COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
FEBRUARY 1 2016
7:30 P.M.

PLEDGE TO THE FLAG: Hon. Beth Smayda

ROLL CALL: City Clerk

APPOINTMENTS:

1. Communication from the Council President recommending the appointment of Leonard Gruenfeld as a member of the Recreation Advisory Committee to a term which will expire January 1, 2018. **F/S/A**

2. Communication from the Council President recommending the re-appointment of Paul Schwarz, Yuki Haynes, and Hope Furth to the Library Board to terms which will expire on December 31, 2018. **F/S/A**

LOCAL LAW:

3. Communication from Commissioner of Building in relation to proposed Local Law Introductory No. 1 of 2016, a Local Law amending Local Law No. 1 of 2015 adopted May 4, 2015 and codified in Title IX of the White Plains Municipal Code, and scheduling a public hearing for March 7, 2016. **F/S**

4. Local Law Introductory No 1 of 2016 amending Local Law No.1 of 2015, adopted May 4, 2015, codified in title IX of the White Plains Municipal Code Section 9-6 entitled, "Historic Preservation" by amending Sections 9-6-2 and 9-6-3, relating to recommendations of landmarks or historic districts and notice. **OFFERED ONLY**

5. Resolution of the Common Council of the City of White Plains scheduling a public hearing for March 7, 2016, in relation to Local Law Introductory No. 1 of 2016, amending Local Law No. 1 of 2015, adopted May 4, 2015, entitled, "A Local Law amending Title IX of the White Plains Municipal Code by adding Section 9-6 to the White Plains Municipal Code to be entitled, "Historic Preservation." **ADOPTED**

PUBLIC HEARINGS:

6. Public Hearing in relation to a petition submitted on behalf of Post Maple 77, LLC, to amend the Zoning Ordinance to reclassify three lots on Rathbun Avenue from Neighborhood Business District (B-2) to Intermediate Business District (B-3). **OPENED/CLOSED**

ITEMS 7 - 16 F/S

7.	Communications from	Deputy Commissioner of Building
8.		Commissioner of Planning
9.		Planning Board
10.		Commissioner of Public Safety
11.		Commissioner of Public Works
12.		Deputy Commissioner, Traffic Division
13.		Transportation Commission
14.		Commissioner of Parking
15.		Westchester County Planning Board
16.		Environmental Officer

17. Environmental Findings Resolution **ADOPTED**

18. Ordinance amending an ordinance entitled, "The Zoning Ordinance of the City of White Plains" with respect to re-zoning 1 Rathbun Avenue, 3 Rathbun Avenue and 5 Rathbun Avenue, from the B-2 Neighborhood Business District to the B-3 Intermediate Business District. **ADOPTED 7 - 0**

19. Public Hearing in relation to the application submitted on behalf of Post Maple 77, LLC, on the proposed discontinuance of Brady Place in the City of White Plains. **OPENED/CLOSED**

ITEMS 20 - 29 F/S

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

30. Environmental Findings Resolution **ADOPTED**

31. Ordinance of the Common Council of the City of White Plains discontinuing Brady Place in the City of White Plains. **ADOPTED 7 - 0**

32. Public Hearing n relation to a petition submitted on behalf of Esplanade of White Plains Venture Partnership, to amend the Zoning Ordinance Schedule of Dimensional Regulations (Section 5.3) to eliminate the minimum requirement in the BC-1 Zone for 500 square of lot area per dwelling unit when a project is proposed in an existing building. **OPENED/CLOSED**

ITEMS 33 - 42 F/S

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

43. Environmental Findings Resolution **ADOPTED**

44. Ordinance amending an ordinance entitled, “The Zoning Ordinance of the City of White Plains,” at Section 5.3 of the Zoning Ordinance regarding Schedule of Dimensional Regulations, Non-residential Table, to add a new footnote with respect to the CB-1 District.

45. Public Hearing in relation to the application submitted on behalf of Lifting Up Westchester (formerly known as Grace Church Community Center) for a renewal of a Special Permit to operate an Overnight Shelter for the Homeless, consisting of nineteen (19) overnight beds located on the third floor of 86-88 East Post Road. **OPENED/CLOSED**

ITEMS 46 - 55 F/S

46.	Communications from	Deputy Commissioner of Building
47.		Commissioner of Planning
48.		Planning Board
49.		Commissioner of Public Safety
50.		Commissioner of Public Works
51.		Deputy Commissioner, Traffic Division
52.		Transportation Commission
53.		Commissioner of Parking
54.		Westchester County Planning Board
55.		Environmental Officer

56. Environmental Findings Resolution **ADOPTED**

57. Resolution of the Common Council of the City of White Plains approving pursuant to Sections 6.5 and 6.7.20 of the Zoning Ordinance, a renewal of the Special Permit to operate an Overnight Shelter for the Homeless to be located on the third floor of the building at 86 - 88 East Post Road. **ADOPTED**

58. Resolution of the Common Council of the City of White Plains modifying the maximum number of persons permitted nightly accommodation at the Overnight Shelter for the Homeless, known as Open Arms, to permit fourteen seasonal cots in the basement of 86 - 88 East Post Road from December through April. **ADOPTED**

59. Public Hearing in relation to the application submitted on behalf of Lifting Up westchester (formerly known as Grace Church Community Center) for a renewal of a Special Permit to operate an Emergency Shelter for the Homeless, at 86-88 East Post Road. **OPENED/CLOSED**

ITEMS 60 - 69 F/S

60.	Communications from	Deputy Commissioner of Building
61.		Commissioner of Planning
62.		Planning Board
63.		Commissioner of Public Safety
64.		Commissioner of Public Works
65.		Deputy Commissioner, Traffic Division
66.		Transportation Commission
67.		Commissioner of Parking
68.		Westchester County Planning Board
69.		Environmental Officer

70. Environmental Findings Resolution **ADOPTED**

71. Resolution of the Common Council of the City of White Plains approving pursuant to Section 6.5 and 6.7.10 of the Zoning Ordinance a renewal of the Special Permit to operate an Emergency Shelter for the Homeless to be located on the second floor of the building at 86-88 East Post Road. **ADOPTED**

72. Public Hearing in relation to the application submitted on behalf of Lifting Up Westchester (formerly known as Grace Church Community Center) for a renewal of a Special Permit to operate a Social Services Center for homeless persons at 86-88 East Post Road. **OPENED/CLOSED**

ITEMS 73 - 82 F/S

73.	Communications from	Deputy Commissioner of Building
74.		Commissioner of Planning
75.		Planning Board
76.		Commissioner of Public Safety
77.		Commissioner of Public Works
78.		Deputy Commissioner, Traffic Division
79.		Transportation Commission
80.		Commissioner of Parking
81.		Westchester County Planning Board
82.		Environmental Officer

83. Environmental Findings Resolution **ADOPTED**

84. Resolution of the Common Council of the City of White Plains approving pursuant to Sections 6.5 and 6.7.22, of the Zoning Ordinance, a renewal of the Special Permit to operate a Social Services Center for Homeless Persons to be located on the first floor of the building at 86-88 East Post Road. **ADOPTED**

FIRST READING
ORDINANCES:

85. Communication from Corporation Counsel in relation to Common Council approval of the White Plains Housing Authority's sale of 120 Lake Street to the WP Housing Company, Inc., and other entities in order to obtain Federal benefits to maintain low income housing. **F/S**

86. Resolution of the Common Council of the City of White Plains approving the White Plains Housing Authority's sale of 120 Lake Street to the WP Housing Company, Inc., and other entities in order to obtain Federal benefits to maintain low income housing. **ADOPTED**

87. Ordinance authorizing the Mayor to enter into a Tax Abatement Agreement pursuant to Private Housing Finance Law Section 577, in connection with a project of the WP Lakeview Housing Development Fund Corporation and Lakeview Affordable Housing, LLC. **ADOPTED 7 - 0**

88. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5472, Morpho Trust Fingerprinting. **F/S**

89. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5472, entitled, Morph Trust Fingerprinting. **ADOPTED 7 - 0**

90. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5473, Kittrell Park Improvements. **F/S**

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

92. Environmental Findings Resolution **ADOPTED**

93. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5473, Kittrell Park Improvements. **ADOPTED 7 - 0**

94. Bond Ordinance dated February 1, 2016, authorizing the issuance of $404,000 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 7 - 0**

95. Communication from Commissioner of Recreation and Parks in relation to an agreement between the City and Arluck Promotions, Inc., to retain the services of U.S. Olympian Chloe Sutton to appear as a guest at various swim programs offered in connection with the City-sponsored Jump In and Swim Program, from March 16-19, 2016. **F/S**

96. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into an agreement with Arluck Promotions, Inc., retaining the professional consulting services of U.S. Olympian athlete Chloe Sutton to appear as a featured guest at various swim programs offered in connection with the City-sponsored "Jump In and Swim" Program from March 16-19, 2016. **ADOPTED 7 - 0**

97. Communication from Commissioner of Recreation and Parks in relation to the establishment of the Schedule of User Fees for the White Plains Department of Recreation and Parks to be effective as of March 1, 2016. **F/S**

98. Ordinance of the Common Council of the City of White Plains establishing and approving a Schedule of User Fees for the White Plains Department of Recreation and Parks. **ADOPTED 7 - 0**

99. Communication from Deputy Commissioner of Planning in relation to an agreement for staffing of a Westchester Community College liaison at the White Plains Education and Training Center. **F/S**

100. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a consulting agreement with Westchester Community College ("Consultant") to provide staffing of a Westchester Community College liaison at the White Plains Education and Training Center. **ADOPTED 7 - 0**

101. Communication from Deputy Commissioner of Planning in relation to an agreement with Lifting Up Westchester, Inc., to provide home health aide training at the White Plains Education and Training Center. **F/S**

102. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a consulting agreement with Lifting Up Westchester, Inc., ("Consultant") to provide home health aide training at the White Plains Education and Training Center. **ADOPTED 7 - 0**

103. Communication from Director, Youth Bureau, in relation to an increase in grand funding b y $10,771.50 from the New York State Department of Health, in support of the Comprehensive Adolescent Pregnancy Prevention Program. **F/S**

104. Ordinance authorizing the mayor or his designee to enter into an agreement amending the sub-contract with Planned Parenthood Hudson Peconic, Inc., a contractor for the Ne York State Department of Health, to extend the subcontract for an additional six months and increasing the grant funding by $10,771.50, for a total of $32,315, for the City of White Plains (Youth Bureau) to support the Comprehensive Adolescent Pregnancy Prevention Program (CAPP) and to amend the FY 2015/2016 Youth Development Fund to reflect said Grant increase. **ADOPTED 7 - 0**

105. Communication from Director, Youth Bureau, in relation to a grant in the amount of $28,882 from the County of Westchester in support of the Youth Bureau's Comprehensive Youth Alternatives Projects Program. **F/S**

106. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to execute an agreement to accept on behalf of the City of White Plains (through its Youth Bureau), a $28,882 Grant from the County of Westchester to support the White Plains Youth Bureau's Comprehensive Youth Alternatives Projects Program. **ADOPTED 7 - 0**

107. Communication from Director, Youth Bureau, in relation to the Youth Bureau's Schedule of Fees for Fiscal Year 2016/2017. **F/S**

108. Ordinance of the Common Council of the City of White Plains establishing and approving a Schedule of User Fees for FY 2016/2017 fo the White Plains Youth Bureau. **ADOPTED 7 - 0**

109. Communication from Commissioner of Finance in relation to the proposed refunding of Public Improvement Serial Bonds. **F/S**

110. Refunding Bond Ordinance dated February 1, 2016, authorizing the issuance of refunding serial bonds of the City of White Plains, State of New York, pursuant to Section 90.10 of the Local Finance Law of the State of New York, providing for other matters and making certain determinations in relation thereto and providing for the payment of the bonds to be refunded thereby. **ADOPTED 7 -**

111. Communication from Commissioner of Finance in relation to the proposed de-authorization of serial bonds in the amount of $125,000. **F/S**

112. Bond Ordinance dated February 1, 2016, de-authorizing the issuance of $125,000 aggregate principal amount serial bonds of the City of White Plains, New York, previously authorized on January 3, 1012, to finance the cost of improvements to Class A Buildings. **ADOPTED 7 - 0**

113. Communication from Commissioner of Parking in relation to a proposed amendment to

the White Plains Municipal Code to add Chapter 4-27 to be entitled, "Valet Parking." **F/S**

114. Ordinance of the Common Council of the City of White Plains amending Title IV of the White Plains Municipal Code by adding Chapter 4-27 entitled, "Valet Parking." **ADOPTED 6 - 0. Recusal: Mrs. Smayda**

115. Communication from Deputy Commissioner, Department of Parking in relation to amendments to the Traffic Ordinance at various locations around the City. **F/S**

116. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to creating a new Valet Permit Parking provision; creating a "No Stopping-Valet Drop Off Area"; modifying a "Handicapped Parking Spaces - Streets" (Metered Three-Hour Maximum) on the est side of Mamaroneck Avenue; modifying a "Handicapped Parking Spaces - Streets (Metered Three-Hour Maximum) on the north side of Martine avenue; modifying a "No Standing Any Time" Zone on the est side of Mamaroneck Avenue; and modifying "Overnight Flashing of Intersection Traffic Control Signals - Under Computer Control" for the intersection of North Broadway at Bond Street and Otis Avenue. **ADOPTED 6 - 0. Recusal: Mrs. Smayda**

RESOLUTIONS:

ITEMS 117 - 128

117. Communication from Deputy Commissioner of Building in relation to an application submitted on behalf of Maple and Broadway Holdings, LLC, in cooperation with Urstadt Biddle Properties, Inc., for six Special Permit approvals for Outdoor Dining, and Site Plan Approval for the proposed redevelopment of the Westchester Pavilion at 60 South Broadway, to a mixed use residential and retail/restaurant development.

118.	Communications from	Design Review Board
119.		Commissioner of Planning (2)
120.		Planning Board
121.		Commissioner of Public Safety
122.		Commissioner of Public Works (2)
123.		Deputy Commissioner, Traffic Division
124.		Transportation Commission
125.		Commissioner of Parking
126.		Conservation Board
127.		Westchester County Planning Board (2)
128.		Environmental Officer

129. Environmental Findings Resolution **ADOPTED**

130. 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 six (6) Special Permit approvals for Outdoor Dining and Site Plan Approval for the proposed redevelopment of the Westchester Pavilion site at 60 South Broadway, including a new approximately 856,499 square foot 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 median family income ("MFI"), within two (2) 24 story buildings, with a maximum height of 280 feet and located on top of approximately 93,840 square feet of street level accessible commercial use, including approximately 77,340 square feet of retail and 16,500 square feet of restaurant, with 1800 square feet 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 a 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**

131. Communication from the Mayor in relation to the certification of a Home Rule request seeking enactment of New York State Legislation in relation to establishing a City of White Plains Industrial Development Agency. **F/S**

132. Resolution of the Common Council of the City of White Plains authorizing the certification of a Home Rule request seeking enactment of State legislation amending the General Municipal Law to establish the White Plains Industrial Development Agency (Assembly Bill No. A01469) (Senate Bill No. S02320). **ADOPTED**

133. Communication from the City Clerk in relation to a change of date for the Regular Stated Meeting of the Common Council for May 2016 from Monday, May 2, 2016, to Wednesday, May 4, 2016 at 7:30 p.m. **F/S**

134. Resolution of the Common Council of the City of White Plains setting the date for the Regular Stated Meeting of the Common Council for May 2016, as May 4, 2016. **RESCINDED**

135. Communication from the City Clerk in relation to a resolution adopted January 4, 2016 scheduling a public hearing for February 1, 2016, on an application submitted by Wild Fusion Asian Sushi Grille and Bar for an Accessory Cabaret Use at 250 Main Street. **F/S**

136. Resolution of the Common Council of the City of White Plains rescinding a resolution adopted January 4, 2016 entitled, "Resolution of the Common Council of the City of White Plains scheduling a public hearing for February 1, 2016, in relation to the application submitted on behalf of Wild Fusion 2 Inc., ("Applicant') for a Special Permit to operate an Accessory Cabaret at the Wild Fusion located at 250 Main Street." **ADOPTED**

137. Communication from the Corporation Counsel in relation to a resolution regarding Special Permit and Site Plan Approval for the French American School of New York (FASNY) to construct a school complex at 400 Ridgeway. **F/S**

138. Resolution of the Common Council of the City of White Plains granting: (1) pursuant to Sections 2, 4, 5, 6, 7 and 8 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), Special Permit/Site Plan Approval for a "Private Elementary School" and "Private Secondary School" to be operated by the French-American School of New York ("FASNY") at 400 Ridgeway, a site consisting of approximately 131 acres on SBL 131.10-3-43.1 (aka 400 Ridgeway and referred to hereinafter as "Parcel A"), SBL 131.14-2-3 (aka Gedney Esplanade and referred to hereinafter as "Parcel B"), SBL 131.10-1-6 (aka 213-223 Bryant Avenue and referred to hereinafter as "Parcel C"), SBL 131.14-9-3 (aka 336 Ridgeway and referred to hereinafter as "Parcel D"), AND SBL 131.11-12-1 (aka 557 North Street or 565 North Street and referred to hereinafter as the "North Street Property" and, as merged with Parcel D the ("Expanded Parcel D") all located in the R1-30 District; (2) pursuant to Sections 4, 5, 7 and 8 of the Zoning Ordinance, site plan approval for a "Nursery School" accessory to the "Private Elementary School" and "Private Secondary School;" (3) pursuant to Sections 2, 4, 5, 6, 7 and 8 of the Zoning Ordinance, Special Permit/Site Plan Approval for tennis court structures to be located on Parcel A in the southwesterly area of the FASNY Property; (4) approvals for the (A) Final Transportation Management Plan, (B) Final Site Landscaping Plan, (C) Final Conservancy Area Master Plan, (D) Final Construction Management Plan for the FASNY School Project, and (E) Final Declaration of Covenants, Restrictions and Easement; and (5) approvals under Section 4.4.25 of the Zoning Ordinance and Chapters 3.5 and 7.5 of the Municipal Code, all being subject to the terms, conditions and requirements contained in this Resolution and consistent with the Hathaway Lane partial discontinuance Ordinance, previously adopted by the Common Council ("Adopted Discontinuance Ordinance"), the approved Environmental Findings Statement adopted by the Common Council on December 19, 2013, and the Stormwater Pollution Prevention Plan approved by the Commissioner of Public Works effective May 15, 2015 ("SWPPP") (Together the "Final FASNY Project."). **VOTE TO REMOVE FROM TABLE 2 - 5. NAYS: KIRKPATRICK, LECUONA, KROLIAN, MARTIN AND THE MAYOR.**

ITEMS FOR REFERRAL:

139. Communication from Deputy Commissioner of Building in relation to an application for a Special Permit/Site Plan Approval submitted on behalf of Norden Lofts, LLC, for the adaptive reuse and redevelopment of an existing 48,000 square foot industrial building to residential apartments at 121 Westmoreland Avenue. **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.**

140. Communication from Commissioner of Building in relation to a request submitted on behalf of Kite Realty Group - White Plains City Center for an amendment to a previously approved site plan for improvements to the site of: upgrading the pedestrian plaza with a new fountain, additional planting, seating, lighting and a stage; a valet area on Mamaroneck Avenue; installing escalators from the lobby area on Mamaroneck Avenue to the second floor; and revising and updating exterior signage. **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., URBAN RENEWAL AGENCY, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER. Recusal: Mrs. Smayda

141. Communication from Deputy Commissioner of Building in relation to an application submitted on behalf of Post Maple 77, LLC, for Site Plan Approval to construct a mixed-use development of retail, fitness, restaurant uses, as twelve multi-family dwelling units on the property bounded by Maple Avenue, West Post Road, Rathbun Avenue and White Plains Nissan. **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.**

142. Communication from Deputy Commissioner of Building, in relation to a site plan application submitted on behalf of Esplanade of White Plains Venture Partnership FOR Site Plan Approval to re-purpose the buildings located at 95 South Broadway and 4 Lyon Place to residential multi-family from The Esplanade Assisted Living Facility. **F/S 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.**

ITEMS FOR INFORMATION:

143. Communication from Chairman, Capital Projects Board, transmitting the Capital Improvement Program for Fiscal Year 2016-2022. **F/S AND FILE ATTACHMENT.**

144. Communication from Commissioner of Finance transmitting the Interim Financial Report for the six months ending December 31, 2015. **F/S AND FILE ATTACHMENT.**

145. Communication from Commissioner of Finance transmitting the Capital Projects Status Report for the six months ending December 31, 2015. **F/S AND FILE ATTACHMENT.**

146. Communication from Deputy Commissioner of Building in relation to a request submitted on behalf of White Plains Medical Center, for a three year renewal of a Special Permit to operate an Accessory Parking Lot at 2-6 Oakwood Avenue. **F/S/A**

147. Communication from Deputy Commissioner of Building in relation to a request submitted on behalf of 432 Mamaroneck Co. LLC, for a three year renewal of a Special Permit to operate an Accessory Parking Lot at 434-440 Mamaroneck Avenue. **F/S/A**

COMMON COUNCIL
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NY 10601
Office: (914) 997-2747 Fax: 914-422-3636

John Kirkpatrick
Council President

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Common Council is pleased to recommend Leonard S. Gruenfeld as a member of the Recreation Advisory Committee to a term which will expire on January 1, 2018.

Sincerely,

John Kirkpatrick
Council President

January 26, 2016

COMMON COUNCIL
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NY 10601
Office: (914) 997-2747 Fax: 914-422-3636

John Kirkpatrick
Council President

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Common Council is pleased to recommend the re-appointment of Paul Schwarz, Yuki Haynes and Hope Furth to the Library Board to terms which will expire on December 31, 2018.

Sincerely,

John Kirkpatrick
Council President

January 26, 2016

THOMAS M. ROACH
MAYOR

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

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

The proposed change corrects an inconsistency and clarifies that the authority of the Historic Preservation Commission is to recommend designation of a landmark or historic district. as opposed to having the authority to directly designate.

Respectfully submitted,

Damon A. Amadio P.E.
Commissioner of Building

Dated: January 27, 2016 (for the February 1, 2016 Common Council Meeting)
Related Documents: Local Law Introductory No.1 for 2016

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

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

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

H. Duties and Powers.

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

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

B. Criteria.

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

a. Possesses special character, historic, aesthetic interest or value as part of the cultural, political, economic or social history of the City, region, state or nation; or

b. Derives its primary significance from architectural or artistic distinction or historical importance; or

c. Identifies with persons or events significant in local, state, or national history; or

d. Is a cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e. Is the birthplace or grave of a historical figure of outstanding importance; or

f. Embodies the distinguishing characteristics of an architectural style; or

g. Is the work of a noted designer, architect, or builder; or

h. The property has yielded or may be likely to yield information important to the study of the prehistory or history of the region, state, or nation.

2. Historic Districts.

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

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

C. Decision Making Requirements.

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

§ 4. EFFECTIVE DATE

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR MARCH 7, 2016 IN RELATION TO LOCAL LAW INTRODUCTORY NO 1. FOR 2016, AMENDING LOCAL LAW NO. 1 FOR 2015 ADOPTED MAY 4, 2015, ENTITLED "A LOCAL LAW AMENDING TITLE IX OF THE WHITE PLAINS MUNICIPAL CODE BY ADDING SECTION 9-6 TO THE WHITE PLAINS MUNICIPAL CODE TO BE ENTITLED "HISTORIC PRESERVATION."

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

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

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

Dear Mayor and Council Members:

Per referral by the Common Council on January 5, 2016, the Department of Building has reviewed a proposed amendment to the Zoning Map of the City of White Plains and the discontinuance and closure of the City street known as 'Brady Place' a project development site bounded by Maple Avenue, West Post Road, Rathbun Avenue and White Plains Nissan. The applicant, Post Maple 77, LLC, proposes to develop a mixed-use facility composed of retail, residential and parking.

The Department of Building has reviewed this application with respect to Zoning compliance only and has no objection to this amendment being approved.

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 19, 2016
(for the February 1, 2016 Common Council meeting)

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 COMMISONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PETITION SUBMITTED BY POST MAPLE 77, LLC, TO AMEND THE ZONING MAP TO RECLASSIFY THREE LOTS ON RATHBUN AVENUE FROM NEIGHBORHOOD BUSINESS DISTRICT (B-2) TO INTERMEDIATE BUSINESS DISTRICT (B-3); AND TO AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE

At its meeting of December 7, 2015, the Common Council referred a petition submitted by Post Maple 77, LLC, to amend the Zoning Map to reclassify three lots on Rathbun Avenue from Neighborhood Business District (B-2) to Intermediate Business District (B-3); and to amend the Official City Map to discontinue Brady Place.

The petition requests reclassification of three lots: 1 Rathbun Avenue, 3 Rathbun Avenue, and 5 Rathbun Avenue (Section: 130.34; Block: 6; Lots: 8, 7, and 6, respectively), from Neighborhood Business (B-2) to Intermediate Business (B-3) district. The three vacant lots represent 10,807square feet of a 6-acre block in the B-3 District, most of which is owned by the Applicant. Rezoning the three parcels on Rathbun will establish the future development site as a single zoning district, which will facilitate the design, use, and development of the property owned by the Applicant. This change is consistent with the Comprehensive Plan Vision for the Post Road Corridor, which states:

The Plan envisions the Post Road corridor as an attractive mixed use gateway to the City.

Regarding discontinuance of Brady Place, Section 29 of the General City Law, and Sections 151 and 152 of the City's Charter, mandate that the discontinuance of any portion of a public right-of-way, whether improved as a public street or not, requires an amendment to the City's Official Map. Brady Place is an unused roadway at this time, its discontinuance will not have an adverse impact on the neighborhood, or on any abutting property owners for the following reasons:

1. Brady Place is not a through street.
2. The two houses that it served have been demolished.
3. The petitioner owns all lots that front on Brady Place.
4. The proposed discontinuance would not run counter to any objectives or strategies of the Comprehensive Plan.

For the reasons outlined above, the Planning Department recommends that the Common Council, after a duly noticed public hearing, amend the Official Map of the City of White Plains to discontinue Brady Place, and to adjust the B-3 Zoning District line to include 1, 3, and 5 Rathbun Avenue.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 20, 2016
For the February 1, 2016 Common Council Meeting

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

December 22, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PETITION TO AMEND THE ZONING MAP TO RECLASSIFY THREE LOTS ON RATHBUN AVENUE FROM NEIGHBORHOOD BUSINESS DISTRICT (B-2) TO INTERMEDIATE BUSINESS DISTRICT (B-3); AND TO AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE

At its December 15, 2015 meeting, the Planning Board reviewed the petition to amend the Zoning Map to reclassify three lots on Rathbun Avenue from Neighborhood Business District (B-2) to Intermediate Business District (B-3); and to amend the Official City Map to discontinue Brady Place.

The Planning Board finds the proposed amendments appropriate as to form, and recommends that the Common Council schedule a public hearing on this petition. The Board further recommends approval of the proposed amendments for the following reasons: Brady Place is not a through street; the two houses that it served have been demolished; the petitioner owns all lots that front on Brady Place; and rezoning the three parcels on Rathbun will establish the future development site as a single zoning district, which will facilitate the design and use of the site for a cohesive project.

Planning Board members voting in favor of the motion to send a letter to the Common Council finding the petition appropriate as to form; recommending the scheduling of a public hearing on the proposed amendments, and recommending approval of those amendments: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

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

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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
Deputy Commissioner
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.

Post Maple 77LLC
Amend Zoning Ordinance
Re-classify lots on Rathbun B-2→B-3 (Brady Place)

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: January 20, 2016

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

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

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

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

Pursuant to the petition, dated 11/18/15, from the adjacent property owners, Post Maple 77, LLC., the Department of Public Works (DPW) has reviewed the proposed amendment to the White Plains Zoning Ordinance to rezone the Rathbun Avenue Lots (SBL: 130.34-6-6,7&8) currently B-2 District to a B-3 District, and to discontinue and demap Brady Place (between East Post Road and Maple Avenue).

The rezoning of these three parcels will allow, among other uses, health club facilities, indoor recreation facilities and theaters. The municipal utility infrastructure was constructed to accommodate the current B-2 District. Development pertaining to the proposed B-3 District uses may place increased demand on the City's existing infrastructure, potentially requiring upgrades at the developer's expense. With that said, we have no objection to this proposed amendment.

The Department of Public Works also supports approval to discontinue and demap Brady Place (between East Post Road and Maple Avenue) having a width of approximately thirty feet (30ft) and a length of approximately two hundred and fifty five feet (255ft). DPW recommends that this portion of right-of-way be demapped and removed from the City's inventory as it serves no municipal purpose. It is best returned to the tax rolls, eliminating City liability and to be subsequently maintained by private property owners.

It should be noted that any subsequent site plan approval for a development including this property will require two conditions. First, we expect the curb and public sidewalk along East Post Road to be extended across the demapped portion of Brady Place. Second, the existing utilities in Brady Place would need to be terminated and abandoned by the Petitioner and suitable upgrades and improvements to the water mains in the vicinity of Brady Place must be provided to compensate for the decrease in redundancy and capacity to the existing system. Plans meeting all current DPW standards would be required to be submitted to DPW and all applicable permits filed.

All public rights-of-ways are shown on the City's Official Map as maintained by the Department of Public Works. In order to discontinue any portion of public right-of-way, Section 29 of the General City Law and Sections 126 and 152 of the City's Charter mandate that such amendments to the Official Map require public notice and a public hearing.

In conclusion, the City will discontinue, demap and relinquish any easements on the portion of Brady Place (between East Post Road and Maple Avenue). The Mayor is authorized to direct the Commissioner of Public Works to execute the transfer of title in concert with the Corporation Counsel, who shall approve all documents as to form.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 21, 2016

THOMAS M. ROACH
MAYOR

THE CITY OF WHITE PLAINS

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

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

JOHN FUERST
DEPUTY COMMISSIONER

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

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

The Department of Parking/ Traffic Division has reviewed the petition for a zoning ordinance amendment from the Post Maple 77 LLC (Boulevard) to re-zone the Rathbun Avenue Lots from B-2 District to the B-3 District and to amend the Official Map of the City to discontinue and close Brady Place as a City Street.

The Department of Parking Traffic Division has no objection to these changes.

Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: January 21, 2016
(for the February 1, 2016 Common Council Meeting)

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

THOMAS M. ROACH
MAYOR

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

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

The Traffic Commission, at its meeting held on January 20, 2016, reviewed a request to amend the Zoning Ordinance to re-classify lots on Rathbun Avenue from B-2 to B-3 and the Discontinuance of Brady Place as referred by the Common Council on January 4, 2016.

The Transportation Commission had no objection to the proposed changes.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 21, 2016 (for the February 1, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

Re: #35 – Post Maple 77, LLC – Amendment to Zoning Map

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

The Parking Department has no objection to amending the White Plains Zoning Map to reclassify lots on Rathbun from the B-2 District to the B-3, consistent with the rest of the development site and establish zoning on the portion of the West Post Road corridor immediately east of Rathbun Avenue and west of South Lexington Avenue as well as the discontinuance and closure of the City street known as "Brady Place."

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: February 1, 2016

Westchester gov.com

Robert P. Astorino
County Executive

County Planning Board

Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code

January 13, 2016

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

Subject: **Referral File No. WHP 16-002 — Boulevard; Zoning Map Amendment, Official Map Amendment, Site Plan and Special Permit**

Dear Ms. McPherson:

The Westchester County Planning Board has received a copy of a petition to amend the City's Zoning Map and Official Map, as well as a site plan (dated November 12, 2015) for the above referenced proposal for a 4.2 acre development site bounded by West Post Road (NYS Route 22, County Road 53), Rathburn Avenue and Maple Avenue comprised of 15 tax lots. While 12 of the tax lots are currently zoned B-3, three of the lots abutting Rathburn Avenue are zoned B-2. The applicant is seeking to rezone these three lots to B-3 as well as to remove Brady Place from the Official Map as a public street.

If the rezoning and Official Map change are approved, the applicant then seeks to apply for site plan and special permit approvals to construct a 220,000 square foot mixed building including retail, health club and restaurant uses along with 12 townhome-style residential dwellings. The commercial uses would be constructed along West Post Road and Rathburn Avenue with the residential uses constructed along Maple Avenue. Parking for 720 vehicles would be provided in a garage placed in between the residential and commercial uses with vehicular access provided to the garage from all surrounding streets. A pedestrian walkway would be placed through the site in the approximate location of Brady Place to maintain pedestrian through-access in this area.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the proposed Zoning Map amendment and Official Map amendment are matters for local determination in accordance with your community's planning and zoning policies. We offer the following comments with respect to the site plan which was submitted:

1. **Consistency with County Planning Board policies.** The proposed development is consistent with the County Planning Board's long-range planning policies set forth in ***Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning,*** adopted by the Board on May 6, 2008, amended January 5, 2010, because it will bring more infill mixed-use development to central White Plains.

2. **Bee-Line bus stops.** The site plan shows new on-street parking and curb bump-out modifications in the approximate location of Bee-Line bus stop #426. We recommend that the City require the plans to be revised to show the location of this bus stop. We recommend the applicant be required to contact the County Department of Public Works and Transportation to discuss how the proposed development will relate to this bus stop and if any improvements to the bus stop are warranted as part of this development. In addition, because bus stop #389 is located on the opposite side of West Post Road, the proposed development could potentially lead to an increase in pedestrian traffic seeking to cross the road at this location. In this case, the City could consider working with the applicant to provide pedestrian crossing enhancements as part of the proposed development.

3. **County Road.** West Post Road (NYS Route 22) is a County road (CR 53). Approval from the Westchester County Department of Public Works and Transportation is required for any work related to the road under Section 239 F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. The proposed driveway and curb cut must also be designed in accordance with current County, State and AASHTO standards.

4. **Sewage flows**. The proposed development will increase sewage flows from this site into the existing infrastructure and will add to the volume requiring treatment at a wastewater treatment plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, the City should require the applicant to identify mitigation measures that will offset the projected increase in flow. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three for one.

5. **Parking**. While the proposed project requires 932 parking spaces under zoning, we are supportive of the applicant's plan to reduce parking to 720 spaces with a parking management plan that would allow for valet parking during peak periods. This would reduce the cost associated with constructing additional parking and allow for up to 806 parking spaces to be utilized during peak periods. We recommend that the applicant also consider encouraging employees of the site to use Bee-Line during peak periods (perhaps by incentivizing MetroCards as an employee perk during these times) as a way to further reduce parking demand during peak periods. As discussed above, the site is located at a bus stop on one of the Bee-Line's most popular routes.

6. **Bicycle parking and access.** We note that a city bicycle route begins and ends at the corner of Maple Avenue and Rathburn Avenue, providing direct bicycle access to the site. We encourage the City to build on the success of its bicycle route program by ensuring that the proposed development has a significant bicycle parking component within the parking garage. In addition, as this section of the city continues to be developed with new or different uses, we recommend that the City give consideration to adding bicycle lanes to Maple Avenue, perhaps through a "road diet" treatment. Bicycle lanes on Maple Avenue would continue to leverage the success of the city's bike routes by connecting to major employment sites such as White Plains Hospital. It would also provide a viable alternative route for cyclists who might otherwise continue riding along West Post Road.

7. **Recycling.** We recommend the City request the applicant to verify that sufficient space will be available to store recyclables under the recently expanded County recycling program which now includes plastics numbered 1 through 7.

8. **Impacts to residential neighborhoods.** While the site is commercially zoned along a significant business corridor in White Plains, we note that the site is also close to established residential neighborhoods. Because of this, we recommend that attention be paid to the facades of the proposed buildings, including signage and lighting, so as to ensure that new features do not have a negative impact on the surrounding residential areas. As the City has recognized, balancing commercial and residential uses is key towards developing a vibrant "gateway" to the city.

9. **Green building technology.** We encourage the applicant to include as much green building technology as possible into the proposed development.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

Cog:
By:

Edward Buroughs, AICP
Commissioner

EEB:LH
cc: Naomi Klein, Planning Director, County Department of Public Works and Transportation
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) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

January 15, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO RECLASSIFY THREE LOTS KNOWN AS 1 RATHBUN AVENUE, 3 RATHBUN AVENUE AND 5 RATHBUN AVENUE FROM THE B-2 NEIGHBORHOOD BUSINESS ZONING DISTRICT TO THE B-3 INTERMEDIATE BUSINESS ZONING DISTRICT AND AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE.

The petition submitted to the Common Council on behalf of Post Maple 77, LLC to amend the Zoning Map to reclassify three lots on Rathbun Avenue from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District and discontinue Brady (the "Proposed Action"), have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the following actions:

1. Amend the Zoning Map to reclassify three lots known as 1 Rathbun Avenue, 3 Rathbun Avenue and 5 Rathbun Avenue ("Rathbun Lots") (also known as Section 130.34, Block 6, Lots 6, 7, and 8 respectively on the tax assessment maps of the City of White Plains) from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District.

2. Determination that the entire Brady Place street right-of-way which extends between West Post Road and Maple Avenue is no longer needed for public use as a dedicated street and should be discontinued subject to reservation of easements described in Section 3 hereof.

3. The City of White Plains reserves to itself a blanket easement for underground utilities under the entire portion of Brady Place street right-of-way discontinued as a public street as well as the City of White Plains and/or Westchester County's rights of pedestrian and motor vehicle access across these parcels for utility maintenance and installation. This easement may be terminated in conjunction to any site plan approval regarding the abutting properties as determined by the Department of Public Works.

4. Authorization for the Commissioner of Public Works to amend the Official Map of the City of White Plains accordingly.

SEQR Segmentation

As stated in the Petition submitted by Post Maple 77, LLC, the proposed zoning amendment is requested in anticipation of and to facilitate a mixed use development located on approximately 4.2

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acres roughly bounded by Maple Avenue, West Post Road, Rathbun Avenue and the White Plains Nissan services facility, which would include 220,000 square feet of commercial uses, twelve multi-family dwelling units and a 720-space parking garage ("Proposed Post Maple 77 Project").

It is appropriate for the Common Council to conduct a segmented SEQR review of the Proposed Action separate from the environmental review regarding any future site plan approval for the Proposed Post Maple 77 Project for the following reasons:

a. SEQR regulations (6 NYCRR 617.3 (g)) permit the segmented environmental review for separate, but related approval actions if a determination is made by the Common Council that such a review is appropriate and no less protective of the environment.

b. Applicant has not applied for the site plan approval for the Proposed Post Maple 77 Project.

c. The properties adjacent to the subject lots at 1- 5 Rathbun Avenue and the Brady Place are currently owned by of Post Maple 77, LLC and are currently zoned and can be developed in conformance to the B-3 zoning district without approval of the Proposed Action.

d. Any application for site plan approval for any development on the nearby properties currently owned by of Post Maple 77, LLC, with or without the subject Rathbun lots or Brady Place, shall be subject to a specific environmental review prior to approval.

e. As discussed in the environmental findings contained herein, due to vacant character of the surrounding lots, the condition of the Brady Place street right-of-way and the recommendations of the Comprehensive Plan, it is reasonable to consider the environmental review of the Proposed Action on its own merits and as a separate action.

It is recommended that the Common Council (a) designate itself to serve as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; (c) find that a segmented review of the proposed Zoning Ordinance amendment separate from the environmental review for the and Proposed Post Maple 77 Project is appropriate and no less protective of the environment; and (d) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

While located within the B-2 Zoning District in the Zoning Ordinance, the properties at 1, 3 & 5 Rathbun Avenue not designated in the Comprehensive Plan within the nearby Neighborhood Commercial use along West Post Road. Rather, these lots are already identified on the Land Use Map as a General Commercial/Corridor use which is consistent with the proposed B-3 Intermediate Business Zoning District. The Proposed Action does not necessitate any changes to the Comprehensive Plan.

The Comprehensive Plan includes the following Vision Statement for the Post Road Corridor:

The Plan envisions the Post Road corridor as an attractive mixed use gateway to the City. To the south, near the Scarsdale municipal boundary, a mix of well-landscaped, new and upgraded low and medium density residential properties would be linked by stone walls and upgraded public infrastructure. Revitalized commercial areas beginning north of the intersection with Maple Avenue would be enhanced with new attractive facades and signage,

well-designed and appropriately scaled new development, and new pedestrian-oriented public infrastructure which establishes a design theme for the corridor. The continued importance of the White Plains Hospital and the Winbrook housing community are also key to the vision for Post Road, with improved connections and complementary land uses which avoid residential impacts. The abutting lower density residential neighborhoods would be protected by maintaining and enhancing existing natural

The Comprehensive plan includes the following Strategies for Post Road from Rathbun Avenue to South Lexington Avenue:

- Limit the spillover of commercial parking into the abutting residential neighborhood by ensuring that all changes to, and redevelopment of, existing commercial uses in this section of the corridor include adequate off-street customer and employee parking. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

- Require that the redevelopment of properties between Post Road and Maple Avenue treat both Post Road and Maple Avenue as frontages with appropriate landscaping, fencing and building, and parking lot design. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

The Proposed Action is consistent with the recommendations of the Comprehensive Plan.

<u>Zoning discussion.</u>

The Zoning Ordinance offers the following general descriptions for land uses in the B-2 and B-3 Districts:

5.5.1.4 *The B-2 District is a low-density neighborhood retail district containing retail and service business "uses" of a limited nature appropriate to serve the convenience shopping needs of neighboring residential areas.*

5.5.1.5 *The B-3 District is a general retail district containing a wide variety of retail, office and service business "uses" as well as "multi-family dwellings." The majority of "uses" in the district are of a service character and the district is located predominantly along the major arterial commercial "streets" of the City.*

The Proposed Action will reclassify the three Rathbun Lots from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District and thereby assign additional permitted B-3 uses and increase the permitted building floor area applicable to the lot area.

Changing the Zoning classification the three Rathbun Lots would permit the following additional uses:

Permitted principal uses:	Commercial indoor recreational facilities, theaters, funeral homes and bars.
Special permit uses:	Health clubs, motor vehicle sales, veterinary hospitals, stacked attendant parking.

The following are the building bulk regulations for the B-2 and B-3 Districts.

Permitted	B-2	B-3
Max. Building Coverage:	50 %	80%
Accessory Building Coverage:	10%	10%
Floor Area Ratio- Non-residential:	0.8	2.0
Min. Lot area / Dwelling Unit:	2,500 sq. ft.	500 sq. ft.
Lot front yard:	15 ft.	5 ft.
One side yard:	5 ft.	NA
Two side yards:	15 ft.	NA
Rear Yard:	30 ft.	15 ft.
Max, Height stories:	2	4
Max. Height feet:	25 ft.	50 ft.

Under the B-2 District the three lots would have a FAR of 0.8 and permit 8,645 sq. ft. of floor area.

Under the B-3 District the three lots would have a FAR of 2.0 and permit 21,614 sq. ft. of floor area or an increase of 12,969 sq. ft.

The land area within the Brady Place street right-of-way is owned by the applicant and is already zoned B-3. Any land area underlying a street ROW cannot be used to calculate development rights. Demapping this ROW will permit the application of the permitted floor area to the land area of this previously restricted street.

The Brady Place street right-of-way is approximately 255 ft. in length with 7,650 sq. ft. of land area. The 2.0 FAR of the B-3 District permits a floor area of 15,300 sq. ft.

Appling the 2.0 FAR of the B-3 District to the combined 18,457, sq. ft. (10,807 sq. ft. and 7,650 sq. ft.) area of the three lots and ROW would generate additional permitted a floor area of 36,914 sq. ft.

The area affected by the Proposed Action is quite small relative to the area along West Post Road already zoned B-3. The Applicant has stated that they own or have control of the abutting properties containing 4.2 acres or 182,952 sq. ft. of land area. Applying the 2.0 FAR in the existing B-3 District to this site would permit up to 329,354 sq. ft. of commercial floor area.

In context of the permitted land uses and the zoning already permitted in adjacent land along the in the Post Road corridor, the additional floor area of 36,914 sq. ft. that would be facilitated by the Proposed Action does not represent a significant increase in development potential.

(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.

While the ROW connects West Post Road and Maple Avenue, the actual paved roadway terminates before and does not connect to the roadway of Maple Avenue. It does not serve public street circulation and as such only provides access to the abutting tax lots that front directly on Brady Place. The petitioner owns all of these abutting properties and is the only property owner affected by the demapping of Brady Place. There are currently no buildings or

uses along Brady Place that needs the ROW access.

There is existing pedestrian sidewalk within this street section that provides connects from West Post Road to Maple Avenue. There is no specific need to maintain this access. Brady Place is a one- block long street and does not align with any other streets along West Post Road or Maple Avenue. The nearby Rathbun Avenue ROW approximately 150 feet to the west of Brady Place provides alternate pedestrian access in this area.

If Brady Place is demapped, the City should reserve a municipal utility easement within the bed of Brady Place as follows:

- An existing sanitary sewer starts within the ROW and connects to Maple Avenue. This line served the former buildings is no longer needed. This line can be cut and capped now or removed in conjunction with any future development.

- The is one existing storm water catch basin at the southern, end of the Brady Place that drains and connects to the storm drain in Maple Avenue. This currently drains the low area at the end of Brady Place and should be maintained until the area is redeveloped. This stormwater pipe can removed in conjunction with any future development.

- There is a 6-inch water service line that connects to the water service line in West Post Road and Maple Avenue. This line is not needed to serve the adjacent lots on Brady Place, but may be needed for water system circulation. This should be maintained until the area is redeveloped. This line can be relocated or removed in conjunction with any future development.

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

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The former residential or commercial buildings and uses on the subject lots and the adjacent properties currently owned by the Petitioner have been removed. There are no naturally vegetated conditions, landscaping or trees located on the site.

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The nearby area along West Post Road is in transition where several automotive dealerships have closed and the facilities demolished. In the current condition there is an approximately

800 foot long section of vacant and roughly graded land along an important access corridor to the Downtown White Plains that also faces the residential neighborhood along Maple Avenue. The subject Rathbun Lots and Brady Place ROW are a part of this unused and vacant area.

While the Proposed Action does not include any new development, it is a technical action that will facilitate the revitalization of the commercial corridor

The nearby Post Road Neighborhood Business Area over the years has been sable and continues to serve the nearby residential neighborhoods. Designating the Rathbun Avenue lots within the B-3 District will not will remove any existing neighborhood services. .

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

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

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

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

(h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

(i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

(j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

(k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected.

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

Respectfully submitted,

Rod Johnson

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE ZONING ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF WHITE PLAINS TO THE ZONING ORDINANCE TO RECLASSIFY THREE LOTS KNOWN AS 1 RATHBUN AVENUE, 3 RATHBUN AVENUE AND 5 RATHBUN AVENUE FROM THE B-2 NEIGHBORHOOD BUSINESS ZONING DISTRICT TO THE B-3 INTERMEDIATE BUSINESS ZONING DISTRICT AND AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE.

WHEREAS, the petition submitted to the Common Council on behalf of Post Maple 77, LLC to amend the Zoning Map to reclassify three lots on Rathbun Avenue from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District and discontinue Brady (the "Proposed Action"), have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the following actions:

1. Amend the Zoning Map to reclassify three lots known as 1 Rathbun Avenue, 3 Rathbun Avenue and 5 Rathbun Avenue ("Rathbun Lots") (also known as Section 130.34, Block 6, Lots 6, 7, and 8 respectively on the tax assessment maps of the City of White Plains) from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District.

2. Determination that the entire Brady Place street right-of-way which extends between West Post Road and Maple Avenue is no longer needed for public use as a dedicated street and should be discontinued subject to reservation of easements described in Section 3 hereof.

3. The City of White Plains reserves to itself a blanket easement for underground utilities under the entire portion of Brady Place street right-of-way discontinued as a public street as well as the City of White Plains and/or Westchester County's rights of pedestrian and motor vehicle access across these parcels for utility maintenance and installation. This easement may be terminated in conjunction to any site plan approval regarding the abutting properties as determined by the Department of Public Works.

4. Authorization for the Commissioner of Public Works to amend the Official Map of the City of White Plains accordingly; and

<u>SEQR Segmentation</u>

WHEREAS, as stated in the petition submitted by Maple 77, LLC, the proposed zoning amendment is requested in anticipation of and to facilitate a mixed use development located on approximately 4.2 acres roughly bounded by Maple Avenue, West Post Road, Rathbun Avenue and the White Plains Nissan services facility, which would include 220,000 square feet of commercial uses, twelve multi-family dwelling units and a 720-space parking garage ("Proposed Maple 77 Project"); and

It is appropriate for the Common Council to conduct a segmented SEQR review of the Proposed Maple 77 Project separate from the environmental review regarding any future site plan approval for the Proposed Post Maple 77 Project for the following reasons:

a. SEQR regulations (6 NYCRR 617.3 (g)) permit the segmented environmental review for separate, but related approval actions if a determination is made by the Common Council that such a review is appropriate and no less protective of the environment.

b. Applicant has not applied for the site plan approval for the Proposed Maple 77 Project.

c. The properties adjacent to the subject lots at 1- 5 Rathbun Avenue and the Brady Place are currently owned by of Post Maple 77, LLC and are currently zoned and can be developed in conformance to the B-3 zoning district without approval of the Proposed Action.

d. Any application for site plan approval for any development on the nearby properties currently owned by of Post Maple 77, LLC, with or without the subject Rathbun lots or Brady Place, shall be subject to a specific environmental review prior to approval.

e. As discussed in the environmental findings contained herein, due to vacant character of the surrounding lots, the condition of the Brady Place street right-of-way and the recommendations of the Comprehensive Plan, it is reasonable to consider the environmental review of the Proposed Action on its own merits and as a separate action; 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 (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be an Unlisted Action; (c) find that a segmented review of the proposed Zoning Ordinance amendment separate from the environmental review for the and Proposed Post Maple 77 Project is appropriate and no less protective of the environment; and (d) find that the Proposed Action will not have a significant effect on the environment; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that a segmented review of the proposed Zoning Ordinance amendment separate from the environmental review for the and Proposed Post Maple 77 Project is appropriate and no less protective of the environment; and

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

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

While located within the B-2 Zoning District in the Zoning Ordinance, the properties at 1, 3 & 5 Rathbun Avenue not designated in the Comprehensive Plan within the nearby Neighborhood Commercial use along West Post Road. Rather, these lots are already identified on the Land Use Map as a General Commercial/Corridor use which is consistent with the proposed B-3 Intermediate Business Zoning District. The Proposed Action does not necessitate any changes to the Comprehensive Plan.

