



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

PLEDGE TO THE FLAG: Hon. Dennis Krolian

ROLL CALL: City Clerk

APPOINTMENT:

1. Communication from Council President in relation to an appointment of David Schiff to the Board of Ethics to a term which will expire on December 31, 2018. **F/S**

LOCAL LAW:

2. Public Hearing in relation to Local Law Introductory No. 2 of 2016, which would provide for the abatement of taxes pursuant to the Real Property Tax Law for the alteration or rehabilitation of historic properties. **OPENED/ADJOURNED TO DEC 5, 2016**
3. Local Law Introductory No. 2 of 2016. A Local Law providing for the abatement of taxes pursuant to Section 444-a of the Real Property Tax Law for the alteration or rehabilitation of historic properties. **TABLED TO DEC 5, 2016.**

ADJOURNED

PUBLIC HEARING:

4. Public Hearing on a proposed amendment to the Zoning Ordinance to add "Nursery Business" as a Special Permit Use, and add "Organic Manufacturing" as a Principal Permitted Use. **OPENED/ADJOURNED TO DEC 5, 2016**
5. Environmental Findings Resolution **TABLED 5 - 0. NAYS: Mr. Kirkpatrick and Mrs. Smayda**
6. Ordinance amending an ordinance entitled the Zoning Ordinance of the City of White Plains by adding "Nursery Business" as a Special Permit Use and adding "Organic Manufacturing" as a principally permitted use. **TABLED 5 - 0. NAYS:**

Mr. Kirkpatrick and Mrs. Smayda

**FIRST READING
ORDINANCES:**

7. Communication from Corporation Counsel in relation to certain tax review proceedings. **F/S**
8. Ordinance authorizing the settlement of certain tax review proceedings. **ADOPTED 7 - 0.**
9. Communication from Corporation Counsel in relation to a revocable license agreement between the City and The Westchester Mall, to permit encroachments into the City's Right-of-Way in connection with freestanding exterior direction signs for the Westchester Mall located at 125 Westchester Avenue and 33 Paulding Street. **F/S**
10. Ordinance of the Common Council of the City of White Plains authorizing the Commissioner of Public Works or his designee, to enter into a revocable license agreement between the City and The Westchester Mall, to permit encroachments into the City's Right-of-Way in connection with eleven freestanding exterior direction signs for the Westchester Mall located at 125 Westchester Avenue and 33 Paulding Street. **ADOPTED 7 - 0**
11. Communication from Corporation Counsel in relation to the retention of the law firm of Andrew Roffe Group, P.C., as Special Counsel for the period November 15, 2016 through November 14, 2017. **F/S**
12. 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, 2016 through November 14, 2017. **ADOPTED 7 - 0.**
13. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5485, Renaissance Fountain Improvements. **F/S**
14. Communication from Environmental Officer **F/S**
15. Environmental Findings Resolution **ADOPTED 5 - 0. NAY: Mr. Krolian. Abstention: Mrs. Lecuona.**
16. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5485, entitled, Renaissance Fountain Improvements. **ADOPTED 5 - 0. NAY: Mr. Krolian. Abstention: Mrs. Lecuona**
17. Bond Ordinance dated November 7, 2016, authorizing the issuance of \$300,000 aggregate principal amount serial bonds of the City of White Plains, County of

Westchester, State of New York, to finance the costs of the acquisition, construction and reconstruction of improvements to City parks and recreation areas. **ADOPTED 5 - 0. NAY: Mr. Krolian. Abstention: Mrs. Lecuona.**

18. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5486, Indoor Firearms Range. **F/S**
19. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects fund by establishing Capital Project No. C5486, Indoor Firearms Range. **ADOPTED 7 - 0.**
20. Bond Ordinance dated November 7, 2016, authorizing the issuance of \$313,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance a portion of the cost of the construction or reconstruction of City owned buildings. **ADOPTED 7 - 0**
21. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5487, Renovations to Fire Facilities FY 2016-2017. **F/S**
22. Communication from Environmental Officer. **F/S**
23. Environmental Findings Resolution **ADOPTED**
24. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5487, Renovations to Fire Facilities FY 2016-2017. **ADOPTED 7 - 0**
25. Bond Ordinance dated November 7, 2016, authorizing the issuance of \$505,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance a portion of the cost of the construction or reconstruction of City owned buildings. **ADOPTED 7 - 0**
26. Communication from Commissioner of Public Works in relation to a donation from The Simon Property Group, The Westchester Mall, of winter holiday decorations to be used at various locations around the City. **F/S**
27. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to accept, on behalf of the City of White Plains, a donation of winter holiday decorations to be used at various locations throughout the City of White Plains, from the Simon Property Group specifically, the Westchester Mall, including several wreaths, and some large reindeer along with several large festival ornaments. **ADOPTED 7 - 0**
28. Communication from Commissioner of Public Works in relation to a three month extension of an Inter-municipal Agreement between the City and the County of Westchester to construct, operate and maintain bus shelters within the City. **F/S**

29. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a three (3) month extension from April 1, 2016 through June 30, 2016, ("First Amendment Agreement"), of a five (5) year Inter-municipal Agreement ("IMA") with the County of Westchester to continue to construct, operate and maintain bus shelters in the City of White Plains previously authorized by the Common Council by Ordinance adopted December 5, 2011, for a term commencing April 1, 2011 and terminating on March 31 2016. **ADOPTED 7 - 0**
30. Communication from Commissioner of Public Works in relation to the renewal of a five year Inter-municipal Agreement between the City and the County of Westchester to construct, operate and maintain bus shelters within the City commencing on July 1, 2016 and terminating on June 30, 2021. **F/S**
31. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a five year Inter-municipal Agreement ("IMA") with the County of Westchester to continue to construct, operate and maintain bus shelters in the City of White Plains. **ADOPTED 7 - 0**
32. Communication from Commissioner of Public Works in relation to a proposed amendment to the Municipal Code Water Rules and Regulations and revising water rates and fees pursuant to Section 197 of the City Charter. **F/S**
33. Ordinance of the Common Council of the City of White Plains amending Section 7-8-1, Definitions, and Paragraphs D, E, F, and I, 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 for connection fees. **ADOPTED 7 - 0**
34. Communication from Deputy Commissioner of Planning in relation to a grant in the amount of \$175,000 from the Local Initiatives Support Corporation, New York State Housing Stabilization Fund to implement Housing Quality Improvement and Enforcement Programs, Zombie and Vacant Properties Remediation and Prevention Grant Program. **F/S**
35. Ordinance of the Common Council authorizing the Mayor or his designee to enter into a grant agreement and accept, on behalf of the City of White Plains, a grant from the Local Initiatives Support Corporation, New York State Housing Stabilization Fund to implement Housing Quality Improvement and Enforcement Programs, Zombie and Vacant Properties Remediation and Prevention Grant Program. **ADOPTED 7 - 0**
36. Communication from Director, Youth Bureau, in relation to an award of \$40,000 from the Westchester Clubmen Foundation to be used to operate the Clubmen Higher Aims

Program. **F/S**

37. 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 2016-2017 Youth Development Fund to reflect this Award. **ADOPTED 7 - 0**
38. Communication from Director, Youth Bureau, in relation to award in the amount of \$11,500 from the Regional Partnership of Schools and Colleges to assist in the operation of the Great Potential Program. **F/S**
39. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a contract with the SUNY Great Potential Program to receive a grant in the amount of \$11,500 and to authorize the Budget Director to amend the FY 2016/17 Youth Development Fund to reflect this Grant. **ADOPTED 7 - 0**
40. Communication from Director, Youth Bureau, in relation to an amendment to a previously accepted grant from the New York State OASAS for the Project Hope Program, to include an additional \$12,000 contribution from the Friends of the White Plains Youth Bureau. **F/S**
41. Ordinance amending ordinances adopted January 4, 2016 and April 4, 2016, entitled, "An ordinance of the Common Council of the City of White Plains authorizing the Mayor to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive \$183,662, in funding to continue the Project Hope Program through the New York State Office of Alcohol and Substances Abuse Services (OASAS) providing alcohol and substance prevention services to the City of White Plains." **ADOPTED 7 - 0**
42. Communication from the Personnel Officer in relation to amendments to the White Plains Municipal Code Compensation and Leave Plan by establishing certain position titles. **F/S**
43. Ordinance amending the White Plains Municipal Code by amending Section 2-5-78 of the Compensation and Leave Plan by establishing certain position titles. **ADOPTED 7 - 0**
44. Communication from Chairman, Transportation Commission, in relation to amendment to the Traffic Ordinance at various locations around the City. **F/S**
45. Ordinance amending the Traffic Ordinance of the City of White in relation to creating a "Stop Intersections" on Hillair Circle at its intersection with Durham Road; modifying a "No Parking" Zone on the south side of Martine Avenue'

creating a “Fifteen Minute Parking-All times”Zone on the south side of Martine Avenue; and modifying a “Two Hour Meter Parking” Zone on the south side of Hamilton Avenue. **ADOPTED 7 - 0**

