potentially unsafe conditions.

Since the portion of Greenacres Way which our clients seek to "demap" serves no public purpose, a request is hereby made pursuant to General City Law §29, Second Class Cities Law §101 and relevant provisions of the Charter and Code of the City of White Plains for: (1) the closure and discontinuance of Greenacres Way (Van Wart Avenue) to the extent described in Exhibits D and E to this letter; and (2) an amendment to the official map of this City which reflects the removal of the identified portion Greenacres Way (Van Wart Avenue) therefrom. To our clients' knowledge, neither the City nor any property owner would be adversely affected by the discontinuance of the portion of Greenacres Way requested in this petition, and our clients further submit that such an action would be consistent with sound planning and orderly development of the City.

Finally, we have also enclosed a completed short environmental assessment form prepared in accordance with the State Environmental Quality Review Act ("SEQRA"; collectively referring to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617). We believe that it is clear that the proposed action will have no significant environmental impacts.

HOCHERMAN TORTORELLA & WEKSTEIN, LLP

Hon. Thomas Roach, Mayor,
and Members of the Common Council
September 11, 2015
Page 3

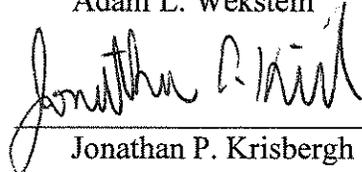
It is respectfully requested that this matter be placed before the Common Council at its earliest convenience for referral to the Planning Board in accordance with the requirements of the General City Law. We believe that once you consider our clients' application, your Council will issue a negative declaration under SEQRA and demap Greenacres Way.

Please contact me if you have any questions or need further information.

Respectfully submitted,

Hocherman Tortorella & Wekstein, LLP

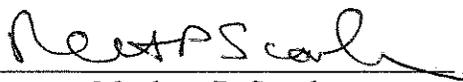
By: 
Adam L. Wekstein


Jonathan P. Krisbergh


Rachel Krisbergh

Mary Eagleson 2004 Trust and
Matthew P. Scanlon 2004 Trust

By: 
Mary Eagleson

By: 
Matthew P. Scanlon

ALW:hc
Enclosures

cc: (via federal express w/enclosures)
John Callahan, Esq.