The Comprehensive Plan includes the following Vision Statement for the Post Road Corridor:

The Plan envisions the Post Road corridor as an attractive mixed use gateway to the City. To the south, near the Scarsdale municipal boundary, a mix of well-landscaped, new and upgraded low and medium density residential properties would be linked by stone walls and upgraded public infrastructure. Revitalized commercial areas beginning north of the intersection with Maple Avenue would be enhanced with new attractive facades and signage, well-designed and appropriately scaled new development, and new pedestrian-oriented public infrastructure which establishes a design theme for the corridor. The continued importance of the White Plains Hospital and the Winbrook housing community are also key to the vision for Post Road, with improved connections and complementary land uses which avoid residential impacts. The abutting lower density residential neighborhoods would be protected by maintaining and enhancing existing natural

The Comprehensive plan includes the following Strategies for Post Road from Rathbun Avenue to South Lexington Avenue:

- Limit the spillover of commercial parking into the abutting residential neighborhood by ensuring that all changes to, and redevelopment of, existing commercial uses in this section of the corridor include adequate off-street customer and employee parking. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

- Require that the redevelopment of properties between Post Road and Maple Avenue treat both Post Road and Maple Avenue as frontages with appropriate landscaping, fencing and building, and parking lot design. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

The Proposed Action is consistent with the recommendations of the Comprehensive Plan.

<u>Zoning</u>

The Zoning Ordinance offers the following general descriptions for land uses in the B-2 and B-3 Districts:

5.5.1.4 The B-2 District is a low-density neighborhood retail district containing retail and service business "uses" of a limited nature appropriate to serve the convenience shopping needs of neighboring residential areas.

5.5.1.5 The B-3 District is a general retail district containing a wide variety of retail, office and service business "uses" as well as "multi-family dwellings." The majority of "uses" in the district are of a service character and the district is located predominantly along the major arterial commercial "streets" of the City.

The Proposed Action will reclassify the three Rathbun Lots from the B-2 Neighborhood

Business Zoning District to the B-3 Intermediate Business zoning District and thereby assign additional permitted B-3 uses and increase the permitted building floor area applicable to the lot area.

Changing the Zoning classification the three Rathbun Lots would permit the following additional uses:

Permitted principal uses:	Commercial indoor recreational facilities, theaters, funeral homes and bars.
Special permit uses:	Health clubs, motor vehicle sales, veterinary hospitals, stacked attendant parking.

The following are the building bulk regulations for the B-2 and B-3 Districts.

Permitted	B-2	B-3
Max. Building Coverage:	50 %	80%
Accessory Building Coverage:	10%	10%
Floor Area Ratio- Non-residential:	0.8	2.0
Min. Lot area / Dwelling Unit:	2,500 sq. ft.	500 sq. ft.
Lot front yard:	15 ft.	5 ft.
One side yard:	5 ft.	NA
Two side yards:	15 ft.	NA
Rear Yard:	30 ft.	15 ft.
Max, Height stories:	2	4
Max. Height feet:	25 ft.	50 ft.

Under the B-2 District the three lots would have a FAR of 0.8 and permit 8,645 sq. ft. of floor area.

Under the B-3 District the three lots would have a FAR of 2.0 and permit 21,614 sq. ft. of floor area or an increase of 12,969 sq. ft.

The land area within the Brady Place street right-of-way is owned by the applicant and is already zoned B-3. Any land area underlying a street ROW cannot be used to calculate development rights. Demapping this ROW will permit the application of the permitted floor area to the land area of this previously restricted street.

The Brady Place street right-of-way is approximately 255 ft. in length with 7,650 sq. ft. of land area. The 2.0 FAR of the B-3 District permits a floor area of 15,300 sq. ft.

Appling the 2.0 FAR of the B-3 District to the combined 18,457, sq. ft. (10,807 sq. ft. and 7,650 sq. ft.) area of the three lots and ROW would generate additional permitted a floor area of 36,914 sq. ft.

The area affected by the Proposed Action is quite small relative to the area along West Post Road already zoned B-3. The Applicant has stated that they own or have control of the abutting properties containing 4.2 acres or 182,952 sq. ft. of land area. Applying the 2.0 FAR in the existing B-3 District to this site would permit up to 329,354 sq. ft. of commercial floor area.

In context of the permitted land uses and the zoning already permitted in adjacent land along the in the Post Road corridor, the additional floor area of 36,914 sq. ft. that would be facilitated by the Proposed Action does not represent a significant increase in development potential.

(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.

While the ROW connects West Post Road and Maple Avenue, the actual paved roadway terminates before and does not connect to the roadway of Maple Avenue. It does not serve public street circulation and as such only provides access to the abutting tax lots that front directly on Brady Place. The petitioner owns all of these abutting properties and is the only property owner affected by the demapping of Brady Place. There are currently no buildings or uses along Brady Place that needs the ROW access.

There is existing pedestrian sidewalk within this street section that provides connects from West Post Road to Maple Avenue. There is no specific need to maintain this access. Brady Place is a one- block long street and does not align with any other streets along West Post Road or Maple Avenue. The nearby Rathbun Avenue ROW approximately 150 feet to the west of Brady Place provides alternate pedestrian access in this area.

If Brady Place is demapped, the City should reserve a municipal utility easement within the bed of Brady Place as follows:

- An existing sanitary sewer starts within the ROW and connects to Maple Avenue. This line served the former buildings is no longer needed. This line can be cut and capped now or removed in conjunction with any future development.

- The is one existing storm water catch basin at the southern, end of the Brady Place that drains and connects to the storm drain in Maple Avenue. This currently drains the low area at the end of Brady Place and should be maintained until the area is redeveloped. This stormwater pipe can removed in conjunction with any future development.

- There is a 6-inch water service line that connects to the water service line in West Post Road and Maple Avenue. This line is not needed to serve the adjacent lots on Brady Place, but may be needed for water system circulation. This should be maintained until the area is redeveloped. This line can be relocated or removed in conjunction with any future development.

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

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The former residential or commercial buildings and uses on the subject lots and the adjacent properties currently owned by the Petitioner have been removed. There are no naturally vegetated conditions, landscaping or trees located on the site.

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The nearby area along West Post Road is in transition where several automotive dealerships have closed and the facilities demolished. In the current condition there is an approximately 800 foot long section of vacant and roughly graded land along an important access corridor to the Downtown White Plains that also faces the residential neighborhood along Maple Avenue. The subject Rathbun Lots and Brady Place ROW are a part of this unused and vacant area.

While the Proposed Action does not include any new development, it is a technical action that will facilitate the revitalization of the commercial corridor

The nearby Post Road Neighborhood Business Area over the years has been sable and continues to serve the nearby residential neighborhoods. Designating the Rathbun Avenue lots within the B-3 District will not will remove any existing neighborhood services. .

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

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

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

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

(h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

(i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

(j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

(k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council determines that the

Proposed Action will not have a significant effect on the environment; and be it further

RESOLVED that the Environmental Officer is authorized to file the appropriate notice as required by SEQR.

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF CITY OF WHITE PLAINS" WITH RESPECT TO REZONING 1 RATHBUN AVENUE, 3 RATHBUN AVENUE AND 5 RATHBUN AVENUE FROM THE B-2 NEIGHBORHOOD BUSINESS DISTRICT TO THE B-3 INTERMEDIATE BUSINESS DISTRICT.

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

Section 1. The Zoning Ordinance of the City of White Plains, adopted June 1, 1981, and amended to date, be, and it hereby is, further amended by amending the Zoning Map to rezone and remap 5 Rathbun Avenue, 3 Rathbun Aenue and 1 Rathbun Avenue(also known as Map No 130.34, Block 6, Lots 6, 7 and 8 respectively on the tax assessment maps of the City of White Plains) from the B-2 Neighborhood Business zoning district to the B-3 Intermediate Business zoning district.

§2. 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

Dear Mayor and Council Members:

Per referral by the Common Council on January 5, 2016, the Department of Building has reviewed a proposed amendment to the Zoning Map of the City of White Plains and the discontinuance and closure of the City street known as 'Brady Place' a project development site bounded by Maple Avenue, West Post Road, Rathbun Avenue and White Plains Nissan. The applicant, Post Maple 77, LLC, proposes to develop a mixed-use facility composed of retail, residential and parking.

The Department of Building has reviewed this application with respect to Zoning compliance only and has no objection to this amendment being approved.

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 19, 2016
(for the February 1, 2016 Common Council meeting)

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 COMMISONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PETITION SUBMITTED BY POST MAPLE 77, LLC, TO AMEND THE ZONING MAP TO RECLASSIFY THREE LOTS ON RATHBUN AVENUE FROM NEIGHBORHOOD BUSINESS DISTRICT (B-2) TO INTERMEDIATE BUSINESS DISTRICT (B-3); AND TO AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE

At its meeting of December 7, 2015, the Common Council referred a petition submitted by Post Maple 77, LLC, to amend the Zoning Map to reclassify three lots on Rathbun Avenue from Neighborhood Business District (B-2) to Intermediate Business District (B-3); and to amend the Official City Map to discontinue Brady Place.

The petition requests reclassification of three lots: 1 Rathbun Avenue, 3 Rathbun Avenue, and 5 Rathbun Avenue (Section: 130.34; Block: 6; Lots: 8, 7, and 6, respectively), from Neighborhood Business (B-2) to Intermediate Business (B-3) district. The three vacant lots represent 10,807square feet of a 6-acre block in the B-3 District, most of which is owned by the Applicant. Rezoning the three parcels on Rathbun will establish the future development site as a single zoning district, which will facilitate the design, use, and development of the property owned by the Applicant. This change is consistent with the Comprehensive Plan Vision for the Post Road Corridor, which states:

The Plan envisions the Post Road corridor as an attractive mixed use gateway to the City.

Regarding discontinuance of Brady Place, Section 29 of the General City Law, and Sections 151 and 152 of the City's Charter, mandate that the discontinuance of any portion of a public right-of-way, whether improved as a public street or not, requires an amendment to the City's Official Map. Brady Place is an unused roadway at this time, its discontinuance will not have an adverse impact on the neighborhood, or on any abutting property owners for the following reasons:

1. Brady Place is not a through street.
2. The two houses that it served have been demolished.
3. The petitioner owns all lots that front on Brady Place.
4. The proposed discontinuance would not run counter to any objectives or strategies of the Comprehensive Plan.

For the reasons outlined above, the Planning Department recommends that the Common Council, after a duly noticed public hearing, amend the Official Map of the City of White Plains to discontinue Brady Place, and to adjust the B-3 Zoning District line to include 1, 3, and 5 Rathbun Avenue.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 20, 2016
For the February 1, 2016 Common Council Meeting

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

December 22, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PETITION TO AMEND THE ZONING MAP TO RECLASSIFY THREE LOTS ON RATHBUN AVENUE FROM NEIGHBORHOOD BUSINESS DISTRICT (B-2) TO INTERMEDIATE BUSINESS DISTRICT (B-3); AND TO AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE

At its December 15, 2015 meeting, the Planning Board reviewed the petition to amend the Zoning Map to reclassify three lots on Rathbun Avenue from Neighborhood Business District (B-2) to Intermediate Business District (B-3); and to amend the Official City Map to discontinue Brady Place.

The Planning Board finds the proposed amendments appropriate as to form, and recommends that the Common Council schedule a public hearing on this petition. The Board further recommends approval of the proposed amendments for the following reasons: Brady Place is not a through street; the two houses that it served have been demolished; the petitioner owns all lots that front on Brady Place; and rezoning the three parcels on Rathbun will establish the future development site as a single zoning district, which will facilitate the design and use of the site for a cohesive project.

Planning Board members voting in favor of the motion to send a letter to the Common Council finding the petition appropriate as to form; recommending the scheduling of a public hearing on the proposed amendments, and recommending approval of those amendments: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

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

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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
Deputy Commissioner
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.

Post Maple 77LLC
Amend Zoning Ordinance
Re-classify lots on Rathbun B-2-->B-3 (Brady Place)

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: January 20, 2016

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

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

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

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

Pursuant to the petition, dated 11/18/15, from the adjacent property owners, Post Maple 77, LLC., the Department of Public Works (DPW) has reviewed the proposed amendment to the White Plains Zoning Ordinance to rezone the Rathbun Avenue Lots (SBL: 130.34-6-6,7&8) currently B-2 District to a B-3 District, and to discontinue and demap Brady Place (between East Post Road and Maple Avenue).

The rezoning of these three parcels will allow, among other uses, health club facilities, indoor recreation facilities and theaters. The municipal utility infrastructure was constructed to accommodate the current B-2 District. Development pertaining to the proposed B-3 District uses may place increased demand on the City's existing infrastructure, potentially requiring upgrades at the developer's expense. With that said, we have no objection to this proposed amendment.

The Department of Public Works also supports approval to discontinue and demap Brady Place (between East Post Road and Maple Avenue) having a width of approximately thirty feet (30ft) and a length of approximately two hundred and fifty five feet (255ft). DPW recommends that this portion of right-of-way be demapped and removed from the City's inventory as it serves no municipal purpose. It is best returned to the tax rolls, eliminating City liability and to be subsequently maintained by private property owners.

It should be noted that any subsequent site plan approval for a development including this property will require two conditions. First, we expect the curb and public sidewalk along East Post Road to be extended across the demapped portion of Brady Place. Second, the existing utilities in Brady Place would need to be terminated and abandoned by the Petitioner and suitable upgrades and improvements to the water mains in the vicinity of Brady Place must be provided to compensate for the decrease in redundancy and capacity to the existing system. Plans meeting all current DPW standards would be required to be submitted to DPW and all applicable permits filed.

All public rights-of-ways are shown on the City's Official Map as maintained by the Department of Public Works. In order to discontinue any portion of public right-of-way, Section 29 of the General City Law and Sections 126 and 152 of the City's Charter mandate that such amendments to the Official Map require public notice and a public hearing.

In conclusion, the City will discontinue, demap and relinquish any easements on the portion of Brady Place (between East Post Road and Maple Avenue). The Mayor is authorized to direct the Commissioner of Public Works to execute the transfer of title in concert with the Corporation Counsel, who shall approve all documents as to form.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 21, 2016

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

The Department of Parking/ Traffic Division has reviewed the petition for a zoning ordinance amendment from the Post Maple 77 LLC (Boulevard) to re-zone the Rathbun Avenue Lots from B-2 District to the B-3 District and to amend the Official Map of the City to discontinue and close Brady Place as a City Street.

The Department of Parking Traffic Division has no objection to these changes.

Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: January 21, 2016
(for the February 1, 2016 Common Council Meeting)

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THE CITY OF WHITE PLAINS

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 January 20, 2016, reviewed a request to amend the Zoning Ordinance to re-classify lots on Rathbun Avenue from B-2 to B-3 and the Discontinuance of Brady Place as referred by the Common Council on January 4, 2016.

The Transportation Commission had no objection to the proposed changes.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 21, 2016 (for the February 1, 2016 Common Council Meeting)

THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #35 – Post Maple 77, LLC – Amendment to Zoning Map

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

The Parking Department has no objection to amending the White Plains Zoning Map to reclassify lots on Rathbun from the B-2 District to the B-3, consistent with the rest of the development site and establish zoning on the portion of the West Post Road corridor immediately east of Rathbun Avenue and west of South Lexington Avenue as well as the discontinuance and closure of the City street known as "Brady Place."

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: February 1, 2016

Westchestergov.com

Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code

Robert P. Astorino
County Executive

County Planning Board

January 13, 2016

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

Subject: **Referral File No. WHP 16-002 — Boulevard; Zoning Map Amendment, Official Map Amendment, Site Plan and Special Permit**

Dear Ms. McPherson:

The Westchester County Planning Board has received a copy of a petition to amend the City's Zoning Map and Official Map, as well as a site plan (dated November 12, 2015) for the above referenced proposal for a 4.2 acre development site bounded by West Post Road (NYS Route 22, County Road 53), Rathburn Avenue and Maple Avenue comprised of 15 tax lots. While 12 of the tax lots are currently zoned B-3, three of the lots abutting Rathburn Avenue are zoned B-2. The applicant is seeking to rezone these three lots to B-3 as well as to remove Brady Place from the Official Map as a public street.

If the rezoning and Official Map change are approved, the applicant then seeks to apply for site plan and special permit approvals to construct a 220,000 square foot mixed building including retail, health club and restaurant uses along with 12 townhome-style residential dwellings. The commercial uses would be constructed along West Post Road and Rathburn Avenue with the residential uses constructed along Maple Avenue. Parking for 720 vehicles would be provided in a garage placed in between the residential and commercial uses with vehicular access provided to the garage from all surrounding streets. A pedestrian walkway would be placed through the site in the approximate location of Brady Place to maintain pedestrian through-access in this area.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the proposed Zoning Map amendment and Official Map amendment are matters for local determination in accordance with your community's planning and zoning policies. We offer the following comments with respect to the site plan which was submitted:

1. **Consistency with County Planning Board policies.** The proposed development is consistent with the County Planning Board's long-range planning policies set forth in ***Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning,*** adopted by the Board on May 6, 2008, amended January 5, 2010, because it will bring more infill mixed-use development to central White Plains.

132 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601 Telephone: (914) 995-1400 Website: westchestergov.com

2. **Bee-Line bus stops.** The site plan shows new on-street parking and curb bump-out modifications in the approximate location of Bee-Line bus stop #426. We recommend that the City require the plans to be revised to show the location of this bus stop. We recommend the applicant be required to contact the County Department of Public Works and Transportation to discuss how the proposed development will relate to this bus stop and if any improvements to the bus stop are warranted as part of this development. In addition, because bus stop #389 is located on the opposite side of West Post Road, the proposed development could potentially lead to an increase in pedestrian traffic seeking to cross the road at this location. In this case, the City could consider working with the applicant to provide pedestrian crossing enhancements as part of the proposed development.

3. **County Road.** West Post Road (NYS Route 22) is a County road (CR 53). Approval from the Westchester County Department of Public Works and Transportation is required for any work related to the road under Section 239 F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. The proposed driveway and curb cut must also be designed in accordance with current County, State and AASHTO standards.

4. **Sewage flows**. The proposed development will increase sewage flows from this site into the existing infrastructure and will add to the volume requiring treatment at a wastewater treatment plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, the City should require the applicant to identify mitigation measures that will offset the projected increase in flow. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three for one.

5. **Parking**. While the proposed project requires 932 parking spaces under zoning, we are supportive of the applicant's plan to reduce parking to 720 spaces with a parking management plan that would allow for valet parking during peak periods. This would reduce the cost associated with constructing additional parking and allow for up to 806 parking spaces to be utilized during peak periods. We recommend that the applicant also consider encouraging employees of the site to use Bee-Line during peak periods (perhaps by incentivizing MetroCards as an employee perk during these times) as a way to further reduce parking demand during peak periods. As discussed above, the site is located at a bus stop on one of the Bee-Line's most popular routes.

6. **Bicycle parking and access.** We note that a city bicycle route begins and ends at the corner of Maple Avenue and Rathburn Avenue, providing direct bicycle access to the site. We encourage the City to build on the success of its bicycle route program by ensuring that the proposed development has a significant bicycle parking component within the parking garage. In addition, as this section of the city continues to be developed with new or different uses, we recommend that the City give consideration to adding bicycle lanes to Maple Avenue, perhaps through a "road diet" treatment. Bicycle lanes on Maple Avenue would continue to leverage the success of the city's bike routes by connecting to major employment sites such as White Plains Hospital. It would also provide a viable alternative route for cyclists who might otherwise continue riding along West Post Road.

7. **Recycling.** We recommend the City request the applicant to verify that sufficient space will be available to store recyclables under the recently expanded County recycling program which now includes plastics numbered 1 through 7.

8. **Impacts to residential neighborhoods.** While the site is commercially zoned along a significant business corridor in White Plains, we note that the site is also close to established residential neighborhoods. Because of this, we recommend that attention be paid to the facades of the proposed buildings, including signage and lighting, so as to ensure that new features do not have a negative impact on the surrounding residential areas. As the City has recognized, balancing commercial and residential uses is key towards developing a vibrant "gateway" to the city.

9. **Green building technology.** We encourage the applicant to include as much green building technology as possible into the proposed development.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By:

Edward Buroughs, AICP
Commissioner

EEB/LH
cc: Naomi Klein, Planning Director, County Department of Public Works and Transportation
Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation

THE CITY OF WHITE PLAINS

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

January 15, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO RECLASSIFY THREE LOTS KNOWN AS 1 RATHBUN AVENUE, 3 RATHBUN AVENUE AND 5 RATHBUN AVENUE FROM THE B-2 NEIGHBORHOOD BUSINESS ZONING DISTRICT TO THE B-3 INTERMEDIATE BUSINESS ZONING DISTRICT AND AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE.

The petition submitted to the Common Council on behalf of Post Maple 77, LLC to amend the Zoning Map to reclassify three lots on Rathbun Avenue from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District and discontinue Brady (the "Proposed Action"), have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the following actions:

1. Amend the Zoning Map to reclassify three lots known as 1 Rathbun Avenue, 3 Rathbun Avenue and 5 Rathbun Avenue ("Rathbun Lots") (also known as Section 130.34, Block 6, Lots 6, 7, and 8 respectively on the tax assessment maps of the City of White Plains) from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District.

2. Determination that the entire Brady Place street right-of-way which extends between West Post Road and Maple Avenue is no longer needed for public use as a dedicated street and should be discontinued subject to reservation of easements described in Section 3 hereof.

3. The City of White Plains reserves to itself a blanket easement for underground utilities under the entire portion of Brady Place street right-of-way discontinued as a public street as well as the City of White Plains and/or Westchester County's rights of pedestrian and motor vehicle access across these parcels for utility maintenance and installation. This easement may be terminated in conjunction to any site plan approval regarding the abutting properties as determined by the Department of Public Works.

4. Authorization for the Commissioner of Public Works to amend the Official Map of the City of White Plains accordingly.

SEQR Segmentation

As stated in the Petition submitted by Post Maple 77, LLC, the proposed zoning amendment is requested in anticipation of and to facilitate a mixed use development located on approximately 4.2

29

acres roughly bounded by Maple Avenue, West Post Road, Rathbun Avenue and the White Plains Nissan services facility, which would include 220,000 square feet of commercial uses, twelve multi-family dwelling units and a 720-space parking garage ("Proposed Post Maple 77 Project").

It is appropriate for the Common Council to conduct a segmented SEQR review of the Proposed Action separate from the environmental review regarding any future site plan approval for the Proposed Post Maple 77 Project for the following reasons:

a. SEQR regulations (6 NYCRR 617.3 (g)) permit the segmented environmental review for separate, but related approval actions if a determination is made by the Common Council that such a review is appropriate and no less protective of the environment.

b. Applicant has not applied for the site plan approval for the Proposed Post Maple 77 Project.

c. The properties adjacent to the subject lots at 1- 5 Rathbun Avenue and the Brady Place are currently owned by of Post Maple 77, LLC and are currently zoned and can be developed in conformance to the B-3 zoning district without approval of the Proposed Action.

d. Any application for site plan approval for any development on the nearby properties currently owned by of Post Maple 77, LLC, with or without the subject Rathbun lots or Brady Place, shall be subject to a specific environmental review prior to approval.

e. As discussed in the environmental findings contained herein, due to vacant character of the surrounding lots, the condition of the Brady Place street right-of-way and the recommendations of the Comprehensive Plan, it is reasonable to consider the environmental review of the Proposed Action on its own merits and as a separate action.

It is recommended that the Common Council (a) designate itself to serve as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; (c) find that a segmented review of the proposed Zoning Ordinance amendment separate from the environmental review for the and Proposed Post Maple 77 Project is appropriate and no less protective of the environment; and (d) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

While located within the B-2 Zoning District in the Zoning Ordinance, the properties at 1, 3 & 5 Rathbun Avenue not designated in the Comprehensive Plan within the nearby Neighborhood Commercial use along West Post Road. Rather, these lots are already identified on the Land Use Map as a General Commercial/Corridor use which is consistent with the proposed B-3 Intermediate Business Zoning District. The Proposed Action does not necessitate any changes to the Comprehensive Plan.

The Comprehensive Plan includes the following Vision Statement for the Post Road Corridor:

The Plan envisions the Post Road corridor as an attractive mixed use gateway to the City. To the south, near the Scarsdale municipal boundary, a mix of well-landscaped, new and upgraded low and medium density residential properties would be linked by stone walls and upgraded public infrastructure. Revitalized commercial areas beginning north of the intersection with Maple Avenue would be enhanced with new attractive facades and signage,

well-designed and appropriately scaled new development, and new pedestrian-oriented public infrastructure which establishes a design theme for the corridor. The continued importance of the White Plains Hospital and the Winbrook housing community are also key to the vision for Post Road, with improved connections and complementary land uses which avoid residential impacts. The abutting lower density residential neighborhoods would be protected by maintaining and enhancing existing natural

The Comprehensive plan includes the following Strategies for Post Road from Rathbun Avenue to South Lexington Avenue:

- Limit the spillover of commercial parking into the abutting residential neighborhood by ensuring that all changes to, and redevelopment of, existing commercial uses in this section of the corridor include adequate off-street customer and employee parking. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

- Require that the redevelopment of properties between Post Road and Maple Avenue treat both Post Road and Maple Avenue as frontages with appropriate landscaping, fencing and building, and parking lot design. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

The Proposed Action is consistent with the recommendations of the Comprehensive Plan.

<u>Zoning discussion.</u>

The Zoning Ordinance offers the following general descriptions for land uses in the B-2 and B-3 Districts:

5.5.1.4 *The B-2 District is a low-density neighborhood retail district containing retail and service business "uses" of a limited nature appropriate to serve the convenience shopping needs of neighboring residential areas.*

5.5.1.5 *The B-3 District is a general retail district containing a wide variety of retail, office and service business "uses" as well as "multi-family dwellings." The majority of "uses" in the district are of a service character and the district is located predominantly along the major arterial commercial "streets" of the City.*

The Proposed Action will reclassify the three Rathbun Lots from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District and thereby assign additional permitted B-3 uses and increase the permitted building floor area applicable to the lot area.

Changing the Zoning classification the three Rathbun Lots would permit the following additional uses:

Permitted principal uses:	Commercial indoor recreational facilities, theaters, funeral homes and bars.
Special permit uses:	Health clubs, motor vehicle sales, veterinary hospitals, stacked attendant parking.

The following are the building bulk regulations for the B-2 and B-3 Districts.

Permitted	B-2	B-3
Max. Building Coverage:	50 %	80%
Accessory Building Coverage:	10%	10%
Floor Area Ratio- Non-residential:	0.8	2.0
Min. Lot area / Dwelling Unit:	2,500 sq. ft.	500 sq. ft.
Lot front yard:	15 ft.	5 ft.
One side yard:	5 ft.	NA
Two side yards:	15 ft.	NA
Rear Yard:	30 ft.	15 ft.
Max, Height stories:	2	4
Max. Height feet:	25 ft.	50 ft.

Under the B-2 District the three lots would have a FAR of 0.8 and permit 8,645 sq. ft. of floor area.

Under the B-3 District the three lots would have a FAR of 2.0 and permit 21,614 sq. ft. of floor area or an increase of 12,969 sq. ft.

The land area within the Brady Place street right-of-way is owned by the applicant and is already zoned B-3. Any land area underlying a street ROW cannot be used to calculate development rights. Demapping this ROW will permit the application of the permitted floor area to the land area of this previously restricted street.

The Brady Place street right-of-way is approximately 255 ft. in length with 7,650 sq. ft. of land area. The 2.0 FAR of the B-3 District permits a floor area of 15,300 sq. ft.

Appling the 2.0 FAR of the B-3 District to the combined 18,457, sq. ft. (10,807 sq. ft. and 7,650 sq. ft.) area of the three lots and ROW would generate additional permitted a floor area of 36,914 sq. ft.

The area affected by the Proposed Action is quite small relative to the area along West Post Road already zoned B-3. The Applicant has stated that they own or have control of the abutting properties containing 4.2 acres or 182,952 sq. ft. of land area. Applying the 2.0 FAR in the existing B-3 District to this site would permit up to 329,354 sq. ft. of commercial floor area.

In context of the permitted land uses and the zoning already permitted in adjacent land along the in the Post Road corridor, the additional floor area of 36,914 sq. ft. that would be facilitated by the Proposed Action does not represent a significant increase in development potential.

(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.

While the ROW connects West Post Road and Maple Avenue, the actual paved roadway terminates before and does not connect to the roadway of Maple Avenue. It does not serve public street circulation and as such only provides access to the abutting tax lots that front directly on Brady Place. The petitioner owns all of these abutting properties and is the only property owner affected by the demapping of Brady Place. There are currently no buildings or

uses along Brady Place that needs the ROW access.

There is existing pedestrian sidewalk within this street section that provides connects from West Post Road to Maple Avenue. There is no specific need to maintain this access. Brady Place is a one- block long street and does not align with any other streets along West Post Road or Maple Avenue. The nearby Rathbun Avenue ROW approximately 150 feet to the west of Brady Place provides alternate pedestrian access in this area.

If Brady Place is demapped, the City should reserve a municipal utility easement within the bed of Brady Place as follows:

- An existing sanitary sewer starts within the ROW and connects to Maple Avenue. This line served the former buildings is no longer needed. This line can be cut and capped now or removed in conjunction with any future development.

- The is one existing storm water catch basin at the southern, end of the Brady Place that drains and connects to the storm drain in Maple Avenue. This currently drains the low area at the end of Brady Place and should be maintained until the area is redeveloped. This stormwater pipe can removed in conjunction with any future development.

- There is a 6-inch water service line that connects to the water service line in West Post Road and Maple Avenue. This line is not needed to serve the adjacent lots on Brady Place, but may be needed for water system circulation. This should be maintained until the area is redeveloped. This line can be relocated or removed in conjunction with any future development.

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

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The former residential or commercial buildings and uses on the subject lots and the adjacent properties currently owned by the Petitioner have been removed. There are no naturally vegetated conditions, landscaping or trees located on the site.

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The nearby area along West Post Road is in transition where several automotive dealerships have closed and the facilities demolished. In the current condition there is an approximately

800 foot long section of vacant and roughly graded land along an important access corridor to the Downtown White Plains that also faces the residential neighborhood along Maple Avenue. The subject Rathbun Lots and Brady Place ROW are a part of this unused and vacant area.

While the Proposed Action does not include any new development, it is a technical action that will facilitate the revitalization of the commercial corridor

The nearby Post Road Neighborhood Business Area over the years has been sable and continues to serve the nearby residential neighborhoods. Designating the Rathbun Avenue lots within the B-3 District will not will remove any existing neighborhood services. .

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

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

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

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

(h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

(i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

(j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

(k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected.

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

Respectfully submitted,

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE ZONING ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF WHITE PLAINS TO THE ZONING ORDINANCE TO RECLASSIFY THREE LOTS KNOWN AS 1 RATHBUN AVENUE, 3 RATHBUN AVENUE AND 5 RATHBUN AVENUE FROM THE B-2 NEIGHBORHOOD BUSINESS ZONING DISTRICT TO THE B-3 INTERMEDIATE BUSINESS ZONING DISTRICT AND AMEND THE OFFICIAL CITY MAP TO DISCONTINUE BRADY PLACE.

WHEREAS, the petition submitted to the Common Council on behalf of Post Maple 77, LLC to amend the Zoning Map to reclassify three lots on Rathbun Avenue from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District and discontinue Brady (the "Proposed Action"), have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the following actions:

1. Amend the Zoning Map to reclassify three lots known as 1 Rathbun Avenue, 3 Rathbun Avenue and 5 Rathbun Avenue ("Rathbun Lots") (also known as Section 130.34, Block 6, Lots 6, 7, and 8 respectively on the tax assessment maps of the City of White Plains) from the B-2 Neighborhood Business Zoning District to the B-3 Intermediate Business zoning District.

2. Determination that the entire Brady Place street right-of-way which extends between West Post Road and Maple Avenue is no longer needed for public use as a dedicated street and should be discontinued subject to reservation of easements described in Section 3 hereof.

3. The City of White Plains reserves to itself a blanket easement for underground utilities under the entire portion of Brady Place street right-of-way discontinued as a public street as well as the City of White Plains and/or Westchester County's rights of pedestrian and motor vehicle access across these parcels for utility maintenance and installation. This easement may be terminated in conjunction to any site plan approval regarding the abutting properties as determined by the Department of Public Works.

4. Authorization for the Commissioner of Public Works to amend the Official Map of the City of White Plains accordingly; and

<u>SEQR Segmentation</u>

WHEREAS, as stated in the petition submitted by Maple 77, LLC, the proposed zoning amendment is requested in anticipation of and to facilitate a mixed use development located on approximately 4.2 acres roughly bounded by Maple Avenue, West Post Road, Rathbun Avenue and the White Plains Nissan services facility, which would include 220,000 square feet of commercial uses, twelve multi-family dwelling units and a 720-space parking garage ("Proposed Maple 77 Project"); and

It is appropriate for the Common Council to conduct a segmented SEQR review of the Proposed Maple 77 Project separate from the environmental review regarding any future site plan approval for the Proposed Post Maple 77 Project for the following reasons:

a. SEQR regulations (6 NYCRR 617.3 (g)) permit the segmented environmental review for separate, but related approval actions if a determination is made by the Common Council that such a review is appropriate and no less protective of the environment.

b. Applicant has not applied for the site plan approval for the Proposed Maple 77 Project.

c. The properties adjacent to the subject lots at 1- 5 Rathbun Avenue and the Brady Place are currently owned by of Post Maple 77, LLC and are currently zoned and can be developed in conformance to the B-3 zoning district without approval of the Proposed Action.

d. Any application for site plan approval for any development on the nearby properties currently owned by of Post Maple 77, LLC, with or without the subject Rathbun lots or Brady Place, shall be subject to a specific environmental review prior to approval.

e. As discussed in the environmental findings contained herein, due to vacant character of the surrounding lots, the condition of the Brady Place street right-of-way and the recommendations of the Comprehensive Plan, it is reasonable to consider the environmental review of the Proposed Action on its own merits and as a separate action; 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 (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be an Unlisted Action; (c) find that a segmented review of the proposed Zoning Ordinance amendment separate from the environmental review for the and Proposed Post Maple 77 Project is appropriate and no less protective of the environment; and (d) find that the Proposed Action will not have a significant effect on the environment; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that a segmented review of the proposed Zoning Ordinance amendment separate from the environmental review for the and Proposed Post Maple 77 Project is appropriate and no less protective of the environment; and

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

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

While located within the B-2 Zoning District in the Zoning Ordinance, the properties at 1, 3 & 5 Rathbun Avenue not designated in the Comprehensive Plan within the nearby Neighborhood Commercial use along West Post Road. Rather, these lots are already identified on the Land Use Map as a General Commercial/Corridor use which is consistent with the proposed B-3 Intermediate Business Zoning District. The Proposed Action does not necessitate any changes to the Comprehensive Plan.

The Comprehensive Plan includes the following Vision Statement for the Post Road Corridor:

The Plan envisions the Post Road corridor as an attractive mixed use gateway to the City. To the south, near the Scarsdale municipal boundary, a mix of well-landscaped, new and upgraded low and medium density residential properties would be linked by stone walls and upgraded public infrastructure. Revitalized commercial areas beginning north of the intersection with Maple Avenue would be enhanced with new attractive facades and signage, well-designed and appropriately scaled new development, and new pedestrian-oriented public infrastructure which establishes a design theme for the corridor. The continued importance of the White Plains Hospital and the Winbrook housing community are also key to the vision for Post Road, with improved connections and complementary land uses which avoid residential impacts. The abutting lower density residential neighborhoods would be protected by maintaining and enhancing existing natural

The Comprehensive plan includes the following Strategies for Post Road from Rathbun Avenue to South Lexington Avenue:

- Limit the spillover of commercial parking into the abutting residential neighborhood by ensuring that all changes to, and redevelopment of, existing commercial uses in this section of the corridor include adequate off-street customer and employee parking. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

- Require that the redevelopment of properties between Post Road and Maple Avenue treat both Post Road and Maple Avenue as frontages with appropriate landscaping, fencing and building, and parking lot design. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

The Proposed Action is consistent with the recommendations of the Comprehensive Plan.

<u>Zoning</u>

The Zoning Ordinance offers the following general descriptions for land uses in the B-2 and B-3 Districts:

> *5.5.1.4 The B-2 District is a low-density neighborhood retail district containing retail and service business "uses" of a limited nature appropriate to serve the convenience shopping needs of neighboring residential areas.*
>
> *5.5.1.5 The B-3 District is a general retail district containing a wide variety of retail, office and service business "uses" as well as "multi-family dwellings." The majority of "uses" in the district are of a service character and the district is located predominantly along the major arterial commercial "streets" of the City.*

The Proposed Action will reclassify the three Rathbun Lots from the B-2 Neighborhood

Business Zoning District to the B-3 Intermediate Business zoning District and thereby assign additional permitted B-3 uses and increase the permitted building floor area applicable to the lot area.

Changing the Zoning classification the three Rathbun Lots would permit the following additional uses:

Permitted principal uses:	Commercial indoor recreational facilities, theaters, funeral homes and bars.
Special permit uses:	Health clubs, motor vehicle sales, veterinary hospitals, stacked attendant parking.

The following are the building bulk regulations for the B-2 and B-3 Districts.

Permitted	B-2	B-3
Max. Building Coverage:	50 %	80%
Accessory Building Coverage:	10%	10%
Floor Area Ratio- Non-residential:	0.8	2.0
Min. Lot area / Dwelling Unit:	2,500 sq. ft.	500 sq. ft.
Lot front yard:	15 ft.	5 ft.
One side yard:	5 ft.	NA
Two side yards:	15 ft.	NA
Rear Yard:	30 ft.	15 ft.
Max, Height stories:	2	4
Max. Height feet:	25 ft.	50 ft.

Under the B-2 District the three lots would have a FAR of 0.8 and permit 8,645 sq. ft. of floor area.

Under the B-3 District the three lots would have a FAR of 2.0 and permit 21,614 sq. ft. of floor area or an increase of 12,969 sq. ft.

The land area within the Brady Place street right-of-way is owned by the applicant and is already zoned B-3. Any land area underlying a street ROW cannot be used to calculate development rights. Demapping this ROW will permit the application of the permitted floor area to the land area of this previously restricted street.

The Brady Place street right-of-way is approximately 255 ft. in length with 7,650 sq. ft. of land area. The 2.0 FAR of the B-3 District permits a floor area of 15,300 sq. ft.

Appling the 2.0 FAR of the B-3 District to the combined 18,457, sq. ft. (10,807 sq. ft. and 7,650 sq. ft.) area of the three lots and ROW would generate additional permitted a floor area of 36,914 sq. ft.

The area affected by the Proposed Action is quite small relative to the area along West Post Road already zoned B-3. The Applicant has stated that they own or have control of the abutting properties containing 4.2 acres or 182,952 sq. ft. of land area. Applying the 2.0 FAR in the existing B-3 District to this site would permit up to 329,354 sq. ft. of commercial floor area.

In context of the permitted land uses and the zoning already permitted in adjacent land along the in the Post Road corridor, the additional floor area of 36,914 sq. ft. that would be facilitated by the Proposed Action does not represent a significant increase in development potential.

(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.

While the ROW connects West Post Road and Maple Avenue, the actual paved roadway terminates before and does not connect to the roadway of Maple Avenue. It does not serve public street circulation and as such only provides access to the abutting tax lots that front directly on Brady Place. The petitioner owns all of these abutting properties and is the only property owner affected by the demapping of Brady Place. There are currently no buildings or uses along Brady Place that needs the ROW access.

There is existing pedestrian sidewalk within this street section that provides connects from West Post Road to Maple Avenue. There is no specific need to maintain this access. Brady Place is a one- block long street and does not align with any other streets along West Post Road or Maple Avenue. The nearby Rathbun Avenue ROW approximately 150 feet to the west of Brady Place provides alternate pedestrian access in this area.

If Brady Place is demapped, the City should reserve a municipal utility easement within the bed of Brady Place as follows:

- An existing sanitary sewer starts within the ROW and connects to Maple Avenue. This line served the former buildings is no longer needed. This line can be cut and capped now or removed in conjunction with any future development.

- The is one existing storm water catch basin at the southern, end of the Brady Place that drains and connects to the storm drain in Maple Avenue. This currently drains the low area at the end of Brady Place and should be maintained until the area is redeveloped. This stormwater pipe can removed in conjunction with any future development.

- There is a 6-inch water service line that connects to the water service line in West Post Road and Maple Avenue. This line is not needed to serve the adjacent lots on Brady Place, but may be needed for water system circulation. This should be maintained until the area is redeveloped. This line can be relocated or removed in conjunction with any future development.

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

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The former residential or commercial buildings and uses on the subject lots and the adjacent properties currently owned by the Petitioner have been removed. There are no naturally vegetated conditions, landscaping or trees located on the site.

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or landscaping.

The nearby area along West Post Road is in transition where several automotive dealerships have closed and the facilities demolished. In the current condition there is an approximately 800 foot long section of vacant and roughly graded land along an important access corridor to the Downtown White Plains that also faces the residential neighborhood along Maple Avenue. The subject Rathbun Lots and Brady Place ROW are a part of this unused and vacant area.

While the Proposed Action does not include any new development, it is a technical action that will facilitate the revitalization of the commercial corridor

The nearby Post Road Neighborhood Business Area over the years has been sable and continues to serve the nearby residential neighborhoods. Designating the Rathbun Avenue lots within the B-3 District will not will remove any existing neighborhood services. .

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

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

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

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

(h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

(i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

(j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

(k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council determines that the

Proposed Action will not have a significant effect on the environment; and be it further

RESOLVED that the Environmental Officer is authorized to file the appropriate notice as required by SEQR.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS DISCONTINUING BRADY PLACE IN THE CITY OF WHITE PLAINS.

WHEREAS, the adjoining owner on both sides of Brady Place, Post Maple 77, LLC has petitioned the Common Council of the City of White Plains for a discontinuance of Brady Place between West Post Road and Maple Avenue; and

WHEREAS, said Brady Place is a 30 foot wide public right-of-way extending approximately 255 feet between West Post Road and Maple Avenue although there is no vehicular access to Brady Place from Maple Avenue because of the difference in grade between the two streets; and

WHEREAS, Brady Place had been used to access several residences from West Post Road, which residences have all been demolished; and

WHEREAS, Section 152 of the Charter of the City of White Plains requires specific public notice of the intent of the Common Council to discontinue a street or portion thereof and a public hearing concerning discontinuance of streets or portions thereof; and

WHEREAS, the Common Council, at a meeting held on February 1, 2016, opened the duly noticed public hearing on the proposed discontinuance of Brady Place which runs between West Post Road and Maple Avenue, at which time representatives of the Applicants and the public were afforded the opportunity to speak for and against the application; and

WHEREAS, the Common Council, at a meeting held on February 1, 2016, closed the public hearing; and

WHEREAS, said discontinued portion of Brady Place is no longer needed for any public purpose; and

WHEREAS, the Common Council, at a meeting held on February 1, 2016, adopted a resolution declaring itself as Lead Agency for the environmental review of this action and another action pursuant to the State Environmental Quality Review Act and its accompanying regulations ("SEQR"), classified this proposal as an Unlisted Action, and adopted an environmental findings resolution which included the amendment to the Official Map for the discontinuance of Brady Place, a 30 foot wide public right-of-way extending approximately 255 feet between West Post Road and Maple Avenue.

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

Section 1. It is hereby determined that Brady Place, a 30 foot wide public right-of-way extending approximately 255 feet between West Post Road and Maple Avenue, is no longer needed for public use as a dedicated street and the same be, and hereby is, discontinued.

Section 2. The Commissioner of Public Works is hereby authorized to amend the

Official Map of the City of White Plains accordingly.

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

Dear Mayor and Council Members:

Per referral by the Common Council on January 5, 2016, the Department of Building has reviewed a proposed petition for a Zoning Ordinance Amendment for a project located at 95 South Broadway and 4 Lyon Place known as the Esplanade. The applicant, Esplanade of White Plains Venture Partnership, proposes the re-purposing and redevelopment of the existing building.

These premises are situated within the CB-1 Zoning District where "Multi-Family Dwellings" are a permitted principal use. The applicant is seeking to eliminate the dimensional requirement that there be a minimum of 500 square feet of lot area for each dwelling unit when a project is proposed in an existing building.

The Department of Building has reviewed this application with respect to Zoning compliance only and has no objection to this amendment being approved.

Kevin M. Hodapp, P.E.
Deputy Commissioner of Building

Dated: January 19, 2016
(for the February 1, 2016 Common Council meeting)

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 COMMISONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PETITION TO AMEND THE ZONING ORDINANCE SCHEDULE OF DIMENSIONAL REGULATIONS (SECTION 5.3) TO ADD A NEW NOTE jj, WHICH WILL ELIMINATE THE CB-1 DISTRICT REQUIREMENT OF 500 SQUARE FEET OF LOT AREA PER DWELLING UNIT WHEN A PROJECT IS PROPOSED IN AN EXISTING BUILDING

At its meeting of December 7, 2015, the Common Council referred a petition submitted by Esplanade of White Plains Venture Partnership, to amend the Zoning Ordinance Schedule of Dimensional Regulations to add a new note, jj, which states:

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

The maximum number of units that may be developed on a site in the CB-1 district under the existing zoning is determined by dividing the lot area by 500 square feet. The proposed amendment would eliminate that requirement for existing buildings to facilitate the conversion of office and retail space to residential units at a density that will make adaptive reuse economically viable.

Of the four Core Business zoning districts (CB-1, CB-2, CB-3, and CB-4), only the CB-1 has a dimensional requirement that limits the number of dwelling units that may be built on a site. There is currently only one mapped CB-1 district in the City located at the southern edge of the downtown. It is bound by East Post Road on the north, South Broadway on the east, generally by Maple Avenue to the south, and Chester Avenue on the west. The district consists of one and two story retail and restaurant uses along Mamaroneck Avenue and Post Road, with several mid-size office buildings and several municipal parking lots and garages.

The proposed amendment will have limited applicability. Within the current CB-1 district, there are only six existing buildings that could realistically be considered for conversion to residential use. However, only one of the six buildings has on-site parking (the American Cancer Society), and all of the other sites are fully developed, with no room to create on-site parking. Two of the properties (222 and 235-237 Mamaroneck Avenue) have satellite parking for their office uses, but the adequacy of the parking and the distance to the buildings would need to be evaluated at the time of any application for conversion to residential use.

The proposed amendment is consistent with the Comprehensive Plan, which states:

In the Core Area, the old BR zones and the UR-2 zone were replaced with the CB-1, CB-2, CB-3and CB-4 districts. These new districts were created to encourage residential development in the downtown. (Implementation – Land Use Regulations, p. III-I-6)

Downtown residential development has become, and will continue to be, a major economic tool for the City to create a truly livable, "walkable" urban environment with a 24/7 character that supports the other two major economic generators – office and retail. (2006 Addition to Vision Statement)

After extensive study and analysis, the decision by the City was not to promote increased large scale office and retail, but to emphasize, instead, through zoning density and height bonuses, the increased housing in the downtown as the third factor of downtown development. A critical mass of downtown housing has become important in supporting the economic base on which the City rests. Downtown housing provides patrons for retail, restaurant and entertainment uses, and it creates a vitality in the downtown that draws others to be a part of it. Importantly, it also provides a use that does not have the same infrastructure demands as office and retail, and, therefore, diversifies the impacts to the City's infrastructure. Residential development in and adjacent to the downtown, unlike the lower density housing in the Close-In and Outer Area neighborhoods, should be viewed as part of a coherent economic development strategy. (Implementation - 2006 Modifications to 1997 Comprehensive Plan Housing Recommendations, p. I-II-37)

The addition of mixed retail/residential or office/residential uses in the Core Area requires an innovative strategy that includes zoning incentives, conversions, and the adaptive reuse of obsolete non-residential structures. (Core Area Analysis)

Encourage owners of private properties, including office buildings, to upgrade their buildings, and, where appropriate, assist owners in adaptive reuse of such buildings. (2006 Core Area Strategy)

The proposed amendment will not allow larger physical development of a site, as the note applies only to existing buildings, and does not allow for the creation of additional floor area. It would allow for a greater number of smaller residential units to be created on a site, which would generate more residents in the downtown.

The proposed amendment is consistent Comprehensive Plan and goals of the City to increase pedestrian activity in the downtown in order to enliven the streets and support downtown businesses. Further, any site specific development proposal seeking to utilize this new provision will be required to demonstrate that their proposal complies with City standards, particularly with regard to parking, circulation, and infrastructure during the site plan approval process. For these reasons, and those noted above, the Planning Department recommends that the Common Council, after a duly noticed public hearing, amend the Zoning Ordinance to add note jj to Section 5.3 – Schedule of Dimensional Regulations as presented.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 21, 2016
For the February 1, 2016 Common Council Meeting

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

January 22, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PETITION TO AMEND THE ZONING ORDINANCE SCHEDULE OF DIMENSIONAL REGULATIONS (SECTION 5.3) TO ADD A NEW NOTE jj, WHICH WILL ELIMINATE THE CB-1 DISTRICT REQUIREMENT OF 500 SQUARE FEET OF LOT AREA PER DWELLING UNIT WHEN A PROJECT IS PROPOSED IN AN EXISTING BUILDING

At its January 19, 2016 meeting, the Planning Board reviewed the petition to amend the Zoning Ordinance Schedule of Dimensional Regulations (Section 5.3) to add a new note jj, which will eliminate the CB-1 District requirement of 500 square feet of lot area per dwelling unit when a project is proposed in an existing building.

The Planning Board reviewed an analysis of the applicability of the amendment to other properties within the CB-1 District, and found that parking requirements for residential uses will limit the suitability of most existing buildings for conversion. The Board is supportive of adaptive reuse of existing buildings, and of increasing pedestrian activity in the downtown to support businesses and restaurants. The Board recognizes the limitations that are inherent in re-using existing buildings, but will encourage developers to seek opportunities for providing open space where possible. The Board looks forward to reviewing the site plan proposed by the petitioner.

Planning Board members voting in favor of the motion to send a letter to the Common Council finding no objection to the proposed amendment: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, and R. Stackpole (6); Opposed: None (0); Absent: J. Westlund (1).

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
Deputy Commissioner
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.

The Esplanade
95 South Broadway & 4 Lyon Place
Petition for Zoning Ordinance Amendment
Section 125.84, Block 4, Lot 84, Block 5, Lot 2
(the "Property")

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: January 20, 2016

THE CITY OF WHITE PL

DEPARTMENT OF P
MUNICIPAL BUILDING • 255 MAIN STREET
(914) 422-1206 • FAX:

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

New DPW on Esplanade

FM

TO THE HONORABLE MAYOR AND MEMBERS (
CITY OF WHITE PLAINS

Re: Esplanade of White Plains Venture Partnership
Petition for Zoning Ordinance Amendment (Within City Zone CB-1)
Section 125.84 - Block 4 - Lot 8.3 (95 South Broadway) and
Section 125.84 - Block 5 - Lot 2 (4 Lyon Place)

The Department of Public Works has reviewed the request by Zarin & Steinmetz, dated November 20, 2015, on behalf of Esplanade of White Plains Venture Partnership (Esplanade Partners) to submit a petition for a Zoning Ordinance Amendment in order to redevelop two (2) existing buildings, located within the City's CB-1 zoning district, at 95 South Broadway and 4 Lyon Place, including the construction of two-hundred-twelve (212) residential rental units, along with approximately 8,900 square feet of retail space, approximately 9,000 square feet of office space, and off-street parking.