RESOLUTIONS:

46. Communication from Corporation Counsel in relation to an petition submitted on behalf of Danone Foods, Inc., and the Dannon Company, Inc., for proposed amendments to the Zoning Ordinance to allow an “Accessory Food Laboratory” by a Special Use Permit on certain parcels in the B-1 Zoning District, and including restrictions on the sale of any product created, processed, or otherwise altered by an “Accessory Food Laboratory.”
F/S
47. Communication from Planning Board **F/S**
48. Communication from City Clerk **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., CONSERVATION BOARD, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
49. Resolution of the Common Council of the City of White Plains scheduling a public hearing for December 5, 2016, in relation to the petition submitted on behalf of Danone Foods, Inc., and the Dannon Company, Inc., (“Applicant”) for proposed amendments to the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) to allow an “Accessory Food Laboratory” by a Special Use Permit on certain parcels in the B-1 Zoning District and including restrictions on the sale of any product created, processed, or otherwise altered by an “Accessory Food Laboratory.” **ADOPTED**
50. Communication from Corporation Counsel in relation to an application submitted on behalf of One DeKalb LLC, for site plan approval to construct a 77 unit multifamily apartment building, and Special Permit to permit it to stand six stories high, which will require the de-mapping of a 4,522 parcel of City owned land which the applicant intends to purchase. **F/S**
51. Resolution of the Common Council of the City of White Plains scheduling a public hearing for December 7, 2016, in relation to the application submitted on behalf of One DeKalb LLC (“Applicant”), the owner of One DeKalb Avenue, for approval of a Special Permit in accordance with Section 5.3, Footnote (t) of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), to construct a six (6) story (65 foot) 77 unit apartment building, including 103 parking spaces at One DeKalb Avenue (Section 125, Block 84, Lots 1,2,3,16 and 17), located within the RM-1 Zoning District. **ADOPTED**
52. Communication from Commissioner of Public Works in relation to the proposed discontinuance of a 4,522 sq. ft. portion of Maple Avenue in the City of White Plains.

F/S

- 52a. Communication from the Planning Board **F/S**
53. Resolution of the Common Council of the City of White Plains scheduling a public hearing for December 5, 2016, on the proposed discontinuance of a 4,522 sq. ft. portion of Maple Avenue. **ADOPTED**

ITEMS 54 - 64 F/S

54. Communication from Commissioner of Building in relation to an application submitted on behalf of Maple and Broadway Holdings, LLC, for an extension of the Site Plan and Special Permit approval for the project at 60 South Broadway.
55. Communications from Design Review Board
56. Commissioner of Planning
57. Planning Board
58. Commissioner of Public Safety
59. Commissioner of Public Works
60. Deputy Commissioner, Traffic Division
61. Transportation Commission
62. Commissioner of Parking
63. Westchester County Planning Board
64. Environmental Officer
65. Environmental Findings Resolution **ADOPTED**
66. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Maple and Broadway Holdings, LLC, (“Applicant”) in cooperation with Urstadt Biddle Properties, Inc., the owner of the premises located at 60 South Broadway, for a one (1) year extension of the six (6) Special Permit Approvals for Outdoor Dining and Site Plan Approval granted on February 1, 2016, for the proposed redevelopment of the Westchester Pavilion site at 60 South Broadway, including a new approximately 856,499 sq. ft. mixed use residential and retail/restaurant development, consisting of 707 multi family units, 43 units of which will be affordable at 60% of Westchester County’s medial family income (“MFK”), within two (2) 24 story buildings, with a maximum height of 280 feet and located on top of approximately 93,840 st. ft. of street level accessible commercial use, including approximately 77,340 sq. ft. of retail and 16,500 sq. ft. of restaurant with 1,800 sq. ft of outdoor dining, and a four (4) level below grade parking garage with approximately 1,037 parking spaces, and residential community amenities to include a first floor grand lobby with ah full time concierge/door attendant, two (2) rooftop pools and sky garden, pet area, fitness facility and clubroom, and payment by the applicant of fee-in-lieu in the amount of \$2,330,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property, to mitigate the recreational impact of the new multi family project, in accordance with General City Law Section 27-A. **ADOPTED**