In conclusion, we have no objection to the approval of the zoning changes. The applicant must provide more detailed site plan information than what is presently shown, and all technical issues must be addressed prior to the issuance of a Building Department Permit.

Respectfully Submitted,

Richard G. Hope
Commissioner of Public Works

Dated: February 1, 2016

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

The Department of Parking/ Traffic Division has reviewed the petition for a zoning ordinance amendment from the Esplanade (95 South Broadway & 4 Lyon Place) to eliminating the dwelling unit limit of total square feet divided by 500 for existing buildings in the CB-1 district.

The Department of Parking/ Traffic Division has no objection to this change in zoning.

Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: January 21, 2016
(for the February 1, 2016 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 January 20, 2016, reviewed a request to amend the Zoning Ordinance pertaining to the number of dwelling units that may be located in a multi-family residence in the CB-1 district. Currently for existing buildings the number of units is restricted to the total square footage of the lot divided by 500 Square feet. They are requesting that this requirement be eliminated as referred by the Common Council on January 4, 2016.

The Transportation Commission had no objection to the proposed changes.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 21, 2016 (for the February 1, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #40 – Esplanade White Plains Venture Partnership – Amendment to Zoning Ordinance

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

The Parking Department has no objection to the proposed change to the Schedule of Dimensional Regulations in the Zoning Ordinance to eliminate the minimum requirement of 500 square feet of lot area for each dwelling unit when a project is proposed in an existing building.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: February 1, 2016

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Westchester gov.com

Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code

Robert P. Astorino
County Executive

County Planning Board

RECEIVED
JAN 11 2016
OFFICE OF THE CITY CLERK

January 11, 2016

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

Subject: **Referral File No. WHP 16-001 — The Esplanade; Zoning Text Amendment**

Dear Ms. McPherson:

The Westchester County Planning Board has received a copy of a petition to amend the text of the City Zoning Ordinance. The applicants for the Esplanade development proposal request an amendment to the "Schedule of Dimensional Regulations" for the CB-1 Zoning District to eliminate the minimum square footage per dwelling unit requirement for existing buildings in which there is no net increase in floor area and where no reduction of an existing yard is proposed.

If the proposed zoning text amendment is approved, the applicant would then seek approval to renovate an existing senior apartment building known as the Esplanade so as to convert it into a non-age-restricted building containing 212 apartments, 8,866 square feet of retail space, 9,000 square feet of office space with associated parking. The subject property is two parcels located at 95 South Broadway and 4 Lyon Place.

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

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

FOR
By:

Edward Buroughs, AICP
Commissioner

EEB/LH

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132 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-4400

Website: westchestergov.com

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

January20, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PROPOSED AMENDMENT TO THE ZONING ORDINANCE SCHEDULE OF DIMENSIONAL REGULATIONS (SECTION 5.3) TO ELIMINATE THE MINIMUM REQUIREMENT IN THE CB-1 ZONE FOR 500 SQUARE OF LOT AREA PER DWELLING UNIT WHEN A PROJECT IS PROPOSED IN AN EXISTING BUILDING

The petition submitted on behalf of Esplanade of White Plains Venture Partnership, to amend the Zoning Ordinance Schedule of Dimensional Regulations ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action would amend the Zoning Ordinance Schedule of Dimensional Regulations (Section 5.3) to eliminate the minimum requirement in the CB-1 Zone for 500 square feet of lot area per dwelling unit when a project is proposed in an existing building. The amendment will add a new footnote "jj" to Section 5.3 Schedule of Dimensional Regulations, Non-residential Table in Column 7 with respect to the CB-1 zone, the text of which footnote to be placed in the footnote column as follows:

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

SEQR Segmentation

As stated in the petition, the Applicant, Esplanade of White Plains Venture Partnership, is requesting an amendment to the Zoning Ordinance anticipating redevelopment and changing the use of the two existing buildings at 95 South Broadway and 4 Lyon Place from a senior housing facility ("domiciliary care facility" as defined by the Zoning Ordinance) to a to multi-family residential building.

SEQR regulations permit the segmented environmental review of separate, but related approval actions if a determination is made by the Common Council that such a review is appropriate and no less protective of the environment.

It is recommended that the Common Council find that the review of the Proposed Action separate from any subsequent application for site plan approval regarding the property located at 95 South Broadway and 4 Lyon Place is appropriate and no less protective of the environment for the following reasons:

1. The Zoning Ordinance amendment to permit additional permitted uses in the BR-1, Business

Residential District, is a separate and independent action from any future consideration of site plan approval at 95 South Broadway and 4 Lyon Place.

2. The amendment to the Zoning Ordinance Schedule of Dimensional Regulations is not site specific to the properties at 95 South Broadway and 4 Lyon Place and is applicable to other properties located CB-1 District.

3. The Applicant, Esplanade of White Plains Venture Partnership, has not submitted any application for development of the 245 Mamaroneck Avenue property.

4. Any application for site plan or special permit approvals that involves the property at 95 South Broadway and 4 Lyon Place will receive a full environmental review in conformance with SEQR regulations.

At this time, it is recommended that the Common Council, as approving agency of the Proposed Action (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action: (b) find the Proposed Action to be an Unlisted Action under SEQR regulations; (c) find that the separate SEQR determination of the Proposed Action and any subsequent application for site plan approval regarding the property located at 95 South Broadway and 4 Lyon Place is appropriate and no less protective of the environment; and (d) find that the Proposed Action when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment for the following reasons:

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

Zoning

Section 5.5.1.7 of the Zoning Ordinance states the following regarding the CB-1 district:

> *"The CB-1 District is primarily a pedestrian-oriented, low to medium density retail and personal services business area located at the edge of the higher density sections of the City's central business district. This District is a gateway to the downtown area.*

The CB-1 District is located in only one area of the City at the southern section of the Core Business area. Therefore, this zoning change would have no impact elsewhere in the City.

The CB-1 District is generally bounded by East Post Road on the north, South Broadway on the east, Maple Avenue on the South and Chester Avenue on the west. It also includes the several properties on either side of Mamaroneck Avenue just south of Maple Avenue.

Most of the CB-1 District consists of one and two-story retail and restaurant uses along Mamaroneck Avenue and Post Road. There are office uses located within six office buildings and limited space on the second floor above the two-story retail buildings The District has the Waller/Maple parking lot, Lyon Place Garage, and the Chester/Maple Garage and at-grade lot.

The proposal to eliminate the minimum requirement in the CB-1 Zone for 500 square feet of lot area per dwelling unit is only applicable to an existing building. The amendment is not applicable to the development or construction of any new buildings or the addition of building floor area to an existing building. As such, this addresses and generally promotes the change of use or conversion of existing non-residential buildings to a multi-family residual use.

There are six larger buildings that might be considered for conversion to residential use. Only one of

the buildings, 2 Lyon Place, has onsite parking available. All of the other sites are fully developed, with no land area for parking. Two of the properties (222 Mamaroneck Avenue and 235-237 Mamaroneck Avenue) have satellite parking for their offices uses.

Address	Building Type and Parking
5 Waller Avenue.	A four-story office building. No onsite parking.
2 Lyon Place.	A four-story office building. Parking is at-grade below the three stories of office use.
The Coachman Hotel, 1 Chester Avenue.	A six-story building. Westchester County Homeless Housing. No onsite parking.
200 and 202 Mamaroneck Avenue.	A six-story office building. No onsite parking.
222 Mamaroneck Avenue.	A three-story office building. There is no onsite parking. Property owner also owns at-grade lots at Waller Avenue with approximately 89 parking spaces.
235-237 Mamaroneck Avenue.	A three-story office building. No onsite parking. Property owner also owns abutting at-grade lots with approximately 140 parking spaces

The conversion of a non-residential use to a residential use is subject to other requirements of the Zoning Ordinance including required parking for any new residential use in accordance with Section 8, Off-Street Parking and Loading

The CB-1 District is the only downtown, "Core Business" Zoning District that has the 500 sq. ft. of lot land area requirement for each Dwelling Unit. There is no listed land area requirement for similar multi-family uses in all the other CB-2, CB-3, CB-4, UR-4 or B-6 Districts that comprise the City's downtown and Central Parking Area. In these other zones, the amount of permitted floor area is determined by the Floor Area Ratio (FAR) and related Maximum Building Coverage or Minimum Required "Yard" Dimensions. Developers are able to determine the size of each type of residential unit, whether a studio, one, two, or three-bedroom apartment, which then results in the number of units along with the total amount of required parking for the varying type of units. This is a more flexible means for developers to respond the housing market and serves to promote additional housing in downtown.

Consistency with the Comprehensive Plan

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

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

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

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

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

* Encourage owners of private properties, including office buildings, to upgrade their buildings, and, where appropriate, assist owners in adaptive reuse of such buildings.

* Pedestrian traffic in the downtown should be encouraged for both its value in creating a positive environment for residents and visitors to the City, and for its value in reducing the use of automobiles and thereby reducing air pollution.

* The trend toward more residential development in the Core Area should be encouraged.

As discussed above, the Proposed Action addresses and generally promotes the adaptive reuse of exiting building in a changing real estate market and encourages additional residential development in the Core Area.

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

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

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

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

(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 uses proposed to be added to the BR-1 District are appropriate for a business-residential district and would be compatible with existing uses in the vicinity in that there are similar uses already permitted in the district.

The amendment to the Zoning Ordinance does not itself represent a specific development proposal and will not without further applications result in a specific action that would alter the physical

environment. Any subsequent application for construction on a specific site will require review for and compliance with municipal codes.

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

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

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

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

(h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

(i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

(j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

(k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geographic scope, magnitude and number of people affected.

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

Respectfully submitted,

Rod Johnson

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE ZONING ORDINANCE SCHEDULE OF DIMENSIONAL REGULATIONS (SECTION 5.3) TO ELIMINATE THE MINIMUM REQUIREMENT IN THE CB-1 ZONE FOR 500 SQUARE OF LOT AREA PER DWELLING UNIT WHEN A PROJECT IS PROPOSED IN AN EXISTING BUILDING

WHEREAS, the petition submitted on behalf of Esplanade of White Plains Venture Partnership, to amend the Zoning Ordinance Schedule of Dimensional Regulations ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action would amend the Zoning Ordinance Schedule of Dimensional Regulations (Section 5.3) to eliminate the minimum requirement in the CB-1 Zone for 500 square of lot area per dwelling unit when a project is proposed in an existing building; and

WHEREAS, the amendment will add a new footnote "jj" to Section 5.3 Schedule of Dimensional Regulations, Non-residential Table in Column 7 with respect to the CB-1 zone, the text of which footnote to be placed in the footnote column as follows:

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

<u>SEQR Segmentation</u>

WHEREAS, as stated in the petition, the Applicant, Esplanade of White Plains Venture Partnership, is requesting an amendment to the Zoning Ordinance anticipating redevelopment and changing the use of the two existing buildings at 95 South Broadway and 4 Lyon Place from a senior housing facility ("domiciliary care facility" as defined by the Zoning Ordinance) to a to multi-family residential building; and

WHEREAS, SEQR regulations permit the segmented environmental review of separate, but related approval actions if a determination is made by the Common Council that such a review is appropriate and no less protective of the environment; and

WHEREAS, the Environmental Officer has recommended that the Common Council find that the review of the Proposed Action separate from any subsequent application for site plan approval regarding the property located at 95 South Broadway and 4 Lyon Place is appropriate and no less protective of the environment for the following reasons:

1. The Zoning Ordinance amendment to permit additional permitted uses in the BR-1, Business Residential District, is a separate and independent action from any future consideration of site plan approval at 95 South Broadway and 4 Lyon Place. .

2. The amendment to the Zoning Ordinance Schedule of Dimensional Regulations is not site specific to the properties at 95 South Broadway and 4 Lyon Place and is applicable to other properties located CB-1 District.

3. The Applicant, Esplanade of White Plains Venture Partnership, has not submitted any application for development of the 245 Mamaroneck Avenue property.

4. Any application for site plan or special permit approvals that involves the property at 95 South Broadway and 4 Lyon Place will receive a full environmental review in conformance with SEQR regulations; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action: (b) find the Proposed Action to be an Unlisted Action under SEQR regulations; (c) find that the separate SEQR determination of the Proposed Action and any subsequent application for site plan approval regarding the property located at 95 South Broadway and 4 Lyon Place is appropriate and no less protective of the environment; and (d) find that the Proposed Action when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment for the following reasons; and

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

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

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

RESOLVED, based on the foregoing reasons, the Common Council hereby determines that the review of the Proposed Action separate from any subsequent application for site plan approval regarding the property located at 95 South Broadway and 4 Lyon Place is appropriate and no less protective of the environment for the following reasons; and be it further:

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

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

Zoning

Section 5.5.1.7 of the Zoning Ordinance states the following regarding the CB-1 district:

> *"The CB-1 District is primarily a pedestrian-oriented, low to medium density retail and personal services business area located at the edge of the higher density sections of the City's central business district. This District is a gateway to the downtown area.*

The CB-1 District is located in only one area of the City at the southern section of the Core Business area. Therefore, this zoning change would have no impact elsewhere in the City.

The CB-1 District is generally bounded by East Post Road on the north, South Broadway on the east, Maple Avenue on the South and Chester Avenue on the west. It also includes the several properties on either side of Mamaroneck Avenue just south of Maple Avenue.

Most of the CB-1 District consists of one and two-story retail and restaurant uses along Mamaroneck Avenue and Post Road. There are office uses located within six office buildings and limited space on the second floor above the two-story retail buildings The District has the Waller/Maple parking lot, Lyon Place Garage, and the Chester/Maple Garage and at-grade lot.

The proposal to eliminate the minimum requirement in the CB-1 Zone for 500 square feet of lot area per dwelling unit is only applicable to an existing building. The amendment is not applicable to the development or construction of any new buildings or the addition of building floor area to an existing building. As such, this addresses and generally promotes the change of use or conversion of existing non-residential buildings to a multi-family residual use.

There are six larger buildings that might be considered for conversion to residential use. Only one of the buildings, 2 Lyon Place, has onsite parking available. All of the other sites are fully developed, with no land area for parking. Two of the properties (222 Mamaroneck Avenue and 235-237 Mamaroneck Avenue) have satellite parking for their offices uses.

Address	Building Type and Parking
5 Waller Avenue.	A four-story office building. No onsite parking.
2 Lyon Place.	A four-story office building. Parking is at-grade under the three stories of office use.
The Coachman Hotel, 1 Chester Avenue.	A six-story building. Westchester County Homeless Housing. No onsite parking.
200 and 202 Mamaroneck Avenue.	A six-story office building. No onsite parking.
222 Mamaroneck Avenue.	A three-story office building. There is no onsite parking. Property owner also owns at-grade lots at Waller Avenue with approximately 89 parking spaces.
235-237 Mamaroneck Avenue.	A three-story office building. No onsite parking. Property owner also owns abutting at-grade lots with approximately 140 parking spaces

The conversion of a non-residential use to a residential use is subject to other requirements of the Zoning Ordinance including required parking for any new residential use in accordance with Section 8, Off-Street Parking and Loading

The CB-1 District is the only downtown, "Core Business" Zoning District that has the 500 sq. ft. of lot land area requirement for each Dwelling Unit. There is no listed land area requirement for similar multi-family uses in all the other CB-2, CB-3, CB-4, UR-4 or B-6 Districts that comprise the City's downtown and Central Parking Area. In these other zones, the amount of permitted floor area is determined by the Floor Area Ratio (FAR) and related Maximum Building Coverage or Minimum Required "Yard" Dimensions. Developers are able to determine the size of each type of residential unit, whether a studio, one, two, or three-bedroom apartment, which then results in the

number of units along with the total amount of required parking for the varying type of units. This is a more flexible means for developers to respond the housing market and serves to promote additional housing in downtown.

Consistency with the Comprehensive Plan

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

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

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

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

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

* Encourage owners of private properties, including office buildings, to upgrade their buildings, and, where appropriate, assist owners in adaptive reuse of such buildings.

* Pedestrian traffic in the downtown should be encouraged for both its value in creating a positive environment for residents and visitors to the City, and for its value in reducing the use of automobiles and thereby reducing air pollution.

* The trend toward more residential development in the Core Area should be encouraged.

As discussed above, the Proposed Action addresses and generally promotes the adaptive reuse of exiting building in a changing real estate market and encourages additional residential development in the Core Area.

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

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

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

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

(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 uses proposed to be added to the BR-1 District are appropriate for a business-residential district and would be compatible with existing uses in the vicinity in that there are similar uses already permitted in the district.

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

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

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

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

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

(h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

(i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

(j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

(k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geographic scope, magnitude and number of people affected; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council determines that the Proposed Action will not have a significant effect on the environment; and be it further

RESOLVED, that the Environmental Officer is authorized to file the appropriate notice as required by SEQR.

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF CITY OF WHITE PLAINS" AT SECTION 5.3 OF THE ZONING ORDINANCE REGARDING SCHEDULE OF DIMENSIONAL REGULATIONS, NON-RESIDENTIAL TABLE TO ADD A NEW FOOTNOTE WITH RESPECT TO THE CB-1 DISTRICT.

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

Section 1. The Zoning Ordinance of the City of White Plains, adopted June 1, 1981, and amended to date, be and it hereby is amended to add a new footnote jj to Section 5.3 Schedule of Dimensional Regulations, Non-residential Table in column 7 of said Table with respect to the CB-1 zone, the text of which footnote to be placed in the footnote column as follows:

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

§2. 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

Dear Mayor and Council Members:

The Department of Building has reviewed, per referral of the Common Council, an application filed on November 12, 2015 on behalf of Lifting Up Westchester, formerly known as Grace Church Community Center, for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Overnight Shelter for the Homeless".

The Department of Building has reviewed this application with respect to zoning compliance only and have no objection to the application being approved.

Respectfully Submitted,

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 19, 2016
(for the February 1, 2016 Common Council meeting)

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: APPLICATION MADE BY LIFTING UP WESTCHESTER (FORMERLY GRACE CHURCH COMMUNITY CENTER) TO:

1. RENEW SPECIAL USE PERMIT TO OPERATE AN "EMERGENCY SHELTER" FOR THE HOMELESS
2. RENEW SPECIAL USE PERMIT TO OPERATE AN "OVERNIGHT SHELTER FOR THE HOMELESS"
3. RENEW SPECIAL USE PERMIT TO OPERATE A "SOCIAL SERVICE CENTER FOR HOMELESS PERSONS"
4. MODIFY THE MAXIMUM NUMBER OF PERSONS PERMITTED NIGHTLY ACCOMMODATION AT THE "OVERNIGHT SHELTER FOR THE HOMELESS" KNOWN AS OPEN ARMS TO PERMIT FOURTEEN SEASONAL COTS IN THE BASEMENT OF 86-88 WEST POST ROAD FROM DECEMBER THROUGH APRIL

Lifting Up Westchester is the new name of the Grace Church Community Center. The name was officially changed on April 16, 2015. Lifting Up Westchester is a non-profit organization that operates the Open Arms Homeless Shelter at 86-88 East Post Road, consisting of an "Emergency Shelter," an "Overnight Shelter for the Homeless," a "Social Service Center for Homeless Persons," and an additional fourteen seasonal beds for the homeless during the winter months.

I. Current Applications:

The Common Council has received applications from Lifting Up Westchester (formerly Grace Church Community Center, Inc. "GCCC") for renewal of special permit approvals, all of which occur in the renovated and expanded building at 86-88 East Post Road,

which was acquired by the applicant, and improved to better serve clients. The requested renewals are for the following:

1. Special Permit for "Emergency Shelter" on the second floor of 86-88 East Post Road
2. Special Permit for "Overnight Shelter for the Homeless" on the third floor of 86-88 East Post Road
3. Special Permit for "Social Service Center for Homeless Persons"

In addition, the operations at 86-88 East Post Road, include up to 14 emergency cots provided in the basement of the building from December through April, to accommodate additional homeless men during the winter months. This operation requires modification by the Common Council of the Special Permit requirements for "Emergency Shelters" for the Homeless and "Overnight Shelters for the Homeless," which modifications are described herein below.

II. History of Special Permits for Facilities for the Homeless:

A. Adoption of Zoning Regulations:

At its meeting of October 7, 1985, the Common Council adopted amendments to the Zoning Ordinance to establish two special permits related to facilities for homeless persons. On September 2, 1986, the Common Council adopted a third amendment to the Zoning Ordinance establishing a new special permit use of "Social Service Centers for Homeless Persons."

1. Emergency Shelters

The first amendment to the Zoning Ordinance established a new special permit use of "Emergency Shelters." Individual standards for "Emergency Shelters" were established at Section 6.7.19 of the Zoning Ordinance. An "Emergency Shelter" is defined as:

A facility providing; without charge, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood), domestic violence, condemnation, court ordered eviction, or other urgent event.

2. "Overnight Shelters for the Homeless"

The second amendment to the Zoning Ordinance established a new special permit use of "Overnight Shelters for the Homeless." Individual standards for "Overnight Shelters for the Homeless" were established at Section 6.7.20 of the Zoning Ordinance. An "Overnight Shelter for the Homeless" is defined as:

A facility providing, without charge, single night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address.

3. "Social Service Centers for Homeless Persons

The third amendment for "Social Service Centers for Homeless Persons" was established at Section 6.7.22 of the Zoning Ordinance, and also included individual standards. "Social Service Centers for Homeless Persons" are defined as:

Facilities providing, without charge, counseling and referral services and a lounge and reception area, with or without meals, for indigent homeless families and individuals with no ordinary or regular home or residence address.

B. Approval and Extensions of Special Permits for Homeless Facilities

1. Special Permit approvals for GCCC facilities at 33 Church Street

a. On January 6, 1986, the Common Council approved a special permit for GCCC for the operation of an "Emergency Shelter" on the third floor of Grace Church, at 33 Church Street. This facility, known as "Samaritan House" had been serving as a shelter for homeless women for many years. This special permit approval brought it under the new regulations of the Zoning Ordinance.

b. On January 6, 1986, the Common Council approved a special permit for GCCC for the operation of an "Overnight Shelter for the Homeless" on the first floor of Grace Church, at 33 Church Street.

These facilities have operated continuously since the granting of the special permits in 1986.

2. Special Permit approvals for GCCC facilities at 86-88 East Post Road

a. On January 5, 1987, the Common Council adopted a resolution granting a special permit authorizing the establishment by G. S. Horace, Inc., a not-for-profit affiliate of GCCC, for an "Overnight Shelter for the Homeless" located at 88 East Post Road and known as "Open Arms."

b. On September 6, 1988, The Common Council adopted a resolution granting a special permit to G. S. Horace, Inc., not-for-profit affiliate of GCCC, to operate a "Social Service Centers for Homeless Persons" at 86-88 East Post Road.

3. *Special Permit approval renewals at 33 Church Street and 86-88 East Post Road*

Pursuant to Zoning Ordinance Section 6.7.19.11 for "Emergency Shelters," Section 6.7.20.11 for "Overnight Shelters for the Homeless," and Section 6.7.22.10 for "Social Service Centers for Homeless Persons," the special permits for these facilities *"shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided than no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council."*

Since the initial approval of the special permits, both facilities at 33 Church Street ("Emergency Shelter" and "Overnight Shelter for the Homeless") and both facilities at 86-88 East Post Road ("Overnight Shelter for the Homeless" and "Social Service Center for Homeless Persons") have been determined by the Commissioner of Building to be operating pursuant to the terms of their Management Plans and the Zoning Ordinance.

4. *Increases in Winter Occupancy since 2007*

Since December 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually extended the number of beds permitted in the "Emergency Shelter" at 33 Church Street by 4 beds and in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April.

III. Consistency with Special Permit Standards and Planning Department and Recommendations

The Planning Department has reviewed all three applications in relation to the City's Zoning Ordinance Special Permit regulations at Sections 6.5, 6.7.19, 6.7.20, 6.7.22, 7.5 and 8. The Planning Department has the following comments:

A. *Special Permit for "Emergency Shelter" for the homeless, on the second floor of 86-88 East Post Road*

The Emergency Shelter Application includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Emergency Shelter" for the homeless.

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Emergency Shelter" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

For over 25 years, Lifting Up Westchester, as GCCC, has provided both emergency shelter and social services to the homeless staying at the Open Arms Homeless Shelter and at Samaritan House. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

1. The Planning Department finds that the "Emergency Shelter" for the homeless is consistent with the Special Permit Standards at Section 6.5 as follows:

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

   The "Emergency Shelter" use would be effectively the same as it had been operating at 86-88 East Post Road as the "Overnight Shelter for the Homeless" under the permit that was issued by the Common Council on September 6, 1988.

The Planning Department does not find that there will be any increase in the intensity of the use.

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

The operation will be located on the second floor of the renovated building at 86-88 East Post Road and will, therefore, result in no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. The homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

As noted under 6.5.2, there will be no significant change to the existing operations of the "Emergency Shelter." The use generates no traffic, because the clients do not have cars. The activities are contained within the building, so that sounds are contained. No fumes or vibrations are related to the use.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand of the facility associated with the special permit for an "Emergency Shelter." There are no parking requirements in the Zoning Ordinance for "Emergency Shelter" uses.

2. The Planning Department finds that the "Emergency Shelter" for the homeless is consistent with the Special Permit Standards at Section 6.7.19 as follows:

6.7.19 <u>"Emergency Shelters"</u>

6.7.19.1 Any "Emergency Shelter" shall comply fully with all requirements of applicable State, County and City codes, ordinances, and regulations relating to transient occupancies specifically including the Minimum Housing Standards Ordinance of the City, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms,

emergency exits, and other safety devices required by the White Plains Building Code.

The area of the building that will be subject to the "Emergency Shelter" special permit use currently complies with all of the regulations cited herein above, and shall be required to continue to be required to do so.

6.7.19.2 Any food preparation, service or distribution facilities in an "emergency shelter" shall be licensed or approved by the Westchester County Board of Health.

No food preparation is associated with the "Emergency Shelter."

6.7.19.3 Any "emergency shelter" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Emergency Shelter" will be operated by the not-for-profit corporation Lifting Up Westchester as the facility is currently operated.

6.7.19.4 An "emergency shelter" shall be available as a year around facility that is open 24 hours a day, 7 days a week, and shall accept individuals and/or families without regard to race, religion, ethnic background, gender, marital status, age, or condition of disability or parentage.

The "Emergency Shelter" will be open during the hours specified. Lifting Up Westcheser, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.19.5 No "emergency shelter shall be located on a site less than 400 feet from another site on which is located another "emergency shelter," or on which is located an "overnight shelter for the homeless," or "community residence" or "domiciliary care facility," except that any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter and one "overnight shelter for the homeless" on the same premises.

The "Emergency Shelter" will be located in the same building as an "Overnight Shelter for the Homeless" which islocated on the third floor of 86-88 East Post Road. Both facilities will be operated by Lifting Up Westchester. This is consistent with this special permit standard.

6.7.19.6 No "emergency shelter" may accommodate more than 19 "persons."

The number of persons to be accommodated in the "Emergency Shelter" will remain at 19 persons.

6.7.19.7 Any "emergency shelter" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Department of Building and the Fire Prevention Bureau will continue to do inspections of the premises and ensure compliance with all codes, ordinances, regulations of the City of White Plains, and the conditions of this special permit.

6.7.19.8 An "emergency shelter" shall be well located with respect to public transportation and public and other social services, such as job placement, counseling, and other services necessary to serve the intended population.

The building in which the "Emergency Shelter" will be located, 86-88 East Post Road, is well located with respect to public transportation and to public and social services agencies, including Westchester County Departments of Social Services and Community Mental Health.

6.7.19.9 An "emergency shelter" shall provide for continuous accommodation of an individual or family for a period of up to 30 days and nights, with one extension of up to 30 days in the event of urgent necessity, as determined by the operator.

Accommodations at the "Emergency Shelter" at 86-88 East Post Road will be limited to individuals, as are the existing facilities licensed and managed by Lifting Up Westchester.

6.7.19.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the existing and intended operation of the "Emergency Shelter." In addition to the Management Plan, Lifting Up Westchester, as GCCC, has demonstrated its ability to operate such a facility based on the 25 plus years that it has operated homeless shelter and service programs at this location and at 33 Church Street.

6.7.19.11 A special permit for any "emergency shelter" shall expire one year after issuance, but upon application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all

applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Emergency Shelter" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Emergency Shelter" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

3. The Planning Department finds that the proposed modification is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit "Emergency Shelter" use.

4. The Planning Department finds that the proposed modification is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit "Emergency Shelter" use.

Based on the above review of the application for a Special Permit for an "Emergency Shelter" for the homeless in relation to the Special Permit standards for that use, the Planning Department finds that the use is consistent with both the general special permit standards at Section 6.5 and the individual special permit standards at Section 6.7.19 of the Zoning Ordinance. The Planning Department recommends approval of the application for Renewal of the Special Permit to Operate an "Emergency Shelter" for the homeless on the second floor of the building located at 86-88 East Post Road, subject to the conditions recommended herein.

B. Special Permit for "Overnight Shelter for the Homeless," on the third floor of 86-88 East Post Road.

The application for renewal of the Special Permit for an "Overnight Shelter for the Homeless" includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a

Special Permit at 86-88 East Post Road in relation to providing an "Overnight Shelter for the Homeless."

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Overnight Shelter for the Homeless" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled, Lot Sketch, undated.

h. Building Sketch, undated

1. Lifting Up Westchester has applied for a renewal of the Special Permit to operate the existing "Overnight Shelter for the Homeless" on the third floor at 86-88 East Post Road. The special permit for this use at 33 Church Street was originally approved on January 6, 1986.

   The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Special Permit Standards at Section 6.5 as follows:

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

   The "Overnight Shelter for the Homeless" use is proposed to be for nineteen (19) persons, as currently operates at the site.

   The Departments of Public Safety and Building have inspected the space used for the "Overnight Shelter for the Homeless" and found that the location and size of the space adequately meets the City's code requirements. The "Overnight Shelter for the Homeless" is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of use of the 86-88 East Post Road building will not change as the number of persons using the "Overnight Shelter for the Homeless " currently located in the building will not change.

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

The building will not be modified. There will, therefore, be no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Overnight Shelter for the Homeless" use does not generate noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area. Homeless persons may not leave and reenter the overnight shelter once they have entered. Lifting Up Westchester works closely with the Department of Public Safety in providing shelter and services and will continue to do so.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for an "Overnight Shelter for the Homeless." There is no parking requirement for "Overnight Shelters for the Homeless" in the Zoning Ordinance.

2. The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Special Permit Standards at Section 6.7.20 as follows:

6.7.20 <u>"Overnight Shelters for the Homeless"</u>:

6.7.20.1 Any "overnight shelter for the homeless" shall comply fully with the requirements of the applicable State, County and City codes, ordinances and regulations relating to transient occupancy, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms, emergency exits and other safety devices required by the White Plains Building Code.

The "Overnight Shelter for the Homeless" will be required to comply with all City codes and regulations.

6.7.20.2 Any food preparation, service or distribution facilities in an "overnight shelter for the homeless" shall be licensed or approved by the Westchester County Board of Health.

There is no food service connected to the "Overnight Shelter for the Homeless."

6.7.20.3 Any "overnight shelter for the homeless" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Overnight Shelter for the Homeless" will be located entirely within the third floor of 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.20.4 An "overnight shelter for the homeless" may be a seasonal facility, open and operated during months of cold weather, generally from 15 October to 15 April, or it may be a year-round facility.

This "Overnight Shelter for the Homeless" is proposed to be operated year-round.

6.7.20.5 An "overnight shelter for the homeless" shall be open and accept adult individuals only for single night occupancies, no earlier than 7:30 p.m. and shall permit occupancy no later than 7:30 a.m. While open, and for one hour before opening and for one hour after closing, an "overnight shelter for the homeless" shall be adequately staffed by the operating organization such that applicants may be efficiently accepted and accommodated, order and sanitation maintained at all times, and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities. These provisions shall be reflected in the Management Program required under Section 6.7.20.10 below.

The current operations of Lifting Up Westchester at 86-88 East Post Road, and the Management Plan, provide for the required staffing levels and hours of operation. For over 25 years, Lifting Up Westchester, as GCCC, has demonstrated its commitment to meeting the requirements established in this section.

6.7.20.6 An "overnight shelter for the homeless" shall accept adult individuals without regard to race, religion, ethnic background, gender, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.20.7 No "overnight shelter for the homeless" shall be located on a site less than 400 feet from another site on which is located another "overnight shelter for the homeless,"; or on which is located an "emergency shelter," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter" and one "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," and one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

6.7.20.8 No "overnight shelter for the homeless" may accommodate more than 19 "persons."

As stated herein above, the "Overnight Shelter for the Homeless" will accommodate 19 persons, unless a seasonal adjustment is approved by the Common Council, pursuant to Section 6.7 of the Zoning Ordinance.

6.7.20.9 Any "overnight shelter for the homeless" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Departments of Building and Fire Prevention will conduct periodic inspections consistent with this requirement.

6.7.20.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and including the information necessary to demonstrate that the requirements in Section 6.7.20.5 above will be satisfied. The applicant shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the intended operation of the "Overnight Shelter for the Homeless." In addition to the Management Plan, Lifting UP Westchester, as

GCCC, has demonstrated its ability to operate such a facility for over 25 years at this 86-88 East Post Road location and 33 Church Street.

6.7.20.11 A special permit for any "overnight shelter for the homeless" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Overnight Shelter for the Homeless" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

3. The Planning Department finds that the "Overnight Shelter for the Homeless" is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit use.

4. The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit use.

Based on the above review of the application for a Special Permit to operate an "Overnight Shelter for the Homeless" in relation to the Special Permit standards for that use, the Planning Department finds that the use is consistent with both the general special permit standards at Section 6.5 and the individual special permit standards at Section 6.7.20 of the Zoning Ordinance. The Planning Department recommends approval of the application for the Renewal of a Special Permit to Operate an "Overnight

Shelter for the Homeless" on the third floor of the building located at 86-88 East Post Road, subject to the conditions recommended herein.

C. ***Special Permit to Operate a "Social Service Center for Homeless Persons" on the first floor at 86-88 East Post Road.***

The application for renewal of the Special Permit for a "Social Service Center for Homeless Persons" includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Social Service Center for Homeless Persons"

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Social Service Center for Homeless Persons" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

1. Lifting Up Westchester has applied for a Renewal of the Special Permit to operate the existing "Social Service Center for Homeless Persons" on the first floor at 86-88 East Post Road.

The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Special Permit Standards at Section 6.5 as follows:

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

The "Social Service Center for Homeless Persons" use is proposed to supplement the services provided to individuals at the Open Arms Men's Shelter, both the Overnight and Emergency Shelters for the homeless. The use is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of use of the 86-88 East Post Road building will not change as the number of persons using the "Social Service Centers for Homeless Persons" currently located in the building will not change.

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

The operation will be located on the first floor, and will therefore result in no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Social Service Center for Homeless Persons" use does not generate any more noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area, than due the current operation of the facilities at 86-88 East Post Road.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for a "Social Service Center for Homeless Persons." There is no parking requirement for "Social Service Center for Homeless Persons" in the Zoning Ordinance.

2. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Special Permit Standards at Section 6.7.22 as follows:

6.7.22 <u>"Social Service Centers for Homeless Persons":</u>

6.7.22.1 "Social service centers for homeless persons" shall be available as year round facilities open from 7:30 a.m. to at least 8:00 p.m., 7 days a week.

The application for the "Social Service Center for Homeless Persons." proposes to open at 6:30 a.m. and close at 10:00 p.m. Lifting UP Westchester, as GCCC, has found these expanded hours to be the most effective in giving single homeless persons a place to go to be off the streets of White Plains from early morning to evening hours. Based on the experience of Lifting Up Westchester, the effective operation of the emergency facilities for the homeless in White Plains, is in part due to the staffing of the "Social Service Center for Homeless Persons" overlapping with staffing for the "Overnight Shelter for the Homeless." The Planning Department recommends that the Common Council approve the hours of operation of the "Social Service Center for Homeless Persons" on the first floor of 86-88 East Post Road as 6:30 a.m. to 10:00 p.m. as shown in the Management Plan.

6.7.22.2 "Social service centers for homeless persons" shall comply with the requirements of the applicable State, County and City codes, ordinances and regulations relating to occupancy and shall be fully equipped with all safety devices required by the White Plains Building Code and Fire Codes.

As noted previously, the area providing the "Social Service Center for Homeless Persons" operates on the first floor of the building at 86-88 East Post Road in compliance with all applicable State, County and City codes, ordinances and regulations.

6.7.22.3 "Social service centers for homeless persons" shall be contained within the "structure" of, and operated by a "not-for-profit corporation," as the same is defined in applicable statutes.

The "Social Service Center for Homeless Persons" will be operated wholly within the building at 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.22.4 Any food preparation, service or distribution facilities in "social service centers for homeless persons" shall be licensed or approved by the Westchester County Board of Health.

All food preparation, service and distribution facilities at the "Social Service Center for Homeless Persons" are licensed and approved by the Westchester County Board of Health.

6.7.22.5 While open, a "social service center for homeless persons" shall be adequately staffed by the operating organization such that clients may be accommodated according to the terms of an approved Management Plan as described in Section 6.7.22.9; order and sanitation are maintained at all times; and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities.

The Planning Department finds that the Management Plan for the "Social Service Center for Homeless Persons" submitted by Lifting Up Westchester provides for appropriate staffing and control over the clientele. The City's experience with Lifting Up Westchester, as GCCC, as an operator of such facilities for over 25 years demonstrates their ability to appropriately staff and management such a facility.

6.7.22.6 "Social service centers for homeless persons" shall accept adult individuals without regard to race, religion, ethnic background, sex, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.22.7 No "social service center for homeless persons" shall be located on a site less than 400 feet from another site on which another "social service center for homeless persons" is located or on which is located an "emergency shelter," "overnight shelter for the homeless," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "social service center for homeless persons," one "emergency shelter" and/or "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance, and 14 seasonal cots in the basement.

6.7.22.8 "Social service centers for homeless persons" are not shelters and shall not provide any sleeping accommodations.

The "Social Service Center for Homeless Persons" will not provide sleeping accommodations.

6.7.22.9 An applicant shall submit with its permit application a Management Plan for the operation of its proposed facility, including hours of operation, personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Plan. No special permit for any "social service center for homeless persons" shall be issued without an approved Management Plan.

Lifting Up Westchester submitted a Management Plan with their application. The Planning Department finds that the Management Plan addresses the issues required by this Section 6.7.22.9.

6.7.22.10 A special permit for a "social service center for homeless persons" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided than no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Social service Center for Homeless Persons" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Social Service Center for Homeless Persons" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

Subject to compliance with the applicable conditions contained herein below, the Planning Department finds that the "Social Service Center for Homeless Persons" application satisfies the requirements of Section 6.7.22 "Social Service Centers for Homeless Persons" of the Zoning Ordinance.

3. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit "Social Service Center for the Homeless" use.

4. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit "Social Service Center for the Homeless" use.

Based on the above review of the application for Renewal of the Special Permit to Operate a "Social Service Center for Homeless Persons" on the first floor of the building at 86-88 East Post Road, against the Zoning Ordinance general special permit standards, the individual standards for "Social Service Center for Homeless Persons," site plan standards at Section 7.5 and parking and loading standards at Section 8, the Planning Department finds the application is in compliance with such requirements. The Planning Department recommends approval of the application to Renew the Special Permit for a "Social Service Center for Homeless Persons" on the first floor of 86-88 East Post Road, subject to the conditions contained herein.

D. Modification by the Common Council of Special Permit Section 6.7.20.8 with respect to the standard for maximum number of persons permitted in an "Overnight Shelter for the Homeless" to allow 14 cots to be located in the basement of the building at 86-88 East Post Road during the winter months, generally from December through April.

Since December 20, 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually increased the number of beds permitted in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April.

There are currently fourteen cots located in the basement of 86-88 East Post Road, which are used for persons referred by the White Plains Hospital Emergency Room and the White Plains Police Department. These are considered seasonal beds for use in the winter months, generally during the period from December through April.

The addition of those fourteen cots to the facility makes the number of homeless persons exceed of the number that is permitted under the "Emergency Shelter" and "Overnight Shelter" special permits at Open Arms.

The Zoning Ordinance, at Section 6.7, provides that although individual standards and requirements are established for certain special permit uses, these individual standards, such as Section 6.7.19.6 and 6.7.20.8, "must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them." The Common

Council may, therefore, establish a different number of persons who may be accommodated pursuant to a specific "Emergency Shelter" or "Overnight Shelter for the Homeless" special permit after giving due consideration to the individual standard and being generally guided by it.

E. Recommended Conditions:

1. Renewal of the Special Permit for an "Emergency Shelter" on the second floor of 86-88 East Post Road subject to:

    a. The "Emergency Shelter" shall be limited to providing overnight shelter to individuals.

    b. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Emergency Shelter" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Emergency Shelter," and receive reports from other City departments on the performance of the "Emergency Shelter" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

2. Renewal of the Special Permit for an "Overnight Shelter for the Homeless" on the third floor of 86-88 East Post Road, subject to:

    a. The "Overnight Shelter for the Homeless" shall be limited to providing overnight shelter to individuals.

    b. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Overnight Shelter for the Homeless" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Overnight Shelter for the Homeless," and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

3. Renewal of the Special Permit to Operate a "Social Services Center for Homeless Persons" on the first floor at 86-88 East Post Road, subject to:

a. The "Social Service Center for Homeless Persons" shall serve persons, not families.

b. The Certificate of Occupancy for the "Social Service Center for Homeless Persons" shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the first floor of 86-88 East Post Road.

c. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Social Service Center for Homeless Persons" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Social Service Center for Homeless Persons," and receive reports from other City departments on the performance of the "Social Service Center for Homeless Persons" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

IV. Consistency with Comprehensive Plan

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

V. Conformance Site Plan Standards of the Zoning Ordinance at Section 7.5 with General Special Permit Standards at Zoning Ordinance Section 6.5 and Section 7.5

The building at 86-88 East Post Road was enlarged and renovated to better accommodate clients of the Open Arms Shelter. The site plan for that expansion was approved in 2012 and determined at that time to conform to the Site Plan Requirements of Section 7.5 of the Zoning Ordinance. The approval was extended in 2013, and construction was completed in 2015. The building has been occupied since December 15, 2015. No changes are proposed to the site plan as part of the three current Special Permit Renewals.

VI. Conclusion

The Planning Department recommends approval of the Special Permit applications submitted by Lifting Up Westchester, for: 1) an "Emergency Shelter" for the Homeless; 2) an "Overnight Shelter for the Homeless"; and 3) a "Social Service Center for Homeless Persons" subject to the conditions contained herein and such other conditions

as may be deemed appropriate by the Common Council. The Planning Department further recommends approval of a resolution to modify the maximum number of persons permitted nightly accommodation at the "Overnight Shelter for the Homeless" to permit 14 seasonal cots to be located in the basement of the building during the winter months. The following legislation is before the Common Council to effectuate such approvals:

A. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.19 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "EMERGENCY SHELTER" FOR THE HOMELESS TO BE LOCATED ON THE SECOND FLOOR OF 86-88 EAST POST

B. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.20 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "OVERNIGHT SHELTER FOR THE HOMELESS" TO BE LOCATED ON THE THIRD FLOOR OF 86-88 EAST POST

C. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.22 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE A "SOCIAL SERVICE CENTER FOR HOMELESS PERSONS" TO BE LOCATED ON THE FIRST FLOOR OF 86-88 EAST POST ROAD

D. RESOLUTION OF THE COMMON COUNCIL MODIFYING THE MAXIMUM NUMBER OF PERSONS PERMITTED NIGHTLY ACCOMMODATION AT THE "OVERNIGHT SHELTER FOR THE HOMELESS" KNOWN AS OPEN ARMS TO PERMIT FOURTEEN SEASONAL COTS IN THE BASEMENT OF 86-88 WEST POST ROAD FROM DECEMBER THROUGH APRIL

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 22, 2016
For the February 1, 2016 Common Council Meeting

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K.PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

January 22, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LIFTING UP WESTCHESTER - 86-88 EAST POST ROAD

RENEWAL OF A SPECIAL PERMIT TO OPERATE AN OVERNIGHT SHELTER FOR THE HOMELESS

RENEWAL OF A SPECIAL PERMIT TO OPERATE AN EMERGENCY SHELTER FOR THE HOMELESS

RENEWAL OF A SPECIAL PERMIT TO OPERATE A SOCIAL SERVICES CENTER FOR HOMELESS PERSONS

The Planning Board reviewed the three applications submitted by Lifting up Westchester, for Special Use Permits to operate: a) overnight shelter for the homeless, b) an emergency shelter for the homeless, and c) a social services center for homeless persons. The applicant, Executive Director of Lifting Up Westchester, Paul Anderson-Winchell, described the uses as the same that operated at the site prior to renovation, which was completed in December 2015.

The Planning Board had no reason to believe that there have been any problems with the operation of the facility, and, therefore, had no objection to renewal of the three requested Special Use Permits.

Planning Board members voting in favor of the motion to send a letter to the Common Council stating no objection to Renewal of the three requested Special Use Permits: M. Quinn, A. Cabrera, J. Ioris, L. Oliva, R. Stackpole, and J. Durante (6); Opposed: None (0); Absent: J. Westlund (1).

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
Deputy Commissioner
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.

Lifting Up Westchester
Special Permit
Overnight Shelter

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: January 20, 2016

THE CITY OF WHITE PLAINS

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

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed an application submitted on behalf of Lifting Up Westchester, formerly known as Grace Church Community Center ("Applicant"), for the renewal of an annual Special Permit for the operation of an "**Overnight Shelter for the Homeless**" at 86-88 East Post Road. The existing nineteen (19) bed shelter for the homeless currently operates on the third floor and basement of the premises. The overnight shelter stays are limited to twelve (12) hours per day and will generally operate between the months of October and May.

The Department of Public Works has no objection to the approval of this application for renewal of a Special Permit.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 21, 2016

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

The Department of Parking/ Traffic Division has reviewed the applications from Lifting up Westchester for renewal of a special permits to allow an overnight shelter for homeless persons at 86-88 East Post Road which was referred by the Common Council on January 4, 2016.

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

Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: January 21, 2016
(for the February 1, 2016 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 January 20, 2016, reviewed a request for renewal of a special permit to provide an "Overnight Shelter" for the homeless as referred by the Common Council on January 4, 2016.

The Transportation Commission had no objection to the proposed changes.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 21, 2016 (for the February 1, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #43 – Lifting Up Westchester (Formerly Grace Church Community Center) – Renewal of a Special Permit – To Provide for Overnight Shelter for the Homeless

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

The Department of Parking has no objection to the renewal of this special permit to provide for overnight shelter for the homeless at 86-88 East Post Road as it relates to the Municipal Parking System.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: February 1, 2016

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

County Ref. No. **WHP N16-001**

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

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

Municipality: **White Plains**
Referring Agency (check one): [ ] Planning Board or Commission
[ ] Zoning Board of Appeals
[X] City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: **Lifting Up Westchester Homeless Shelter Permit Renewal**
Address: **86-88 East Post Road**
Section: **125.83** Block: **3** Lot: **9**

Submitted by (name and title): **Damon Amadio**

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

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

[ ] ***Zoning Area Variance*** to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park

[X] ***Special Use Permit or Use Variance*** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.

[ ] ***Site Plan*** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:

- *The boundary of a city, town or village*
- *The boundary of an existing or proposed state or county park, recreation area or road right-of-way*
- *An existing or proposed county drainage channel line*
- *The boundary of state- or county-owned land on which a public building/institution is located or*
- *The boundary of a farm located in an agricultural district.*

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

Do not write below this line.

Date received by the Westchester County Planning Board: **1/5/16**
Notification acknowledged by (name and title): **Kay Eisenman, Planner**

ENVIRONMENTAL OFFICER

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

January 21, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LIFTING UP WESTCHESTER, INC.
86-88 EAST POST ROAD.
SPECIAL PERMIT APPROVALS FOR:
A. EMERGENCY SHELTER
B. OVERNIGHT SHELTER FOR THE HOMELESS CONSISTING OF NINETEEN (19) OVERNIGHT BEDS.
C. SOCIAL SERVICES CENTER FOR HOMELESS PERSONS.

Lifting Up Westchester, Inc. (("LUW") formerly known as Grace Church Community Center, Inc.("GCCC") has operated various emergency shelter and homeless social service programs in White Plains since 1986 and has recently completed the renovation of their facilities at 86-88 East Post Road.

At its June 3, 2013 meeting, the Common Council last granted renewal of the site plan special permits for the ongoing Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons at 86-88 East Post Road

Special permits for any Emergency Shelter, Overnight Shelter for the Homeless or Social Service Center shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. Since no application for the renewal of the respective special permit uses had been submitted during the renovation of the facility, the Proposed Action is herein being reviewed as a new, initial application.

At its January 4, 2016 meeting, the Common Council received an application from Lifting Up Westchester, Inc. dated November 12, 2015 regarding the renewal of three Special Permits ("Proposed Action" or "2016 Approval").

1. Special Permit to operate an Emergency Shelter at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.19

2. Special Permit to operate an Overnight Shelter for the Homeless at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.20

3. Special Permit to operate a Social Service Center for Homeless Persons at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.22

The Applicant has submitted the letter form Paul Anderson-Winchell, Executive Director, Lifting Up Westchester, Inc. dated November 12, 2015 forwarding the following documents regarding the renewal of three Special Permits:

1. Special Permit for the Emergency Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Emergency Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

2. Special Permit for the Overnight Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Overnight Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

3. Special Permit for the Social Service Center for Homeless at 86-88 East Post Road
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Social Service Center for Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

The Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer, the following conditions are included as part of the Proposed Action in regard to the renewal of the special permits for the Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for the Homeless Persons (hereinafter referred to as "2016 Conditions")

A. <u>Conditions for the approval the Emergency Shelter Special Permit:</u>

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Emergency Shelter for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Emergency Shelter special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

B. <u>Conditions for the approval of the Special Permit to operate an Overnight Shelter for the Homeless:</u>

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Overnight Shelter for the Homeless for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Overnight Shelter for the Homeless Special Permit to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Overnight Shelter for the Homeless over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

C. <u>Conditions for the approval of the Special Permit to operate a Social Service Center for Homeless Persons:</u>

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Social Service Center for Homeless Persons, for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Social Service Center for Homeless Persons special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

3. The Certificate of Occupancy for the Social Service Center for Homeless Persons shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the Basement and First Floor only of 86-88 East Post Road, in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' and 'Emergency Shelter' night time uses on the Second and Third Floors respectively.

It is recommended that the Common Council (a) designate itself as Lead Agency for the environmental review of the Proposed Action; (b) determine that the Proposed Action is an Unlisted Action under SEQR regulations; and (c) find that the that 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 proposal is consistent with the 1997 Comprehensive Plan as updated in 2006 and the White Plains Zoning Ordinance.