ITEMS 67 - 78 F/S

67. Communication from Commissioner of Building in relation to an application submitted

- 86. Commissioner of Public Works
- 87. Deputy Commissioner, Traffic Division
- 88. Transportation Commission
- 89. Commissioner of Parking
- 90. Westchester County Planning Board
- 91. Environmental Officer

92. Environmental Findings Resolution **ADOPTED**

93. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Post Maple 77, a related company of Grid Properties, Inc., (“Applicant”), the owner developer, and operator of the premises near the intersection of West Post Road and Maple Avenue on the southwesterly edge of the City of White Plains, consisting of approximately 4.2 acres and comprised of the following tax lots: Section 130.34, Block 5, Lots 1 through 6, 8 and 9; Section 130.34, Block 6, Lots 6, 7, 8 and 9; and Section 130.34, Block 5, Lot 7 (declared herein to be a single “Development Site”) for site plan approval of a mixed-use development of approximately 220,000 leasable square feet of retail and fitness uses, twelve (12) “Townhouse” multi-family dwelling units, and an approximately 720 space self-park parking garage with additional valet parking for up to 82 parking spaces and 54 satellite parking spaces as needed and 37 joint use parking spaces to serve all the uses of the property (known collectively as “The Boulevard”), and payment by the applicant of fee-in-lieu in the amount of \$36,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property, to mitigate the recreational impact of the new multi-family project, in accordance with General City Law Section 27-A. **ADOPTED**

ITEMS 94 - 105 F/S

94. Communication from Commissioner of Building in relation to an application submitted on behalf of OSG Mamaroneck LLC, for a one year site plan extension for previously approved improvements at 1311 Mamaroneck Avenue.

- 95. Communications from Design Review Board
- 96. Commissioner of Planning
- 97. Planning Board
- 98. Commissioner of Public Safety
- 99. Commissioner of Public Works
- 100. Deputy Commissioner, Traffic Division
- 101. Transportation Commission
- 102. Commissioner of Parking
- 103. Conservation Board
- 104. Westchester County Planning Board
- 105. Environmental Officer

106. Environmental Findings Resolution **ADOPTED**

107. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of OSG Mamaroneck LLC, d/b/a Onyx Equities, the owner of property known as 1311 Mamaroneck Avenue (Section 138.18, Block 1, Lot 3) (“Applicant”), located in the C-O (Campus Office) Zoning District for a one (1) year extension of an amendment to the previously approved site

plan on property containing “Environmentally Sensitive Features” to allow certain site plan improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting, in accordance with Sections 4.4.25.2, 7 and 8, of the Zoning Ordinance. **ADOPTED**

108. Communication from Deputy Commissioner of Planning approving a Memorandum of Understanding among the City of White Plains and the various entities that will provide education and training programs at the White Plains Education & Training Center. **F/S**
109. Resolution authorizing the Mayor or his designee to execute a Memorandum of Understanding among the City of White Plains (White Plains Education and Training Center), Culinary Tech Center, Lifting Up Westchester Inc., Southern Westchester BOCES through El Centro Hispano, Inc., Westchester Community College, My Money Workshop, Inc., Job Search Direction, Inc., RDC Center for Counseling and Human Development, Inc., Women’s Enterprise Development Center and Community Capital of New York; to provide education and training programs at the White Plains Education & Training Center. **ADOPTED**

ITEM FOR REFERRAL:

110. Communication from the City Clerk in relation to an amended petition submitted on behalf of WP Development NB, LLC, to amend the Zoning Ordinance to permit the re-development of 52 North Broadway to include multi-family rental housing units, graduate or professional school housing, and an assisted living/memory care facility. **F/S AND REFER TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., CONSERVATION BOARD, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
111. Communication from Commissioner of Building in relation to an application submitted on behalf of Westmoreland Lofts, LLC, for the development of a new five story mixed-use building which would include sixty-two residential rental units on floors 2 - 5, and retail/manufacturing space on the ground floor, with ninety seven parking spaces on a space approximately 58,000 sq. ft. **F/S AND REFER 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.**
112. Communication from Commissioner of Building in relation to an application submitted on behalf of the French American School of New York (FASNY) for Site Plan and Special Permit approval of an alternative plan application to construct a school at 336 Ridgeway. **F/S AND REFER TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., CONSERVATION BOARD, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**