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

<u>Conformance to the Zoning Ordinance</u>

The premises is located within the B-3, Intermediate Business District where Emergency Shelters, Overnight Shelters for the Homeless and Social Service Centers for Homeless Persons are Special Permit uses.

The existing building conforms to the height, bulk and yard setback requirements and parking regulations of the B-3 District.

The following is a summary of the existing operations of the three special permit uses on the Project Site, the location of the operations of each special permit use within the building and the amount of space allocated to such operations will change.

BASEMENT LEVEL: 4,590 sq. ft.	Multi-purpose room converts to 14 seasonal overnight shelter beds subject to annual approval by the Common Council, large education/meeting rooms, staff control point, laundry, toilet and shower facilities, and mechanical space. The Multi-purpose room and Education / meeting room are part of the Social Service Center.
1ST FLOOR LEVEL: 4,590 sq. ft.	Dining room and kitchen, offices, interview rooms, recreation area, administration control point, no overflow sleeping area. This floor remains Social Service Center for Homeless Persons facility during day and is not occupied for sleeping at night.
2ND FLOOR LEVEL: 4,590 sq. ft.	A 19 bed Overnight Shelter for the Homeless, staff control point, toilets and showers.
3RD FLOOR LEVEL: 1,900 sq. ft.	A 19 bed Emergency Shelter, 1 and 2 bed rooms, toilets and showers, staff control point.

TOTAL: 15,670 sq. ft. floor area.

There is no parking requirement for the three special permit uses for the homeless operated at the Project Site. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. LUW has recently completed improvements to the parking lot, to provide 9 parking spaces (one handicap and 8 standard spaces), refuse storage area, snow storage area and grass landscaped area.

Conformance to the General Standards Applicable for All Special Permit Uses

The three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Services Center for Homeless Persons are subject to the generic Special Permit Standards in Section 6.5 of the Zoning Ordinance.

The Proposed Action subject to the Conditions listed above, conforms to these standards.

LUW currently operates the three Special Permit uses within the Project Site, serving up to 19 persons each in the Overnight Shelter for the Homeless and in the 24 hour Emergency Shelter. The Social Service Center for Homeless Persons is operated during the daytime. This facility is not limited to 19 persons. It serves persons staying in the Overnight Shelter for the Homeless as well as persons who may drop in. Through its coordinated programs operated at the Project Site, LUW has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents. LUW works closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms Men's Shelter has had significant

success in moving homeless men out of homelessness and into housing and jobs. The proposed renovations and modifications to the Project Site reflected in the Site Plan Amendment are designed to further enhance the existing programs. There will be no change in the number of persons (19) served in each of the two overnight shelter components, and the Social Service Center for Homeless Persons will continue to work with both overnight persons and drop ins.

The recent renovations and modifications to the Project Site and the addition of a third floor has not significantly changed the location, nature and intensity of the operations involved in it or conducted in connection with it. The additional floor area will permit better operation of the programs by providing distinct areas for each special permit use.

The special permit uses will not change with respect to East Post Road except that the facade of the building has been upgraded and improved to be in harmony with the appropriate and orderly development of the Post Road Corridor area which is a designated urban renewal redevelopment area and a corridor in which the City is seeking to promote well designed redevelopment.

There are no parking requirements in the Zoning Ordinance for special permit uses for the homeless. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. The recent improvements to the parking lot included appropriate striping of the spaces, creating a snow storage area, providing a handicapped space adjacent to the rear entrance, and creating a rear entrance stair tower.

Conformance to the Individual Standards for Specific Special Permit Uses.

Each of the three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for Homeless Persons are subject to the specific Standards in Section 6.7 of the Zoning Ordinance for those specific uses.

All three special permits uses currently operate in compliance with all applicable State, County and City codes, ordinances and regulations.

LUW has demonstrated its ability to operate this facility based on the 30 years that it has operated homeless shelter and service programs at this location and at 33 Church Street

The three special permit uses will continue to be operated by the not-for-profit corporation LUW as the facility is currently operated.

All food preparation, service and distribution facilities at the new Social Service Center for Homeless Persons on the first floor, like the current facilities, will be licensed and approved by the Westchester County Board of Health

The Emergency Shelter will continue to be open during the hours specified. LUW has demonstrated its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

As previously approved, there is one Overnight Shelter for the Homeless, on the second floor and one Emergency Shelter, on the third floor, with one Social Service Center for Homeless Persons, operating in the basement and on the first floor at 86-88 East Post Road, as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

At its May 2, 2011 meeting, the Common Council approved the following expanded hours of operation for the approved Social Service Center for Homeless Persons based upon the findings made in that approval:

> *"The Certificate of Occupancy for the 'Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the First Floor of 86-88 East Post Road, and between the hours of 7:30 a.m. and 7:30 p.m. on the Second Floor of 86-88 East Post Road in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' night time use on the Second Floor."*

Based on the above review of the application regarding the Emergency Shelter, the Overnight Shelter for the Homeless and the Social Service Center for Homeless Persons at 86-88 East Post Road against the Zoning Ordinance general special permit standards and the individual standards for the respective uses, the application is in compliance with such standards.

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

As stated above, the operations of the special permit uses will continue to be located in the same building as has been used for homeless shelter programs for 30 years.

The site is fully served by both public and private utility services.

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

There are no naturally landscaped conditions on site or in the surrounding neighborhood area.

(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.

With the recently completed improvements to the site and building, the Proposed Action to continue the ongoing social service programs does not involve any changes to the City or neighborhood.

As stated above, for 30 years, the Emergency Shelters, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons have been operating jointly to provide both emergency shelter and social services to the homeless staying at the facility. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

(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 and Public Safety.

(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

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE APPROVAL OF SPECIAL PERMITS IN RELATION TO EMERGENCY SHELTER, OVERNIGHT SHELTER FOR THE HOMELESS AND SOCIAL SERVICE CENTER FOR HOMELESS PERSONS USES AT 86-88 EAST POST ROAD ON BEHALF OF LIFTING UP WESTCHESTER, INC.

WHEREAS, Lifting Up Westchester, Inc. (("LUW") formerly known as Grace Church Community Center, Inc.("GCCC") has operated various emergency shelter and homeless social service programs in White Plains since 1986 and has recently completed the renovation of their facilities at 86-88 East Post Road; and

WHEREAS, at its June 3, 2013 meeting, the Common Council last granted renewal of the site plan special permits for the ongoing Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons at 86-88 East Post Road; and

WHEREAS, special permits for any Emergency Shelter, Overnight Shelter for the Homeless or Social Service Center shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. In this case, the Building Commissioner has referred the special permit renewals to the Common Council due to the fact that the related building expansion has not commenced; and

WHEREAS, at its January 4, 2016 meeting, the Common Council received an application from Lifting Up Westchester, Inc. dated November 12, 2015 regarding the renewal of three Special Permits ("Proposed Action" or "2016 Approval"):

1. Special Permit to operate an Emergency Shelter at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.19

2. Special Permit to operate an Overnight Shelter for the Homeless at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.20

3. Special Permit to operate a Social Service Center for Homeless Persons at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.22; and

WHEREAS, the Applicant has submitted the letter form Paul Anderson-Winchell, Executive Director, Lifting Up Westchester, Inc. dated November 12, 2015 forwarding the following documents regarding the renewal of three Special Permits:

1. Special Permit for the Emergency Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Emergency Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

2. Special Permit for the Overnight Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Overnight Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

3. Special Permit for the Social Service Center for Homeless at 86-88 East Post Road
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Social Service Center for Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015; and

WHEREAS, the Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and.

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer, the following conditions are included as part of the Proposed Action in regard to the renewal of the special permits for the Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for the Homeless Persons (hereinafter referred to as "2016 Conditions")

A. Conditions for the approval the Emergency Shelter Special Permit:

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Emergency Shelter for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Emergency Shelter special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

B. Conditions for the approval of the Special Permit to operate an Overnight Shelter for the Homeless:

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Overnight Shelter for the Homeless for the future operation of the facility, for approval within 120 days of the approval of the 2016 Approval.

2. LUW shall submit its request to renew the Overnight Shelter for the Homeless Special Permit to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Overnight Shelter for the Homeless over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

C. Conditions for the approval of the Special Permit to operate a Social Service Center for Homeless Persons:

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Social Service Center for Homeless Persons, for the future operation of the facility, for approval within 120 days of the approval of the 2016 Approval.

2. LUW shall submit its request to renew the Social Service Center for Homeless Persons special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to

notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

3. The Certificate of Occupancy for the Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the Basement and First Floor only of 86-88 East Post Road, in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' and 'Emergency Shelter' night time uses on the Second and Third Floors respectively; 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) designate itself as Lead Agency for the environmental review of the Proposed Action; (b) determine the Proposed Action to be reviewed as an Unlisted Action under SEQR regulations; and (c) find that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the Proposed Action, Application Materials, 2016 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 that the Common Council has examined the potential environmental effects of the Proposed Action and makes the following environmental findings:

(a) The proposal is consistent with the 1997 Comprehensive Plan as updated in 2006 and the White Plains Zoning Ordinance.

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

Conformance to the Zoning Ordinance

The premises is located within the B-3, Intermediate Business District where Emergency Shelters, Overnight Shelters for the Homeless and Social Service Centers for Homeless Persons are Special Permit uses.

The existing building conforms to the height, bulk and yard setback requirements and parking regulations of the B-3 District.

The following is a summary of the existing operations of the three special permit uses on the Project Site, the location of the operations of each special permit use within the building and the amount of space allocated to such operations will change.

BASEMENT LEVEL: 4,590 sq. ft. Multi-purpose room converts to 14 seasonal overnight shelter beds subject to annual approval by the Common Council, large education/meeting rooms, staff control point, laundry, toilet and shower facilities, and mechanical space. The Multi-purpose room and Education / meeting room are part of the Social Service Center.

1ST FLOOR LEVEL: 4,590 sq. ft.	Dining room and kitchen, offices, interview rooms, recreation area, administration control point, no overflow sleeping area. This floor remains Social Service Center for Homeless Persons facility during day and is not occupied for sleeping at night.
2ND FLOOR LEVEL: 4,590 sq. ft.	A 19 bed Overnight Shelter for the Homeless, staff control point, toilets and showers.
3RD FLOOR LEVEL: 1,900 sq. ft.	A 19 bed Emergency Shelter, 1 and 2 bed rooms, toilets and showers, staff control point.
TOTAL: 15,670 sq. ft.	

There is no parking requirement for the three special permit uses for the homeless operated at the Project Site. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. LUW has recently completed improvements to the parking lot, to provide 9 parking spaces (one handicap and 8 standard spaces), refuse storage area, snow storage area and grass landscaped area.

Conformance to the General Standards Applicable for All Special Permit Uses

The three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Services Center for Homeless Persons are subject to the generic Special Permit Standards in Section 6.5 of the Zoning Ordinance.

The Proposed Action subject to the Conditions listed above, conforms to these standards.

LUW currently operates the three Special Permit uses within the Project Site, serving up to 19 persons each in the Overnight Shelter for the Homeless and in the 24 hour Emergency Shelter. The Social Service Center for Homeless Persons is operated during the daytime. This facility is not limited to 19 persons. It serves persons staying in the Overnight Shelter for the Homeless as well as persons who may drop in. Through its coordinated programs operated at the Project Site, LUW has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents. LUW works closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms Men's Shelter has had significant success in moving homeless men out of homelessness and into housing and jobs. The proposed renovations and modifications to the Project Site reflected in the Site Plan Amendment are designed to further enhance the existing programs. There will be no change in the number of persons (19) served in each of the two overnight shelter components, and the Social Service Center for Homeless Persons will continue to work with both overnight persons and drop ins.

The recent renovations and modifications to the Project Site and the addition of a third floor has not significantly changed the location, nature and intensity of the operations involved in it or conducted in connection with it. The additional floor area will permit better operation of the programs by providing distinct areas for each special permit use.

The special permit uses will not change with respect to East Post Road except that the facade of the building has been upgraded and improved to be in harmony with the appropriate and orderly development of the Post Road Corridor area which is a designated urban renewal redevelopment area and a corridor in which the City is seeking to promote well designed redevelopment.

There are no parking requirements in the Zoning Ordinance for special permit uses for the homeless. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. The recent improvements to the parking lot included appropriate striping of the spaces, creating a snow storage area, providing a handicapped space adjacent to the rear entrance, and creating a rear entrance stair tower.

Conformance to the Individual Standards for Specific Special Permit Uses.

Each of the three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for Homeless Persons are subject to the specific Standards in Section 6.7 of the Zoning Ordinance for those specific uses.

All three special permits uses currently operate in compliance with all applicable State, County and City codes, ordinances and regulations.

LUW has demonstrated its ability to operate this facility based on the 30 years that it has operated homeless shelter and service programs at this location and at 33 Church Street

The three special permit uses will continue to be operated by the not-for-profit corporation LUW as the facility is currently operated.

All food preparation, service and distribution facilities at the new Social Service Center for Homeless Persons on the first floor, like the current facilities, will be licensed and approved by the Westchester County Board of Health

The Emergency Shelter will continue to be open during the hours specified. LUW has demonstrated its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

As previously approved, there is one Overnight Shelter for the Homeless, on the second floor and one Emergency Shelter, on the third floor, with one Social Service Center for Homeless Persons, operating in the basement and on the first floor at 86-88 East Post Road, as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

At its May 2, 2011 meeting, the Common Council approved the following expanded hours of operation for the approved Social Service Center for Homeless Persons based upon the findings made in that approval:

> *"The Certificate of Occupancy for the 'Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the First Floor of 86-88 East Post Road, and between the hours of 7:30 a.m. and 7:30 p.m. on the Second Floor of 86-88 East Post Road in order to facilitate the operation of*

the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' night time use on the Second Floor."

Based on the above review of the application regarding the Emergency Shelter, the Overnight Shelter for the Homeless and the Social Service Center for Homeless Persons at 86-88 East Post Road against the Zoning Ordinance general special permit standards and the individual standards for the respective uses, the application is in compliance with such standards.

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

As stated above, the operations of the special permit uses will continue to be located in the same building as has been used for homeless shelter programs for 30 years.

The site is fully served by both public and private utility services.

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

There are no naturally landscaped conditions on site or in the surrounding neighborhood area.

(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.

With the recently completed improvements to the site and building, the Proposed Action to continue the ongoing social service programs does not involve any changes to the City or neighborhood.

As stated above, for 30 years, the Emergency Shelters, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons have been operating jointly to provide both emergency shelter and social services to the homeless staying at the facility. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

(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 and Public Safety.

(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 the Common Council hereby determines that the Proposed Action, when compared to the SEQR criteria of environmental effect, 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 PURSUANT TO SECTIONS 6.5 AND 6.7.20 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "OVERNIGHT SHELTER FOR THE HOMELESS" TO BE LOCATED ON THE THIRD FLOOR OF THE BUILDING 86-88 EAST POST ROAD

WHEREAS, at its meeting of October 7, 1985, the Common Council adopted amendments to the Zoning Ordinance to establish "Emergency Shelter" and "Overnight Shelter for the homeless" as special permit uses related to facilities for sheltering homeless persons; and

WHEREAS, an "Emergency Shelter" is defined at Section 2 of the Zoning Ordinance as:

A facility providing, without charge, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood), domestic violence, condemnation, court ordered eviction, or other urgent event; and

WHEREAS, the Common Council also established individual standards for "Emergency Shelters" at Section 6.7.19 of the Zoning Ordinance; and

WHEREAS, the second amendment to the Zoning Ordinance established a new special permit use of "Overnight Shelters for the Homeless;" and

WHEREAS, an "Overnight Shelter for the Homeless" is defined at Section 2 of the Zoning Ordinance as:

A facility providing, without charge, single night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address; and

WHEREAS, the Common Council also established individual standards for "Overnight Shelters for the Homeless" at Section 6.7.20 of the Zoning Ordinance; and

WHEREAS, the third amendment to the Zoning Ordinance established a new special permit use of "Social Service Centers for Homeless Persons;" and

WHEREAS, "Social Service Centers for Homeless Persons" are defined as:

Facilities providing, without charge, counseling and referral services and a lounge and reception area, with or without meals, for indigent homeless families and individuals with no ordinary or regular home or residence address, and

WHEREAS, individual standards for "Social Service Centers for Homeless Persons" were established at Section 6.7.22 of the Zoning Ordinance; and

WHEREAS, on January 6, 1986, the Common Council approved a special permit for Grace Church Community Center, Inc., ("GCCC") for the operation of an "Emergency Shelter"

on the third floor of Grace Church, at 33 Church Street, known as "Samaritan House," which facility had been serving as a shelter for homeless women for many years, thus bringing this facility under the new regulations of the Zoning Ordinance adopted October 7, 1985; and

WHEREAS, on January 6, 1986, the Common Council also approved a special permit for GCCC for the operation of an "Overnight Shelter for the Homeless" on the first floor of Grace Church, at 33 Church Street, which facility had been serving as an as-needed shelter for homeless men for many years, thus bringing this facility under the new regulations of the Zoning Ordinance adopted October 7, 1985; and

WHEREAS, the "Emergency Shelter" and "Overnight Shelter for the Homeless" at 33 Church Street have operated continuously since the granting of the special permits in 1986; and

WHEREAS, on January 5, 1987, the Common Council adopted a resolution granting a special permit authorizing the establishment by G. S. Horace, Inc., an affiliate of GCCC, of an "Overnight Shelter for the Homeless" on the lower level of 86-88 East Post Road and known as "Open Arms;" and

WHEREAS, on September 6, 1988, the Common Council adopted a resolution granting a special permit to G. S. Horace, Inc., an affiliate of GCCC, to operate a "Social Service Center for Homeless Persons" also at 86-88 East Post Road; and

WHEREAS, since the initial approval of the special permits, both facilities at 33 Church Street ("Emergency Shelter" and "Overnight Shelter for the Homeless") and both facilities at 86-88 East Post Road ("Overnight Shelter for the Homeless" and "Social Service Center for Homeless Persons") have been determined by the Commissioner of Building to be operating pursuant to the terms of their Management Plans and the Zoning Ordinance; and

WHEREAS, since December 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually extended the number of beds permitted in the "Emergency Shelter" at 33 Church Street by 4 beds and in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April; and

WHEREAS, on April 16, 2015, GCCC officially changed the name of the homeless services organization to Lifting Up Westchester because, although the non-profit organization retains close ties to Grace Church, it is neither a church nor a community center; and

WHEREAS, by letter dated November 12, 2015, Paul Anderson-Winchell, Executive Director of Lifting Up Westchester (formerly GCCC) submitted three separate applications to renew the special permits for the operation of an "Emergency Shelter," an "Overnight Shelter for the Homeless," and a "Social Service Center for Homeless Persons" at 86-88 East Post Road; and

WHEREAS, the application for renewal of the Special Permit for an "Overnight Shelter for the Homeless" consists of the following:

WHEREAS, the Environmental Officer submitted a communication, dated January 21, 2016, recommending that the Common Council (1) declare itself to be Lead Agency for the "Overnight Shelter for the Homeless" Application, (2) declare the Application to be an Unlisted Action under NYS SEQR regulations, and (3) find that the Application will not have a significant adverse impact on the environmental, subject to the conditions contained in the communication from the Commissioner of Planning; and

WHEREAS, the Environmental Officer submitted an environmental findings resolution to the Common Council containing the declarations, findings, and conditions recommended in his communication, dated January 21, 2016; and

WHEREAS, at its meeting of February 1, 2016, the Common Council adopted the environmental findings resolution prepared by the Environmental Officer and (1) declared itself to be the Lead Agency for the environmental review of the application for an "Overnight Shelter for the Homeless," (2) declared the Application to be an Unlisted Action under NYS SEQR regulations, and (3) found that the Application will not have a significant adverse impact on the environment; subject to the conditions contained in this resolution; and

WHEREAS, the Common Council has reviewed the "Overnight Shelter for the Homeless" Application in light of the 1997 Comprehensive Plan and 2006 Plan Update, and the standards set forth in the Zoning Ordinance including, but not limited to, Section 6.5, 6.7.19, 7.5 and 8 of the Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the following Findings are hereby adopted with respect to the instant "Overnight Shelter for the Homeless" Application in accordance with the Zoning Ordinance:

1. Pursuant to Section 6.5 of the Zoning Ordinance:

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

The "Overnight Shelter for the Homeless" use is proposed to be for nineteen (19) persons, as currently operates at the site.

The Departments of Public Safety and Building have inspected the space used for the "Overnight Shelter for the Homeless" and found that the location and size of the space adequately meets the City's code requirements. The "Overnight Shelter for the Homeless" is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of

use of the 86-88 East Post Road building will not change as the number of persons currently located in the building will not change.

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

The building will not be modified. There will, therefore, be no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Overnight Shelter for the Homeless" use does not generate noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area. Homeless persons may not leave and reenter the overnight shelter once they have entered. Lifting Up Westchester works closely with the Department of Public Safety in providing shelter and services and will continue to do so.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for an "Overnight Shelter for the Homeless." There is no parking requirement for "Overnight Shelters for the Homeless" in the Zoning Ordinance.

2. Pursuant to Section 6.20 of the Zoning Ordinance:

6.7.20 "Overnight Shelters for the Homeless":

6.7.20.1 *Any "overnight shelter for the homeless" shall comply fully with the requirements of the applicable State, County and City codes, ordinances and regulations relating to transient occupancy, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms, emergency exits and other safety devices required by the White Plains Building Code.*

The "Overnight Shelter for the Homeless" will be required to comply with all City codes and regulations.

6.7.20.2 Any food preparation, service or distribution facilities in an "overnight shelter for the homeless" shall be licensed or approved by the Westchester County Board of Health.

There is no food service connected to the "Overnight Shelter for the Homeless."

6.7.20.3 Any "overnight shelter for the homeless" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Overnight Shelter for the Homeless" will be located entirely within the third floor of 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.20.4 An "overnight shelter for the homeless" may be a seasonal facility, open and operated during months of cold weather, generally from 15 October to 15 April, or it may be a year-round facility.

This "Overnight Shelter for the Homeless" is proposed to be operated year-round.

6.7.20.5 An "overnight shelter for the homeless" shall be open and accept adult individuals only for single night occupancies, no earlier than 7:30 p.m. and shall permit occupancy no later than 7:30 a.m. While open, and for one hour before opening and for one hour after closing, an "overnight shelter for the homeless" shall be adequately staffed by the operating organization such that applicants may be efficiently accepted and accommodated, order and sanitation maintained at all times, and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities. These provisions shall be reflected in the Management Program required under Section 6.7.20.10 below.

The current operations of Lifting Up Westchester at 86-88 East Post Road, and the Management Plan, provide for the required staffing levels and hours of operation. For over 25 years, Lifting Up Westchester, as GCCC, has demonstrated its commitment to meeting the requirements established in this section.

6.7.20.6 An "overnight shelter for the homeless" shall accept adult individuals without regard to race, religion, ethnic background, gender, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.20.7 No "overnight shelter for the homeless" shall be located on a site less than 400 feet from another site on which is located another "overnight shelter for the homeless,"; or on which is located an "emergency shelter," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter" and one "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," and one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance. In addition, there will be 14 cots located in the basement of 86-88 East Post Road during the winter months to accommodate emergency referrals from the White Plains Hospital and White Plains Police Department.

6.7.20.8 No "overnight shelter for the homeless" may accommodate more than 19 "persons."

As stated herein above, the "Overnight Shelter for the Homeless" will accommodate 19 persons, unless a seasonal adjustment is approved by the Common Council, pursuant to Section 6.7 of the Zoning Ordinance.

6.7.20.9 Any "overnight shelter for the homeless" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Departments of Building and Fire Prevention will conduct periodic inspections consistent with this requirement.

6.7.20.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and including the information necessary to demonstrate that the requirements in Section 6.7.20.5 above will be satisfied. The applicant shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the intended operation of the "Overnight Shelter for the

Homeless." In addition to the Management Plan, Lifting Up Westchester, as GCCC, has demonstrated its ability to operate such a facility for over 25 years at this 86-88 East Post Road location and 33 Church Street.

6.7.20.11 A special permit for any "overnight shelter for the homeless" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

Subject to compliance with the applicable conditions contained herein below, the "Overnight Shelters for the Homeless" Special Permit Renewal Application satisfies the requirements of Section 6.7.20 "Overnight Shelters for the Homeless" of the Zoning Ordinance.

3. Pursuant to Section 7.5 of the Zoning Ordinance

   There are no changes proposed to the exterior of the site that would modify or affect any of the site plan standards at Section 7.5 "Standards" of the Zoning Ordinance.

4. Pursuant to Section 8 "Off-'Street' Parking and Loading" of the Zoning Ordinance, there is no parking or loading requirement for "Overnight Shelter for the Homeless" special permit uses;

and be it further

RESOLVED, that based upon the above Findings, the Common Council hereby determines that the standards of Sections 6.5, 6.7.19, 7.5 and 8 of the Zoning Ordinance have been satisfied and that approval of the application for Renewal of the Special Permit for the "Overnight Shelter for the Homeless" be, and hereby is granted, subject to the following conditions:

1. The "Overnight Shelter for the Homeless" shall be limited to providing overnight shelter to individuals.

2. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the special permit for an "Overnight

Shelter for the Homeless" to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Overnight Shelter for the Homeless," and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the permit.

RESOLUTION OF THE COMMON COUNCIL MODIFYING THE MAXIMUM NUMBER OF PERSONS PERMITTED NIGHTLY ACCOMMODATION AT THE "OVERNIGHT SHELTER FOR THE HOMELESS" KNOWN AS OPEN ARMS, TO PERMIT FOURTEEN SEASONAL COTS IN THE BASEMENT OF 86-88 WEST POST ROAD FROM DECEMBER THROUGH APRIL

WHEREAS, on January 6, 1986, the Common Council adopted a resolution granting a special permit, authorizing the establishment by Grace Church Community Center, Inc., of an "Emergency Shelter" known as "Samaritan House," located at 33 Church Street. The special permit, granted pursuant to Section 6.7.19 of the Zoning Ordinance, was to be for a period of one year, renewable according to the Zoning Ordinance; and

WHEREAS, on January 5, 1987, the Common Council adopted a resolution granting a special permit, authorizing the establishment by Grace Church Community Center, Inc., of an "Overnight Shelter for the Homeless" located at 88 East Post Road and known as "Open Arms." The special permit, granted pursuant to Section 6.7.20 of the Zoning Ordinance was for a period of one year, renewable according to the Zoning Ordinance; and

WHEREAS, each year since the original approval of the special permit for Open Arms at 88 East Post Road, the Common Council has permitted the renewal of the special permit pursuant to Section 6.6.5 of the Zoning Ordinance which provides as follows:

> On written application, a special permit may be renewed by the Commissioner of Building upon notice to the approving agency which authorized the issuance of the special permit, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify in writing the approving agency which authorized the issuance of the special permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon written objection by a majority vote of the authorizing agency or other vote as required by law; and

WHEREAS, in White Plains, there are currently 38 overnight and emergency beds for single homeless persons operated by Lifting Up Westchester under special permits from the City of White Plains at Open Arms Homeless Shelter, located at 86-88 East Post Road; and

WHEREAS, since December 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually increased the number of beds permitted in the "Overnight Shelter for the Homeless" at 86-88 East Post Road to allow for 13 seasonal cots generally during the period December through April; and

WHEREAS, Lifting Up Westchester currently has fourteen cots located in the basement of 86-88 East Post Road, which are used for persons referred by the White Plains Hospital Emergency Room and the White Plains Police Department; and

WHEREAS, these fourteen cots are considered seasonal beds for use during the winter months, generally from December through April; and

WHEREAS, the proposed number of homeless persons to be accommodated at 86-88 East Post Road would be in excess of the number currently approved under the special permits for an "Emergency Shelter" and an "Overnight Shelter for the Homeless"; and

WHEREAS, Section 6.7.20.8 of the Zoning Ordinance requires that no more than 19 persons may be accommodated under the "Overnight Shelter for the Homeless" special permit on any night; and

WHEREAS, Section 6.7 of the Zoning Ordinance provides that individual standards and requirements established for special permit uses "must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them;" and

WHEREAS, the Common Council has given due consideration of Section 6.7.20.8 of the Zoning Ordinance and has considered the reasons for the request to increase the number of persons permitted to be accommodated in the "Overnight Shelter for the Homeless" during the winter months, generally running December through April;

now, therefore be it

RESOLVED that the Common Council of the City of White Plains, after giving due consideration to and being guided by the standard set forth at Section 6.7.20.8, which provides that "No 'Overnight Shelter for the Homeless' may accommodate more than 19 persons," hereby finds that it is appropriate to increase the permitted number of persons by fourteen (14) persons, for a period from December through April; and, be it further

RESOLVED, that all additional persons accommodated in the "Overnight Shelter for the Homeless" during the period specified herein above shall be provided with cots located in the basement of 86-88 East Post Road.

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

Dear Mayor and Council Members:

The Department of Building has reviewed, per referral of the Common Council, an application filed on November 12, 2015 on behalf of Lifting Up Westchester, formerly known as Grace Church Community Center, for the renewal of a Special Permit at 86-88 East Post Road in relation to providing "Emergency shelter" for the Homeless.

The Department of Building has reviewed this application with respect to zoning compliance only and have no objection to the application being approved.

Respectfully Submitted,

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 19, 2016
(for the February 1, 2016 Common Council meeting)

PLANNING DEPARTMENT
70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
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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: APPLICATION MADE BY LIFTING UP WESTCHESTER (FORMERLY GRACE CHURCH COMMUNITY CENTER) TO:

1. RENEW SPECIAL USE PERMIT TO OPERATE AN "EMERGENCY SHELTER" FOR THE HOMELESS
2. RENEW SPECIAL USE PERMIT TO OPERATE AN "OVERNIGHT SHELTER FOR THE HOMELESS"
3. RENEW SPECIAL USE PERMIT TO OPERATE A "SOCIAL SERVICE CENTER FOR HOMELESS PERSONS"
4. MODIFY THE MAXIMUM NUMBER OF PERSONS PERMITTED NIGHTLY ACCOMMODATION AT THE "OVERNIGHT SHELTER FOR THE HOMELESS" KNOWN AS OPEN ARMS TO PERMIT FOURTEEN SEASONAL COTS IN THE BASEMENT OF 86-88 WEST POST ROAD FROM DECEMBER THROUGH APRIL

Lifting Up Westchester is the new name of the Grace Church Community Center. The name was officially changed on April 16, 2015. Lifting Up Westchester is a non-profit organization that operates the Open Arms Homeless Shelter at 86-88 East Post Road, consisting of an "Emergency Shelter," an "Overnight Shelter for the Homeless," a "Social Service Center for Homeless Persons," and an additional fourteen seasonal beds for the homeless during the winter months.

I. Current Applications:

The Common Council has received applications from Lifting Up Westchester (formerly Grace Church Community Center, Inc. "GCCC") for renewal of special permit approvals, all of which occur in the renovated and expanded building at 86-88 East Post Road,

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which was acquired by the applicant, and improved to better serve clients. The requested renewals are for the following:

1. Special Permit for "Emergency Shelter" on the second floor of 86-88 East Post Road
2. Special Permit for "Overnight Shelter for the Homeless" on the third floor of 86-88 East Post Road
3. Special Permit for "Social Service Center for Homeless Persons"

In addition, the operations at 86-88 East Post Road, include up to 14 emergency cots provided in the basement of the building from December through April, to accommodate additional homeless men during the winter months. This operation requires modification by the Common Council of the Special Permit requirements for "Emergency Shelters" for the Homeless and "Overnight Shelters for the Homeless," which modifications are described herein below.

II. History of Special Permits for Facilities for the Homeless:

A. Adoption of Zoning Regulations:

At its meeting of October 7, 1985, the Common Council adopted amendments to the Zoning Ordinance to establish two special permits related to facilities for homeless persons. On September 2, 1986, the Common Council adopted a third amendment to the Zoning Ordinance establishing a new special permit use of "Social Service Centers for Homeless Persons."

1. Emergency Shelters

The first amendment to the Zoning Ordinance established a new special permit use of "Emergency Shelters." Individual standards for "Emergency Shelters" were established at Section 6.7.19 of the Zoning Ordinance. An "Emergency Shelter" is defined as:

A facility providing; without charge, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood), domestic violence, condemnation, court ordered eviction, or other urgent event.

2. "Overnight Shelters for the Homeless"

The second amendment to the Zoning Ordinance established a new special permit use of "Overnight Shelters for the Homeless." Individual standards for "Overnight Shelters for the Homeless" were established at Section 6.7.20 of the Zoning Ordinance. An "Overnight Shelter for the Homeless" is defined as:

A facility providing, without charge, single night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address.

3. "Social Service Centers for Homeless Persons

The third amendment for "Social Service Centers for Homeless Persons" was established at Section 6.7.22 of the Zoning Ordinance, and also included individual standards. "Social Service Centers for Homeless Persons" are defined as:

Facilities providing, without charge, counseling and referral services and a lounge and reception area, with or without meals, for indigent homeless families and individuals with no ordinary or regular home or residence address.

B. Approval and Extensions of Special Permits for Homeless Facilities

1. Special Permit approvals for GCCC facilities at 33 Church Street

a. On January 6, 1986, the Common Council approved a special permit for GCCC for the operation of an "Emergency Shelter" on the third floor of Grace Church, at 33 Church Street. This facility, known as "Samaritan House" had been serving as a shelter for homeless women for many years. This special permit approval brought it under the new regulations of the Zoning Ordinance.

b. On January 6, 1986, the Common Council approved a special permit for GCCC for the operation of an "Overnight Shelter for the Homeless" on the first floor of Grace Church, at 33 Church Street.

These facilities have operated continuously since the granting of the special permits in 1986.

2. Special Permit approvals for GCCC facilities at 86-88 East Post Road

a. On January 5, 1987, the Common Council adopted a resolution granting a special permit authorizing the establishment by G. S. Horace, Inc., a not-for-profit affiliate of GCCC, for an "Overnight Shelter for the Homeless" located at 88 East Post Road and known as "Open Arms."

b. On September 6, 1988, The Common Council adopted a resolution granting a special permit to G. S. Horace, Inc., not-for-profit affiliate of GCCC, to operate a "Social Service Centers for Homeless Persons" at 86-88 East Post Road.

3. *Special Permit approval renewals at 33 Church Street and 86-88 East Post Road*

Pursuant to Zoning Ordinance Section 6.7.19.11 for "Emergency Shelters," Section 6.7.20.11 for "Overnight Shelters for the Homeless," and Section 6.7.22.10 for "Social Service Centers for Homeless Persons," the special permits for these facilities *"shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided than no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council."*

Since the initial approval of the special permits, both facilities at 33 Church Street ("Emergency Shelter" and "Overnight Shelter for the Homeless") and both facilities at 86-88 East Post Road ("Overnight Shelter for the Homeless" and "Social Service Center for Homeless Persons") have been determined by the Commissioner of Building to be operating pursuant to the terms of their Management Plans and the Zoning Ordinance.

4. *Increases in Winter Occupancy since 2007*

Since December 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually extended the number of beds permitted in the "Emergency Shelter" at 33 Church Street by 4 beds and in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April.

III. Consistency with Special Permit Standards and Planning Department and Recommendations

The Planning Department has reviewed all three applications in relation to the City's Zoning Ordinance Special Permit regulations at Sections 6.5, 6.7.19, 6.7.20, 6.7.22, 7.5 and 8. The Planning Department has the following comments:

A. Special Permit for "Emergency Shelter" for the homeless, on the second floor of 86-88 East Post Road

The Emergency Shelter Application includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Emergency Shelter" for the homeless.

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Emergency Shelter" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

For over 25 years, Lifting Up Westchester, as GCCC, has provided both emergency shelter and social services to the homeless staying at the Open Arms Homeless Shelter and at Samaritan House. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

1. The Planning Department finds that the "Emergency Shelter" for the homeless is consistent with the Special Permit Standards at Section 6.5 as follows:

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

   The "Emergency Shelter" use would be effectively the same as it had been operating at 86-88 East Post Road as the "Overnight Shelter for the Homeless" under the permit that was issued by the Common Council on September 6, 1988.

The Planning Department does not find that there will be any increase in the intensity of the use.

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

The operation will be located on the second floor of the renovated building at 86-88 East Post Road and will, therefore, result in no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. The homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

As noted under 6.5.2, there will be no significant change to the existing operations of the "Emergency Shelter." The use generates no traffic, because the clients do not have cars. The activities are contained within the building, so that sounds are contained. No fumes or vibrations are related to the use.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand of the facility associated with the special permit for an "Emergency Shelter." There are no parking requirements in the Zoning Ordinance for "Emergency Shelter" uses.

2. The Planning Department finds that the "Emergency Shelter" for the homeless is consistent with the Special Permit Standards at Section 6.7.19 as follows:

6.7.19 <u>"Emergency Shelters"</u>

6.7.19.1 Any "Emergency Shelter" shall comply fully with all requirements of applicable State, County and City codes, ordinances, and regulations relating to transient occupancies specifically including the Minimum Housing Standards Ordinance of the City, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms,

emergency exits, and other safety devices required by the White Plains Building Code.

The area of the building that will be subject to the "Emergency Shelter" special permit use currently complies with all of the regulations cited herein above, and shall be required to continue to be required to do so.

6.7.19.2 Any food preparation, service or distribution facilities in an "emergency shelter" shall be licensed or approved by the Westchester County Board of Health.

No food preparation is associated with the "Emergency Shelter."

6.7.19.3 Any "emergency shelter" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Emergency Shelter" will be operated by the not-for-profit corporation Lifting Up Westchester as the facility is currently operated.

6.7.19.4 An "emergency shelter" shall be available as a year around facility that is open 24 hours a day, 7 days a week, and shall accept individuals and/or families without regard to race, religion, ethnic background, gender, marital status, age, or condition of disability or parentage.

The "Emergency Shelter" will be open during the hours specified. Lifting Up Westcheser, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.19.5 No "emergency shelter shall be located on a site less than 400 feet from another site on which is located another "emergency shelter," or on which is located an "overnight shelter for the homeless," or "community residence" or "domiciliary care facility," except that any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter and one "overnight shelter for the homeless" on the same premises.

The "Emergency Shelter" will be located in the same building as an "Overnight Shelter for the Homeless" which islocated on the third floor of 86-88 East Post Road. Both facilities will be operated by Lifting Up Westchester. This is consistent with this special permit standard.

6.7.19.6 No "emergency shelter" may accommodate more than 19 "persons."

The number of persons to be accommodated in the "Emergency Shelter" will remain at 19 persons.

6.7.19.7 Any "emergency shelter" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Department of Building and the Fire Prevention Bureau will continue to do inspections of the premises and ensure compliance with all codes, ordinances, regulations of the City of White Plains, and the conditions of this special permit.

6.7.19.8 An "emergency shelter" shall be well located with respect to public transportation and public and other social services, such as job placement, counseling, and other services necessary to serve the intended population.

The building in which the "Emergency Shelter" will be located, 86-88 East Post Road, is well located with respect to public transportation and to public and social services agencies, including Westchester County Departments of Social Services and Community Mental Health.

6.7.19.9 An "emergency shelter" shall provide for continuous accommodation of an individual or family for a period of up to 30 days and nights, with one extension of up to 30 days in the event of urgent necessity, as determined by the operator.

Accommodations at the "Emergency Shelter" at 86-88 East Post Road will be limited to individuals, as are the existing facilities licensed and managed by Lifting Up Westchester.

6.7.19.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the existing and intended operation of the "Emergency Shelter." In addition to the Management Plan, Lifting Up Westchester, as GCCC, has demonstrated its ability to operate such a facility based on the 25 plus years that it has operated homeless shelter and service programs at this location and at 33 Church Street.

6.7.19.11 A special permit for any "emergency shelter" shall expire one year after issuance, but upon application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all

applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Emergency Shelter" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Emergency Shelter" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

3. The Planning Department finds that the proposed modification is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit "Emergency Shelter" use.

4. The Planning Department finds that the proposed modification is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit "Emergency Shelter" use.

Based on the above review of the application for a Special Permit for an "Emergency Shelter" for the homeless in relation to the Special Permit standards for that use, the Planning Department finds that the use is consistent with both the general special permit standards at Section 6.5 and the individual special permit standards at Section 6.7.19 of the Zoning Ordinance. The Planning Department recommends approval of the application for Renewal of the Special Permit to Operate an "Emergency Shelter" for the homeless on the second floor of the building located at 86-88 East Post Road, subject to the conditions recommended herein.

B. Special Permit for "Overnight Shelter for the Homeless," on the third floor of 86-88 East Post Road.

The application for renewal of the Special Permit for an "Overnight Shelter for the Homeless" includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a

Special Permit at 86-88 East Post Road in relation to providing an "Overnight Shelter for the Homeless."

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Overnight Shelter for the Homeless" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled, Lot Sketch, undated.

h. Building Sketch, undated

1. Lifting Up Westchester has applied for a renewal of the Special Permit to operate the existing "Overnight Shelter for the Homeless" on the third floor at 86-88 East Post Road. The special permit for this use at 33 Church Street was originally approved on January 6, 1986.

   The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Special Permit Standards at Section 6.5 as follows:

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

   The "Overnight Shelter for the Homeless" use is proposed to be for nineteen (19) persons, as currently operates at the site.

   The Departments of Public Safety and Building have inspected the space used for the "Overnight Shelter for the Homeless" and found that the location and size of the space adequately meets the City's code requirements. The "Overnight Shelter for the Homeless" is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of use of the 86-88 East Post Road building will not change as the number of persons using the "Overnight Shelter for the Homeless " currently located in the building will not change.

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

The building will not be modified. There will, therefore, be no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Overnight Shelter for the Homeless" use does not generate noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area. Homeless persons may not leave and reenter the overnight shelter once they have entered. Lifting Up Westchester works closely with the Department of Public Safety in providing shelter and services and will continue to do so.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for an "Overnight Shelter for the Homeless." There is no parking requirement for "Overnight Shelters for the Homeless" in the Zoning Ordinance.

2. The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Special Permit Standards at Section 6.7.20 as follows:

6.7.20 <u>"Overnight Shelters for the Homeless"</u>:

6.7.20.1 Any "overnight shelter for the homeless" shall comply fully with the requirements of the applicable State, County and City codes, ordinances and regulations relating to transient occupancy, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms, emergency exits and other safety devices required by the White Plains Building Code.

The "Overnight Shelter for the Homeless" will be required to comply with all City codes and regulations.

6.7.20.2 Any food preparation, service or distribution facilities in an "overnight shelter for the homeless" shall be licensed or approved by the Westchester County Board of Health.

There is no food service connected to the "Overnight Shelter for the Homeless."

6.7.20.3 Any "overnight shelter for the homeless" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Overnight Shelter for the Homeless" will be located entirely within the third floor of 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.20.4 An "overnight shelter for the homeless" may be a seasonal facility, open and operated during months of cold weather, generally from 15 October to 15 April, or it may be a year-round facility.

This "Overnight Shelter for the Homeless" is proposed to be operated year-round.

6.7.20.5 An "overnight shelter for the homeless" shall be open and accept adult individuals only for single night occupancies, no earlier than 7:30 p.m. and shall permit occupancy no later than 7:30 a.m. While open, and for one hour before opening and for one hour after closing, an "overnight shelter for the homeless" shall be adequately staffed by the operating organization such that applicants may be efficiently accepted and accommodated, order and sanitation maintained at all times, and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities. These provisions shall be reflected in the Management Program required under Section 6.7.20.10 below.

The current operations of Lifting Up Westchester at 86-88 East Post Road, and the Management Plan, provide for the required staffing levels and hours of operation. For over 25 years, Lifting Up Westchester, as GCCC, has demonstrated its commitment to meeting the requirements established in this section.

6.7.20.6 An "overnight shelter for the homeless" shall accept adult individuals without regard to race, religion, ethnic background, gender, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.20.7 No "overnight shelter for the homeless" shall be located on a site less than 400 feet from another site on which is located another "overnight shelter for the homeless,"; or on which is located an "emergency shelter," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter" and one "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," and one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

6.7.20.8 No "overnight shelter for the homeless" may accommodate more than 19 "persons."

As stated herein above, the "Overnight Shelter for the Homeless" will accommodate 19 persons, unless a seasonal adjustment is approved by the Common Council, pursuant to Section 6.7 of the Zoning Ordinance.

6.7.20.9 Any "overnight shelter for the homeless" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Departments of Building and Fire Prevention will conduct periodic inspections consistent with this requirement.

6.7.20.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and including the information necessary to demonstrate that the requirements in Section 6.7.20.5 above will be satisfied. The applicant shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the intended operation of the "Overnight Shelter for the Homeless." In addition to the Management Plan, Lifting UP Westchester, as

GCCC, has demonstrated its ability to operate such a facility for over 25 years at this 86-88 East Post Road location and 33 Church Street.

6.7.20.11 A special permit for any "overnight shelter for the homeless" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Overnight Shelter for the Homeless" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

3. The Planning Department finds that the "Overnight Shelter for the Homeless" is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit use.

4. The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit use.

Based on the above review of the application for a Special Permit to operate an "Overnight Shelter for the Homeless" in relation to the Special Permit standards for that use, the Planning Department finds that the use is consistent with both the general special permit standards at Section 6.5 and the individual special permit standards at Section 6.7.20 of the Zoning Ordinance. The Planning Department recommends approval of the application for the Renewal of a Special Permit to Operate an "Overnight

Shelter for the Homeless" on the third floor of the building located at 86-88 East Post Road, subject to the conditions recommended herein.

C. ***Special Permit to Operate a "Social Service Center for Homeless Persons" on the first floor at 86-88 East Post Road.***

The application for renewal of the Special Permit for a "Social Service Center for Homeless Persons" includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Social Service Center for Homeless Persons"

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Social Service Center for Homeless Persons" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

1. Lifting Up Westchester has applied for a Renewal of the Special Permit to operate the existing "Social Service Center for Homeless Persons" on the first floor at 86-88 East Post Road.

The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Special Permit Standards at Section 6.5 as follows:

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

The "Social Service Center for Homeless Persons" use is proposed to supplement the services provided to individuals at the Open Arms Men's Shelter, both the Overnight and Emergency Shelters for the homeless. The use is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of use of the 86-88 East Post Road building will not change as the number of persons using the "Social Service Centers for Homeless Persons" currently located in the building will not change.

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

The operation will be located on the first floor, and will therefore result in no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Social Service Center for Homeless Persons" use does not generate any more noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area, than due the current operation of the facilities at 86-88 East Post Road.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for a "Social Service Center for Homeless Persons." There is no parking requirement for "Social Service Center for Homeless Persons" in the Zoning Ordinance.

2. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Special Permit Standards at Section 6.7.22 as follows:

6.7.22 "Social Service Centers for Homeless Persons":

6.7.22.1 "Social service centers for homeless persons" shall be available as year round facilities open from 7:30 a.m. to at least 8:00 p.m., 7 days a week.

The application for the "Social Service Center for Homeless Persons." proposes to open at 6:30 a.m. and close at 10:00 p.m. Lifting UP Westchester, as GCCC, has found these expanded hours to be the most effective in giving single homeless persons a place to go to be off the streets of White Plains from early morning to evening hours. Based on the experience of Lifting Up Westchester, the effective operation of the emergency facilities for the homeless in White Plains, is in part due to the staffing of the "Social Service Center for Homeless Persons" overlapping with staffing for the "Overnight Shelter for the Homeless." The Planning Department recommends that the Common Council approve the hours of operation of the "Social Service Center for Homeless Persons" on the first floor of 86-88 East Post Road as 6:30 a.m. to 10:00 p.m. as shown in the Management Plan.

6.7.22.2 "Social service centers for homeless persons" shall comply with the requirements of the applicable State, County and City codes, ordinances and regulations relating to occupancy and shall be fully equipped with all safety devices required by the White Plains Building Code and Fire Codes.

As noted previously, the area providing the "Social Service Center for Homeless Persons" operates on the first floor of the building at 86-88 East Post Road in compliance with all applicable State, County and City codes, ordinances and regulations.

6.7.22.3 "Social service centers for homeless persons" shall be contained within the "structure" of, and operated by a "not-for-profit corporation," as the same is defined in applicable statutes.

The "Social Service Center for Homeless Persons" will be operated wholly within the building at 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.22.4 Any food preparation, service or distribution facilities in "social service centers for homeless persons" shall be licensed or approved by the Westchester County Board of Health.

All food preparation, service and distribution facilities at the "Social Service Center for Homeless Persons" are licensed and approved by the Westchester County Board of Health.

6.7.22.5 While open, a "social service center for homeless persons" shall be adequately staffed by the operating organization such that clients may be accommodated according to the terms of an approved Management Plan as described in Section 6.7.22.9; order and sanitation are maintained at all times; and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities.

The Planning Department finds that the Management Plan for the "Social Service Center for Homeless Persons" submitted by Lifting Up Westchester provides for appropriate staffing and control over the clientele. The City's experience with Lifting Up Westchester, as GCCC, as an operator of such facilities for over 25 years demonstrates their ability to appropriately staff and management such a facility.

6.7.22.6 "Social service centers for homeless persons" shall accept adult individuals without regard to race, religion, ethnic background, sex, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.22.7 No "social service center for homeless persons" shall be located on a site less than 400 feet from another site on which another "social service center for homeless persons" is located or on which is located an "emergency shelter," "overnight shelter for the homeless," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "social service center for homeless persons," one "emergency shelter" and/or "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance, and 14 seasonal cots in the basement.

6.7.22.8 "Social service centers for homeless persons" are not shelters and shall not provide any sleeping accommodations.

The "Social Service Center for Homeless Persons" will not provide sleeping accommodations.

6.7.22.9 An applicant shall submit with its permit application a Management Plan for the operation of its proposed facility, including hours of operation, personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Plan. No special permit for any "social service center for homeless persons" shall be issued without an approved Management Plan.

Lifting Up Westchester submitted a Management Plan with their application. The Planning Department finds that the Management Plan addresses the issues required by this Section 6.7.22.9.

6.7.22.10 A special permit for a "social service center for homeless persons" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided than no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Social service Center for Homeless Persons" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Social Service Center for Homeless Persons" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

Subject to compliance with the applicable conditions contained herein below, the Planning Department finds that the "Social Service Center for Homeless Persons" application satisfies the requirements of Section 6.7.22 "Social Service Centers for Homeless Persons" of the Zoning Ordinance.

3. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit "Social Service Center for the Homeless" use.

4. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit "Social Service Center for the Homeless" use.

Based on the above review of the application for Renewal of the Special Permit to Operate a "Social Service Center for Homeless Persons" on the first floor of the building at 86-88 East Post Road, against the Zoning Ordinance general special permit standards, the individual standards for "Social Service Center for Homeless Persons," site plan standards at Section 7.5 and parking and loading standards at Section 8, the Planning Department finds the application is in compliance with such requirements. The Planning Department recommends approval of the application to Renew the Special Permit for a "Social Service Center for Homeless Persons" on the first floor of 86-88 East Post Road, subject to the conditions contained herein.

D. Modification by the Common Council of Special Permit Section 6.7.20.8 with respect to the standard for maximum number of persons permitted in an "Overnight Shelter for the Homeless" to allow 14 cots to be located in the basement of the building at 86-88 East Post Road during the winter months, generally from December through April.

Since December 20, 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually increased the number of beds permitted in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April.

There are currently fourteen cots located in the basement of 86-88 East Post Road, which are used for persons referred by the White Plains Hospital Emergency Room and the White Plains Police Department. These are considered seasonal beds for use in the winter months, generally during the period from December through April.

The addition of those fourteen cots to the facility makes the number of homeless persons exceed of the number that is permitted under the "Emergency Shelter" and "Overnight Shelter" special permits at Open Arms.

The Zoning Ordinance, at Section 6.7, provides that although individual standards and requirements are established for certain special permit uses, these individual standards, such as Section 6.7.19.6 and 6.7.20.8, "must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them." The Common

Council may, therefore, establish a different number of persons who may be accommodated pursuant to a specific "Emergency Shelter" or "Overnight Shelter for the Homeless" special permit after giving due consideration to the individual standard and being generally guided by it.

E. Recommended Conditions:

1. Renewal of the Special Permit for an "Emergency Shelter" on the second floor of 86-88 East Post Road subject to:

    a. The "Emergency Shelter" shall be limited to providing overnight shelter to individuals.

    b. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Emergency Shelter" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Emergency Shelter," and receive reports from other City departments on the performance of the "Emergency Shelter" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

2. Renewal of the Special Permit for an "Overnight Shelter for the Homeless" on the third floor of 86-88 East Post Road, subject to:

    a. The "Overnight Shelter for the Homeless" shall be limited to providing overnight shelter to individuals.

    b. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Overnight Shelter for the Homeless" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Overnight Shelter for the Homeless," and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

3. Renewal of the Special Permit to Operate a "Social Services Center for Homeless Persons" on the first floor at 86-88 East Post Road, subject to:

a. The "Social Service Center for Homeless Persons" shall serve persons, not families.

b. The Certificate of Occupancy for the "Social Service Center for Homeless Persons" shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the first floor of 86-88 East Post Road.

c. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Social Service Center for Homeless Persons" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Social Service Center for Homeless Persons," and receive reports from other City departments on the performance of the "Social Service Center for Homeless Persons" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

IV. Consistency with Comprehensive Plan

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

V. Conformance Site Plan Standards of the Zoning Ordinance at Section 7.5 with General Special Permit Standards at Zoning Ordinance Section 6.5 and Section 7.5

The building at 86-88 East Post Road was enlarged and renovated to better accommodate clients of the Open Arms Shelter. The site plan for that expansion was approved in 2012 and determined at that time to conform to the Site Plan Requirements of Section 7.5 of the Zoning Ordinance. The approval was extended in 2013, and construction was completed in 2015. The building has been occupied since December 15, 2015. No changes are proposed to the site plan as part of the three current Special Permit Renewals.

VI. Conclusion

The Planning Department recommends approval of the Special Permit applications submitted by Lifting Up Westchester, for: 1) an "Emergency Shelter" for the Homeless; 2) an "Overnight Shelter for the Homeless"; and 3) a "Social Service Center for Homeless Persons" subject to the conditions contained herein and such other conditions

as may be deemed appropriate by the Common Council. The Planning Department further recommends approval of a resolution to modify the maximum number of persons permitted nightly accommodation at the "Overnight Shelter for the Homeless" to permit 14 seasonal cots to be located in the basement of the building during the winter months. The following legislation is before the Common Council to effectuate such approvals:

A. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.19 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "EMERGENCY SHELTER" FOR THE HOMELESS TO BE LOCATED ON THE SECOND FLOOR OF 86-88 EAST POST

B. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.20 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "OVERNIGHT SHELTER FOR THE HOMELESS" TO BE LOCATED ON THE THIRD FLOOR OF 86-88 EAST POST

C. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.22 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE A "SOCIAL SERVICE CENTER FOR HOMELESS PERSONS" TO BE LOCATED ON THE FIRST FLOOR OF 86-88 EAST POST ROAD

D. RESOLUTION OF THE COMMON COUNCIL MODIFYING THE MAXIMUM NUMBER OF PERSONS PERMITTED NIGHTLY ACCOMMODATION AT THE "OVERNIGHT SHELTER FOR THE HOMELESS" KNOWN AS OPEN ARMS TO PERMIT FOURTEEN SEASONAL COTS IN THE BASEMENT OF 86-88 WEST POST ROAD FROM DECEMBER THROUGH APRIL

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 22, 2016
For the February 1, 2016 Common Council Meeting

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K.PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

January 22, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LIFTING UP WESTCHESTER - 86-88 EAST POST ROAD

RENEWAL OF A SPECIAL PERMIT TO OPERATE AN OVERNIGHT SHELTER FOR THE HOMELESS

RENEWAL OF A SPECIAL PERMIT TO OPERATE AN EMERGENCY SHELTER FOR THE HOMELESS

RENEWAL OF A SPECIAL PERMIT TO OPERATE A SOCIAL SERVICES CENTER FOR HOMELESS PERSONS

The Planning Board reviewed the three applications submitted by Lifting up Westchester, for Special Use Permits to operate: a) overnight shelter for the homeless, b) an emergency shelter for the homeless, and c) a social services center for homeless persons. The applicant, Executive Director of Lifting Up Westchester, Paul Anderson-Winchell, described the uses as the same that operated at the site prior to renovation, which was completed in December 2015.

The Planning Board had no reason to believe that there have been any problems with the operation of the facility, and, therefore, had no objection to renewal of the three requested Special Use Permits.

Planning Board members voting in favor of the motion to send a letter to the Common Council stating no objection to Renewal of the three requested Special Use Permits: M. Quinn, A. Cabrera, J. Ioris, L. Oliva, R. Stackpole, and J. Durante (6); Opposed: None (0); Absent: J. Westlund (1).

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
Deputy Commissioner
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.

Lifting Up Westchester
Special Permit
Emergency Shelter

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: January 20, 2016

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THE CITY OF WHITE PLAINS

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

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed an application submitted on behalf of Lifting Up Westchester, formerly known as Grace Church Community Center ("Applicant"), for the renewal of an annual Special Permit for the operation of an "**Emergency Shelter for the Homeless**" at 86-88 East Post Road. The existing nineteen (19) bed shelter is currently located on the second floor of the premises. The emergency shelter stays are permitted twenty four (24) hours per day, seven (7) days a week, year round.

The department of Public Works has no objection to the approval of this application for renewal of a Special Permit.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 21, 2016

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THOMAS M. ROACH
MAYOR

THE CITY OF WHITE PLAINS

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

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

JOHN P. LARSON
COMMISSIONER

JOHN FUERST
DEPUTY COMMISSIONER

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

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

The Department of Parking/ Traffic Division has reviewed the applications from Lifting up Westchester for renewal of various special permits to allow a social service center and emergency housing for homeless persons at 86-88 East Post Road which was referred by the Common Council on January 4, 2016.

The Department of Traffic has no objection to approving these applications.

Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: January 21, 2016
(for the February 1, 2016 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 January 20, 2016, reviewed a request for renewal of a special permit to provide an "Emergency Shelter" for the homeless as referred by the Common Council on January 4, 2016.

The Transportation Commission had no objection to the proposed changes.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 21, 2016 (for the February 1, 2016 Common Council Meeting)

THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #49 – Lifting Up Westchester
(Formerly Grace Church Community Center)
Renewal of a Special Permit –
To Provide for Emergency Shelter for the Homeless

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

The Department of Parking has no objection to the renewal of this special permit to provide emergency shelter for the homeless at 86-88 East Post Road as it relates to the Municipal Parking System.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: February 1, 2016

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

County Ref. No. **WHP N16-001**

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

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

Municipality: **White Plains**
Referring Agency (check one): [ ] Planning Board or Commission
[ ] Zoning Board of Appeals
[X] City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: **Lifting Up Westchester Homeless Shelter Permit Renewal**
Address: **86-88 East Post Road**
Section: **125.83** Block: **3** Lot: **9**

Submitted by (name and title): **Damon Amadio**

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

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

[ ] ***Zoning Area Variance*** to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park

[X] ***Special Use Permit or Use Variance*** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.

[ ] ***Site Plan*** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:

- *The boundary of a city, town or village*
- *The boundary of an existing or proposed state or county park, recreation area or road right-of-way*
- *An existing or proposed county drainage channel line*
- *The boundary of state- or county-owned land on which a public building/institution is located or*
- *The boundary of a farm located in an agricultural district.*

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

Do not write below this line.

Date received by the Westchester County Planning Board: **1/5/16**
Notification acknowledged by (name and title): **Kay Eisenman, Planner**

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ENVIRONMENTAL OFFICER

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

January 21, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LIFTING UP WESTCHESTER, INC.
86-88 EAST POST ROAD.
SPECIAL PERMIT APPROVALS FOR:
A. EMERGENCY SHELTER
B. OVERNIGHT SHELTER FOR THE HOMELESS CONSISTING OF NINETEEN (19) OVERNIGHT BEDS.
C. SOCIAL SERVICES CENTER FOR HOMELESS PERSONS.

Lifting Up Westchester, Inc. (("LUW") formerly known as Grace Church Community Center, Inc.("GCCC") has operated various emergency shelter and homeless social service programs in White Plains since 1986 and has recently completed the renovation of their facilities at 86-88 East Post Road.

At its June 3, 2013 meeting, the Common Council last granted renewal of the site plan special permits for the ongoing Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons at 86-88 East Post Road

Special permits for any Emergency Shelter, Overnight Shelter for the Homeless or Social Service Center shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. Since no application for the renewal of the respective special permit uses had been submitted during the renovation of the facility, the Proposed Action is herein being reviewed as a new, initial application.

At its January 4, 2016 meeting, the Common Council received an application from Lifting Up Westchester, Inc. dated November 12, 2015 regarding the renewal of three Special Permits ("Proposed Action" or "2016 Approval").

1. Special Permit to operate an Emergency Shelter at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.19

2. Special Permit to operate an Overnight Shelter for the Homeless at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.20

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3. Special Permit to operate a Social Service Center for Homeless Persons at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.22

The Applicant has submitted the letter form Paul Anderson-Winchell, Executive Director, Lifting Up Westchester, Inc. dated November 12, 2015 forwarding the following documents regarding the renewal of three Special Permits:

1. Special Permit for the Emergency Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Emergency Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

2. Special Permit for the Overnight Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Overnight Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

3. Special Permit for the Social Service Center for Homeless at 86-88 East Post Road
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Social Service Center for Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

The Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer, the following conditions are included as part of the Proposed Action in regard to the renewal of the special permits for the Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for the Homeless Persons (hereinafter referred to as "2016 Conditions")

A. <u>Conditions for the approval the Emergency Shelter Special Permit:</u>

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Emergency Shelter for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Emergency Shelter special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

B. <u>Conditions for the approval of the Special Permit to operate an Overnight Shelter for the Homeless:</u>

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Overnight Shelter for the Homeless for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Overnight Shelter for the Homeless Special Permit to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Overnight Shelter for the Homeless over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

C. Conditions for the approval of the Special Permit to operate a Social Service Center for Homeless Persons:

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Social Service Center for Homeless Persons, for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Social Service Center for Homeless Persons special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

3. The Certificate of Occupancy for the Social Service Center for Homeless Persons shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the Basement and First Floor only of 86-88 East Post Road, in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' and 'Emergency Shelter' night time uses on the Second and Third Floors respectively.

It is recommended that the Common Council (a) designate itself as Lead Agency for the environmental review of the Proposed Action; (b) determine that the Proposed Action is an Unlisted Action under SEQR regulations; and (c) find that the that 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 proposal is consistent with the 1997 Comprehensive Plan as updated in 2006 and the White Plains Zoning Ordinance.

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

Conformance to the Zoning Ordinance

The premises is located within the B-3, Intermediate Business District where Emergency Shelters, Overnight Shelters for the Homeless and Social Service Centers for Homeless Persons are Special Permit uses.

The existing building conforms to the height, bulk and yard setback requirements and parking regulations of the B-3 District.

The following is a summary of the existing operations of the three special permit uses on the Project Site, the location of the operations of each special permit use within the building and the amount of space allocated to such operations will change.

BASEMENT LEVEL: 4,590 sq. ft.	Multi-purpose room converts to 14 seasonal overnight shelter beds subject to annual approval by the Common Council, large education/meeting rooms, staff control point, laundry, toilet and shower facilities, and mechanical space. The Multi-purpose room and Education / meeting room are part of the Social Service Center.
1ST FLOOR LEVEL: 4,590 sq. ft.	Dining room and kitchen, offices, interview rooms, recreation area, administration control point, no overflow sleeping area. This floor remains Social Service Center for Homeless Persons facility during day and is not occupied for sleeping at night.
2ND FLOOR LEVEL: 4,590 sq. ft.	A 19 bed Overnight Shelter for the Homeless, staff control point, toilets and showers.
3RD FLOOR LEVEL: 1,900 sq. ft.	A 19 bed Emergency Shelter, 1 and 2 bed rooms, toilets and showers, staff control point.

TOTAL: 15,670 sq. ft. floor area.

There is no parking requirement for the three special permit uses for the homeless operated at the Project Site. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. LUW has recently completed improvements to the parking lot, to provide 9 parking spaces (one handicap and 8 standard spaces), refuse storage area, snow storage area and grass landscaped area.

Conformance to the General Standards Applicable for All Special Permit Uses

The three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Services Center for Homeless Persons are subject to the generic Special Permit Standards in Section 6.5 of the Zoning Ordinance.

The Proposed Action subject to the Conditions listed above, conforms to these standards.

LUW currently operates the three Special Permit uses within the Project Site, serving up to 19 persons each in the Overnight Shelter for the Homeless and in the 24 hour Emergency Shelter. The Social Service Center for Homeless Persons is operated during the daytime. This facility is not limited to 19 persons. It serves persons staying in the Overnight Shelter for the Homeless as well as persons who may drop in. Through its coordinated programs operated at the Project Site, LUW has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents. LUW works closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms Men's Shelter has had significant

success in moving homeless men out of homelessness and into housing and jobs. The proposed renovations and modifications to the Project Site reflected in the Site Plan Amendment are designed to further enhance the existing programs. There will be no change in the number of persons (19) served in each of the two overnight shelter components, and the Social Service Center for Homeless Persons will continue to work with both overnight persons and drop ins.

The recent renovations and modifications to the Project Site and the addition of a third floor has not significantly changed the location, nature and intensity of the operations involved in it or conducted in connection with it. The additional floor area will permit better operation of the programs by providing distinct areas for each special permit use.

The special permit uses will not change with respect to East Post Road except that the facade of the building has been upgraded and improved to be in harmony with the appropriate and orderly development of the Post Road Corridor area which is a designated urban renewal redevelopment area and a corridor in which the City is seeking to promote well designed redevelopment.

There are no parking requirements in the Zoning Ordinance for special permit uses for the homeless. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. The recent improvements to the parking lot included appropriate striping of the spaces, creating a snow storage area, providing a handicapped space adjacent to the rear entrance, and creating a rear entrance stair tower.

Conformance to the Individual Standards for Specific Special Permit Uses.

Each of the three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for Homeless Persons are subject to the specific Standards in Section 6.7 of the Zoning Ordinance for those specific uses.

All three special permits uses currently operate in compliance with all applicable State, County and City codes, ordinances and regulations.

LUW has demonstrated its ability to operate this facility based on the 30 years that it has operated homeless shelter and service programs at this location and at 33 Church Street

The three special permit uses will continue to be operated by the not-for-profit corporation LUW as the facility is currently operated.

All food preparation, service and distribution facilities at the new Social Service Center for Homeless Persons on the first floor, like the current facilities, will be licensed and approved by the Westchester County Board of Health

The Emergency Shelter will continue to be open during the hours specified. LUW has demonstrated its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

As previously approved, there is one Overnight Shelter for the Homeless, on the second floor and one Emergency Shelter, on the third floor, with one Social Service Center for Homeless Persons, operating in the basement and on the first floor at 86-88 East Post Road, as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

At its May 2, 2011 meeting, the Common Council approved the following expanded hours of operation for the approved Social Service Center for Homeless Persons based upon the findings made in that approval:

> *"The Certificate of Occupancy for the 'Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the First Floor of 86-88 East Post Road, and between the hours of 7:30 a.m. and 7:30 p.m. on the Second Floor of 86-88 East Post Road in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' night time use on the Second Floor."*

Based on the above review of the application regarding the Emergency Shelter, the Overnight Shelter for the Homeless and the Social Service Center for Homeless Persons at 86-88 East Post Road against the Zoning Ordinance general special permit standards and the individual standards for the respective uses, the application is in compliance with such standards.

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

As stated above, the operations of the special permit uses will continue to be located in the same building as has been used for homeless shelter programs for 30 years.

The site is fully served by both public and private utility services.

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

There are no naturally landscaped conditions on site or in the surrounding neighborhood area.

(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.

With the recently completed improvements to the site and building, the Proposed Action to continue the ongoing social service programs does not involve any changes to the City or neighborhood.

As stated above, for 30 years, the Emergency Shelters, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons have been operating jointly to provide both emergency shelter and social services to the homeless staying at the facility. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

(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 and Public Safety.

(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

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE APPROVAL OF SPECIAL PERMITS IN RELATION TO EMERGENCY SHELTER, OVERNIGHT SHELTER FOR THE HOMELESS AND SOCIAL SERVICE CENTER FOR HOMELESS PERSONS USES AT 86-88 EAST POST ROAD ON BEHALF OF LIFTING UP WESTCHESTER, INC.

WHEREAS, Lifting Up Westchester, Inc. (("LUW") formerly known as Grace Church Community Center, Inc.("GCCC") has operated various emergency shelter and homeless social service programs in White Plains since 1986 and has recently completed the renovation of their facilities at 86-88 East Post Road; and

WHEREAS, at its June 3, 2013 meeting, the Common Council last granted renewal of the site plan special permits for the ongoing Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons at 86-88 East Post Road; and

WHEREAS, special permits for any Emergency Shelter, Overnight Shelter for the Homeless or Social Service Center shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. In this case, the Building Commissioner has referred the special permit renewals to the Common Council due to the fact that the related building expansion has not commenced; and

WHEREAS, at its January 4, 2016 meeting, the Common Council received an application from Lifting Up Westchester, Inc. dated November 12, 2015 regarding the renewal of three Special Permits ("Proposed Action" or "2016 Approval"):

1. Special Permit to operate an Emergency Shelter at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.19

2. Special Permit to operate an Overnight Shelter for the Homeless at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.20

3. Special Permit to operate a Social Service Center for Homeless Persons at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.22; and

WHEREAS, the Applicant has submitted the letter form Paul Anderson-Winchell, Executive Director, Lifting Up Westchester, Inc. dated November 12, 2015 forwarding the following documents regarding the renewal of three Special Permits:

1. Special Permit for the Emergency Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Emergency Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

2. Special Permit for the Overnight Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Overnight Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

3. Special Permit for the Social Service Center for Homeless at 86-88 East Post Road
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Social Service Center for Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015; and

WHEREAS, the Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and.

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer, the following conditions are included as part of the Proposed Action in regard to the renewal of the special permits for the Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for the Homeless Persons (hereinafter referred to as "2016 Conditions")

A. Conditions for the approval the Emergency Shelter Special Permit:

   1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Emergency Shelter for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

   2. LUW shall submit its request to renew the Emergency Shelter special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

B. Conditions for the approval of the Special Permit to operate an Overnight Shelter for the Homeless:

   1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Overnight Shelter for the Homeless for the future operation of the facility, for approval within 120 days of the approval of the 2016 Approval.

   2. LUW shall submit its request to renew the Overnight Shelter for the Homeless Special Permit to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Overnight Shelter for the Homeless over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

C. Conditions for the approval of the Special Permit to operate a Social Service Center for Homeless Persons:

   1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Social Service Center for Homeless Persons, for the future operation of the facility, for approval within 120 days of the approval of the 2016 Approval.

   2. LUW shall submit its request to renew the Social Service Center for Homeless Persons special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to

notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

3. The Certificate of Occupancy for the Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the Basement and First Floor only of 86-88 East Post Road, in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' and 'Emergency Shelter' night time uses on the Second and Third Floors respectively; 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) designate itself as Lead Agency for the environmental review of the Proposed Action; (b) determine the Proposed Action to be reviewed as an Unlisted Action under SEQR regulations; and (c) find that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the Proposed Action, Application Materials, 2016 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 that the Common Council has examined the potential environmental effects of the Proposed Action and makes the following environmental findings:

(a) The proposal is consistent with the 1997 Comprehensive Plan as updated in 2006 and the White Plains Zoning Ordinance.

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

Conformance to the Zoning Ordinance

The premises is located within the B-3, Intermediate Business District where Emergency Shelters, Overnight Shelters for the Homeless and Social Service Centers for Homeless Persons are Special Permit uses.

The existing building conforms to the height, bulk and yard setback requirements and parking regulations of the B-3 District.

The following is a summary of the existing operations of the three special permit uses on the Project Site, the location of the operations of each special permit use within the building and the amount of space allocated to such operations will change.

BASEMENT LEVEL: 4,590 sq. ft. Multi-purpose room converts to 14 seasonal overnight shelter beds subject to annual approval by the Common Council, large education/meeting rooms, staff control point, laundry, toilet and shower facilities, and mechanical space. The Multi-purpose room and Education / meeting room are part of the Social Service Center.

1ST FLOOR LEVEL: 4,590 sq. ft.	Dining room and kitchen, offices, interview rooms, recreation area, administration control point, no overflow sleeping area. This floor remains Social Service Center for Homeless Persons facility during day and is not occupied for sleeping at night.
2ND FLOOR LEVEL: 4,590 sq. ft.	A 19 bed Overnight Shelter for the Homeless, staff control point, toilets and showers.
3RD FLOOR LEVEL: 1,900 sq. ft.	A 19 bed Emergency Shelter, 1 and 2 bed rooms, toilets and showers, staff control point.
TOTAL: 15,670 sq. ft.	

There is no parking requirement for the three special permit uses for the homeless operated at the Project Site. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. LUW has recently completed improvements to the parking lot, to provide 9 parking spaces (one handicap and 8 standard spaces), refuse storage area, snow storage area and grass landscaped area.

Conformance to the General Standards Applicable for All Special Permit Uses

The three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Services Center for Homeless Persons are subject to the generic Special Permit Standards in Section 6.5 of the Zoning Ordinance.

The Proposed Action subject to the Conditions listed above, conforms to these standards.

LUW currently operates the three Special Permit uses within the Project Site, serving up to 19 persons each in the Overnight Shelter for the Homeless and in the 24 hour Emergency Shelter. The Social Service Center for Homeless Persons is operated during the daytime. This facility is not limited to 19 persons. It serves persons staying in the Overnight Shelter for the Homeless as well as persons who may drop in. Through its coordinated programs operated at the Project Site, LUW has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents. LUW works closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms Men's Shelter has had significant success in moving homeless men out of homelessness and into housing and jobs. The proposed renovations and modifications to the Project Site reflected in the Site Plan Amendment are designed to further enhance the existing programs. There will be no change in the number of persons (19) served in each of the two overnight shelter components, and the Social Service Center for Homeless Persons will continue to work with both overnight persons and drop ins.

The recent renovations and modifications to the Project Site and the addition of a third floor has not significantly changed the location, nature and intensity of the operations involved in it or conducted in connection with it. The additional floor area will permit better operation of the programs by providing distinct areas for each special permit use.

The special permit uses will not change with respect to East Post Road except that the facade of the building has been upgraded and improved to be in harmony with the appropriate and orderly development of the Post Road Corridor area which is a designated urban renewal redevelopment area and a corridor in which the City is seeking to promote well designed redevelopment.

There are no parking requirements in the Zoning Ordinance for special permit uses for the homeless. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. The recent improvements to the parking lot included appropriate striping of the spaces, creating a snow storage area, providing a handicapped space adjacent to the rear entrance, and creating a rear entrance stair tower.

Conformance to the Individual Standards for Specific Special Permit Uses.

Each of the three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for Homeless Persons are subject to the specific Standards in Section 6.7 of the Zoning Ordinance for those specific uses.

All three special permits uses currently operate in compliance with all applicable State, County and City codes, ordinances and regulations.

LUW has demonstrated its ability to operate this facility based on the 30 years that it has operated homeless shelter and service programs at this location and at 33 Church Street

The three special permit uses will continue to be operated by the not-for-profit corporation LUW as the facility is currently operated.

All food preparation, service and distribution facilities at the new Social Service Center for Homeless Persons on the first floor, like the current facilities, will be licensed and approved by the Westchester County Board of Health

The Emergency Shelter will continue to be open during the hours specified. LUW has demonstrated its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

As previously approved, there is one Overnight Shelter for the Homeless, on the second floor and one Emergency Shelter, on the third floor, with one Social Service Center for Homeless Persons, operating in the basement and on the first floor at 86-88 East Post Road, as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

At its May 2, 2011 meeting, the Common Council approved the following expanded hours of operation for the approved Social Service Center for Homeless Persons based upon the findings made in that approval:

> *"The Certificate of Occupancy for the 'Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the First Floor of 86-88 East Post Road, and between the hours of 7:30 a.m. and 7:30 p.m. on the Second Floor of 86-88 East Post Road in order to facilitate the operation of*

the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' night time use on the Second Floor."

Based on the above review of the application regarding the Emergency Shelter, the Overnight Shelter for the Homeless and the Social Service Center for Homeless Persons at 86-88 East Post Road against the Zoning Ordinance general special permit standards and the individual standards for the respective uses, the application is in compliance with such standards.

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

As stated above, the operations of the special permit uses will continue to be located in the same building as has been used for homeless shelter programs for 30 years.

The site is fully served by both public and private utility services.

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

There are no naturally landscaped conditions on site or in the surrounding neighborhood area.

(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.

With the recently completed improvements to the site and building, the Proposed Action to continue the ongoing social service programs does not involve any changes to the City or neighborhood.

As stated above, for 30 years, the Emergency Shelters, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons have been operating jointly to provide both emergency shelter and social services to the homeless staying at the facility. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

(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 and Public Safety.

(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 the Common Council hereby determines that the Proposed Action, when compared to the SEQR criteria of environmental effect, 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 PURSUANT TO SECTIONS 6.5 AND 6.7.19 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "EMERGENCY SHELTER" FOR THE HOMELESS TO BE LOCATED ON THE SECOND FLOOR OF THE BUILDING AT 86-88 EAST POST ROAD

WHEREAS, at its meeting of October 7, 1985, the Common Council adopted amendments to the Zoning Ordinance to establish "Emergency Shelter" and "Overnight Shelter for the Homeless" as special permit uses related to facilities for sheltering homeless persons; and

WHEREAS, an "Emergency Shelter" is defined at Section 2 of the Zoning Ordinance as:

A facility providing, without charge, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood), domestic violence, condemnation, court ordered eviction, or other urgent event; and

WHEREAS, the Common Council also established individual standards for "Emergency Shelters" at Section 6.7.19 of the Zoning Ordinance; and

WHEREAS, the second amendment to the Zoning Ordinance established a new special permit use of "Overnight Shelters for the Homeless;" and

WHEREAS, an "Overnight Shelter for the Homeless" is defined at Section 2 of the Zoning Ordinance as:

A facility providing, without charge, single night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address; and

WHEREAS, the Common Council also established individual standards for "Overnight Shelters for the Homeless" at Section 6.7.20 of the Zoning Ordinance; and

WHEREAS, the third amendment to the Zoning Ordinance established a new special permit use of "Social Service Centers for Homeless Persons;" and

WHEREAS, "Social Service Centers for Homeless Persons" are defined as:

Facilities providing, without charge, counseling and referral services and a lounge and reception area, with or without meals, for indigent homeless families and individuals with no ordinary or regular home or residence address, and

WHEREAS, individual standards for "Social Service Centers for Homeless Persons" were established at Section 6.7.22 of the Zoning Ordinance; and

WHEREAS, on January 6, 1986, the Common Council approved a special permit for Grace Church Community Center, Inc., ("GCCC") for the operation of an "Emergency Shelter"

on the third floor of Grace Church, at 33 Church Street, known as "Samaritan House," which facility had been serving as a shelter for homeless women for many years, thus bringing this facility under the new regulations of the Zoning Ordinance adopted October 7, 1985; and

WHEREAS, on January 6, 1986, the Common Council also approved a special permit for GCCC for the operation of an "Overnight Shelter for the Homeless" on the first floor of Grace Church, at 33 Church Street, which facility had been serving as an as-needed shelter for homeless men for many years, thus bringing this facility under the new regulations of the Zoning Ordinance adopted October 7, 1985; and

WHEREAS, the "Emergency Shelter" and "Overnight Shelter for the Homeless" at 33 Church Street have operated continuously since the granting of the special permits in 1986; and

WHEREAS, on January 5, 1987, the Common Council adopted a resolution granting a special permit authorizing the establishment by G. S. Horace, Inc., an affiliate of GCCC, of an "Overnight Shelter for the Homeless" on the lower level of 86-88 East Post Road and known as "Open Arms;" and

WHEREAS, on September 6, 1988, the Common Council adopted a resolution granting a special permit to G. S. Horace, Inc., an affiliate of GCCC, to operate a "Social Service Center for Homeless Persons" also at 86-88 East Post Road; and

WHEREAS, since the initial approval of the special permits, both facilities at 33 Church Street ("Emergency Shelter" and "Overnight Shelter for the Homeless") and both facilities at 86-88 East Post Road ("Overnight Shelter for the Homeless" and "Social Service Center for Homeless Persons") have been determined by the Commissioner of Building to be operating pursuant to the terms of their Management Plans and the Zoning Ordinance; and

WHEREAS, since December 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually extended the number of beds permitted in the "Emergency Shelter" at 33 Church Street by 4 beds and in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April; and

WHEREAS, on April 16, 2015, GCCC officially changed the name of the homeless services organization to Lifting Up Westchester because, although the non-profit organization retains close ties to Grace Church, it is neither a church nor a community center; and

WHEREAS, by letter dated November 12, 2015, Paul Anderson-Winchell, Executive Director of Lifting Up Westchester (formerly GCCC), submitted three separate applications to renew the special permits for the operation of an "Emergency Shelter," an "Overnight Shelter for the Homeless," and a "Social Service Center for Homeless Persons" at 86-88 East Post Road; and

WHEREAS, the application for renewal of the Special Permit for an "Emergency Shelter" for the homeless consists of the following:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Emergency Shelter" for the homeless.

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Emergency Shelter" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

WHEREAS, at its meeting of December 7, 2015, the Common Council referred out the "Emergency Shelter" application to various City departments, agencies, boards, commissions and officers, and to the Westchester County Planning Board for review and comments; and

WHEREAS, at its meeting of January 4, 2016, the Common Council scheduled a public hearing on the "Emergency Shelter" application for its meeting of February 1, 2016; and

WHEREAS, at its meeting of February 1, 2016, the Common Council received reports from Planning Board, dated January 22, 2016, Traffic Commission, dated February 1, 2016, Commissioner of Building, dated January 19, 2016, Commissioner of Public Safety, dated January 20, 2016, Deputy Commissioner of Parking for Transportation Engineering, dated January 21, 2016, Commissioner of Planning, dated January 22, 2016, Commissioner of Parking, dated February 2, 2016, Commissioner of Public Works, dated January 21, 2016, and Westchester County Planning Board, dated January 5, 2016; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, agencies, boards, commissions, officers and the Westchester County Planning Board, and the materials submitted on behalf of Lifting Up Westchester, the Applicant; and

WHEREAS, the Environmental Officer submitted a communication, dated January 21, 2016, recommending that the Common Council (1) declare itself to be Lead Agency for the "Emergency Shelter" Application, (2) declare the Application to be an Unlisted Action under NYS SEQR regulations, and (3) find that the Application will not have a significant adverse impact on the environmental, subject to the conditions contained in the communication from the Commissioner of Planning; and

WHEREAS, the Environmental Officer submitted an environmental findings resolution to the Common Council containing the declarations, findings, and conditions recommended in his communication, dated January 21, 2016; and

WHEREAS, at its meeting of February 1, 2016, the Common Council adopted the environmental findings resolution prepared by the Environmental Officer and (1) declared itself to be the Lead Agency for the environmental review of the "Emergency Shelter" Application, (2) declared the Application to be an Unlisted Action under NYS SEQR regulations, and (3) found that the Application will not have a significant adverse impact on the environment; subject to the conditions contained in this resolution; and

WHEREAS, the Common Council has reviewed the "Emergency Shelter" Application in light of the 1997 Comprehensive Plan and 2006 Plan Update, and the standards set forth in the Zoning Ordinance including, but not limited to, Section 6.5, 6.7.19, 7.5 and 8 of the Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the following Findings are hereby adopted with respect to the instant Emergency Shelter Application in accordance with the Zoning Ordinance:

1. Pursuant to Section 6.5 of the Zoning Ordinance:

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

   The "Emergency Shelter" use would be effectively the same as it had been operating at 86-88 East Post Road as the "Overnight Shelter for the Homeless" under the permit that was issued by the Common Council on September 6, 1988. The Planning Department does not find that there will be any increase in the intensity of the use.

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

(a) The operation will remain in its current location on the second floor of 86-88 East Post Road and will, therefore, result in no change to the location, nature, or height of the building, or any aspect of the site.

(b) The homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

As noted under 6.5.2, there will be no objectionable change to the existing operations at the facility with the change in the special permit approval to "Emergency Shelter."

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

(a) There is parking for the building located directly adjacent to the rear of the building.

(b) There will be no change in parking demand with the proposed change in the special permit approval to "Emergency Shelter."

(c) There is no parking or loading requirement for "Emergency Shelter" facilities.

Subject to the conditions contained in this resolution herein below, the "Emergency Shelter" Application satisfies the requirements of Section 6.5 "Standards: of the Zoning Ordinance.

2. Pursuant to Section 6.19 of the Zoning Ordinance:

6.7.19 <u>"Emergency Shelters"</u>

6.7.19.1 Any "Emergency Shelter" shall comply fully with all requirements of applicable State, County and City codes, ordinances, and regulations relating to transient occupancies specifically including the Minimum Housing Standards Ordinance of the City, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms,

emergency exits, and other safety devices required by the White Plains Building Code.

The area of the building that will be subject to the "Emergency Shelter" special permit use currently complies with all of the regulations cited herein above, and shall be required to continue to be required to do so.

6.7.19.2 Any food preparation, service or distribution facilities in an "emergency shelter" shall be licensed or approved by the Westchester County Board of Health.

No food preparation is associated with the "Emergency Shelter."

6.7.19.3 Any "emergency shelter" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Emergency Shelter" will be operated by the not-for-profit corporation Lifting Up Westchester as the facility is currently operated.

6.7.19.4 An "emergency shelter" shall be available as a year around facility that is open 24 hours a day, 7 days a week, and shall accept individuals and/or families without regard to race, religion, ethnic background, gender, marital status, age, or condition of disability or parentage.

The "Emergency Shelter" will be open during the hours specified. Lifting Up Westcheser, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.19.5 No "emergency shelter shall be located on a site less than 400 feet from another site on which is located another "emergency shelter," or on which is located an "overnight shelter for the homeless," or "community residence" or "domiciliary care facility," except that any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter and one "overnight shelter for the homeless" on the same premises.

The "Emergency Shelter" will be located in the same building as an "Overnight Shelter for the Homeless" which located on the third floor of 86-88 East Post Road. Both facilities will be operated by Lifting Up Westchester. This is consistent with this special permit standard.

6.7.19.6 No "emergency shelter" may accommodate more than 19 "persons."

The number of persons to be accommodated in the "Emergency Shelter" will remain at 19 persons.

6.7.19.7 Any "emergency shelter" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Department of Building and the Fire Prevention Bureau will continue to do inspections of the premises and ensure compliance with all codes, ordinances, regulations of the City of White Plains, and the conditions of this special permit.

6.7.19.8 An "emergency shelter" shall be well located with respect to public transportation and public and other social services, such as job placement, counseling, and other services necessary to serve the intended population.

The building in which the "Emergency Shelter" will be located, 86-88 East Post Road, is well located with respect to public transportation and to public and social services agencies, including Westchester County Departments of Social Services and Community Mental Health.

6.7.19.9 An "emergency shelter" shall provide for continuous accommodation of an individual or family for a period of up to 30 days and nights, with one extension of up to 30 days in the event of urgent necessity, as determined by the operator.

Accommodations at the "Emergency Shelter" at 86-88 East Post Road will be limited to individuals, as are the existing facilities licensed and managed by Lifting Up Westchester.

6.7.19.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the existing and intended operation of the "Emergency Shelter." In addition to the Management Plan, Lifting Up Westchester, as GCCC has demonstrated its ability to operate such a facility based on the 25 plus years that it has operated homeless shelter and service programs at this location and at 33 Church Street.

6.7.19.11 A special permit for any "emergency shelter" shall expire one year after issuance, but upon application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided that no such renewal shall be made by the Commissioner of

Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

Subject to compliance with the applicable conditions contained herein below, the Emergency Shelter Application satisfies the requirements of Section 6.7.19 "Emergency Shelters" of the Zoning Ordinance.

3. Pursuant to Section 7.5 of the Zoning Ordinance there are no changes proposed to the exterior of the building that would modify or affect any of the site plan standards at Section 7.5 "Standards" of the Zoning Ordinance.

4. Pursuant to Section 8 "Off-'Street' Parking and Loading" of the Zoning Ordinance, there is no parking or loading requirement for "Emergency Shelter" special permit uses;

and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 6.5, 6.7.19, 7.5 and 8 of the Zoning Ordinance have been satisfied, and that approval of the application for Renewal of the Special Permit for the "Emergency Shelter" for the homeless to be located on the second floor of 86-88 East Post Road, be and hereby is granted, subject to the following conditions:

1. The "Emergency Shelter" shall be limited to providing shelter to individuals, not families.

2. To ensure that the notice period required by Section 6.7.19.11 is met, GCCC shall submit its request to renew the special permit for an "Emergency Shelter" to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Emergency Shelter," and receive reports from other City departments on the performance of the "Emergency Shelter" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the permit.

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

Dear Mayor and Council Members:

The Department of Building has reviewed, per referral of the Common Council, an application filed on November 12, 2015 on behalf of Lifting Up Westchester, formerly known as Grace Church Community Center, for the renewal of a Special Permit to allow a "Social Service Center for Homeless Persons" at 86-88 East Post Road. The applicant proposes to utilize parts of the existing basement, first floor and second floor spaces for this purpose. This property is located within a B-3 Intermediate Business Zoning District.

The Department of Building has reviewed this application with respect to zoning compliance only and have no objection to the application being approved.

Respectfully Submitted,

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 19, 2016
(for the February 1, 2016 Common Council meeting)

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: APPLICATION MADE BY LIFTING UP WESTCHESTER (FORMERLY GRACE CHURCH COMMUNITY CENTER) TO:

1. RENEW SPECIAL USE PERMIT TO OPERATE AN "EMERGENCY SHELTER" FOR THE HOMELESS
2. RENEW SPECIAL USE PERMIT TO OPERATE AN "OVERNIGHT SHELTER FOR THE HOMELESS"
3. RENEW SPECIAL USE PERMIT TO OPERATE A "SOCIAL SERVICE CENTER FOR HOMELESS PERSONS"
4. MODIFY THE MAXIMUM NUMBER OF PERSONS PERMITTED NIGHTLY ACCOMMODATION AT THE "OVERNIGHT SHELTER FOR THE HOMELESS" KNOWN AS OPEN ARMS TO PERMIT FOURTEEN SEASONAL COTS IN THE BASEMENT OF 86-88 WEST POST ROAD FROM DECEMBER THROUGH APRIL

Lifting Up Westchester is the new name of the Grace Church Community Center. The name was officially changed on April 16, 2015. Lifting Up Westchester is a non-profit organization that operates the Open Arms Homeless Shelter at 86-88 East Post Road, consisting of an "Emergency Shelter," an "Overnight Shelter for the Homeless," a "Social Service Center for Homeless Persons," and an additional fourteen seasonal beds for the homeless during the winter months.

I. Current Applications:

The Common Council has received applications from Lifting Up Westchester (formerly Grace Church Community Center, Inc. "GCCC") for renewal of special permit approvals, all of which occur in the renovated and expanded building at 86-88 East Post Road,

which was acquired by the applicant, and improved to better serve clients. The requested renewals are for the following:

1. Special Permit for "Emergency Shelter" on the second floor of 86-88 East Post Road
2. Special Permit for "Overnight Shelter for the Homeless" on the third floor of 86-88 East Post Road
3. Special Permit for "Social Service Center for Homeless Persons"

In addition, the operations at 86-88 East Post Road, include up to 14 emergency cots provided in the basement of the building from December through April, to accommodate additional homeless men during the winter months. This operation requires modification by the Common Council of the Special Permit requirements for "Emergency Shelters" for the Homeless and "Overnight Shelters for the Homeless," which modifications are described herein below.

II. History of Special Permits for Facilities for the Homeless:

A. Adoption of Zoning Regulations:

At its meeting of October 7, 1985, the Common Council adopted amendments to the Zoning Ordinance to establish two special permits related to facilities for homeless persons. On September 2, 1986, the Common Council adopted a third amendment to the Zoning Ordinance establishing a new special permit use of "Social Service Centers for Homeless Persons."

1. Emergency Shelters

The first amendment to the Zoning Ordinance established a new special permit use of "Emergency Shelters." Individual standards for "Emergency Shelters" were established at Section 6.7.19 of the Zoning Ordinance. An "Emergency Shelter" is defined as:

A facility providing; without charge, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood), domestic violence, condemnation, court ordered eviction, or other urgent event.

2. "Overnight Shelters for the Homeless"

The second amendment to the Zoning Ordinance established a new special permit use of "Overnight Shelters for the Homeless." Individual standards for "Overnight Shelters for the Homeless" were established at Section 6.7.20 of the Zoning Ordinance. An "Overnight Shelter for the Homeless" is defined as:

A facility providing, without charge, single night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address.

3. "Social Service Centers for Homeless Persons

The third amendment for "Social Service Centers for Homeless Persons" was established at Section 6.7.22 of the Zoning Ordinance, and also included individual standards. "Social Service Centers for Homeless Persons" are defined as:

Facilities providing, without charge, counseling and referral services and a lounge and reception area, with or without meals, for indigent homeless families and individuals with no ordinary or regular home or residence address.

B. Approval and Extensions of Special Permits for Homeless Facilities

1. Special Permit approvals for GCCC facilities at 33 Church Street

a. On January 6, 1986, the Common Council approved a special permit for GCCC for the operation of an "Emergency Shelter" on the third floor of Grace Church, at 33 Church Street. This facility, known as "Samaritan House" had been serving as a shelter for homeless women for many years. This special permit approval brought it under the new regulations of the Zoning Ordinance.

b. On January 6, 1986, the Common Council approved a special permit for GCCC for the operation of an "Overnight Shelter for the Homeless" on the first floor of Grace Church, at 33 Church Street.

These facilities have operated continuously since the granting of the special permits in 1986.

2. Special Permit approvals for GCCC facilities at 86-88 East Post Road

a. On January 5, 1987, the Common Council adopted a resolution granting a special permit authorizing the establishment by G. S. Horace, Inc., a not-for-profit affiliate of GCCC, for an "Overnight Shelter for the Homeless" located at 88 East Post Road and known as "Open Arms."

b. On September 6, 1988, The Common Council adopted a resolution granting a special permit to G. S. Horace, Inc., not-for-profit affiliate of GCCC, to operate a "Social Service Centers for Homeless Persons" at 86-88 East Post Road.

3. *Special Permit approval renewals at 33 Church Street and 86-88 East Post Road*

Pursuant to Zoning Ordinance Section 6.7.19.11 for "Emergency Shelters," Section 6.7.20.11 for "Overnight Shelters for the Homeless," and Section 6.7.22.10 for "Social Service Centers for Homeless Persons," the special permits for these facilities *"shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided than no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council."*

Since the initial approval of the special permits, both facilities at 33 Church Street ("Emergency Shelter" and "Overnight Shelter for the Homeless") and both facilities at 86-88 East Post Road ("Overnight Shelter for the Homeless" and "Social Service Center for Homeless Persons") have been determined by the Commissioner of Building to be operating pursuant to the terms of their Management Plans and the Zoning Ordinance.

4. *Increases in Winter Occupancy since 2007*

Since December 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually extended the number of beds permitted in the "Emergency Shelter" at 33 Church Street by 4 beds and in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April.

III. Consistency with Special Permit Standards and Planning Department and Recommendations

The Planning Department has reviewed all three applications in relation to the City's Zoning Ordinance Special Permit regulations at Sections 6.5, 6.7.19, 6.7.20, 6.7.22, 7.5 and 8. The Planning Department has the following comments:

A. Special Permit for "Emergency Shelter" for the homeless, on the second floor of 86-88 East Post Road

The Emergency Shelter Application includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Emergency Shelter" for the homeless.

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Emergency Shelter" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

For over 25 years, Lifting Up Westchester, as GCCC, has provided both emergency shelter and social services to the homeless staying at the Open Arms Homeless Shelter and at Samaritan House. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

1. The Planning Department finds that the "Emergency Shelter" for the homeless is consistent with the Special Permit Standards at Section 6.5 as follows:

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

   The "Emergency Shelter" use would be effectively the same as it had been operating at 86-88 East Post Road as the "Overnight Shelter for the Homeless" under the permit that was issued by the Common Council on September 6, 1988.

The Planning Department does not find that there will be any increase in the intensity of the use.

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

The operation will be located on the second floor of the renovated building at 86-88 East Post Road and will, therefore, result in no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. The homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

As noted under 6.5.2, there will be no significant change to the existing operations of the "Emergency Shelter." The use generates no traffic, because the clients do not have cars. The activities are contained within the building, so that sounds are contained. No fumes or vibrations are related to the use.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand of the facility associated with the special permit for an "Emergency Shelter." There are no parking requirements in the Zoning Ordinance for "Emergency Shelter" uses.

2. The Planning Department finds that the "Emergency Shelter" for the homeless is consistent with the Special Permit Standards at Section 6.7.19 as follows:

6.7.19 <u>"Emergency Shelters"</u>

6.7.19.1 Any "Emergency Shelter" shall comply fully with all requirements of applicable State, County and City codes, ordinances, and regulations relating to transient occupancies specifically including the Minimum Housing Standards Ordinance of the City, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms,

emergency exits, and other safety devices required by the White Plains Building Code.

The area of the building that will be subject to the "Emergency Shelter" special permit use currently complies with all of the regulations cited herein above, and shall be required to continue to be required to do so.

6.7.19.2 Any food preparation, service or distribution facilities in an "emergency shelter" shall be licensed or approved by the Westchester County Board of Health.

No food preparation is associated with the "Emergency Shelter."

6.7.19.3 Any "emergency shelter" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Emergency Shelter" will be operated by the not-for-profit corporation Lifting Up Westchester as the facility is currently operated.

6.7.19.4 An "emergency shelter" shall be available as a year around facility that is open 24 hours a day, 7 days a week, and shall accept individuals and/or families without regard to race, religion, ethnic background, gender, marital status, age, or condition of disability or parentage.

The "Emergency Shelter" will be open during the hours specified. Lifting Up Westcheser, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.19.5 No "emergency shelter shall be located on a site less than 400 feet from another site on which is located another "emergency shelter," or on which is located an "overnight shelter for the homeless," or "community residence" or "domiciliary care facility," except that any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter and one "overnight shelter for the homeless" on the same premises.

The "Emergency Shelter" will be located in the same building as an "Overnight Shelter for the Homeless" which islocated on the third floor of 86-88 East Post Road. Both facilities will be operated by Lifting Up Westchester. This is consistent with this special permit standard.

6.7.19.6 No "emergency shelter" may accommodate more than 19 "persons."

The number of persons to be accommodated in the "Emergency Shelter" will remain at 19 persons.

6.7.19.7 Any "emergency shelter" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Department of Building and the Fire Prevention Bureau will continue to do inspections of the premises and ensure compliance with all codes, ordinances, regulations of the City of White Plains, and the conditions of this special permit.

6.7.19.8 An "emergency shelter" shall be well located with respect to public transportation and public and other social services, such as job placement, counseling, and other services necessary to serve the intended population.

The building in which the "Emergency Shelter" will be located, 86-88 East Post Road, is well located with respect to public transportation and to public and social services agencies, including Westchester County Departments of Social Services and Community Mental Health.

6.7.19.9 An "emergency shelter" shall provide for continuous accommodation of an individual or family for a period of up to 30 days and nights, with one extension of up to 30 days in the event of urgent necessity, as determined by the operator.

Accommodations at the "Emergency Shelter" at 86-88 East Post Road will be limited to individuals, as are the existing facilities licensed and managed by Lifting Up Westchester.

6.7.19.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the existing and intended operation of the "Emergency Shelter." In addition to the Management Plan, Lifting Up Westchester, as GCCC, has demonstrated its ability to operate such a facility based on the 25 plus years that it has operated homeless shelter and service programs at this location and at 33 Church Street.

6.7.19.11 A special permit for any "emergency shelter" shall expire one year after issuance, but upon application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided that no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all

applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Emergency Shelter" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Emergency Shelter" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

3. The Planning Department finds that the proposed modification is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit "Emergency Shelter" use.

4. The Planning Department finds that the proposed modification is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit "Emergency Shelter" use.

Based on the above review of the application for a Special Permit for an "Emergency Shelter" for the homeless in relation to the Special Permit standards for that use, the Planning Department finds that the use is consistent with both the general special permit standards at Section 6.5 and the individual special permit standards at Section 6.7.19 of the Zoning Ordinance. The Planning Department recommends approval of the application for Renewal of the Special Permit to Operate an "Emergency Shelter" for the homeless on the second floor of the building located at 86-88 East Post Road, subject to the conditions recommended herein.

B. Special Permit for "Overnight Shelter for the Homeless," on the third floor of 86-88 East Post Road.

The application for renewal of the Special Permit for an "Overnight Shelter for the Homeless" includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a

Special Permit at 86-88 East Post Road in relation to providing an "Overnight Shelter for the Homeless."

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Overnight Shelter for the Homeless" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled, Lot Sketch, undated.

h. Building Sketch, undated

1. Lifting Up Westchester has applied for a renewal of the Special Permit to operate the existing "Overnight Shelter for the Homeless" on the third floor at 86-88 East Post Road. The special permit for this use at 33 Church Street was originally approved on January 6, 1986.

   The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Special Permit Standards at Section 6.5 as follows:

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

   The "Overnight Shelter for the Homeless" use is proposed to be for nineteen (19) persons, as currently operates at the site.

   The Departments of Public Safety and Building have inspected the space used for the "Overnight Shelter for the Homeless" and found that the location and size of the space adequately meets the City's code requirements. The "Overnight Shelter for the Homeless" is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of use of the 86-88 East Post Road building will not change as the number of persons using the "Overnight Shelter for the Homeless " currently located in the building will not change.

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

The building will not be modified. There will, therefore, be no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Overnight Shelter for the Homeless" use does not generate noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area. Homeless persons may not leave and reenter the overnight shelter once they have entered. Lifting Up Westchester works closely with the Department of Public Safety in providing shelter and services and will continue to do so.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for an "Overnight Shelter for the Homeless." There is no parking requirement for "Overnight Shelters for the Homeless" in the Zoning Ordinance.

2. The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Special Permit Standards at Section 6.7.20 as follows:

6.7.20 <u>"Overnight Shelters for the Homeless"</u>:

6.7.20.1 Any "overnight shelter for the homeless" shall comply fully with the requirements of the applicable State, County and City codes, ordinances and regulations relating to transient occupancy, and shall be fully equipped with emergency lighting, sprinklers, smoke detectors and alarms, emergency exits and other safety devices required by the White Plains Building Code.

The "Overnight Shelter for the Homeless" will be required to comply with all City codes and regulations.

6.7.20.2 Any food preparation, service or distribution facilities in an "overnight shelter for the homeless" shall be licensed or approved by the Westchester County Board of Health.

There is no food service connected to the "Overnight Shelter for the Homeless."

6.7.20.3 Any "overnight shelter for the homeless" shall be contained within the "structure" of, and operated by, a "not-for-profit corporation" or charitable organization, as the same are defined by applicable statute.

The "Overnight Shelter for the Homeless" will be located entirely within the third floor of 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.20.4 An "overnight shelter for the homeless" may be a seasonal facility, open and operated during months of cold weather, generally from 15 October to 15 April, or it may be a year-round facility.

This "Overnight Shelter for the Homeless" is proposed to be operated year-round.

6.7.20.5 An "overnight shelter for the homeless" shall be open and accept adult individuals only for single night occupancies, no earlier than 7:30 p.m. and shall permit occupancy no later than 7:30 a.m. While open, and for one hour before opening and for one hour after closing, an "overnight shelter for the homeless" shall be adequately staffed by the operating organization such that applicants may be efficiently accepted and accommodated, order and sanitation maintained at all times, and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities. These provisions shall be reflected in the Management Program required under Section 6.7.20.10 below.

The current operations of Lifting Up Westchester at 86-88 East Post Road, and the Management Plan, provide for the required staffing levels and hours of operation. For over 25 years, Lifting Up Westchester, as GCCC, has demonstrated its commitment to meeting the requirements established in this section.

6.7.20.6 An "overnight shelter for the homeless" shall accept adult individuals without regard to race, religion, ethnic background, gender, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.20.7 No "overnight shelter for the homeless" shall be located on a site less than 400 feet from another site on which is located another "overnight shelter for the homeless,"; or on which is located an "emergency shelter," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "emergency shelter" and one "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," and one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

6.7.20.8 No "overnight shelter for the homeless" may accommodate more than 19 "persons."

As stated herein above, the "Overnight Shelter for the Homeless" will accommodate 19 persons, unless a seasonal adjustment is approved by the Common Council, pursuant to Section 6.7 of the Zoning Ordinance.

6.7.20.9 Any "overnight shelter for the homeless" shall be subject to periodic inspections by the Department of Building and the Fire Prevention Bureau of the City of White Plains, which shall determine compliance with all codes, ordinances, regulations and conditions of the special permit.

The Departments of Building and Fire Prevention will conduct periodic inspections consistent with this requirement.

6.7.20.10 An applicant shall submit with its permit application a Management Program for the operation of its proposed facility, including personnel, supervision, maintenance and operating plans, and including the information necessary to demonstrate that the requirements in Section 6.7.20.5 above will be satisfied. The applicant shall certify to the approving agency the adequacy of the Management Program.

The Planning Department has reviewed the Management Plan and finds that it is consistent with the intended operation of the "Overnight Shelter for the Homeless." In addition to the Management Plan, Lifting UP Westchester, as

GCCC, has demonstrated its ability to operate such a facility for over 25 years at this 86-88 East Post Road location and 33 Church Street.

6.7.20.11 A special permit for any "overnight shelter for the homeless" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intent to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objection by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Overnight Shelter for the Homeless" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

3. The Planning Department finds that the "Overnight Shelter for the Homeless" is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit use.

4. The Planning Department finds that the proposed "Overnight Shelter for the Homeless" is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit use.

Based on the above review of the application for a Special Permit to operate an "Overnight Shelter for the Homeless" in relation to the Special Permit standards for that use, the Planning Department finds that the use is consistent with both the general special permit standards at Section 6.5 and the individual special permit standards at Section 6.7.20 of the Zoning Ordinance. The Planning Department recommends approval of the application for the Renewal of a Special Permit to Operate an "Overnight

Shelter for the Homeless" on the third floor of the building located at 86-88 East Post Road, subject to the conditions recommended herein.

C. ***Special Permit to Operate a "Social Service Center for Homeless Persons" on the first floor at 86-88 East Post Road.***

The application for renewal of the Special Permit for a "Social Service Center for Homeless Persons" includes the following documents:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing an "Social Service Center for Homeless Persons"

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Social Service Center for Homeless Persons" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

1. Lifting Up Westchester has applied for a Renewal of the Special Permit to operate the existing "Social Service Center for Homeless Persons" on the first floor at 86-88 East Post Road.

The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Special Permit Standards at Section 6.5 as follows:

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

The "Social Service Center for Homeless Persons" use is proposed to supplement the services provided to individuals at the Open Arms Men's Shelter, both the Overnight and Emergency Shelters for the homeless. The use is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of use of the 86-88 East Post Road building will not change as the number of persons using the "Social Service Centers for Homeless Persons" currently located in the building will not change.

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

The operation will be located on the first floor, and will therefore result in no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Social Service Center for Homeless Persons" use does not generate any more noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area, than due the current operation of the facilities at 86-88 East Post Road.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for a "Social Service Center for Homeless Persons." There is no parking requirement for "Social Service Center for Homeless Persons" in the Zoning Ordinance.

2. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Special Permit Standards at Section 6.7.22 as follows:

6.7.22 "Social Service Centers for Homeless Persons":

6.7.22.1 "Social service centers for homeless persons" shall be available as year round facilities open from 7:30 a.m. to at least 8:00 p.m., 7 days a week.

The application for the "Social Service Center for Homeless Persons." proposes to open at 6:30 a.m. and close at 10:00 p.m. Lifting UP Westchester, as GCCC, has found these expanded hours to be the most effective in giving single homeless persons a place to go to be off the streets of White Plains from early morning to evening hours. Based on the experience of Lifting Up Westchester, the effective operation of the emergency facilities for the homeless in White Plains, is in part due to the staffing of the "Social Service Center for Homeless Persons" overlapping with staffing for the "Overnight Shelter for the Homeless." The Planning Department recommends that the Common Council approve the hours of operation of the "Social Service Center for Homeless Persons" on the first floor of 86-88 East Post Road as 6:30 a.m. to 10:00 p.m. as shown in the Management Plan.

6.7.22.2 "Social service centers for homeless persons" shall comply with the requirements of the applicable State, County and City codes, ordinances and regulations relating to occupancy and shall be fully equipped with all safety devices required by the White Plains Building Code and Fire Codes.

As noted previously, the area providing the "Social Service Center for Homeless Persons" operates on the first floor of the building at 86-88 East Post Road in compliance with all applicable State, County and City codes, ordinances and regulations.

6.7.22.3 "Social service centers for homeless persons" shall be contained within the "structure" of, and operated by a "not-for-profit corporation," as the same is defined in applicable statutes.

The "Social Service Center for Homeless Persons" will be operated wholly within the building at 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.22.4 Any food preparation, service or distribution facilities in "social service centers for homeless persons" shall be licensed or approved by the Westchester County Board of Health.

All food preparation, service and distribution facilities at the "Social Service Center for Homeless Persons" are licensed and approved by the Westchester County Board of Health.

6.7.22.5 While open, a "social service center for homeless persons" shall be adequately staffed by the operating organization such that clients may be accommodated according to the terms of an approved Management Plan as described in Section 6.7.22.9; order and sanitation are maintained at all times; and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities.

The Planning Department finds that the Management Plan for the "Social Service Center for Homeless Persons" submitted by Lifting Up Westchester provides for appropriate staffing and control over the clientele. The City's experience with Lifting Up Westchester, as GCCC, as an operator of such facilities for over 25 years demonstrates their ability to appropriately staff and management such a facility.

6.7.22.6 "Social service centers for homeless persons" shall accept adult individuals without regard to race, religion, ethnic background, sex, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.22.7 No "social service center for homeless persons" shall be located on a site less than 400 feet from another site on which another "social service center for homeless persons" is located or on which is located an "emergency shelter," "overnight shelter for the homeless," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "social service center for homeless persons," one "emergency shelter" and/or "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance, and 14 seasonal cots in the basement.

6.7.22.8 "Social service centers for homeless persons" are not shelters and shall not provide any sleeping accommodations.

The "Social Service Center for Homeless Persons" will not provide sleeping accommodations.

6.7.22.9 An applicant shall submit with its permit application a Management Plan for the operation of its proposed facility, including hours of operation, personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Plan. No special permit for any "social service center for homeless persons" shall be issued without an approved Management Plan.

Lifting Up Westchester submitted a Management Plan with their application. The Planning Department finds that the Management Plan addresses the issues required by this Section 6.7.22.9.

6.7.22.10 A special permit for a "social service center for homeless persons" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided than no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, the Planning Department recommends that the approval resolution contain a condition that Lifting Up Westchester submits its request to renew the "Social service Center for Homeless Persons" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building two weeks to assess, and receive reports from other City departments on the performance of the "Social Service Center for Homeless Persons" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the latest business day for the Commissioner of Building to notify the Common Council, of his "intent to renew" the special permit.

Subject to compliance with the applicable conditions contained herein below, the Planning Department finds that the "Social Service Center for Homeless Persons" application satisfies the requirements of Section 6.7.22 "Social Service Centers for Homeless Persons" of the Zoning Ordinance.

3. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Site Plan Standards at Section 7.5 of the Zoning Ordinance, in that there are no changes to the exterior of the building for project site proposed for this Special Permit "Social Service Center for the Homeless" use.

4. The Planning Department finds that the proposed "Social Service Center for Homeless Persons" is consistent with the Off-Street Parking and Loading Standards at Section 8 of the Zoning Ordinance, in that there is no parking requirement for this Special Permit "Social Service Center for the Homeless" use.

Based on the above review of the application for Renewal of the Special Permit to Operate a "Social Service Center for Homeless Persons" on the first floor of the building at 86-88 East Post Road, against the Zoning Ordinance general special permit standards, the individual standards for "Social Service Center for Homeless Persons," site plan standards at Section 7.5 and parking and loading standards at Section 8, the Planning Department finds the application is in compliance with such requirements. The Planning Department recommends approval of the application to Renew the Special Permit for a "Social Service Center for Homeless Persons" on the first floor of 86-88 East Post Road, subject to the conditions contained herein.

D. Modification by the Common Council of Special Permit Section 6.7.20.8 with respect to the standard for maximum number of persons permitted in an "Overnight Shelter for the Homeless" to allow 14 cots to be located in the basement of the building at 86-88 East Post Road during the winter months, generally from December through April.

Since December 20, 2007, the Common Council, pursuant to its authority under Section 6.7 of the Zoning Ordinance, has annually increased the number of beds permitted in the "Overnight Shelter for the Homeless" at 86-88 East Post Road by 13 beds generally during the period December through April.

There are currently fourteen cots located in the basement of 86-88 East Post Road, which are used for persons referred by the White Plains Hospital Emergency Room and the White Plains Police Department. These are considered seasonal beds for use in the winter months, generally during the period from December through April.

The addition of those fourteen cots to the facility makes the number of homeless persons exceed of the number that is permitted under the "Emergency Shelter" and "Overnight Shelter" special permits at Open Arms.

The Zoning Ordinance, at Section 6.7, provides that although individual standards and requirements are established for certain special permit uses, these individual standards, such as Section 6.7.19.6 and 6.7.20.8, "must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them." The Common

Council may, therefore, establish a different number of persons who may be accommodated pursuant to a specific "Emergency Shelter" or "Overnight Shelter for the Homeless" special permit after giving due consideration to the individual standard and being generally guided by it.

E. Recommended Conditions:

1. Renewal of the Special Permit for an "Emergency Shelter" on the second floor of 86-88 East Post Road subject to:

    a. The "Emergency Shelter" shall be limited to providing overnight shelter to individuals.

    b. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Emergency Shelter" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Emergency Shelter," and receive reports from other City departments on the performance of the "Emergency Shelter" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

2. Renewal of the Special Permit for an "Overnight Shelter for the Homeless" on the third floor of 86-88 East Post Road, subject to:

    a. The "Overnight Shelter for the Homeless" shall be limited to providing overnight shelter to individuals.

    b. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Overnight Shelter for the Homeless" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Overnight Shelter for the Homeless," and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

3. Renewal of the Special Permit to Operate a "Social Services Center for Homeless Persons" on the first floor at 86-88 East Post Road, subject to:

a. The "Social Service Center for Homeless Persons" shall serve persons, not families.

b. The Certificate of Occupancy for the "Social Service Center for Homeless Persons" shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the first floor of 86-88 East Post Road.

c. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Social Service Center for Homeless Persons" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Social Service Center for Homeless Persons," and receive reports from other City departments on the performance of the "Social Service Center for Homeless Persons" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the special permit.

IV. Consistency with Comprehensive Plan

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

V. Conformance Site Plan Standards of the Zoning Ordinance at Section 7.5 with General Special Permit Standards at Zoning Ordinance Section 6.5 and Section 7.5

The building at 86-88 East Post Road was enlarged and renovated to better accommodate clients of the Open Arms Shelter. The site plan for that expansion was approved in 2012 and determined at that time to conform to the Site Plan Requirements of Section 7.5 of the Zoning Ordinance. The approval was extended in 2013, and construction was completed in 2015. The building has been occupied since December 15, 2015. No changes are proposed to the site plan as part of the three current Special Permit Renewals.

VI. Conclusion

The Planning Department recommends approval of the Special Permit applications submitted by Lifting Up Westchester, for: 1) an "Emergency Shelter" for the Homeless; 2) an "Overnight Shelter for the Homeless"; and 3) a "Social Service Center for Homeless Persons" subject to the conditions contained herein and such other conditions

as may be deemed appropriate by the Common Council. The Planning Department further recommends approval of a resolution to modify the maximum number of persons permitted nightly accommodation at the "Overnight Shelter for the Homeless" to permit 14 seasonal cots to be located in the basement of the building during the winter months. The following legislation is before the Common Council to effectuate such approvals:

A. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.19 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "EMERGENCY SHELTER" FOR THE HOMELESS TO BE LOCATED ON THE SECOND FLOOR OF 86-88 EAST POST

B. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.20 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE AN "OVERNIGHT SHELTER FOR THE HOMELESS" TO BE LOCATED ON THE THIRD FLOOR OF 86-88 EAST POST

C. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING PURSUANT TO SECTIONS 6.5 AND 6.7.22 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE A "SOCIAL SERVICE CENTER FOR HOMELESS PERSONS" TO BE LOCATED ON THE FIRST FLOOR OF 86-88 EAST POST ROAD

D. RESOLUTION OF THE COMMON COUNCIL MODIFYING THE MAXIMUM NUMBER OF PERSONS PERMITTED NIGHTLY ACCOMMODATION AT THE "OVERNIGHT SHELTER FOR THE HOMELESS" KNOWN AS OPEN ARMS TO PERMIT FOURTEEN SEASONAL COTS IN THE BASEMENT OF 86-88 WEST POST ROAD FROM DECEMBER THROUGH APRIL

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 22, 2016
For the February 1, 2016 Common Council Meeting

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K.PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

January 22, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LIFTING UP WESTCHESTER - 86-88 EAST POST ROAD

RENEWAL OF A SPECIAL PERMIT TO OPERATE AN OVERNIGHT SHELTER FOR THE HOMELESS

RENEWAL OF A SPECIAL PERMIT TO OPERATE AN EMERGENCY SHELTER FOR THE HOMELESS

RENEWAL OF A SPECIAL PERMIT TO OPERATE A SOCIAL SERVICES CENTER FOR HOMELESS PERSONS

The Planning Board reviewed the three applications submitted by Lifting up Westchester, for Special Use Permits to operate: a) overnight shelter for the homeless, b) an emergency shelter for the homeless, and c) a social services center for homeless persons. The applicant, Executive Director of Lifting Up Westchester, Paul Anderson-Winchell, described the uses as the same that operated at the site prior to renovation, which was completed in December 2015.

The Planning Board had no reason to believe that there have been any problems with the operation of the facility, and, therefore, had no objection to renewal of the three requested Special Use Permits.

Planning Board members voting in favor of the motion to send a letter to the Common Council stating no objection to Renewal of the three requested Special Use Permits: M. Quinn, A. Cabrera, J. Ioris, L. Oliva, R. Stackpole, and J. Durante (6); Opposed: None (0); Absent: J. Westlund (1).

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
Deputy Commissioner
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.

Lifting Up Westchester
Special Permit
Social Service Center

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: January 20, 2016

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

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

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

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed an application submitted on behalf of Lifting Up Westchester, formerly known as Grace Church Community Center ("Applicant"), for the renewal of an annual Special Permit for the operation of a "**Social Service Center for Homeless Persons**" at 86-88 East Post Road. The existing Social Service Center is currently housed in parts of the basement, first floor and second floor of the premises.

The Department of Public Works has no objection to the approval of this application for renewal of a Special Permit.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: February 1, 2016

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

The Department of Parking/ Traffic Division has reviewed the applications from Lifting up Westchester for renewal of various special permits to allow a social service center and emergency housing for homeless persons at 86-88 East Post Road which was referred by the Common Council on January 4, 2016.

The Department of Parking/ Traffic Division has no objection to approving these applications.

Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: January 21, 2016
(for the February 1, 2016 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 January 20, 2016, reviewed a request for renewal of a special permit to allow a social service center for the homeless as referred by the Common Council on January 4, 2016.

The Transportation Commission had no objection to the proposed changes.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 21, 2016 (for the February 1, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #50 – Lifting Up Westchester (Formerly Grace Church Community Center) - Renewal of Special Permit
To Provide for Social Services Center for the Homeless

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

The Department of Parking has no objection to the approval of this application for the renewal of a Special Permit associated with a "Social Services Center" for the Homeless currently located at 86-88 East Post Road.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: February 1, 2016

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

County Ref. No. **WHP N16-001**

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

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

Municipality: **White Plains**
Referring Agency (check one): [ ] Planning Board or Commission
[ ] Zoning Board of Appeals
[X] City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: **Lifting Up Westchester Homeless Shelter Permit Renewal**
Address: **86-88 East Post Road**
Section: **125.83** Block: **3** Lot: **9**

Submitted by (name and title): **Damon Amadio**

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

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

[ ] ***Zoning Area Variance*** to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park

[X] ***Special Use Permit or Use Variance*** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.

[ ] ***Site Plan*** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:

- *The boundary of a city, town or village*
- *The boundary of an existing or proposed state or county park, recreation area or road right-of-way*
- *An existing or proposed county drainage channel line*
- *The boundary of state- or county-owned land on which a public building/institution is located or*
- *The boundary of a farm located in an agricultural district.*

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

Do not write below this line.

Date received by the Westchester County Planning Board: **1/5/16**
Notification acknowledged by (name and title): **Kay Eisenman, Planner**

ENVIRONMENTAL OFFICER

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

January 21, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LIFTING UP WESTCHESTER, INC.
86-88 EAST POST ROAD.
SPECIAL PERMIT APPROVALS FOR:
A. EMERGENCY SHELTER
B. OVERNIGHT SHELTER FOR THE HOMELESS CONSISTING OF NINETEEN (19) OVERNIGHT BEDS.
C. SOCIAL SERVICES CENTER FOR HOMELESS PERSONS.

Lifting Up Westchester, Inc. (("LUW") formerly known as Grace Church Community Center, Inc.("GCCC") has operated various emergency shelter and homeless social service programs in White Plains since 1986 and has recently completed the renovation of their facilities at 86-88 East Post Road.

At its June 3, 2013 meeting, the Common Council last granted renewal of the site plan special permits for the ongoing Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons at 86-88 East Post Road

Special permits for any Emergency Shelter, Overnight Shelter for the Homeless or Social Service Center shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. Since no application for the renewal of the respective special permit uses had been submitted during the renovation of the facility, the Proposed Action is herein being reviewed as a new, initial application.

At its January 4, 2016 meeting, the Common Council received an application from Lifting Up Westchester, Inc. dated November 12, 2015 regarding the renewal of three Special Permits ("Proposed Action" or "2016 Approval").

1. Special Permit to operate an Emergency Shelter at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.19

2. Special Permit to operate an Overnight Shelter for the Homeless at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.20

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3. Special Permit to operate a Social Service Center for Homeless Persons at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.22

The Applicant has submitted the letter form Paul Anderson-Winchell, Executive Director, Lifting Up Westchester, Inc. dated November 12, 2015 forwarding the following documents regarding the renewal of three Special Permits:

1. Special Permit for the Emergency Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Emergency Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

2. Special Permit for the Overnight Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Overnight Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

3. Special Permit for the Social Service Center for Homeless at 86-88 East Post Road
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Social Service Center for Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

The Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer, the following conditions are included as part of the Proposed Action in regard to the renewal of the special permits for the Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for the Homeless Persons (hereinafter referred to as "2016 Conditions")

A. <u>Conditions for the approval the Emergency Shelter Special Permit:</u>

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Emergency Shelter for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Emergency Shelter special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

B. <u>Conditions for the approval of the Special Permit to operate an Overnight Shelter for the Homeless:</u>

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Overnight Shelter for the Homeless for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Overnight Shelter for the Homeless Special Permit to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Overnight Shelter for the Homeless over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

C. Conditions for the approval of the Special Permit to operate a Social Service Center for Homeless Persons:

1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Social Service Center for Homeless Persons, for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

2. LUW shall submit its request to renew the Social Service Center for Homeless Persons special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

3. The Certificate of Occupancy for the Social Service Center for Homeless Persons shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the Basement and First Floor only of 86-88 East Post Road, in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' and 'Emergency Shelter' night time uses on the Second and Third Floors respectively.

It is recommended that the Common Council (a) designate itself as Lead Agency for the environmental review of the Proposed Action; (b) determine that the Proposed Action is an Unlisted Action under SEQR regulations; and (c) find that the that 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 proposal is consistent with the 1997 Comprehensive Plan as updated in 2006 and the White Plains Zoning Ordinance.

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

Conformance to the Zoning Ordinance

The premises is located within the B-3, Intermediate Business District where Emergency Shelters, Overnight Shelters for the Homeless and Social Service Centers for Homeless Persons are Special Permit uses.

The existing building conforms to the height, bulk and yard setback requirements and parking regulations of the B-3 District.

The following is a summary of the existing operations of the three special permit uses on the Project Site, the location of the operations of each special permit use within the building and the amount of space allocated to such operations will change.

BASEMENT LEVEL: 4,590 sq. ft.	Multi-purpose room converts to 14 seasonal overnight shelter beds subject to annual approval by the Common Council, large education/meeting rooms, staff control point, laundry, toilet and shower facilities, and mechanical space. The Multi-purpose room and Education / meeting room are part of the Social Service Center.
1ST FLOOR LEVEL: 4,590 sq. ft.	Dining room and kitchen, offices, interview rooms, recreation area, administration control point, no overflow sleeping area. This floor remains Social Service Center for Homeless Persons facility during day and is not occupied for sleeping at night.
2ND FLOOR LEVEL: 4,590 sq. ft.	A 19 bed Overnight Shelter for the Homeless, staff control point, toilets and showers.
3RD FLOOR LEVEL: 1,900 sq. ft.	A 19 bed Emergency Shelter, 1 and 2 bed rooms, toilets and showers, staff control point.

TOTAL: 15,670 sq. ft. floor area.

There is no parking requirement for the three special permit uses for the homeless operated at the Project Site. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. LUW has recently completed improvements to the parking lot, to provide 9 parking spaces (one handicap and 8 standard spaces), refuse storage area, snow storage area and grass landscaped area.

Conformance to the General Standards Applicable for All Special Permit Uses

The three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Services Center for Homeless Persons are subject to the generic Special Permit Standards in Section 6.5 of the Zoning Ordinance.

The Proposed Action subject to the Conditions listed above, conforms to these standards.

LUW currently operates the three Special Permit uses within the Project Site, serving up to 19 persons each in the Overnight Shelter for the Homeless and in the 24 hour Emergency Shelter. The Social Service Center for Homeless Persons is operated during the daytime. This facility is not limited to 19 persons. It serves persons staying in the Overnight Shelter for the Homeless as well as persons who may drop in. Through its coordinated programs operated at the Project Site, LUW has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents. LUW works closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms Men's Shelter has had significant

success in moving homeless men out of homelessness and into housing and jobs. The proposed renovations and modifications to the Project Site reflected in the Site Plan Amendment are designed to further enhance the existing programs. There will be no change in the number of persons (19) served in each of the two overnight shelter components, and the Social Service Center for Homeless Persons will continue to work with both overnight persons and drop ins.

The recent renovations and modifications to the Project Site and the addition of a third floor has not significantly changed the location, nature and intensity of the operations involved in it or conducted in connection with it. The additional floor area will permit better operation of the programs by providing distinct areas for each special permit use.

The special permit uses will not change with respect to East Post Road except that the facade of the building has been upgraded and improved to be in harmony with the appropriate and orderly development of the Post Road Corridor area which is a designated urban renewal redevelopment area and a corridor in which the City is seeking to promote well designed redevelopment.

There are no parking requirements in the Zoning Ordinance for special permit uses for the homeless. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. The recent improvements to the parking lot included appropriate striping of the spaces, creating a snow storage area, providing a handicapped space adjacent to the rear entrance, and creating a rear entrance stair tower.

Conformance to the Individual Standards for Specific Special Permit Uses.

Each of the three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for Homeless Persons are subject to the specific Standards in Section 6.7 of the Zoning Ordinance for those specific uses.

All three special permits uses currently operate in compliance with all applicable State, County and City codes, ordinances and regulations.

LUW has demonstrated its ability to operate this facility based on the 30 years that it has operated homeless shelter and service programs at this location and at 33 Church Street

The three special permit uses will continue to be operated by the not-for-profit corporation LUW as the facility is currently operated.

All food preparation, service and distribution facilities at the new Social Service Center for Homeless Persons on the first floor, like the current facilities, will be licensed and approved by the Westchester County Board of Health

The Emergency Shelter will continue to be open during the hours specified. LUW has demonstrated its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

As previously approved, there is one Overnight Shelter for the Homeless, on the second floor and one Emergency Shelter, on the third floor, with one Social Service Center for Homeless Persons, operating in the basement and on the first floor at 86-88 East Post Road, as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

At its May 2, 2011 meeting, the Common Council approved the following expanded hours of operation for the approved Social Service Center for Homeless Persons based upon the findings made in that approval:

> *"The Certificate of Occupancy for the 'Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the First Floor of 86-88 East Post Road, and between the hours of 7:30 a.m. and 7:30 p.m. on the Second Floor of 86-88 East Post Road in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' night time use on the Second Floor."*

Based on the above review of the application regarding the Emergency Shelter, the Overnight Shelter for the Homeless and the Social Service Center for Homeless Persons at 86-88 East Post Road against the Zoning Ordinance general special permit standards and the individual standards for the respective uses, the application is in compliance with such standards.

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

As stated above, the operations of the special permit uses will continue to be located in the same building as has been used for homeless shelter programs for 30 years.

The site is fully served by both public and private utility services.

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

There are no naturally landscaped conditions on site or in the surrounding neighborhood area.

(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.

With the recently completed improvements to the site and building, the Proposed Action to continue the ongoing social service programs does not involve any changes to the City or neighborhood.

As stated above, for 30 years, the Emergency Shelters, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons have been operating jointly to provide both emergency shelter and social services to the homeless staying at the facility. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

(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 and Public Safety.

(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

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE APPROVAL OF SPECIAL PERMITS IN RELATION TO EMERGENCY SHELTER, OVERNIGHT SHELTER FOR THE HOMELESS AND SOCIAL SERVICE CENTER FOR HOMELESS PERSONS USES AT 86-88 EAST POST ROAD ON BEHALF OF LIFTING UP WESTCHESTER, INC.

WHEREAS, Lifting Up Westchester, Inc. (("LUW") formerly known as Grace Church Community Center, Inc.("GCCC") has operated various emergency shelter and homeless social service programs in White Plains since 1986 and has recently completed the renovation of their facilities at 86-88 East Post Road; and

WHEREAS, at its June 3, 2013 meeting, the Common Council last granted renewal of the site plan special permits for the ongoing Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons at 86-88 East Post Road; and

WHEREAS, special permits for any Emergency Shelter, Overnight Shelter for the Homeless or Social Service Center shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances regulations and conditions of the special permit. In this case, the Building Commissioner has referred the special permit renewals to the Common Council due to the fact that the related building expansion has not commenced; and

WHEREAS, at its January 4, 2016 meeting, the Common Council received an application from Lifting Up Westchester, Inc. dated November 12, 2015 regarding the renewal of three Special Permits ("Proposed Action" or "2016 Approval"):

1. Special Permit to operate an Emergency Shelter at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.19

2. Special Permit to operate an Overnight Shelter for the Homeless at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.20

3. Special Permit to operate a Social Service Center for Homeless Persons at 86-88 East Post Road pursuant to Zoning Ordinance Section 6.7.22; and

WHEREAS, the Applicant has submitted the letter form Paul Anderson-Winchell, Executive Director, Lifting Up Westchester, Inc. dated November 12, 2015 forwarding the following documents regarding the renewal of three Special Permits:

1. Special Permit for the Emergency Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Emergency Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

2. Special Permit for the Overnight Shelter for the Homeless at 86-88 East Post Road.
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Overnight Shelter for the Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015

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3. Special Permit for the Social Service Center for Homeless at 86-88 East Post Road
   a. Building Department Application dated 11/12/2015 and attached program description.
   b. A Management Plan for the Social Service Center for Homeless submitted with the application dated 11/12/2015.
   c. A Short Environmental Assessment Form dated 11/12/2015; and

WHEREAS, the Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and.

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer, the following conditions are included as part of the Proposed Action in regard to the renewal of the special permits for the Emergency Shelter, Overnight Shelter for the Homeless and Social Service Center for the Homeless Persons (hereinafter referred to as "2016 Conditions")

A. Conditions for the approval the Emergency Shelter Special Permit:

   1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Emergency Shelter for the future operation of the facility, for approval within 120 days of the approval of the 2016 Special Permit Approval.

   2. LUW shall submit its request to renew the Emergency Shelter special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

B. Conditions for the approval of the Special Permit to operate an Overnight Shelter for the Homeless:

   1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Overnight Shelter for the Homeless for the future operation of the facility, for approval within 120 days of the approval of the 2016 Approval.

   2. LUW shall submit its request to renew the Overnight Shelter for the Homeless Special Permit to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Overnight Shelter for the Homeless over the previous year, prior to notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

C. Conditions for the approval of the Special Permit to operate a Social Service Center for Homeless Persons:

   1. The Common Council hereby authorizes the Commissioners of Planning, Building and Public Safety to review the Management Plan for the Social Service Center for Homeless Persons, for the future operation of the facility, for approval within 120 days of the approval of the 2016 Approval.

   2. LUW shall submit its request to renew the Social Service Center for Homeless Persons special permit approval to the Building Department by March 1st of each year. This will give the Commissioner of Building approximately two weeks to assess, and receive reports from other City departments on the performance of the Emergency Shelter over the previous year, prior to

notifying the Common Council by March 16th of each year, which is the latest date for the Commissioner of Building to notify the Common Council of his "intent to renew" the special permit.

3. The Certificate of Occupancy for the Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the Basement and First Floor only of 86-88 East Post Road, in order to facilitate the operation of the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' and 'Emergency Shelter' night time uses on the Second and Third Floors respectively; 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) designate itself as Lead Agency for the environmental review of the Proposed Action; (b) determine the Proposed Action to be reviewed as an Unlisted Action under SEQR regulations; and (c) find that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the Proposed Action, Application Materials, 2016 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 that the Common Council has examined the potential environmental effects of the Proposed Action and makes the following environmental findings:

(a) The proposal is consistent with the 1997 Comprehensive Plan as updated in 2006 and the White Plains Zoning Ordinance.

The Comprehensive Plan notes the location of the homeless facilities in White Plains and in the Post Road Corridor. There are no comments or strategies related to the Open Arms Men's Shelter other than noting its location in the Post Road Corridor.

Conformance to the Zoning Ordinance

The premises is located within the B-3, Intermediate Business District where Emergency Shelters, Overnight Shelters for the Homeless and Social Service Centers for Homeless Persons are Special Permit uses.

The existing building conforms to the height, bulk and yard setback requirements and parking regulations of the B-3 District.

The following is a summary of the existing operations of the three special permit uses on the Project Site, the location of the operations of each special permit use within the building and the amount of space allocated to such operations will change.

BASEMENT LEVEL: 4,590 sq. ft. Multi-purpose room converts to 14 seasonal overnight shelter beds subject to annual approval by the Common Council, large education/meeting rooms, staff control point, laundry, toilet and shower facilities, and mechanical space. The Multi-purpose room and Education / meeting room are part of the Social Service Center.

1ST FLOOR LEVEL: 4,590 sq. ft.	Dining room and kitchen, offices, interview rooms, recreation area, administration control point, no overflow sleeping area. This floor remains Social Service Center for Homeless Persons facility during day and is not occupied for sleeping at night.
2ND FLOOR LEVEL: 4,590 sq. ft.	A 19 bed Overnight Shelter for the Homeless, staff control point, toilets and showers.
3RD FLOOR LEVEL: 1,900 sq. ft.	A 19 bed Emergency Shelter, 1 and 2 bed rooms, toilets and showers, staff control point.
TOTAL: 15,670 sq. ft.	

There is no parking requirement for the three special permit uses for the homeless operated at the Project Site. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. LUW has recently completed improvements to the parking lot, to provide 9 parking spaces (one handicap and 8 standard spaces), refuse storage area, snow storage area and grass landscaped area.

Conformance to the General Standards Applicable for All Special Permit Uses

The three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Services Center for Homeless Persons are subject to the generic Special Permit Standards in Section 6.5 of the Zoning Ordinance.

The Proposed Action subject to the Conditions listed above, conforms to these standards.

LUW currently operates the three Special Permit uses within the Project Site, serving up to 19 persons each in the Overnight Shelter for the Homeless and in the 24 hour Emergency Shelter. The Social Service Center for Homeless Persons is operated during the daytime. This facility is not limited to 19 persons. It serves persons staying in the Overnight Shelter for the Homeless as well as persons who may drop in. Through its coordinated programs operated at the Project Site, LUW has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents. LUW works closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms Men's Shelter has had significant success in moving homeless men out of homelessness and into housing and jobs. The proposed renovations and modifications to the Project Site reflected in the Site Plan Amendment are designed to further enhance the existing programs. There will be no change in the number of persons (19) served in each of the two overnight shelter components, and the Social Service Center for Homeless Persons will continue to work with both overnight persons and drop ins.

The recent renovations and modifications to the Project Site and the addition of a third floor has not significantly changed the location, nature and intensity of the operations involved in it or conducted in connection with it. The additional floor area will permit better operation of the programs by providing distinct areas for each special permit use.

The special permit uses will not change with respect to East Post Road except that the facade of the building has been upgraded and improved to be in harmony with the appropriate and orderly development of the Post Road Corridor area which is a designated urban renewal redevelopment area and a corridor in which the City is seeking to promote well designed redevelopment.

There are no parking requirements in the Zoning Ordinance for special permit uses for the homeless. There will be no change to the number of people arriving at the Project Site by car, which is already negligible. The recent improvements to the parking lot included appropriate striping of the spaces, creating a snow storage area, providing a handicapped space adjacent to the rear entrance, and creating a rear entrance stair tower.

Conformance to the Individual Standards for Specific Special Permit Uses.

Each of the three proposed special permits to operate an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for Homeless Persons are subject to the specific Standards in Section 6.7 of the Zoning Ordinance for those specific uses.

All three special permits uses currently operate in compliance with all applicable State, County and City codes, ordinances and regulations.

LUW has demonstrated its ability to operate this facility based on the 30 years that it has operated homeless shelter and service programs at this location and at 33 Church Street

The three special permit uses will continue to be operated by the not-for-profit corporation LUW as the facility is currently operated.

All food preparation, service and distribution facilities at the new Social Service Center for Homeless Persons on the first floor, like the current facilities, will be licensed and approved by the Westchester County Board of Health

The Emergency Shelter will continue to be open during the hours specified. LUW has demonstrated its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

As previously approved, there is one Overnight Shelter for the Homeless, on the second floor and one Emergency Shelter, on the third floor, with one Social Service Center for Homeless Persons, operating in the basement and on the first floor at 86-88 East Post Road, as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance.

At its May 2, 2011 meeting, the Common Council approved the following expanded hours of operation for the approved Social Service Center for Homeless Persons based upon the findings made in that approval:

> *"The Certificate of Occupancy for the 'Social Service Center for Homeless Persons' shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the First Floor of 86-88 East Post Road, and between the hours of 7:30 a.m. and 7:30 p.m. on the Second Floor of 86-88 East Post Road in order to facilitate the operation of*

the 'Social Service Center for Homeless Persons' day time use and the 'Overnight Shelter for the Homeless' night time use on the Second Floor."

Based on the above review of the application regarding the Emergency Shelter, the Overnight Shelter for the Homeless and the Social Service Center for Homeless Persons at 86-88 East Post Road against the Zoning Ordinance general special permit standards and the individual standards for the respective uses, the application is in compliance with such standards.

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

As stated above, the operations of the special permit uses will continue to be located in the same building as has been used for homeless shelter programs for 30 years.

The site is fully served by both public and private utility services.

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

There are no naturally landscaped conditions on site or in the surrounding neighborhood area.

(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.

With the recently completed improvements to the site and building, the Proposed Action to continue the ongoing social service programs does not involve any changes to the City or neighborhood.

As stated above, for 30 years, the Emergency Shelters, Overnight Shelter for the Homeless and Social Service Center for Homeless Persons have been operating jointly to provide both emergency shelter and social services to the homeless staying at the facility. Through its coordinated programs, Open Arms at 86-88 East Post Road has been implementing a "continuum of care" program which provides services and connections to its temporary homeless residents to help them break the cycle of homelessness. They work closely with the City's Department of Public Safety, Westchester County Departments of Social Services, and Community Mental Health, and social and health service organizations throughout the County. Open Arms has had significant success in moving homeless men out of homelessness and into housing and jobs.

(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 and Public Safety.

(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 the Common Council hereby determines that the Proposed Action, when compared to the SEQR criteria of environmental effect, 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 PURSUANT TO SECTIONS 6.5 AND 6.7.22 OF THE ZONING ORDINANCE, A RENEWAL OF THE SPECIAL PERMIT TO OPERATE A "SOCIAL SERVICE CENTER FOR HOMELESS PERSONS" TO BE LOCATED ON THE FIRST FLOOR OF THE BUILDING AT 86-88 EAST POST ROAD

WHEREAS, at its meeting of October 7, 1985, the Common Council adopted amendments to the Zoning Ordinance to establish two special permits related to facilities for sheltering homeless persons; and

WHEREAS, on September 2, 1986, the Common Council adopted a third amendment to the Zoning Ordinance establishing a new special permit use of "Social Service Centers for Homeless Persons;" and

WHEREAS, the first amendment to the Zoning Ordinance established a new special permit use of "Emergency Shelters;" and

WHEREAS, an "Emergency Shelter" is defined at Section 2 of the Zoning Ordinance as:

A facility providing, without charge, temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (e.g., fire, flood), domestic violence, condemnation, court ordered eviction, or other urgent event; and

WHEREAS, the Common Council also established individual standards for "Emergency Shelters" at Section 6.7.19 of the Zoning Ordinance; and

WHEREAS, the second amendment to the Zoning Ordinance established a new special permit use of "Overnight Shelters for the Homeless;" and

WHEREAS, an "Overnight Shelter for the Homeless" is defined at Section 2 of the Zoning Ordinance as:

A facility providing, without charge, single night, temporary lodging, with or without meals, for indigent adults with no ordinary or regular home or residence address; and

WHEREAS, the Common Council also established individual standards for "Overnight Shelters for the Homeless" at Section 6.7.20 of the Zoning Ordinance; and

WHEREAS, the third amendment to the Zoning Ordinance established a new special permit use of "Social Service Centers for Homeless Persons;" and

WHEREAS, "Social Service Centers for Homeless Persons" are defined as:

Facilities providing, without charge, counseling and referral services and a lounge and reception area, with or without meals, for indigent homeless families and individuals with no ordinary or regular home or residence address, and

WHEREAS, individual standards for "Social Service Centers for Homeless Persons" were established at Section 6.7.22 of the Zoning Ordinance; and

WHEREAS, on January 6, 1986, the Common Council approved a special permit for Grace Church Community Center Inc. ("GCCC"), for the operation of an "Emergency Shelter" on the third floor of Grace Church, at 33 Church Street, known as "Samaritan House," which facility had been serving as a shelter for homeless women for many years, thus bringing this facility under the new regulations of the Zoning Ordinance adopted October 7, 1985; and

WHEREAS, on January 6, 1986, the Common Council also approved a special permit for GCCC for the operation of an "Overnight Shelter for the Homeless" on the First Floor of Grace Church, at 33 Church Street, which facility had been serving as an as-needed shelter for homeless men for many years, thus bringing this facility under the new regulations of the Zoning Ordinance adopted October 7, 1985; and

WHEREAS, the "Emergency Shelter" and "Overnight Shelter for the Homeless" at 33 Church Street have operated continuously since the granting of the special permits in 1986; and

WHEREAS, on January 5, 1987, the Common Council adopted a resolution granting a special permit to G.S. Horace, Inc., a not-for-profit affiliate of GCCC for an "Overnight Shelter for the Homeless" on the lower level of 86-88 East Post Road and known as "Open Arms;" and

WHEREAS, on September 6, 1988, the Common Council adopted a resolution granting a special permit to G. S. Horace, Inc., an affiliate of GCCC, to operate a "Social Service Center for Homeless Persons" also at 86-88 East Post Road; and

WHEREAS, since the initial approval of the special permits, both facilities at 33 Church Street ("Emergency Shelter" and "Overnight Shelter for the Homeless") and both facilities at 86-88 East Post Road ("Overnight Shelter for the Homeless" and "Social Service Center for Homeless Persons") have been determined by the Commissioner of Building to be operating pursuant to the terms of their Management Plans and the Zoning Ordinance; and

WHEREAS, on April 16, 2015, GCCC officially changed the name of the homeless services organization to Lifting Up Westchester because, although the non-profit organization retains close ties to Grace Church, it is neither a church nor a community center; and

WHEREAS, by letter dated November 12, 2015, Paul Anderson-Winchell, Executive Director of Lifting Up Westchester (formerly GCCC) submitted three separate applications to renew the special permits for the operation of an "Emergency Shelter," an "Overnight Shelter for the Homeless," and a "Social Service Center for Homeless Persons" at 86-88 East Post Road; and

WHEREAS, the application for renewal of the Special Permit for a "Social Service Center for the Homeless" consists of the following:

a. Communication from the Deputy Commissioner of Building, dated December 23, 2015, transmitting to the Common Council an application for the renewal of a Special Permit at 86-88 East Post Road in relation to providing a "Social Service Center for the Homeless."

b. Building Permit Application, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

c. Short Environmental Assessment Form, signed by Paul Anderson-Winchell, Executive Director of Lifting Up Westchester, and dated November 12, 2015.

d. A description of the proposed use, undated.

e. Management Plan for "Social Service Center for the Homeless" at 86-88 East Post Road, prepared by Paul Anderson-Winchell, Executive Director OF Lifting Up Westchester, and Charlie Bevier Acting Site Director, undated.

f. A portion of the City of White Plains Zoning Map.

g. Site location map, entitled Lot Sketch, undated.

h. Building Sketch, undated

WHEREAS, at its meeting of December 7, 2015, the Common Council referred out the "Social Service Center for the Homeless" Application to various City departments, agencies, boards, commissions and officers, and to the Westchester County Planning Board for review and comments; and

WHEREAS, at its meeting of January 4, 2016, the Common Council scheduled a public hearing on the Application for Renewal of the Special Permit for a "Social Service Center for the Homeless" for its meeting of February 1, 2016; and

WHEREAS, at its meeting of February 1, 2016, the Common Council received reports from Planning Board, dated January 22, 2016, Traffic Commission, dated February 1, 2016, Commissioner of Building, dated January 19, 2016, Commissioner of Public Safety, dated January 20, 2016, Deputy Commissioner of Parking for Transportation Engineering, dated January 21, 2016, Commissioner of Planning, dated January 22, 2016, Commissioner of Parking, dated February 2, 2016, Commissioner of Public Works, dated January 21, 2016, and Westchester County Planning Board, dated January 5, 2016; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, agencies, boards, commissions, officers and the Westchester County

Planning Board, and the materials submitted on behalf of Lifting Up Westchester, the Applicant; and

WHEREAS, the Environmental Officer submitted a communication, dated January 21, 2016, recommending that the Common Council (1) declare itself to be Lead Agency for the application for Renewal of the Special Permit for a "Social Service Center for the Homeless," (2) declare the Application to be an Unlisted Action under NYS SEQR regulations, and (3) find that the Application will not have a significant adverse impact on the environmental, subject to the conditions contained in the communication from the Commissioner of Planning; and

WHEREAS, the Environmental Officer submitted an environmental findings resolution to the Common Council containing the declarations, findings, and conditions recommended in his communication, dated January 21, 2016; and

WHEREAS, at its meeting of February 1, 2016, the Common Council adopted the environmental findings resolution prepared by the Environmental Officer and (1) declared itself to be the Lead Agency for the environmental review of the application for an "Social Service Center for the Homeless," (2) declared the Application to be an Unlisted Action under NYS SEQR regulations, and (3) found that the Application will not have a significant adverse impact on the environment; subject to the conditions contained in this resolution; and

WHEREAS, the Common Council has reviewed the application for Renewal of the Special Permit for a "Social Service Center for the Homeless" in light of the 1997 Comprehensive Plan and 2006 Plan Update, and the standards set forth in the Zoning Ordinance including, but not limited to, Section 6.5, 6.7.19, 7.5 and 8 of the Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the following Findings are hereby adopted with respect to the instant Application for Renewal of the Special Permit for a "Social Service Center for the Homeless" in accordance with the Zoning Ordinance:

1. Pursuant to Section 6.5 of the Zoning Ordinance:

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

The "Social Service Center for Homeless Persons" use is proposed to supplement the services provided to individuals at the Open Arms Men's Shelter, both the Overnight and Emergency Shelters for the homeless. The use is located fully within the existing building. The building would not be changed with respect to its size or relation and access to the street. The intensity of use of the 86-88 East Post Road building will not

change as the number of persons using the "Social Service Centers for Homeless Persons" currently located in the building will not change.

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

The operation will be located on the first floor, and will therefore result in no change to the location, nature, or height of the building, or any aspect of the site. The building is located between other existing buildings on East Post Road. Homeless facility uses have been at this location for over 25 years and have not discouraged the appropriate development or use of adjacent land or buildings.

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

The "Social Service Center for Homeless Persons" use does not generate any more noise, traffic, fumes, vibrations or other characteristics that would be objectionable to the operations of permitted uses in the area, than due the current operation of the facilities at 86-88 East Post Road.

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

There is parking for the building located directly adjacent to the rear of the building. There will be no change in parking demand with the proposed addition of the special permit approval for a "Social Service Center for Homeless Persons." There is no parking requirement for "Social Service Center for Homeless Persons" in the Zoning Ordinance.

2. Pursuant to Section 6.22 of the Zoning Ordinance:

6.7.22 <u>"Social Service Centers for Homeless Persons":</u>

6.7.22.1 "Social service centers for homeless persons" shall be available as year round facilities open from 7:30 a.m. to at least 8:00 p.m., 7 days a week.

The application for the "Social Service Center for Homeless Persons" proposes to open at 6:30 a.m. and close at 10:00 p.m. Lifting Up Westchester, as GCCC, has found these expanded hours to be the most effective in giving single homeless

persons a place to go to be off the streets of White Plains from early morning to evening hours. Based on the experience of Lifting Up Westchester, the effective operation of the emergency facilities for the homeless in White Plains, is in part due to the staffing of the "Social Service Center for Homeless Persons" overlapping with staffing for the "Overnight Shelter for the Homeless." The Planning Department recommends that the Common Council approve the hours of operation of the "Social Service Center for Homeless Persons" on the first floor of 86-88 East Post Road as 6:30 a.m. to 10:00 p.m. as shown in the Management Plan.

6.7.22.2 "Social service centers for homeless persons" shall comply with the requirements of the applicable State, County and City codes, ordinances and regulations relating to occupancy and shall be fully equipped with all safety devices required by the White Plains Building Code and Fire Codes.

As noted previously, the area providing the "Social Service Center for Homeless Persons" operates on the first floor of the building at 86-88 East Post Road in compliance with all applicable State, County and City codes, ordinances and regulations.

6.7.22.3 "Social service centers for homeless persons" shall be contained within the "structure" of, and operated by a "not-for-profit corporation," as the same is defined in applicable statutes.

The "Social Service Center for Homeless Persons" will be operated wholly within the building at 86-88 East Post Road and will be operated by Lifting Up Westchester, a not-for-profit corporation.

6.7.22.4 Any food preparation, service or distribution facilities in "social service centers for homeless persons" shall be licensed or approved by the Westchester County Board of Health.

All food preparation, service and distribution facilities at the "Social Service Center for Homeless Persons" are licensed and approved by the Westchester County Board of Health.

6.7.22.5 While open, a "social service center for homeless persons" shall be adequately staffed by the operating organization such that clients may be accommodated according to the terms of an approved Management Plan as described in Section 6.7.22.9; order and sanitation are maintained at all times; and "persons" who cannot be admitted for any legitimate reason, including lack of capacity, are referred or transported to other facilities.

The Planning Department finds that the Management Plan for the "Social Service Center for Homeless Persons" submitted by Lifting Up Westchester provides for appropriate staffing and control over the clientele. The City's experience with Lifting Up Westchester, as GCCC, as an operator of such facilities for over 25 years demonstrates their ability to appropriately staff and management such a facility.

6.7.22.6 "Social service centers for homeless persons" shall accept adult individuals without regard to race, religion, ethnic background, sex, marital status, age or condition of disability or parentage.

Lifting Up Westchester, as GCCC, has demonstrated for over 25 years its commitment to nondiscrimination in the provision of shelter and services to homeless persons.

6.7.22.7 No "social service center for homeless persons" shall be located on a site less than 400 feet from another site on which another "social service center for homeless persons" is located or on which is located an "emergency shelter," "overnight shelter for the homeless," "community residence" or "domiciliary care facility," except any institution, "not-for-profit corporation" or charitable organization may accommodate and operate one "social service center for homeless persons," one "emergency shelter" and/or "overnight shelter for the homeless" on the same premises.

With the approval of all of the applications pending before the Common Council with respect to 86-88 East Post Road, there will be one "Overnight Shelter for the Homeless," one "Emergency Shelter," and one "Social Service Center for Homeless Persons," as is permitted by Sections 6.7.19.5, 6.7.20.7 and 6.7.22.7 of the Zoning Ordinance, and 14 seasonal cots during the period from December through April.

6.7.22.8 "Social service centers for homeless persons" are not shelters and shall not provide any sleeping accommodations.

The Social Service Center for Homeless Persons will not provide sleeping accommodations.

6.7.22.9 An applicant shall submit with its permit application a Management Plan for the operation of its proposed facility, including hours of operation, personnel, supervision, maintenance and operating plans, and shall certify to the approving agency the adequacy of the Management Plan. No special permit for any "social service center for homeless persons" shall be issued without an approved Management Plan.

Lifting Up Westchester submitted a Management Plan with their application. The Planning Department finds that the Management Plan addresses the issues required by this Section 6.7.22.9.

6.7.22.10 A special permit for a "social service center for homeless persons" shall expire one year after issuance, but on application may be renewed annually by the Commissioner of Building upon notice to the Common Council, provided than no such renewal shall be made by the Commissioner of Building unless there has been substantial compliance with all applicable codes, ordinances, regulations and conditions of the special permit. The Commissioner of Building shall notify the Common Council of his intention to renew a permit 45 days prior to the effective date of such renewal. No such renewal shall be made upon objections by majority vote of the Common Council.

This requirement applies equally to all homeless shelter and social services center special permit approvals.

To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the special permit for a "Social service Center for Homeless Persons" to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Social service Center for Homeless Persons," and receive reports from other City departments on the performance of the "Overnight Shelter for the Homeless" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the permit.

Subject to compliance with the applicable conditions contained herein below, the Planning Department finds that the Social Service Center Expansion Application satisfies the requirements of Section 6.7.22 "Social Service Centers for Homeless Persons" of the Zoning Ordinance.

3. Pursuant to Section 7.5 of the Zoning Ordinance

There are no changes proposed to the exterior of the site that would modify or affect any of the site plan standards at Section 7.5 "Standards" of the Zoning Ordinance.

4. Pursuant to Section 8 "Off-'Street' Parking and Loading" of the Zoning Ordinance, there is no parking or loading requirement for "Social Service Centers for Homeless Persons" special permit uses;

and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 6.5, 6.7.19, 7.5 and 8 of the Zoning Ordinance have been satisfied, and that application for Renewal of the Special Permit for a "Social Service Center for the Homeless" be, and hereby is granted, subject to the following conditions:

1. The "Social Service Center for Homeless Persons" shall serve persons; not families.

2. The Certificate of Occupancy for the "Social Service Center for Homeless Persons" shall provide that its hours of operation shall be between the hours of 6:30 a.m. and 10:00 p.m. on the first floor of 86-88 East Post Road.

3. To ensure that the notice period required by Section 6.7.19.11 is met, Lifting Up Westchester shall submit its request to renew the "Social Service Center for Homeless Persons" special permit approval to the Building Department by December 1, 2016. This will give the Commissioner of Building time to assess the operation of the "Social Service Center for Homeless Persons," and receive reports from other City departments on the performance of the "Social Service Center for Homeless Persons" over the previous year, prior to notifying the Common Council by December 16, 2016, which is the last business day within the 45 day period specified in Section 6.7.19.11 for the Commissioner of Building to notify the Common Council of his intent to renew the permit.

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

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

The White Plains Housing Authority ("WPHA") presently owns 120 Lake Street (also known as Section 126.09, Block 9, Lot 4)("the Project"). In order to be eligible for the United States Department of Housing and Urban Development's Rental Assistance Demonstration program, the WPHA is planning to transfer the Project to the WP Housing Company, Inc.("WPHC"), a non-profit corporation and an affiliate of the WPHA. Subsequently, WPHC will give Lakeview Housing Development Fund Corporation ("HDFC") a ground lease for the land and a deed to the improvements for the Project. The HDFC will hold the Project as nominee for Lakeview Affordable Housing, LLC, ("the Company"). The WPHC will be the sole managing member of the Company.

The HDFC has requested, as authorized by § 577 of the PHFL, that the City grant a tax abatement agreement for forty years from City, County and School District taxes, exclusive of taxes for assessments for local improvements and special districts, provided that the HDFC shall make annual payments in lieu of taxes ("PILOT") equal to six and one-half (6.5%)percent of the shelter rent which payment shall be reduced by the amount of payments made any year to special districts or special taxing jurisdictions. This request was made after consultation with the Assessor and the Law Department.

In addition, Public Housing Law §58-b requires the local legislative body to approve the sale or lease of the Project in connection with a federal program of assistance for low income housing.

Submitted for your consideration is an ordinance which authorizes the Mayor to execute a tax abatement agreement providing for the aforementioned PILOT payments and a resolution approving the sale and lease of the project as require by Public Housing Law §58-b.

John G. Callahan
Corporation Counsel

Dated: January 26, 2016
(for the February 1, 2016 meeting
of the Common Council)

223 Dr. Martin Luther King Jr. Blvd. White Plains, New York 10601 Phone: 914 - 949 - 6462 Fax: 914 - 949 - 8211

January 15, 2016

Mayor Thomas M. Roach
City of White Plains
255 Main Street
White Plains, NY 10601

Re: Lakeview Apartments
Actions Required by Common Council to Proceed with Redevelopment Efforts

Dear Mayor Roach:

This letter and enclosures transmit a request for approval by the White Plains Common Council (the "**Council**") of certain actions related to the redevelopment of Lakeview Apartments, a 95-unit public housing project located at 120 Lake Street (the "**Project**") and owned by the White Plains Housing Authority ("**WPHA**").

Project Description

In order to finance the Project's rehabilitation and to stabilize its financial condition for the future, WPHA intends to convert the federal assistance that supports the Project from public housing subsidy to a long-term, project-based Section 8 contract through participation in the U.S. Department of Housing and Urban Development's ("**HUD**") Rental Assistance Demonstration program (the "**RAD Conversion**"). The RAD Conversion will ensure long-term subsidy for all the units at the Project, and HUD will require that the units be maintained as affordable housing.

To support its plans for the Project, WPHA has secured funding from tax-exempt bonds, tax credit equity and a private loan insured by the Federal Housing Administration. However, these financing sources require that the Project be transferred to a single purpose tax credit entity, which will own and operate the Project post-RAD Conversion.

WPHA intends a two-step transfer of the Project to the tax credit entity: first, WPHA will transfer ownership of the Project to its affiliate, WP Housing Company Inc. ("**WPHC**"), and in turn, WPHC will ground lease the Project's land and sell the Project's improvements to the WP Lakeview Housing Development Fund Corporation (the "**HDFC**"), a housing development fund company formed pursuant to Article XI of the Private Housing Finance Law of the State of New York ("**PHFL**"). The HDFC will hold the property for the benefit of Lakeview Affordable Housing, LLC, a New York limited liability company (the "**Company**"), the tax credit entity.

Requested Council Actions

In connection with the Project's planned redevelopment, WPHA respectfully requests that the Council undertake the following actions. First, WPHA asks that the Council approve a tax abatement agreement with the HDFC, pursuant to PHFL Section 577, that the City grant a tax abatement agreement for forty (40) years from City, County and School District taxes, exclusive of taxes for assessments for local improvements and special districts, provided that the HDFC shall make annual payments in lieu of taxes equal to six and one-half percent (6.5%) of the shelter rent which payment shall be reduced by the amount of payments made any year to special districts or special taxing jurisdictions.

Second, WPHA asks that the Council approve the transfers of the Project to WPHC and then to the HDFC and the Company, as described above, in accordance with the Public Housing Law of the State of New York, Article III, Subdivision 58-b. This statutory provision, a copy of which is attached at Exhibit A, requires the approval of the local legislative body for the sale or lease of a public housing project by a municipal housing authority in connection with a federal program of assistance for low-income housing. In this case, the Council's approval is required as WPHA intends to transfer the Project in order to obtain federal assistance in the form of a long-term, project-based Section 8 contract that will subsidize rents at the Project post-RAD Conversion.

WPHA further requests that the Council approve these actions at its February 1st meeting so that the parties can proceed towards a financial closing at the end of February.

We greatly appreciate the City's continued support as we move forward with the Project's redevelopment. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Mack L. Carter
Executive Director

In connection with the Project's planned redevelopment, WPHA respectfully requests that the Council undertake the following actions. First, WPHA asks that the Council approve a tax abatement agreement with the HDFC, pursuant to PHFL Section 577, that the City grant a tax abatement agreement for forty (40) years from City, County and School District taxes, exclusive of taxes for assessments for local improvements and special districts, provided that the HDFC shall make annual payments in lieu of taxes equal to six and one-half percent (6.5%) of the shelter rent which payment shall be reduced by the amount of payments made any year to special districts or special taxing jurisdictions.

Second, WPHA asks that the Council approve the transfers of the Project to WPHC and then to the HDFC and the Company, as described above, in accordance with the Public Housing Law of the State of New York, Article III, Subdivision 58-b. This statutory provision, a copy of which is attached at Exhibit A, requires the approval of the local legislative body for the sale or lease of a public housing project by a municipal housing authority in connection with a federal program of assistance for low-income housing. In this case, the Council's approval is required as WPHA intends to transfer the Project in order to obtain federal assistance in the form of a long-term, project-based Section 8 contract that will subsidize rents at the Project post-RAD Conversion.

WPHA further requests that the Council approve these actions at its February 1st meeting so that the parties can proceed towards a financial closing at the end of February.

We greatly appreciate the City's continued support as we move forward with the Project's redevelopment. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Mack Carter

Mack L. Carter
Executive Director

Exhibit A
N.Y. Pub. Hous. § 58-b

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE WHITE PLAINS HOUSING AUTHORITY'S SALE OF 120 LAKE STREET TO THE WP HOUSING COMPANY, INC. AND OTHER ENTITIES IN ORDER TO OBTAIN FEDERAL BENEFITS TO MAINTAIN LOW INCOME HOUSING

WHEREAS, the White Plains Housing Authority ("the WPHA") owns the Lakeview Apartments at 120 Lake Street in the City of White Plains ("the City") (also known as Section 126.09, Block 9, Lot 4 on the tax assessment maps of the City) ("the Project"); and

WHEREAS, the WPHA is transferring the Project to its affiliate, WP Housing Company, Inc., a New York not-for-profit corpration ("WPHC"); and

WHEREAS, the WPHC is the sole member of the managing member of Lakeview Affordable Housing, LLC ("the Company"); and

WHEREAS, the WPHC is ground leasing the Project's land to Lakeview Housing Development Fund Corporation (" the HDFC ") and selling the Project's improvements to the HDFC; and

WHEREAS, the HDFC will hold the Project for the benefit of Lakeview Affordable Housing, LLC ("the Company"); and

WHEREAS, the WPHA through related entities including the HDFC and the Company intends to construct the Project and renovate and maintain affordable housing; and

WHEREAS, the HDFC is a corporation established pursuant to Article XI of the PHFL; and

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WHEREAS, the HDFC and the Company have each been formed for the purpose of providing residential rental accommodations for persons and families of low-income; and

WHEREAS, the HDFC's and the Company's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, redevelopment of the Project in the aforementioned matter will allow the Project to receive a long-term, projectbased Section 8 contract through participation in the United States Department of Housing and Urban Development Rental Assistance Demonstration program; and

WHEREAS, Public Housing Law § 58-b requires that a sale or lease of a project with a federal program of assistance for low income housing requires approval of the local legislative body; and

WHEREAS, the WPHA has an existing tax abatement agreement on the Project; and

WHEREAS, pursuant to PHFL § 577, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements and special districts, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, as a means of assisting the redevelopment of the Project and its operation and maintenance as affordable housing, the HDFC has requested from the City and the City has granted certain tax abatements by ordinance on this date; and

WHEREAS, as a condition of approval of said sale it would be appropriate to require that the new tax abatement agreement be executed to be substituted for the existing tax abatement agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of White Plains that the sale of the Project by the WPHA to the WPHC and the subsequent sale of the improvements and the granting of a ground lease to the HDFC which will hold the Project for the benefit of the Company would enable the Project to maintain decent safe and sanitary housing within the financial reach of persons and families of low income; and be it further

RESOLVED, that said sale is hereby approved by the Common Council of the City of White Plains as required by New York State Public Housing Law §58-b on the condition that the HDFC enter into the tax abatement agreement authorized by the Common Council on this day; and be it further

RESOLVED, that the Mayor of the City of White Plains, and his designees, be and hereby are authorized and directed to take any and all actions and execute any and all documents or instruments that may be necessary or desirable to carry out the intent of the foregoing resolution, in a form to be approved by the Corporation Counsel; and be it further

RESOLVED, that this resolution shall take effect immediately.

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TAX ABATEMENT AGREEMENT PURSUANT TO PRIVATE HOUSING FINANCE LAW SECTION 577 IN CONNECTION WITH A PROJECT OF THE WP LAKEVIEW HOUSING DEVELOPMENT FUND CORPORATION AND LAKEVIEW AFFORDABLE HOUSING, LLC.

WHEREAS, the White Plains Housing Authority ("the WPHA") owns the Lakeview Apartments at 120 Lake Street in the City of White Plains ("the City") (also known as Section 126.09, Block 9, Lot 4 on the tax assessment maps of the City) ("the Project"); and

WHEREAS, the WPHA is transferring the Project to its affiliate, WP Housing Company, Inc., a New York not-for-profit corpration ("WPHC"); and

WHEREAS, the WPHC is the sole member of the Company's managing member; and

WHEREAS, the WPHC is ground leasing the Project's land to the HDFC and selling the Project's improvements to the HDFC; and

WHEREAS, the HDFC will hold the Project for the benefit of the Company, Inc; and

WHEREAS, the WPHA through related entities including the HDFC and the Company intends to construct the Project and renovate and maintain affordable housing; and

WHEREAS, as a means of assisting the redevelopment of the Project and its operation and maintenance as affordable housing, the HDFC has requested from the City and the City desires to grant certain tax abatements; and

WHEREAS, the HDFC is a corporation established pursuant to Article XI of the PHFL; and

WHEREAS, the HDFC and the Company have each been formed for the purpose of providing residential rental accommodations for persons and families of low-income; and

WHEREAS, the HDFC's and the Company's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, pursuant to PHFL Section 577, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements and special districts, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the HDFC has requested that the new tax abatement agreement provide that the HDFC shall pay six and one-half 6.5%) percent of the shelter rent (defined as the aggregate annual rental income of the Project, including any governmental rental assistance subsidies less the expense of all utilities, including gas, electricity, oil, trash removal, water and sewer,). which payment shall be reduced by the amount of tax payments made in such year to any special district or special taxing jurisdiction for a term of forty (40) years;

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

Section 1. Pursuant to PHFL Section 577, that the Mayor of the City is hereby authorized to execute an agreement, in a form subject to the approval of the Corporation Counsel, among the Cityand the HDFC, granting exemptions from the City, County, and White Plains City School District School Taxes, exclusive of assessments for local improvements and special districts provided that the Company shall make annual payments in lieu of taxes (PILOT) equal to the six and one-half (6.5%) percent of the shelter rent, which payment shall be reduced by the amount of payments made in such year to any special district or special taxing jurisdiction for a term of forty years which shall be effective as of the date on which the HDFC acquires (leasehold) title to the Project pursuant to a ground lease and deed to the improvements from the WPHC

Section 2. This ordinance shall take effect immediately.

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

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

The Capital Projects Board has recommended a project entitled "Morpho Trust Fingerprinting" in the Capital Improvement Program for FY 2015-2016 at an estimated cost of $36,000. Of this amount, $10,000 will be provided by a grant. The project will enable the Department of Public Safety to replace its current fingerprint system which is at the end of its life and help ensure that the department continues to meet its fingerprint mandate.

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

The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5472, entitled "Morpho Trust Fingerprinting" and to establish a project budget as follows:

REVENUES:		
C5472-02212	Live Scan Grant	$10,000
C5472-09910	General Fund Contribution	26,000
		$36,000
EXPENDITURES:		
C5472-8.319	Computer Related Replacement/Upgrade	$36,000

To provide the General Fund Contribution, it is requested that the Mayor be authorized to direct the Budget Director to transfer $26,000 from the FY 2015-2016 Reserve for Financing (A002-9.990) to the Cash to Capital account (A022-9.401) as a match to the grant funding. It is also 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

February 1, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5472, ENTITLED, "MORPHO TRUST FINGERPRINTING."

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

Section 1. Included within the City's Capital Improvement Program for FY 2015-2016 is a project entitled, "Morpho Trust Fingerprinting" at an estimated cost of $36,000. Of this amount, $10,000 will be provided by a grant. The project will enable the Department of Public Safety to replace its current fingerprinting system which is at the end of its life and help ensure that the Department continues to meet its fingerprint mandates.

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

Section 3. In order to provide necessary funds for this purpose, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5472, entitled, "Morpho Trust Fingerprinting," as follows:

REVENUES:

C5472-02212	Live Scan Grant	$10,000
C5472-09910	General Fund Contribution	26,000
		$36,000

EXPENDITURES:

C5472-8.319	Computer Related Replacement Upgrade	$36,000

Section 4. The Mayor is further authorized to direct the Budget Director to transfer $26,000 from the FY 2015-2016 Reserve for Financing (A002-9.990) to the Cash to Capital account (A022-9.401) as a match to the grant funding.

Section 5. The Mayor is also hereby authorized to direct the Commissioner of Finance to receive and distribute funds accordingly.

Section 6. This ordinance shall take effect immediately.

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

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

Included in the FY 2015-16 Capital Improvement Program adopted by the Capital Projects Board is a project entitled "Kittrell Park Improvements" at an estimated cost of $525,000. The project is the responsibility of the Commissioner of Public Works and includes the construction of a new playground, the replacement of benches and outdoor games and the installation of an outdoor fitness center. Submitted herewith is legislation which authorizes the Commissioner Public Works to enter into various purchase orders and contracts as required to complete the project.

The legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No.C5473 entitled **"Kittrell Park Improvements"** as follows:

REVENUES:		
C5473-02233	N.Y.S. Dormitory Authority Grant	$125,000
C5473-08810	Serial Bonds	404,000
		$529,000

EXPENDITURES:		
C5473-4.005	Finance and Audit	$ 4,000
C5473-8.011	Site Improvements	$525,000
		$529,000

It is also requested that the sale of $404,000 in Serial Bonds be authorized and that the Mayor be authorized to enter into a contract with the New York State Dormitory Authority to secure the grant funding. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to advance funds as necessary, from the General Fund pending the receipt of the grant and bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

February 1, 2016

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

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

January 25, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5473
Kittrell Park Improvements

Capital Project No. C5473, Kittrell Park Improvements, has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves improvements to the existing City park including the construction of a new playground, the replacement of benches and outdoor games and the installation of an outdoor fitness center.

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

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

Respectfully submitted,

Rod Johnson
Environmental Officer

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ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO. C5473
KITTRELL PARK IMPROVEMENTS

WHEREAS, Capital Project No. C5449, Kittrell Park Improvements (hereinafter referred to as the Proposed Action), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves improvements to the existing City park including the construction of a new playground, the replacement of benches and outdoor games and the installation of an outdoor fitness center; and

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

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

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

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. 5473 ENTITLED, "KITRELL PARK IMPROVEMENTS."

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

Section 1. Included in the City's FY 2015-2016 Capital Improvement Program, adopted by the Capital Projects Board, is a project entitled, "Kitrell Park Improvements", at an estimated cost of $525,000. The project is the responsibility of the Commissioner of Public Works and includes the construction of a new playground, the replacement of benches and outdoor games and the installation of an outdoor fitness center.

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

Section 3. The Mayor is further hereby authorized to enter into a contract with the New York State Dormitory Authority to secure the grant funding for the project in the amount of $125,000. Said contract shall be in a form approved by the Corporation Counsel.

Section 4. The Mayor is further authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5473, entitled "Kitrell Park Improvements, as follows:

REVENUES:		
C5473-02233	N.Y.S. Dormitory Authority Grant	$ 125,000
C5473-08810	Serial Bonds	404,000
		$ 529,000
EXPENDITURES:		
C5473-4.005	Finance and Auditing Fees	$ 4,000
C5473-8.011	Site Improvements	525,000
		$ 529,000

Section 5. The Mayor is hereby authorized to direct the Commissioner of Finance to sell $404,000 in serial bonds, and to advance funds from the General Fund to the Capital Projects Fund, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 6. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED FEBRUARY 1, 2016, AUTHORIZING THE ISSUANCE OF $404,000 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.

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 $404,000, 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 $404,000, 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 $529,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from (i) the proceeds of serial bonds authorized

herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds and (ii) New York State grant funds in the amount of $125,000, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

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

THOMAS M. ROACH
MAYOR

WAYNE D. BASS
COMMISSIONER

FRAN CROUGHAN
DEPUTY COMMISSIONER

DEPARTMENT OF RECREATION AND PARKS
85 GEDNEY WAY
WHITE PLAINS, NEW YORK 10605

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

TO THE HON. MAYOR AND COMMON COUNCIL OF THE CITY OF WHITE PLAINS:

Re: Retain Services of U.S. Olympian, Chloe Sutton, for Jump In and Swim

Submitted herewith for your consideration is a request for the Mayor or his designee to enter into an agreement with Arluck Promotions to retain the services of U. S. Olympian, Chloe Sutton, to appear as a featured guest at various swim programs offered in connection with the city-sponsored "Jump In and Swim" program from March 16-19, 2016. Ms. Sutton will be compensated $3,500 for her appearances and up to an additional amount of $225 ($75 a day) in reimbursement for meals. Various organizations in the community will contribute to the cost of the program. Therefore, it is further requested that the Mayor be authorized to direct the Budget Director to amend the FY 2015-2016 budget of the Department of Recreation and Parks as follows:

INCREASE REVENUES:		
E007-06275	Contributions	$3,500
INCREASE EXPENDITURES:		
E007-4.023	Program Services	$3,500

Daily expenses as specified in the contract will be paid from the department's existing budget. Finally, the Commissioner of Finance is directed to receive and disburse funds accordingly.

Respectfully submitted,

Wayne D. Bass
Commissioner of Recreation & Parks

Dated: February 1, 2016

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH ARLUCK PROMOTIONS, INC. RETAINING THE PROFESSIONAL CONSULTING SERVICES OF U.S OLYMPIAN ATHLETE CHLOE SUTTON TO APPEAR AS A FEATURED GUEST AT VARIOUS SWIM PROGRAMS OFFERED IN CONNECTION WITH THE CITY-SPONSORED "JUMP IN AND SWIM" PROGRAM FROM MARCH 16-19, 2016.

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

Section 1. The Mayor or his designee is hereby authorized to enter into an agreement retaining the professional consulting services of U.S. Olympian athlete Chloe Sutton with an address of c/o Arluck Promotions Inc., 9055 Comprint Ct Ste 300 Gaithersburg, Maryland 20877, to conduct a swim clinic and speak at a City-sponsored "Jump In and Swim" program on March 16 through March 19, 2016 , at a sum of $3,500, payable to Arluck Promotions Inc. Payment shall be made in two (2) installments of $1750 by February 10, 2016 and the remainder immediately following the conclusion of the last event on Friday, March 18, 2016. Arluck Promotions Inc. shall compensate Chloe Sutton.

Section 2. The City of White Plains shall reimburse meal costs for Chloe Sutton (up to $75 per day from March 16-18, 2016 for a total of up to $225) or provide the option for Chloe Sutton to have breakfast, lunch and dinner.

Section 3. The aforementioned agreement shall be in a form acceptable to the Corporation Counsel of the City of White Plains.

Section 4. Various organizations in the community will contribute to the cost of the program. Therefore, the Mayor is hereby authorized to direct the Budget Director to amend the FY 2015-2016 budget of the Department of Recreation and Parks as follows:

INCREASE REVENUES:		
E007-06275	Contributions	$3,500
INCREASE EXPENDITURES:		
E007-4.023	Program Services	$3,500

Section 5. Daily expenses as specified in the contract shall be paid from the Department of Recreation and Parks' existing budget.

Section 6. The Commissioner of Finance is directed to receive and disburse funds accordingly.

Section 7. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR

WAYNE D. BASS
COMMISSIONER

FRAN CROUGHAN
DEPUTY COMMISSIONER

DEPARTMENT OF RECREATION AND PARKS
85 GEDNEY WAY
WHITE PLAINS, NEW YORK 10605

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

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

RE: Department of Recreation and Parks
Proposed Schedule of Fees Effective March 1, 2016

The recommended Proposed Schedule of Fees is attached to this communication for your review and approval. Departmental staff has carefully reviewed and evaluated each and every program fee and have recommended some changes which are both reasonable and appropriate. Additionally, the Recreation Advisory Committee has also reviewed these recommendations and ultimately approved the Proposed Schedule of Fees to be submitted for Common Council approval.

I, therefore, respectfully request that the Common Council approve the attached Proposed Schedule of Fees for the Department of Recreation and Parks to take effect March 1, 2016.

Wayne Bass, Commissioner
Recreation and Parks

Date: February 1, 2016

Attachment

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ESTABLISHING AND APPROVING A SCHEDULE OF USER FEES FOR THE WHITE PLAINS DEPARTMENT OF RECREATION AND PARKS.

WHEREAS, the Commissioner of Recreation and Parks has recommended a revised schedule of User Fees for the various programs organized and operated by the Department of Recreation and Parks; and

WHEREAS, the total amount of User Fees estimated to be received by the Department of Recreation and Parks will be based on the proposed fee schedule filed with the City Clerk.

NOW, THEREFORE, the Common Council hereby ordains and enacts as follows:

Section 1. The Common Council hereby establishes and approves the schedule of User Fees filed with the City Clerk, attached and made a part hereof, for the various programs organized and operated by the Department of Recreation and Parks.

Section 2. This ordinance shall take effect March 1, 2016.

Department of Recreation & Parks Proposed Fee Schedule Effective March 1, 2016/2017

	Date Fee Was Last Amended	Prior Year 2014/15	Current Year 2015/16	Proposed Fee 2016/17	Projected Revenue	+/-
Field Permits (per hour)						
Delfino and Gillie						
Resident Adult	2013/14'	$ 100.00	$ 100.00	$ 100.00	$ 13,800.00	
Non-Resident Adult	2013/14'	$ 200.00	$ 200.00	$ 200.00	$ 1,400.00	
Youth	2015/16	$ 0.00	$ 50.00	$ 50.00	$ 1,500.00	
Saxon Woods						
Resident Youth	New	$ 40.00	$ 50.00	Abolish	$ 0.00	-$ 1,500.00
Non-Resident Youth	New	$ 90.00	$ 90.00	Abolish	$ 0.00	
Resident Adult	New	$ 100.00	$ 100.00	Abolish	$ 0.00	-$ 31,700.00
Non-Resident Adult	New	$ 200.00	$ 200.00	Abolish	$ 0.00	-$ 10,800.00
Resident Youth Roster Per Player	New	$ 15.00	$ 15.00	Abolish	$ 0.00	-$ 18,000.00
Secondary Fields (Gardella & Battle Hill)						
Resident Adult	2013/14'	$ 65.00	$ 65.00	$ 65.00	$ 2,925.00	
Non-Resident Adult	2013/14'	$ 120.00	$ 120.00	$ 120.00	$ 0.00	
Youth	2015/16		$ 40.00	$ 40.00	$ 800.00	
All Fields						
Field Lights (per hour)	2013/14'	$ 65.00	$ 65.00	$ 65.00	$ 2,000.00	-$ 15,030.00
Platform Tennis						
Season Passes						
Youth/Senior Citizen	2011/'12	$ 75.00	$ 75.00	$ 75.00	$ 1,875	$ 1,125.00
Resident Adult	2010/'11	$ 100.00	$ 100.00	$ 100.00	$ 300.00	-$700.00
Non-Resident Adult	2011/12'	$ 200.00	$ 200.00	$ 200.00	$ 400.00	-$600.00
Hourly Fees						
Youth/Senior Citizen	New	$ 7.00	$ 7.00	Abolish		
Resident Adult	New	$ 8.00	$ 8.00	Abolish		
Non-Resident Adult	New	$ 16.00	$ 16.00	Abolish		

Department of Recreation & Parks Proposed Fee Schedule Effective March 1, 2016/2017

	Date Fee Was Last Amended	Prior Year 2014/15	Current Year 2015/16	Proposed Fee 2016/17	Projected Revenue	+/-
Tennis						
Season Passes						
Youth	2012/13	$ 55.00	$ 55.00	$ 55.00	$ 550.00	
Senior Citizen	2012/13	$ 90.00	$ 90.00	$ 90.00	$ 8,550.00	
Resident Adult	2012/13	$ 120.00	$ 120.00	$ 120.00	$ 16,800.00	
Non-Resident Adult	2015/16	$ 300.00	$ 350.00	$ 350.00	$ 14,000.00	
Daily Fee Paid per session						
Youth/Senior Citizen	2015/16	$ 9.00	$ 10.00	$ 10.00	$ 3,000.00	
Adult	2015/16	$ 11.00	$ 13.00	$ 13.00	$ 3,200.00	-$ 2,000.00
Non-Resident Adult	2012/13	$ 15.00	Abolish	Abol	$ 0.00	
Guest Coupons (5 plays)	2015/16	$ 70.00	$ 60.00	$ 60.00	$ 2,100.00	
Instruction						
Youth	2014/15	$ 90.00	$ 90.00	$ 90.00	$ 4,100.00	-$ 4,000.00
Adult	2012/13	$ 125.00	$ 125.00	$ 125.00	$ 1,250.00	-$3,250.00
Ice Skating						
Session Entry Fees						
Youth	2015/16	$ 7.00	$ 8.00	$ 8.00	$ 52,000.00	
Senior Citizen	2011/12'	$ 5.00	$ 5.00	$ 5.00	$ 500.00	
Adult	2015/16	$ 8.00	$ 10.00	$ 10.00	$ 30,000.00	
Non-Resident Youth		$ 9.00	Abolish	Abol	$ 0.00	
Non-Resident Senior Citizen		$ 8.00	Abolish	Abol	$ 0.00	
Non-Resident Adult		$ 11.00	Abolish	Abol	$ 0.00	
Group	2015/16	$ 6.00	$ 6.00	$ 6.00	$ 3,800.00	
Adult Coupons (10 entries)	2015/16	$ 100.00	$ 90.00	$ 90.00	$ 1,800.00	
Youth Coupons (10 entries)	2015/16	$ 90.00	$ 70.00	$ 70.00	$ 1,400.00	
Skate Rentals	2012/13	$ 5.00	$ 5.00	$ 5.00	$ 30,000.00	-$ 6,000.00

Department of Recreation & Parks Proposed Fee Schedule Effective March 1, 2016/2017

	Date Fee Was Last Amended	Prior Year 2014/15	Current Year 2015/16	Proposed Fee 2016/17	Projected Revenue	+/-
Skate Sharpening	2015/16	$ 8.00	$ 10.00	$ 10.00	$ 1,000.00	
Hockey Game Admission Y			Abolish	Abol	$ 0.00	
Hockey Game Admission A			Abolish	Abol	$ 0.00	
Party Room Rental (2 Hours) No Skating	2012/13	$ 200.00	$ 200.00	$ 200.00	$ 1,000.00	
Promotional Events	New	$ 1.00	$ 1.00	Abolish	$ 0.00	-$ 400.00
Instruction						
Resident	2011/12'	$ 135.00	$ 135.00	$ 135.00	$ 55,485.00	
Non-Resident	2011/12'	$ 200.00	$ 200.00	$ 200.00	$ 10,000.00	
Advanced Figure Skating						
Resident - One time per week	2015/16	$ 235.00	$ 250.00	$ 250.00	$ 1,500.00	
Resident - Twice per week	2015/16	$ 335.00	$ 350.00	$ 350.00	$ 3,500.00	
Non-Resident	2015/16	$ 435.00	$ 450.00	$ 450.00	$ 1,350.00	
Open Figure Skating	2013/14'	$20.00	$ 20.00	$ 20.00	$2,000.00	
Hourly Rink Rentals						
Resident	2013/14'	$ 285.00	$ 285.00	$ 285.00	$ 20,000.00	
Non-Resident	2013/14'	$ 325.00	$ 325.00	$ 325.00	$ 15,000.00	
Miscellaneous						
Locker rental (per use)	2012/13	$ 0.25	$ 0.25	$ 0.25	$ 100.00	
Summer Day Camp						
Half Day Camp Panawok	New		$ 100.00	$ 100.00	$ 4,200.00	
Camp Q and Camp P (2 weeks)	New	$ 300.00	$ 330.00	Abolish	$ 0.00	-$98,900.00
Camp Q and Camp P Early (2 weeks)	New		$ 300.00	Abolish	$ 0.00	-$60,300.00
Camp Q and Camp P (6 weeks)	New		$ 900.00	$ 925.00	$ 161,900.00	$98,900.00
Camp Q and Camp P (weekly)	New		$ 175.00	$ 180.00	$ 83,925.00	$60,300.00
Teen Camp (2 weeks)	New	$ 360.00	$ 380.00	$ 395.00	$ 24,200.00	

Department of Recreation & Parks Proposed Fee Schedule Effective March 1, 2016/2017

	Date Fee Was Last Amended	Prior Year 2014/15	Current Year 2015/16	Proposed Fee 2016/17	Projected Revenue	+/-
Teen Camp Early (2 weeks)	2015/16		$ 380.00	$ 380.00	$ 32,400.00	
Teen Camp (6 weeks)	New		$ 1,080.00	$ 1,120.00	$ 48,600.00	
Bus	2015/16	$ 120.00	Abolish		$ 0.00	
Early Morning Weekly	New	$ 60.00	$ 60.00	$ 30.00	$ 2,700.00	
Extended Day to 5:30 Weekly	New	$ 130.00	$ 130.00	$ 68.00	$ 19,890.00	
Pools						
Guest Pass	2015/16		$ 5.00	$ 5.00	$ 3,000.00	$ 1,500.00
Swimming Instruction						
Youth - Indoor	New	$ 90.00	$ 90.00	$ 96.00	$ 24,000.00	$1,950.00
Youth - Outdoor	New	$ 30.00	$ 30.00	$ 36.00	$ 1,800.00	$210.00
Youth Sports						
Summer Youth Basketball	2015/16		$ 25.00	$ 25.00	$ 5,000.00	
Summer HS Basketball Individual Fee	2011/'12	$ 25.00	$ 25.00	$ 25.00	$ 2,000.00	
Resident 6 Weeks	New	$ 60.00	$ 65.00	$ 75.00	$ 79,000.00	-$10,450.00
Resident 8 Weeks	New			$ 85.00	$ 17,000.00	$17,000.00
Travel Basketball	New	$ 350.00	$ 225.00	$ 275.00	$ 12,000.00	$ 5,250.00
Youth Sports Camps						
Resident 1/2 Day Program		$ 100.00	$ 100.00	$ 100.00	$ 5,000.00	
Non-Resident	2015/16	$ 125.00	Abolish			
Resident Full Day Program	2013/14	$ 200.00	$ 200.00	$ 200.00	$ 6,000.00	
Partner Programs	2013/14'		25%/Fee	25%/Fee	$ 17,000.00	
Basketball (per team) Winter						
Men - Resident	2015/16	$ 900.00	$ 950.00	$ 950.00	$ 9,500.00	
Men - Non-Resident	2015/16	$ 1,250.00	$ 1,250.00	Abolish		
Women Per Player	New	$ 550.00		$75.00	$ 1,125.00	$ 1,125.00
Men - Resident Summer	New	$ 775.00	$ 775.00	$ 825.00	$ 8,250.00	$500.00

Department of Recreation & Parks Proposed Fee Schedule Effective March 1, 2016/2017

	Date Fee Was Last Amended	Prior Year 2014/15	Current Year 2015/16	Proposed Fee 2016/17	Projected Revenue	+/-
Hockey (per person)						
Resident	New	$ 775.00	$ 850.00	$ 900.00	$ 48,600.00	$ 2,700.00
Non-Resident	New	$ 1,550.00	$ 1,700.00	$ 1,775.00	$ 31,950.00	$ 1,350.00
Mini/Mites	New	$ 675.00	$ 750.00	$ 800.00	$ 20,000.00	$ 1,250.00
Tryouts	2011/12	$ 75.00	$ 75.00	$ 75.00	$ 4,000.00	
Midgets	New	$ 600.00	$ 600.00	$ 650.00	$ 9,750.00	$ 750.00
Hockey Clinics/Session	2011/'12	$ 20.00	$ 20.00	$ 20.00		
Hockey Learn to Play 8 Weeks	2015/16	$ 125.00	$ 275.00	$ 275.00	$ 11,000.00	
Open Adult Hockey	2011/12'	$ 10.00	$ 10.00	$ 10.00	$ 2,500.00	$ 2,500.00
Softball (per team)						
Men's						
Resident	New	$ 1,000.00	$ 1,100.00	$ 1,200.00	$48,000.00	$ 10,600.00
Non-Resident	2011/12	$ 1,900.00	$ 1,900.00	$ 1,900.00	$11,400.00	
Industrial	New	$ 1,500.00	$ 1,600.00	Abolish	$0	-$ 12,800.00
Women's						
Resident	New	$ 600.00	$ 600.00	$ 1,000.00	$ 6,000.00	$ 3,000.00
Non-Resident	New	$ 850.00	$ 850.00	Abolish	$ 0.00	
Co-Ed						
Resident	2014/15	$ 1,375.00	$ 1,450.00	$ 1,450.00	$ 42,050.00	$ 10,150.00
Non-Resident	2011/12	$ 1,900.00	$ 1,900.00	$ 1,900.00	$ 0.00	-$ 5,700.00
Fall Softball	New	$ 750.00	$ 750.00	$ 800.00	$ 16,000.00	$ 7,750.00
Special Interest Program (per 45 minute session)						
Resident Youth	2012/13	$ 8.00	$ 8.00	$ 8.00	$ 20,000.00	
Resident Adult	2012/13	$ 13.00	$ 13.00	$ 13.00	$ 4,000.00	-$ 6,855.00

Department of Recreation & Parks Proposed Fee Schedule Effective March 1, 2016/2017

	Date Fee Was Last Amended	Prior Year 2014/15	Current Year 2015/16	Proposed Fee 2016/17	Projected Revenue	+/-
Recreation ID Cards						
Youth - New Issue	2012/13	$ 7.00	$ 7.00	$ 7.00	$ 4,606.00	
Adult - New Issue	2012/13	$ 11.00	$ 11.00	$ 11.00	$ 5,425.00	
Senior Citizen - New Issue (Lifetime)		$ 10.00	$ 10.00	$ 10.00	$ 360.00	
Youth - Annual Renewal	2012/13	$ 6.00	$ 6.00	$ 6.00	$ 4,920.00	
Adult - Annual Renewal	2012/13	$ 9.00	$ 9.00	$ 9.00	$ 6,525.00	
Miscellaneous						
Teen Program	New	$ 8.00	$ 8.00	$ 10.00	$ 8,400.00	$ 3,600.00
Pre-School	2014/15	$ 90.00	$ 95.00	$ 95.00	$ 27,000.00	
Gymnastics 6 Sessions	2014/15	$ 90.00	$ 95.00	$ 95.00	$ 2,700.00	
Recreation Room Rental (per hour)	2010/11'	$ 75.00	$ 75.00	$ 75.00	$ 1,500.00	
Community Gardens Fees	New	$ 35.00	$ 35.00	$ 45.00	$ 3,150.00	$ 700.00
Out of Season Ebersole Park	New	$ 125.00	$ 125.00	$ 75.00	$ 2,500.00	
Not for Profit Facility						
Field Rental Per Event 4 Hours Max	2012/13	$ 100.00	$ 100.00	$ 100.00	$ 600.00	
Campout	2014'/15'	$ 50.00	$ 50.00	$ 50.00	$ 2,500.00	
Dance Classes 12 Sessions	2014'/15'	$ 135.00	$ 135.00	$ 135.00	$ 16,200.00	
Tennis Concession	New			$10,200.0	$ 122,400.00	$122,400.00
Special Needs Programs						
Special needs (8 Weeks)	2012/13	$ 25.00	$ 25.00	$ 25.00	$ 2,000.00	
Bowling (8 Weeks)	2012/13	$ 25.00	$ 25.00	$ 25.00	$ 2,000.00	
Gym/Swim (8 Weeks)	2012/13	$ 25.00	$ 25.00	$ 25.00	$ 1,125.00	
Friday Night Out (12 Weeks)	2012/13	$ 25.00	$ 25.00	$ 25.00	$ 1,125.00	
Inclusion Camp-Panawok & Quarropas (2 Wks)	2013/14'	Abolish				

	Department of Recreation & Parks Proposed Fee Schedule Effective March 1, 2016/2017					
	Date Fee Was Last Amended	Prior Year 2014/15	Current Year 2015/16	Proposed Fee 2016/17	Projected Revenue	+/-
Senior Citizen Programs						
Transportation Contribution	2012/13	$ 0.75	$ 1.00	$ 1.00	$ 7,500.00	
Nutrition Contribution	2012/13	$ 2.75	$ 3.00	$ 3.00	$ 20,000.00	
6 Week Programs						
Resident	2012/13	$ 20.00	$ 25.00	$ 25.00	$ 5,451.00	
Non-Resident	2012/13	$ 45.00	$ 45.00	$ 45.00	$ 270.00	
8 Week Programs						
Resident	2012/13	$ 25.00	$ 30.00	$ 30.00	$ 4,500.00	
Non-Resident	2012/13	$ 55.00	$ 55.00	$ 55.00	$ 515.00	
Seasonal Resident Program Fee	2015/16		$ 5.00	$ 5.00	$ 1,125.00	
Seasonal Non-Resident Program Fee	2015/16		$ 55.00	$ 55.00	$ 1,980.00	
TOTAL PROJECTED REVENUE					$ 1,409,102.00	$ 65,625.00

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: **ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SIGN A CONSULTANT AGREEMENT WITH WESTCHESTER COMMUNITY COLLEGE TO PROVIDE STAFFING OF A WESTCHESTER COMMUNITY COLLEGE LIAISON AT THE WHITE PLAINS EDUCATION AND TRAINING CENTER**

Submitted, herewith, for your review and approval, is an ordinance authorizing the Mayor or designee to enter into a consultant agreement with Westchester Community College ("Consultant") to provide a Westchester Community College staff liaison at the White Plains Education and Training Center.

The White Plains Education and Training Center offers training for real-time job opportunities in today's market while at the same time supporting the employment needs of regional high growth industries including culinary and hospitality, medical and health care, and technology. The JPMorgan Chase Foundation has awarded the City of White Plains grant funding to support the White Plains Education and Training Center, including funds for a staff liaison of Westchester Community College to be located on site at the White Plains Education and Training Center. The JPMorgan Chase Foundation grant award was formally accepted by the Common Council on January 4th, 2016.

Attached for your consideration is an ordinance authorizing the Mayor or his designee to sign a consultant agreement with Westchester Community College for the aforementioned services at a fee of $20,000 to be funded by the City's JPMorgan Chase Foundation grant award for the White Plains Education and Training Center.

Respectfully submitted,

Linda Puoplo

Linda Puoplo
Deputy Commissioner of Planning

Dated: January 19, 2016
For the February 1, 2016 Common Council Meeting

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN CONSULTING AGREEMENT WITH WESTCHESTER COMMUNITY COLLEGE ("CONSULTANT") TO PROVIDE STAFFING OF A WESTCHESTER COMMUNITY COLLEGE LIAISON AT THE WHITE PLAINS EDUCATION AND TRAINING CENTER.

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

Section 1. The Mayor or his designee is hereby authorized to enter into an agreement retaining the professional consulting services of Westchester Community College ("Consultant') at a fee of $20,000, to provide a Westchester Community College liaison at the White Plains Education and Training Center. Said agreement shall be in a form approved by the Corporation Counsel.

Section 2. The White Plains Education and Training Center offers training for real-time job opportunities in today's market while at the same time supporting the employment needs of regional high growth industries including culinary and hospitality, medical and health care, and technology. The JPMorgan Chase Foundation has awarded the City of White Plains grant funding to support the White Plains Education and Training Center, including funds for a staff liaison of Westchester Community College to be located on site at the White Plains Education and Training Center. The JPMorgan Chase Foundation grant award was formally accepted by the Common Council on January 4, 2016.

Section 3. This ordinance shall take effect immediately.

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: **ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SIGN A CONSULTANT AGREEMENT WITH LIFTING UP WESTCHESTER, INC. TO PROVIDE HOME HEALTH AIDE TRAINING AT THE WHITE PLAINS EDUCATION AND TRAINING CENTER**

Submitted, herewith, for your review and approval, is an ordinance authorizing the Mayor or designee to enter into a consultant agreement with Lifting Up Westchester, Inc. ("Consultant") to provide Home Health Aide Training at the White Plains Education and Training Center.

The White Plains Education and Training Center offers training for real-time job opportunities in today's market while at the same time supporting the employment needs of regional high growth industries including culinary and hospitality, medical and health care, and technology. The Westchester Community Foundation has awarded the City of White Plains grant funding to support the White Plains Education and Training Center, including funds for Home Health Aide training to be provided by Lifting Up Westchester, Inc. The Westchester Community Foundation grant award was formally accepted by the Common Council on January 4th, 2016.

Attached for your consideration is an ordinance authorizing the Mayor or his designee to sign a consultant agreement with Lifting Up Westchester, Inc. for the aforementioned services at a fee of $19,740 to be funded by the City's Westchester Community Foundation grant award for the White Plains Education and Training Center.

Respectfully submitted,

Linda Puoplo

Linda Puoplo
Deputy Commissioner of Planning

Dated: January 19, 2016
For the February 1, 2016 Common Council Meeting

101

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN CONSULTING AGREEMENT WITH LIFTING UP WESTCHESTER, INC. ("CONSULTANT") TO PROVIDE HOME HEALTH AIDE TRAINING AT THE WHITE PLAINS EDUCATION AND TRAINING CENTER.

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

Section 1. The Mayor or his designee is hereby authorized to enter into an agreement retaining the professional consulting services of Lifting Up Westchester, Inc. ("Consultant') at a fee of $19,740, to provide Home Health Aide training at the White Plains Education and Training Center. Said agreement shall be in a form approved by the Corporation Counsel.

Section 2. The White Plains Education and Training Center offers training for real-time job opportunities in today's market while at the same time supporting the employment needs of regional high growth industries including culinary and hospitality, medical and health care, and technology. The Westchester Community Foundation has awarded the City of White Plains grant funding to support the White Plains Education and Training Center, including funds for Home Aide training to be provided by Lifting Up Westchester, Inc. The Westchester Community Foundation grant award was formally accepted by the Common Council on January 4, 2016.

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

Thomas M. Roach
Mayor

Frank Williams, Jr.
Executive Director

January 25, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

On May 4, 2015 the Common Council enacted an ordinance accepting a subcontract from Planned Parenthood Hudson Peconic, Inc., a contractor for the New York State Department of Health, to support the Youth Bureau's Comprehensive Adolescent Pregnancy Prevention Program (CAPP). The grant award was in the amount of $21,543, for the period January 1, 2015 to December 31, 2015. The Youth Bureau received an e-mail from Planned Parenthood extending the subcontract for an additional six months and increasing the funding by $10,771.50. The new contract period will be 01/01/2015 to 06/30/2016. The Youth Bureau is requesting to amend the Planned Parenthood Hudson Peconic, Inc. contract by increase the grant award to $32,315 and extending the contract period to June 30, 2016. I am requesting that the Mayor and Common council approve this amendment. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015-16 Youth Development Fund.

Increase Estimated Revenue

		Original Budget	New Budget
APP15 – 02250	NYS Dept. of Health	$21,543	$32,315

Increase Appropriations

APP15-1.800	Part time Salary	$15,287	$22,375
APP15-2.001	Social Security	1,170	$1,712
APP15-2.020	MTA Payroll Tax	52	$76
APP15-2.101	NYS Employee Pension	339	$1,110
APP15-4.940	Contractual Services	$4,695	$7,042
	Total	$21,543	$32,315

Respectfully submitted,

Frank Williams, Jr.
Director

For: February 1, 2016 Council Meeting

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT AMENDING THE SUB-CONTRACT WITH PLANNED PARENTHOOD HUDSON PECONIC, INC., A CONTRACTOR FOR THE NEW YORK STATE DEPARTMENT OF HEALTH, TO EXTEND THE SUBCONTRACT FOR AN ADDITIONAL SIX MONTHS AND INCREASING THE GRANT FUNDING BY $10,771.50, FOR A TOTAL OF $32,315, FOR THE CITY OF WHITE PLAINS (YOUTH BUREAU) TO SUPPORT THE COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION PROGRAM (CAPP) AND TO AMEND THE FY 2015/2016 YOUTH DEVELOPMENT FUND TO REFLECT SAID GRANT INCREASE.

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

Section 1. On May 4, 2015, the Common Council enacted an ordinance accepting a subcontract from Planned Parenthood Hudson Peconic, Inc., a contractor for the New York State Department of Health, to support the City's Youth Bureau's Comprehensive Adolescent pregnancy Prevention Program (CAPP). The grant award was in the amount of $21,543, for the period January 1, 2015 to December 31, 2015. The Youth Bureau has been notified that Planned Parenthood wishes to extend the subcontract for an additional six months, and inccrease the funding for same.

Section 2. The Mayor or his designee is hereby authorized to enter into an amendment to the City of White Plains' sub-contract with Planned Parenthood Hudson Peconic, Inc., a contractor for the New York State Department of Health, to extend the subcontract for an additional six months, from January 1, 2016 to June 30, 2016, and to increase the grant award funding for an additional $10,771.50, for a total of $32,315. Said contract amendment shall be in a form approved by the Corporation Counsel. The funding will be used to support the Comprehensive Adolescent Pregnancy Prevention Program (CAPP).

Section 3. In order to record the receipt and expenditures of these funds, the Mayor is hereby authorized to direct the Budget Director to amend the FY 2015 - 2016 Youth Development Fund, effective January 1, 2016, as follows:

INCREASE ESTIMATED REVENUE:		Original Budget	New Budget
APP15 - 02250	NYS Dept. of Health	$21,543	$32,315
INCREASED APPROPRIATIONS:			
APP15 -1.800	Part time Salary	$15,287	$22,375
APP15 - 2.001	Social Security	1,170	1,712
APP15 - 2.020	MTA Payroll Tax	52	76
APP15 - 2.101	NYS Employee Pension	339	1,110
APP15- 4.940	Contractual Services	4,695	7,042
	Total	$ 21,543	$ 32,315

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 as of January 1, 2016.

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

January 11, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The County of Westchester has awarded the White Plains Youth Bureau $28,882 to support the White Plains Youth Bureau's Comprehensive Youth Alternatives Projects Program. The Alternatives Program, provides a safe supervised environment for the White Plains youth, promoting their leadership and development in areas of counseling, mentoring and career exposure. The contract period is January 01, 2015 to December 31, 2015. I am requesting that the Mayor be authorized to enter into a contract with Westchester County to receive these funds.

Respectfully submitted,

Frank Williams, Jr.
Director

For: February 01, 2016 Common Council Meeting

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO ACCEPT ON BEHALF OF THE CITY OF WHITE PLAINS (THROUGH ITS YOUTH BUREAU), A $28,882 GRANT FROM THE COUNTY OF WESTCHESTER TO SUPPORT THE WHITE PLAINS YOUTH BUREAU'S COMPREHENSIVE YOUTH ALTERNATIVES PROJECTS PROGRAM.

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

Section 1. The Mayor, or his designee, is hereby authorized to accept on behalf of the City of White Plains (through its Youth Bureau), a grant in the amount of $28,882 from the County of Westchester to support the White Plains Youth Bureau's Comprehensive Youth Alternatives Projects program. The Alternatives Program provides a safe, supervised environment for White Plains youth, promoting their leadership and development in areas of counseling, mentoring and career exposure. The contract period is January 1, 2015 to December 31, 2015. The contract shall be in a form approved by the Corporation Counsel.

Section 2. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purposes.

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

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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

January 11, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The City of White Plains Youth Bureau is proposing a 2.5 % increase to our fee based programs, the After School Connection Program, Vacation Camp and Bits & Pieces Tutorial Summer Camp for the 2016/17 fiscal year. Attached is the proposed fee schedule for Fiscal Year 2016/17. I am requesting that the Common Council authorize the proposed fee increases for the 2016/17 fiscal year.

Respectfully submitted,

Frank Williams, Jr.
Director Youth Bureau

For : February 01, 2016 Common Council Meeting

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ESTABLISHING AND APPROVING A SCHEDULE OF USER FEES FOR FY 2016-2017 FOR THE WHITE PLAINS YOUTH BUREAU.

WHEREAS, the Director of the Youth Bureau has recommended a schedule of User Fees for FY 2016-2017 for the various programs organized and operated by the Youth Bureau; and

WHEREAS, a 2.5% increase is being proposed by the Director of the Youth Bureau to the City's fee based programs, the After School Connection Program, Vacation Camp and Bits&Pieces Tutorial Summer Camp for the 2016/17 fiscal year; and

WHEREAS, the total amount of User Fees estimated to be received by the Youth Bureau will be based on the proposed fee schedule filed with the City Clerk.

NOW THEREFORE, the Common Council hereby ordains and enacts as follows:

Section 1. The Common Council hereby establishes and approves the schedule of User Fees for FY 2016-2017 filed with the City Clerk, *attached hereto and made a part hereof*, for the various programs organized and operated by the Youth Bureau.

Section 2. This ordinance shall take effect July 1, 2016.

WHITE PLAINS YOUTH BUREAU
Proposed Fees for School Year 2016/2017

Program	Proposed 2.5% Full Fee	2015/2016 Full Fee	Proposed 2.5% Scholarship Fee	2015/2016 Scholarship Fee
After School Connection (monthly)	**$333**	$325	**$201**	$196
A.S.C. Vacation Camp *(4 days flat Rate)*	**$195**	$190	-	-
After School Extended Day (monthly flat rate)	-	$40	-	-
Bits N' Pieces Summer Camp (6 weeks)	**$884**	$862	**$530**	$517

YMCA/YWCA Fees

After School	5 days	4 days	3 days	2 days
YMCA After School	$465	$450	$310	$225
YWCA After School *($200 Deposit /8 months)*	$384	$295.50	$234.70	-
($200 Deposit /10 months)	$327	-	-	-
YWCA *Extended Day to 6:30 pm Flat Rate*	$53	-	-	-

YWCA Summer Camp	Member	Non-Member
Lower Camp	$283/per week $1,698/6 weeks	$308/per week $1,898/6 weeks
Upper Camp	$290/week $1,740/6 weeks	$315/week $1,890/6weeks
Teen Camp (Ages 13-14)	$315/week $1,890/6 weeks	$340/week $2,040/6 weeks

1/7/2016

DEPARTMENT OF FINANCE
Municipal Building - 255 Main Street - White Plains, New York 10601
TEL: (914) 422-1233 - Fax: (914) 422-1273

Thomas M. Roach
Mayor

Michael A. Genito
Commissioner of Finance

Carol Endres
Deputy Commissioner

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

Dear Mayor and Common Council Members:

With the decline in bond interest rates, the City has the opportunity to realize substantial savings by refunding some of its bonds at this time. The bonds being considered for this refunding are as follows:

- Public Improvement (Serial) Bonds, 2006 had an initial value of $6,274,000 of which $2,080,000 can be refunded.
- Public Improvement (Serial) Bonds, 2007 had an initial value of $11,509,500 of which $6,920,000 can be refunded.

A new refunding bond issue of approximately $9,590,000 will be issued to refund the above bonds as well as pay any costs of issuance. A total net present value debt service savings of approximately $671,000 would be realized by the City.

Submitted for your approval is a bond ordinance authorizing the Commissioner of Finance to refund the above bonds in the form and manner that is most beneficial to the City at the time of issuance.

Michael A. Genito
Commissioner of Finance

Dated: January 20, 2016
(For the Common Council Meeting of February 1, 2016)

REFUNDING BOND ORDINANCE, DATED FEBRUARY 1, 2016, AUTHORIZING THE ISSUANCE OF REFUNDING SERIAL BONDS OF THE CITY OF WHITE PLAINS, STATE OF NEW YORK, PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK, PROVIDING FOR OTHER MATTERS AND MAKING CERTAIN DETERMINATIONS IN RELATION THERETO AND PROVIDING FOR THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the City of White Plains (the "City") previously issued $6,274,000 principal amount of Public Improvement (Serial) Bonds, 2006 (the "Series 2006 Bonds") pursuant to a certificate of determination of the City Finance Commissioner (sometimes referred to herein as the "Chief Fiscal Officer"), which Series 2006 Bonds are dated April 1, 2006 and matured or mature in annual installments on April 1 in each of the years 2007 to 2021, inclusive, as follows:

$429,000 in the year 2007,
$425,000 in the year 2008,
$425,000 in the year 2009,
$420,000 in the year 2010,
$420,000 in the year 2011,
$415,000 in the year 2012,
$415,000 in the year 2013,
$415,000 in the year 2014,
$415,000 in the year 2015,
$415,000 in the year 2016,
$415,000 in the year 2017,
$415,000 in the year 2018,
$415,000 in the year 2019,
$415,000 in the year 2020, and
$420,000 in the year 2021,

WHEREAS, the Series 2006 Bonds were authorized pursuant to a serial bond ordinance duly adopted by the Common Council of the City for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the City; and

WHEREAS, $2,495,000 aggregate principal amount of the Series 2006 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the City to refund all or a portion of the outstanding Series 2006 Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2006 Refunding Bonds"); and

WHEREAS, the City previously issued $11,509,500 principal amount of Public Improvement (Serial) Bonds, 2007 (the "Series 2007 Bonds") pursuant to a certificate of determination of the City Finance Commissioner, which Series 2007 Bonds are dated April 1, 2007 and matured or mature in annual installments on April 1 in each of the years 2008 to 2027, inclusive, as follows:

$294,500 in the year 2008,
$410,000 in the year 2009,
$425,000 in the year 2010,
$445,000 in the year 2011,
$460,000 in the year 2012,
$475,000 in the year 2013,
$490,000 in the year 2014,
$510,000 in the year 2015,
$530,000 in the year 2016,
$550,000 in the year 2017,
$575,000 in the year 2018,
$600,000 in the year 2019,
$625,000 in the year 2020,
$645,000 in the year 2021,
$670,000 in the year 2022,
$700,000 in the year 2023,
$730,000 in the year 2024,
$760,000 in the year 2025,
$790,000 in the year 2026, and
$825,000 in the year 2027

WHEREAS, the Series 2007 Bonds were authorized pursuant to a serial bond ordinance duly adopted by the Common Council of the City for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the City; and

WHEREAS, $8,000,000 aggregate principal amount of the Series 2007 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the City to refund all or a portion of the outstanding Series 2007 Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2007 Refunding Bonds"); and

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS, IN THE STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF COMMON COUNCIL OF THE CITY), AS FOLLOWS:

Section 1. For the purpose of refunding (i) all or a portion of the $2,495,000 outstanding principal amount of the Series 2006 Bonds and (ii) and all or a portion of the $8,000,000 outstanding principal amount of the Series 2007 Bonds providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the refunded principal amount of the Series 2006 Bonds and the Series 2007 Bonds (collectively, the "Refunded Bonds"); (ii) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as

Exhibit B; (iii) the costs and expenses incidental to the issuance of the Series 2006 Refunding Bonds and the Series 2007 Refunding Bonds, (collectively, the "Refunding Bonds") as hereinafter authorized and as described in Exhibit A, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding $10,000,000 aggregate principal amount of refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law, it being anticipated that the par amount of Refunding Bonds actually to be issued will be approximately $9,590,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this ordinance does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local

Finance Law is not expected to be less than three percent (3.0%) of debt service on the Refunded Bonds paid to stated maturity.

(c) The Common Council is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the Common Council shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the Common Council of the City, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the City in the manner provided by law the notice of redemption authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of

the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the City and shall be applied by the City Commissioner of Finance to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the City Commissioner of Finance is authorized to execute on behalf of the City any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown in the Certificates of Determination of the City Commissioner of Finance incorporated by reference herein and made a part of this ordinance taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this ordinance (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of $9,590,000 if fully issued and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Common Council of the City recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The City Commissioner of Finance is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or

rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the City Commissioner of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Common Council shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the City are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the City a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this ordinance shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien

shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the City irrespective of whether such parties have notice thereof. Neither this ordinance, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Refunding Bonds, as herein authorized, the City hereby elects to call in and redeem (i) all or a portion of the Series 2006 Bonds maturing on and after April 1, 2017 on April 1, 2016, (ii) all or a portion of the Series 2007 Bonds maturing on and after April 1, 2018 on April 1, 2017 and (iii) . The sum to be paid therefor on such redemption dates shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Refunded Bonds and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the issuance proceedings for the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the City not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or

other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds may be sold at either a negotiated or competitive sale and the City Commissioner of Finance is hereby authorized to execute a purchase contract on behalf of the City for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the Common Council shall have filed with the City Clerk a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the City resulting from the issuance of the Refunding Bonds. In connection with such sale, the Common Council of the City hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9. The Common Council of the City hereby appoints the law firm of Squire Patton Boggs (US) LLP of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The Common Council of the City hereby appoints the firm of Capital Markets Advisors, LLC, of Syosset, New York, as financial advisor in connection with the issuance and sale of the Bonds. The power to appoint the Escrow Holder, as that term is referred to herein, and a senior managing underwriter for the sale of the Refunding Bonds if sold at private sale, is hereby delegated to the City Commissioner of Finance, as Chief Fiscal Officer of the City.

Section 10. Each of the Refunding Bonds authorized by this ordinance shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the taxable real property within the City, without limitation as to rate or amount.

Section 11. The City Commissioner of Finance, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this ordinance or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this ordinance.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the City Commissioner of Finance and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the City Commissioner of Finance.

Section 13. The City intends to issue the obligations authorized by this ordinance to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The City covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal of or interest on the Refunding Bonds or any other funds of the City, and (b) the purposes financed with the proceeds of the Refunding Bonds, which would cause the interest on which 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 the Refunding Bonds or the proceeds thereof, if such action or omission would cause the interest on the Refunding Bonds 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 Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this ordinance by the City.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with and as an obligated person with respect to the Refunding Bonds 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 to implement that agreement, including provisions for enforcement, amendment and termination, the City 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, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the

Refunding Bonds in accordance with the Rule, with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the City 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 City 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 City Commissioner of Finance shall consult with, as appropriate, the 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 the Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this ordinance, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this bond ordinance takes effect, it shall be published in full by the City Clerk, together with a notice in substantially the form prescribed by Section 81.00 of the Local

Finance Law, and such publication shall be in *the Journal News*, a newspaper having a general circulation in the City and which is hereby designated as the official newspaper of the City for such purpose.

Section 17. This bond ordinance shall take effect immediately upon its adoption by the Common Council of the City.

City of White Plains, New York

Exhibit A to the Refunding Bond Ordinance,

Dated February 1, 2016,

of the City of White Plains, State of New York

$9,590,000 Public Improvement Refunding Serial Bonds, Series 2016 - Estimated Debt Service

Maturity Date	Principal Amount
4/1/2016	$ 105,000
4/1/2017	545,000
4/1/2018	1,115,000
4/1/2019	1,115,000
4/1/2020	1,110,000
4/1/2021	1,110,000
4/1/2022	710,000
4/1/2023	725,000
4/1/2024	740,000
4/1/2025	755,000
4/1/2026	770,000
4/1/2027	790,000

Exhibit B to the Refunding Bond Ordinance,

dated February 1, 2016

of the City of White Plains, State of New York

Refunding Financial Plan

City of White Plains

Westcheter County, New York

$9,590,000 Public Improvement Refunding (Serial) Bonds, 2016

Prevailing 'Aa' plus 20 bps - 12.17.15

Refunding Summary

Dated 03/15/2016 | Delivered 03/15/2016

	2006 Bonds	2007 Bonds	Issue Summary
Sources Of Funds			
Par Amount of Bonds	$2,165,000.00	$7,425,000.00	$9,590,000.00
Total Sources	**$2,165,000.00**	**$7,425,000.00**	**$9,590,000.00**
Uses Of Funds			
Total Underwriter's Discount (0.750%)	16,237.50	55,687.50	71,925.00
Costs of Issuance	20,318.04	69,681.96	90,000.00
Deposit to Net Cash Escrow Fund	2,125,933.16	7,298,856.91	9,424,790.07
Rounding Amount	2,511.30	773.63	3,284.93
Total Uses	**$2,165,000.00**	**$7,425,000.00**	**$9,590,000.00**
Flow of Funds Detail			
State and Local Government Series (SLGS) rates for Date of OMP Candidates	12/17/2015	12/17/2015	12/17/2015
Primary Purpose Fund Solution Method	Net Funded	Net Funded	Net Funded
Total Cost of Investments	$2,125,933.16	$7,298,856.91	$9,424,790.07
Interest Earnings @ 0.668%	291.02	50,396.23	50,687.25
Total Draws	$2,126,224.18	$7,349,253.14	$9,475,477.32
PV Analysis Summary (Net to Net)			
Net PV Cashflow Savings @ 2.293%(AIC)	122,796.69	544,590.76	667,675.10
Contingency or Rounding Amount	2,511.30	773.63	3,284.93
Net Present Value Benefit	$125,307.99	$545,364.39	$670,960.03
Net PV Benefit / $9,000,000 Refunded Principal	6.024%	7.881%	7.455%
Net PV Benefit / $9,590,000 Refunding Principal	5.788%	7.345%	6.996%
Bond Statistics			
Average Life	2.968 Years	6.539 Years	5.733 Years
Average Coupon	1.4268564%	2.0573972%	1.9836927%
Net Interest Cost (NIC)	1.6795320%	2.1720986%	2.1145220%
Bond Yield for Arbitrage Purposes	1.9729542%	1.9729542%	1.9729542%
True Interest Cost (TIC)	1.6862052%	2.1731238%	2.1141634%
All Inclusive Cost (AIC)	2.0170878%	2.3311414%	2.2930081%

City of White Plains

Westcheter County, New York

$9,590,000 Public Improvement Refunding (Serial) Bonds, 2016

Prevailing 'Aa' plus 20 bps - 12.17.15

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
06/30/2016	112,373.32	974,900.00	1,087,273.32	1,161,095.01	73,821.69
06/30/2017	710,227.50	572,000.00	1,282,227.50	1,359,390.02	77,162.52
06/30/2018	1,275,159.00	-	1,275,159.00	1,345,790.02	70,631.02
06/30/2019	1,262,113.50	-	1,262,113.50	1,330,775.02	68,661.52
06/30/2020	1,242,284.00	-	1,242,284.00	1,314,656.26	72,372.26
06/30/2021	1,225,856.00	-	1,225,856.00	1,297,018.76	71,162.76
06/30/2022	807,319.00	-	807,319.00	857,562.50	50,243.50
06/30/2023	809,326.00	-	809,326.00	859,925.00	50,599.00
06/30/2024	809,971.00	-	809,971.00	861,050.00	51,079.00
06/30/2025	809,283.00	-	809,283.00	860,937.50	51,654.50
06/30/2026	807,371.00	-	807,371.00	858,637.50	51,266.50
06/30/2027	809,276.00	-	809,276.00	860,062.50	50,786.50
Total	**$10,680,559.32**	**$1,546,900.00**	**$12,227,459.32**	**$12,966,900.09**	**$739,440.77**

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	667,675.10
Net PV Cashflow Savings @ 2.293%(AIC)	667,675.10
Contingency or Rounding Amount	3,284.93
Net Present Value Benefit	$670,960.03
Net PV Benefit / $9,000,000 Refunded Principal	7.455%
Net PV Benefit / $9,590,000 Refunding Principal	6.996%

Refunding Bond Information

Refunding Dated Date	3/15/2016
Refunding Delivery Date	3/15/2016

City of White Plains

Westcheter County, New York

$9,590,000 Public Improvement Refunding (Serial) Bonds, 2016

Prevailing 'Aa' plus 20 bps - 12.17.15

Escrow Fund Cashflow

Date	Principal	Rate	Interest	Receipts	Disbursements	Cash Balance
03/15/2016	-	-	-	1.07	-	1.07
04/01/2016	186,195.00	-	-	186,195.00	186,195.01	1.06
04/14/2016	2,082,822.00	0.170%	291.02	2,083,113.02	2,083,113.55	0.53
10/01/2016	116,621.00	0.480%	26,463.12	143,084.12	143,084.38	0.27
04/01/2017	7,039,151.00	0.680%	23,933.11	7,063,084.11	7,063,084.38	-
Total	**$9,424,789.00**	-	**$50,687.25**	**$9,475,477.32**	**$9,475,477.32**	-

Investment Parameters

Investment Model [PV, GIC, or Securities]	Securities
Default investment yield target	Bond Yield
Cash Deposit	1.07
Cost of Investments Purchased with Bond Proceeds	9,424,789.00
Total Cost of Investments	$9,424,790.07
Target Cost of Investments at bond yield	$9,327,144.92
Actual positive or (negative) arbitrage	(97,645.15)
Yield to Receipt	0.6675951%
Yield for Arbitrage Purposes	1.9729542%
State and Local Government Series (SLGS) rates for	12/17/2015

City of White Plains

Westcheter County, New York

$9,590,000 Public Improvement Refunding (Serial) Bonds, 2016

Prevailing 'Aa' plus 20 bps - 12.17.15

Escrow Summary Cost

Maturity	Type	Coupon	Yield	$ Price	Par Amount	Principal Cost	+Accrued Interest	= Total Cost
Escrow								
04/01/2016	SLGS-CI	-	-	100.0000000%	186,195	186,195.00	-	186,195.00
04/14/2016	SLGS-CI	0.170%	0.170%	100.0000000%	2,082,822	2,082,822.00	-	2,082,822.00
10/01/2016	SLGS-CI	0.480%	0.480%	100.0000000%	116,621	116,621.00	-	116,621.00
04/01/2017	SLGS-NT	0.680%	0.680%	100.0000000%	7,039,151	7,039,151.00	-	7,039,151.00
Subtotal		-	-	-	**$9,424,789**	**$9,424,789.00**	-	**$9,424,789.00**
Total		-	-	-	**$9,424,789**	**$9,424,789.00**	-	**$9,424,789.00**

Escrow

Cash Deposit	1.07
Cost of Investments Purchased with Bond Proceeds	9,424,789.00
Total Cost of Investments	$9,424,790.07

Delivery Date	3/15/2016

City of White Plains
Westcheter County, New York
$9,590,000 Public Improvement Refunding (Serial) Bonds, 2016
Prevailing 'Aa' plus 20 bps - 12.17.15

Primary Purpose Fund Proof Of Yield @ 0.6675951%

Date	Cashflow	PV Factor	Present Value	Cumulative PV
03/15/2016	-	1.0000000x	-	-
04/01/2016	186,195.00	0.9997038x	186,139.85	186,139.85
04/14/2016	2,083,113.02	0.9994633x	2,081,994.92	2,268,134.77
10/01/2016	143,084.12	0.9963779x	142,565.86	2,410,700.63
04/01/2017	7,063,084.11	0.9930631x	7,014,088.37	9,424,789.00
Total	**$9,475,476.25**	-	**$9,424,789.00**	-

Composition Of Initial Deposit

Cost of Investments Purchased with Bond Proceeds	9,424,789.00
Adjusted Cost of Investments	9,424,789.00

City of White Plains

Westcheter County, New York

$9,590,000 Public Improvement Refunding (Serial) Bonds, 2016

Prevailing 'Aa' plus 20 bps - 12.17.15

Summary Of Bonds Refunded

Issue	Maturity	Type	of Bond	Coupon	Maturity Value	Call Date	Call Price
Dated 4/05/2006 | Delivered 4/05/2006							
2006 Bonds	04/01/2017	Serial	Coupon	4.000%	415,000	04/14/2016	100.000%
2006 Bonds	04/01/2018	Serial	Coupon	4.100%	415,000	04/14/2016	100.000%
2006 Bonds	04/01/2019	Serial	Coupon	4.125%	415,000	04/14/2016	100.000%
2006 Bonds	04/01/2020	Serial	Coupon	4.250%	415,000	04/14/2016	100.000%
2006 Bonds	04/01/2021	Serial	Coupon	4.250%	420,000	04/14/2016	100.000%
Subtotal	-			-	**$2,080,000**	-	-
	-			-	-	-	-
Dated 4/05/2007 | Delivered 4/05/2007							
2007 Bonds	04/01/2018	Serial	Coupon	4.000%	575,000	04/01/2017	100.000%
2007 Bonds	04/01/2019	Serial	Coupon	4.000%	600,000	04/01/2017	100.000%
2007 Bonds	04/01/2020	Serial	Coupon	4.000%	625,000	04/01/2017	100.000%
2007 Bonds	04/01/2021	Serial	Coupon	4.125%	645,000	04/01/2017	100.000%
2007 Bonds	04/01/2022	Serial	Coupon	4.125%	670,000	04/01/2017	100.000%
2007 Bonds	04/01/2023	Serial	Coupon	4.125%	700,000	04/01/2017	100.000%
2007 Bonds	04/01/2024	Serial	Coupon	4.125%	730,000	04/01/2017	100.000%
2007 Bonds	04/01/2025	Serial	Coupon	4.250%	760,000	04/01/2017	100.000%
2007 Bonds	04/01/2026	Serial	Coupon	4.250%	790,000	04/01/2017	100.000%
2007 Bonds	04/01/2027	Serial	Coupon	4.250%	825,000	04/01/2017	100.000%
Subtotal	-			-	**$6,920,000**	-	-
Total	-			-	**$9,000,000**	-	-

City of White Plains

Westcheter County, New York

$2,165,000 Public Improvement Refunding (Serial) Bonds, 2016

Prevailing 'Aa' plus 20 bps - 12.17.15

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
06/30/2016	21,251.96	423,300.00	444,551.96	466,410.63	21,858.67
06/30/2017	478,041.00	-	478,041.00	501,221.26	23,180.26
06/30/2018	463,856.00	-	463,856.00	484,621.26	20,765.26
06/30/2019	448,708.00	-	448,708.00	467,606.26	18,898.26
06/30/2020	427,989.00	-	427,989.00	450,487.50	22,498.50
06/30/2021	416,847.00	-	416,847.00	437,850.00	21,003.00
Total	**$2,256,692.96**	**$423,300.00**	**$2,679,992.96**	**$2,808,196.91**	**$128,203.95**

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	122,796.69
Net PV Cashflow Savings @ 2.017%(AIC)	122,796.69
Contingency or Rounding Amount	2,511.30
Net Present Value Benefit	$125,307.99
Net PV Benefit / $2,080,000 Refunded Principal	6.024%
Net PV Benefit / $2,165,000 Refunding Principal	5.788%

Refunding Bond Information

Refunding Dated Date	3/15/2016
Refunding Delivery Date	3/15/2016

City of White Plains
Westcheter County, New York
$6,274,000 Public Improvement (Serial) Bonds, 2006

Debt Service To Maturity And To Call

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
04/01/2016	-	43,110.63	43,110.63	-	4.000%	43,110.63	43,110.63
04/14/2016	2,080,000.00	3,113.55	2,083,113.55	-	-	-	-
10/01/2016	-	-	-	-	-	43,110.63	43,110.63
04/01/2017	-	-	-	415,000.00	4.000%	43,110.63	458,110.63
10/01/2017	-	-	-	-	-	34,810.63	34,810.63
04/01/2018	-	-	-	415,000.00	4.100%	34,810.63	449,810.63
10/01/2018	-	-	-	-	-	26,303.13	26,303.13
04/01/2019	-	-	-	415,000.00	4.125%	26,303.13	441,303.13
10/01/2019	-	-	-	-	-	17,743.75	17,743.75
04/01/2020	-	-	-	415,000.00	4.250%	17,743.75	432,743.75
10/01/2020	-	-	-	-	-	8,925.00	8,925.00
04/01/2021	-	-	-	420,000.00	4.250%	8,925.00	428,925.00
Total	**$2,080,000.00**	**$46,224.18**	**$2,126,224.18**	**$2,080,000.00**	**-**	**$304,896.91**	**$2,384,896.91**

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	3/15/2016
Average Life	3.049 Years
Average Coupon	4.1879490%
Weighted Average Maturity (Par Basis)	3.049 Years

Refunding Bond Information

Refunding Dated Date	3/15/2016
Refunding Delivery Date	3/15/2016

City of White Plains

Westcheter County, New York

$7,425,000 Public Improvement Refunding (Serial) Bonds, 2016

Prevailing 'Aa' plus 20 bps - 12.17.15

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
06/30/2016	91,121.36	551,600.00	642,721.36	694,684.38	51,963.02
06/30/2017	232,186.50	572,000.00	804,186.50	858,168.76	53,982.26
06/30/2018	811,303.00	-	811,303.00	861,168.76	49,865.76
06/30/2019	813,405.50	-	813,405.50	863,168.76	49,763.26
06/30/2020	814,295.00	-	814,295.00	864,168.76	49,873.76
06/30/2021	809,009.00	-	809,009.00	859,168.76	50,159.76
06/30/2022	807,319.00	-	807,319.00	857,562.50	50,243.50
06/30/2023	809,326.00	-	809,326.00	859,925.00	50,599.00
06/30/2024	809,971.00	-	809,971.00	861,050.00	51,079.00
06/30/2025	809,283.00	-	809,283.00	860,937.50	51,654.50
06/30/2026	807,371.00	-	807,371.00	858,637.50	51,266.50
06/30/2027	809,276.00	-	809,276.00	860,062.50	50,786.50
Total	**$8,423,866.36**	**$1,123,600.00**	**$9,547,456.36**	**$10,158,703.18**	**$611,236.82**

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	544,590.76
Net PV Cashflow Savings @ 2.331%(AIC)	544,590.76
Contingency or Rounding Amount	773.63
Net Present Value Benefit	$545,364.39
Net PV Benefit / $6,920,000 Refunded Principal	7.881%
Net PV Benefit / $7,425,000 Refunding Principal	7.345%

Refunding Bond Information

Refunding Dated Date	3/15/2016
Refunding Delivery Date	3/15/2016

City of White Plains

Westcheter County, New York

$11,509,500 Public Improvement (Serial) Bonds, 2007

Debt Service To Maturity And To Call

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
04/01/2016	-	143,084.38	143,084.38	-	4.000%	143,084.38	143,084.38
10/01/2016	-	143,084.38	143,084.38	-	-	143,084.38	143,084.38
04/01/2017	6,920,000.00	143,084.38	7,063,084.38	-	4.000%	143,084.38	143,084.38
10/01/2017	-	-	-	-	-	143,084.38	143,084.38
04/01/2018	-	-	-	575,000.00	4.000%	143,084.38	718,084.38
10/01/2018	-	-	-	-	-	131,584.38	131,584.38
04/01/2019	-	-	-	600,000.00	4.000%	131,584.38	731,584.38
10/01/2019	-	-	-	-	-	119,584.38	119,584.38
04/01/2020	-	-	-	625,000.00	4.000%	119,584.38	744,584.38
10/01/2020	-	-	-	-	-	107,084.38	107,084.38
04/01/2021	-	-	-	645,000.00	4.125%	107,084.38	752,084.38
10/01/2021	-	-	-	-	-	93,781.25	93,781.25
04/01/2022	-	-	-	670,000.00	4.125%	93,781.25	763,781.25
10/01/2022	-	-	-	-	-	79,962.50	79,962.50
04/01/2023	-	-	-	700,000.00	4.125%	79,962.50	779,962.50
10/01/2023	-	-	-	-	-	65,525.00	65,525.00
04/01/2024	-	-	-	730,000.00	4.125%	65,525.00	795,525.00
10/01/2024	-	-	-	-	-	50,468.75	50,468.75
04/01/2025	-	-	-	760,000.00	4.250%	50,468.75	810,468.75
10/01/2025	-	-	-	-	-	34,318.75	34,318.75
04/01/2026	-	-	-	790,000.00	4.250%	34,318.75	824,318.75
10/01/2026	-	-	-	-	-	17,531.25	17,531.25
04/01/2027	-	-	-	825,000.00	4.250%	17,531.25	842,531.25
Total	$6,920,000.00	$429,253.14	$7,349,253.14	$6,920,000.00	-	$2,115,103.18	$9,035,103.18

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation	3/15/2016
Average Life	6.872 Years
Average Coupon	4.1733377%
Weighted Average Maturity (Par Basis)	6.872 Years

Refunding Bond Information

Refunding Dated Date	3/15/2016
Refunding Delivery Date	3/15/2016

DEPARTMENT OF FINANCE
Municipal Building - 255 Main Street - White Plains, New York 10601
TEL: (914) 422-1233 - Fax: (914) 422-1273

Thomas M. Roach
Mayor

Michael A. Genito
Commissioner of Finance

Carol Endres
Deputy Commissioner

To the Honorable Mayor and Members of the Common Council:

On January 3, 2012 the Common Council authorized the issuance of $217,000 serial bonds to pay the cost of renovations to fire facilities. Subsequent to adoption of that ordinance the City received grant funds in the amount of $125,000 which have been applied to pay the costs of the project. The Project has been completed and $125,000 in serial bonds will not be issued for this project.

Attached hereto is an ordinance to de-authorize the issuance of serial bonds in the amount of $125,000 originally authorized in the January 3, 2012 ordinance.

Respectfully submitted,

Michael A. Genito
Commissioner of Finance
Dated: January 20, 2016
(For the Common Council Meeting of February 1, 2016)

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BOND ORDINANCE, DATED FEBRUARY 1, 2016, DE-AUTHORIZING THE ISSUANCE OF $125,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, NEW YORK PREVIOUSLY AUTHORIZED ON JANUARY 3, 2012 TO FINANCE THE COST OF IMPROVEMENTS TO CLASS A BUILDINGS.

WHEREAS, the Common Council of the City of White Plains (the "City"), authorized the issuance of $217,000 serial bonds to pay the cost of improvements to Class A buildings (the "Project") pursuant to a bond ordinance dated January 3, 2012 (the "2012 Ordinance"); and

WHEREAS, subsequent to adoption of the 2012 Ordinance, the City received grant funds in the amount of $125,000 which have been applied to pay part of the costs of the Project; and

WHEREAS, the City hereby determines that the Project has been completed, and that serial bonds in the amount of $125,000 are no longer needed to finance the costs of the Project, and that it is in the best interest and the public interest of the City to de-authorize the unissued serial bonds in the amount of $125,000 authorized by the 2012 Ordinance; and

WHEREAS, no obligations of the City have been issued pursuant to the authority of the 2012 Ordinance;

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 shall hereby be de-authorized and there is now the voiding and nullification of serial bonds of the City contained in the 2012 Ordinance in the amount of $125,000 previously authorized to finance the cost of improvements to Class A buildings.

Section 2. Those portions of the 2012 Ordinance authorizing the appropriation and expenditure of $92,000 from the proceeds of serial bonds to pay part of the maximum cost of the Project shall remain in full force and effect and shall not be affected by this ordinance from its date of adoption until the end of time.

Section 3. This ordinance is effective immediately upon adoption by the Common Council of the City.

THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: Valet Parking Ordinances

Over the past several years, there has been an increasing interest and desire by a number of downtown White Plains businesses to provide valet parking services to their patrons.

In many instances, businesses view this service as a critical component to their success. This need is not unique to the White Plains' downtown core. Cities across the Country have recognized and addressed the requests of their local establishments to allow for the use of city streets for the provision of valet parking services.

Valet parking, when properly operated, may help promote the more efficient use of limited on-street parking spaces. The permitted and properly regulated use of city streets for valet parking services can provide a benefit to the public and enhance the vitality of a city.

Recently, Kite Realty Group, the current owner of the White Plains City Center complex, formulated plans to make several improvements to the White Plains City Center. An amendment to the site plan for that complex is being presented to the Common Council at its February meeting. That proposal includes a request to modify the Mamaroneck Avenue frontage to allow for the operation of an on-street valet parking service.

Submitted herewith for your review and action are:

1. An Ordinance amending Title IV of the White Plains Municipal Code entitled "Valet Parking" to restrict the use of City streets by valet operators and to allow the Department of Parking to issue Valet Operating Permits when on-street valet loading areas are approved by the Common Council.

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2. An Ordinance amending the White Plains Traffic Ordinance to allow the Department of Parking to establish valet parking permit areas for the storage of valet parked vehicles in public parking facilities and to sell parking permits for the use of those areas.

These Ordinances are drafted with provisions to ensure that:

1. The use of public streets for valet parking services does not impede travel, interfere with the rights of others, or cause a public nuisance.

2. Valet operators are properly insured.

3. On-street valet operators are obligated to provide the service to the general public, regardless of destination.

I, therefore, respectfully request that the Mayor and Common Council give consideration to approving the above-noted Valet Parking Ordinances.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Date: February 1, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING TITLE IV OF THE WHITE PLAINS MUNICIPAL CODE BY ADDING CHAPTER 4-27 ENTITLED "VALET PARKING".

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

Section 1. Title IV, Chapter 4-27, of the White Plains Municipal Code is hereby added as follows:

§ 4-27-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

COMMISSIONER: The Commissioner of Parking, or his or her designee.

ON-STREET VALET PARKING SERVICE: A valet parking service in which the valet operator receives a vehicle from or returns a vehicle to a customer at an area in a public street.

PERSON: A person, as referred to herein shall include an individual, business, corporation, partnership or other legally recognized entity.

SERVICE LOCATION: The location of the business sponsoring the valet parking service.

SPONSOR: Any person or entity who operates, or causes to be operated, a valet parking service in the street space in front of, adjacent or contiguous to the sponsor's place of business.

TRAFFIC CONTROL DEVICE: A cone, sign, or meter bag that has been approved by the Commissioner.

VALET LOADING AREA: The street space along the curbline of a public sidewalk area, as approved by the Common Council, where a valet operator may receive vehicles from and return vehicles to members of the public, but at no time shall any vehicle be parked in this area during the approved hours of the valet parking service.

VALET OPERATOR: The person or entity, including employees, agents and representatives of the approved person or entity, that provides valet parking services to members of the public.

VALET PARKING AREA: The off-street area designated and reserved for the parking of patron vehicles.

VALET PARKING PLAN: A written plan describing the location where the valet parking operation will be performed including the valet parking area, the number of parking spaces exclusively available for use by the valet operator, and a map depicting the placement of traffic control devices, the valet loading area and the routes used when moving a vehicle.

VALET PARKING SERVICE: The service of receiving, parking, and returning vehicles for the customers of a business.

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§ 4-27-2. Restriction of On-Street Valet Parking.

On-street valet parking service is permitted only as provided in this Chapter.

§ 4-27-3. Valet Parking Rules and Regulations.

The Commissioner shall promulgate rules and regulations to implement this Chapter, which rules and regulations shall be filed with the City Clerk. The Commissioner shall also establish rates and regulations for the use of the valet loading area, the valet parking area, and for valet parking meter bags. The valet parking meter bags shall cover parking meters in approved valet loading areas.

§ 4-27-4. Insurance and Indemnification.

A. Insurance.

A valet operating permit holder must maintain general liability insurance and motor vehicle insurance coverage naming the City as an additional insured in an amount and upon such terms and conditions as required by the Commissioner as outlined in the valet parking rules and regulations established pursuant to § 4-27-3.

B. Indemnification.

To the fullest extent permitted by New York State law, the valet operator and sponsor shall indemnify, defend and hold harmless the City, it's officials, officers, employees, agents and volunteers from and against any claims, damages, losses and expenses, including, but not limited to, reasonable attorney's fees, arising out of or resulting from: (1) any use or performance under the permit; (2) the activities and/or operations of the valet operator or sponsor and their employees, subcontractors, agents or assigns; (3) any condition of property used in the operation of the valet services; or (4) any acts, errors or missions including without limitation, professional negligence of the valet operator or sponsor and their employees, subcontractors, agents or assigns in connection with the valet parking operation. This indemnity includes but is not limited to, personal injury, including death, and property or other damage sustained by any person or persons. Such obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity which would otherwise exist to a party or person described in this paragraph.

§ 4-27-5. Valet Operating Permit Required.

A. It shall be unlawful for any person to operate an on-street valet parking service without a valet operating permit issued under this Chapter by the Commissioner.

B. A person may operate a valet parking service conducted entirely on private property without a valet operating permit.

§ 4-27-6. Application for On-Street Valet Operating Permit.

A. To obtain or renew an on-street valet operating permit a person must:

1. Submit an application to the Commissioner on a form prescribed by the Commissioner;

2. Pay the application fee, when applicable;

3. Pay the annual permit fee for the location at which the applicant intends to provide valet parking services; and

4. Pay the annual fee for the use of the valet loading area, the annual fee for meter bags, if applicable, and the fee for valet permit parking, as specified in the valet rules and regulations.

B. An application for a valet operating permit must include;

1. The name, mailing address, and phone number of the valet operator and sponsor;

2. The name and address of the person, officer, partner or owner of the valet operator and sponsor requesting the valet operating permit;

3. The valet operator and sponsor's federal tax identification number;

4. The name and location of the service location at which the valet operator or sponsor intends to provide on-street valet parking service;

5. The location and number of parking spaces proposed to be utilized for the valet parking area including a written valet parking plan;

6. The hours of operation of the on-street valet parking service at the service location along with the proposed fee;

7. A description of the employee uniform to be used and the proposed minimum number of employees at the site;

8. A description of the routes to be used between any valet loading area, valet parking area, and back to the initial pickup point;

9. Disclosure of all prior valet operating permits issued to the sponsor or valet operator by the City and/or any other municipality including a list of lawsuits resulting in a finding of liability or any prosecutions resulting in a guilty plea or verdict that relate to the operation of the valet parking services;

10. For each and every employee of the valet operator, the valet operator shall disclose all felony criminal offenses, and all misdemeanor offenses relating to driving or intoxication, for which the person has been convicted, including the nature of the offense and the place and date of conviction;

11. A copy of any written contract, lease or license between the valet operator or sponsor and the private operator of any parking facility or storage area designated as the valet parking area, which agreement shall contain a provision that it cannot be canceled without at least thirty (30) days' written notice to the other party and to the City. Such cancellation may result in the suspension or revocation of the valet operating permit.

12. Documentation showing that the valet operator or sponsor has an insurance policy as required by § 4-27-4;

13. Certification that each of the valet operator's employees has a valid driver's license;

14. Certification that the valet operator's employees who are engaged in valet parking vehicles will wear retro-reflective safety vests or other retro-reflective material while working during the nighttime;

15. Certification that loading or offloading of customers from vehicles will occur only in the designated valet loading area;

16. A telephone number that will allow the Commissioner to contact a local employee, agent, representative or other person in charge of the valet parking services 24 hours a day; and

17. The location of any signs or attendance stands to be used by the valet operator at the service location and the designated valet loading area.

§ 4-27-7. Issuance of Valet Operating Permit.

A. The Commissioner shall issue a valet operating permit to operate in locations approved by the Common Council if the requirements of § 4-27-6 are complied with and the Commissioner determines that:

1. The sponsor and valet operator meet the requirements of this Chapter; and

2. There is an appropriate valet parking area.

B. The Commissioner shall list the following on the valet operating permit:

1. The service location that related to the on-street valet parking services;

2. The location of the requested valet loading area including the number, if any, and location of on-street parking spaces that the permit holder may use to receive vehicles from and return vehicles to the permit holder's customers;

3. The hours during which valet parking service may be provided at the service location; and

4. Any special conditions approved by the Commissioner to protect the public safety, the public's right to equal access to public property and to ensure noninterference with normal traffic flow.

§ 4-27-8. Temporary or Special Event Valet Operating Permit.

A valet operator with a valid permit may apply for a temporary or special event operating permit for a nonrecurring special event or for a new location where valet service will be provided for 20 calendar days or less.

The application for a temporary or special event valet operating permit should be filed at least 30 business days prior to the time the valet service is required. The City cannot guarantee approval of a temporary or special event valet operating permit if filed less than 30 business days in advance. Applications must be accompanied by the fee specified herein.

§ 4-27-9. Duties and Responsibilities of Valet Operator.

A. The valet operator shall place the valet operator's booth or stand at the service location in the sidewalk or public right-of-way, in a manner preserving the unobstructed pedestrian pathway, as approved by the Commissioner.

B. The valet operator shall provide a retro-reflective safety vest or other retro-reflective material to an employee who enters the street while on duty during nighttime hours. All employees shall be required to wear the uniform described in the approved application, a name tag and the retro-reflective vest or retro-reflective material while on duty.

C. The valet operator is responsible for the security of keys left with the valet operator by a customer. The valet operator shall keep the keys in a secure place.

D. The valet operator shall place a valet parking tag inside each customer's vehicle that includes the following information, which must be clearly legible from the outside of the vehicle:

1. The name of the valet operator; and

2. A telephone number that will allow the customer to obtain information about the valet parking operator 24 hours a day.

The information required above may be provided by a recorded message that informs a customer of the time and place the customer may obtain keys left in the valet operator's custody, and the location of the parking facility at which the valet operator parks vehicles for each designated valet loading area.

E. The valet operator shall maintain a copy of the permit, which shall be visibly displayed in a manner approved by the Commissioner, and the route diagram at every valet loading and parking area.

F. The valet operator shall post a sign, approved by the Commissioner, during business hours at each location where the valet operator takes possession of vehicle. The sign must identify the valet operator, the rates charged, the hours of operation and a telephone number where an employee, agent or representative of the valet operator may be reached 24 hours a day.

G. The valet operator shall cover all parking meters that are present at the approved valet loading area with valet parking meter bags in a manner approved by the Commissioner.

H. The valet operator shall provide the on-street valet parking service to the general public, at the rate specified in the approved application, for any passenger motor vehicle, without restriction.

I. It shall be unlawful for the valet operator, its employees or agents, to provide or engage in valet parking service without a valid valet operating permit issued pursuant to this Chapter. A valet operating permit that has expired or that has been suspended or revoked is not a valid permit.

J. It shall be unlawful for the valet operator, its employees or agents, to provide or engage in valet parking service in violation of the terms and conditions of a valet operating permit that pertains to the valet parking service.

K. It shall be unlawful for the valet operator, its employees or agents, to stop or direct traffic.

§ 4-27-10. Restrictions on Handling Vehicles.

A. A valet operator may not:

1. Double park a vehicle;

2. Leave a vehicle unattended in the street except in the designated valet loading area;

3. Receive or return a customer's vehicle at a location other than the designated valet loading area;

4. Park a vehicle on private property unless written authorization has been obtained from the owner of the property; or

5. Violate a law relating to the stopping, standing, or parking of motor vehicles.

§ 4-27-11. Parking Citations.

The valet operator shall immediately inform a customer of a parking citation issued to the customer's vehicle during the time the vehicle was parked by the valet operator. In addition, the valet operator shall be responsible for the fees associated with any violation issued while the customer's vehicle was in the custody of the valet operator.

§ 4-27-12. Indication of Designated Valet Loading Area.

The valet operator shall:

A. Utilize the parking meter bags or signage approved by the Commissioner that identifies the designated valet loading area and clearly state that the parking meter spaces in the designated area are reserved for valet parking only;

B. Install traffic control devices at the designated area indicating the location and extent of the designated area reserved for valet parking; and

C. Only use signage as required in Subsections A and B above, that has been properly approved by the Commissioner.

§ 4-27-13. Transfer of Valet Operating Permit.

A. A valet operating permit may not be transferred to a subsequent owner or valet operator of the business at the designated valet loading area.

B. A new owner or valet operator of the business must file an application under §§ 4-27-6.

§ 4-26-14. Denial of Permit.

A. The Commissioner shall deny an application for a permit under this Chapter if the applicant:

1. Makes a false statement on the application;

2. Fails to meet the application requirements of this Chapter; or

3. Has outstanding collection accounts with the City of White Plains.

B. In addition to the requirements of Subsection A, the Commissioner shall deny an application for a valet operating permit if the Commissioner determines that the proposed valet parking service at the location may:

1. Unreasonably interfere with normal traffic flow on a public street, sidewalk, alley, or other public property; or

2. Create a hazard to public safety.

§ 4-27-15. Revocation, Modification or Temporary Suspension of Permit.

A. Revocation and Modification.

1. The Commissioner may revoke or modify a permit under this section if the permit holder is convicted of violating this Chapter at the designated valet loading area on more than three incidents within a twelve-month period.

2. The Commissioner may revoke a permit at any time if the Commissioner determines that the applicant made a false statement on the permit application.

3. A permit may be revoked or modified after a hearing if it is determined, by substantial evidence, that:

(a) the permit holder, or any of its drivers, employees or agents have operated or parked vehicles, or operated the valet parking service, contrary to law including the

use of unlicensed drivers or the failure to comply with this Chapter or any other provision of the Municipal Code, Traffic Ordinance, or state law in connection with the operation under permit; or

(b) the operations constitute a danger to public health, safety or welfare including without limitation, interference with the normal flow of vehicle or pedestrian traffic on any public right-of-way or city owned property; or that the operations constitute a public nuisance.

B. Suspension.

1. The Commissioner may temporarily suspend or modify a permit without a hearing if:

(a) A temporary street closure includes the designated valet loading area;

(b) An emergency requires the suspension or modification;

(c) The contract, lease or license for the designated valet parking area is cancelled until such time as the valet operator obtains a valet parking area approved by the Commissioner; or

(d) The valet operator or sponsor fail to maintain the minimum levels and standard of general liability and motor vehicle insurance until such time as the appropriate insurance is provided.

If the Commissioner suspends or modifies a permit due to (a) or (b) above, the Commissioner may allow the permit holder to temporarily conduct valet parking operations at an alternate location, approved by the Commissioner.

2. A police officer may suspend all operations of a valet parking operator, without a hearing, except for retrieval of vehicles already subject to valet parking, for the remainder of the that day's operation (which suspension may extend to 8:00 a.m. of the following day) upon:

(a) the occurrence, in said location, of any traffic accident arising out of operating conditions within or around a valet parking area or valet loading area, or where otherwise required because of an emergency situation whether or not arising from the operation of the valet parking operation; or

(b) a violation of the permit operating conditions that: (i) interfere, or threaten to interfere, with the public's use of the streets, the normal flow of vehicular or pedestrian traffic on any public right-of-way, city owned property; or (ii) creates a hazard to public safety.

C. Notice and Hearing.

1. Notice. If the Commissioner revokes a permit under this section, the Commissioner shall send notice of the proposed revocation or modification to the permit holder by personal service or certified mail, return receipt requested, to the permit holder's mailing address listed on the application. A notice mailed under this section is considered received on the 5th day after mailing, unless an earlier date is indicated on the return receipt.

2. Hearing. A permit may be suspended or revoked after a hearing, with at least five days notice to the permit holder, held by the Commissioner of Parking, the Commissioner of Public Safety and the Commissioner of Public Works or their designees, whereby it is determined that there was a violation of: this Chapter or any conditions set forth in the permit; or that the operation of the valet service of the poses a detriment to the health, safety and welfare of the neighborhood or community.

3. Determination. Ten (10) days after delivery of a notice of decision to revoke or suspend a permit, the City shall have the right to require the immediate removal of all obstructions in the public right-of-way, and may perform such removal if the permit holder fails to do so. The permit holder shall reimburse the City for any expense incurred by the City in removing any obstruction.

§ 4-27-16. Fees.

A. Non-refundable Application Fee. The application for a valet operating permit shall be $ 200.00.

B. Permit Fee. The issuance or renewal of a valet operating permit shall be $ 300.00 annually.

C. Application and Temporary Permit Fee: The application for and issuance of a temporary permit shall be $ 75.00.

D. Operating Without a Permit. Any person who participates in a valet parking operation prior to obtaining a permit therefor shall pay a legalization fee equal to double the permit fee. The payment of the additional fee shall not relieve such person from the obligations imposed by this Chapter, or from the penalties otherwise prescribed herein.

§ 4-27-17. Penalties.

Any person violating any of the provisions of this Chapter or regulations hereunder or the terms and conditions of any permit issued hereunder shall be punishable by a fine of not more than $2,500 for each offense, by imprisonment for a period not exceeding fifteen (15) days, or by both such fine and

imprisonment. Each day such violation exists and each instance of a violation shall constitute a separate offense.

§ 2. Pursuant to Section 34 of the Charter of the City of White Plains, this Ordinance shall take effect seven (7) days after adoption of this Ordinance.

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

THOMAS M. ROACH
MAYOR

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

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

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

1.) Create a "NO STOPPING- VALET DROP OFF AREA, Monday thru Friday beginning at 5PM and extending to 1AM the following day and on Saturday and Sunday beginning at 11AM and extending to 1AM the following day" zone on the east side of Mamaroneck Avenue as described in Section 221-d, Subdivision 1.

2.) Modify a "Handicapped Parking Spaces-Streets (Metered three- hour maximum)" on the east side of Mamaroneck Avenue as described in Section 755 Subdivision 7.

3.) Modify a "Handicapped Parking Spaces-Streets (Metered three- hour maximum)" on the north side of Martine Avenue as described in Section 755 Subdivision 4.

4.) Modify a "No Standing Any Time" zone on the east side of Mamaroneck Avenue as described in Section 222 Subdivision 29.

5.) Modify "Overnight Flashing Of Intersection Traffic Control Signals – Under Computer Control" for the intersection of North Broadway at Bond Street and Otis Avenue as described in Section 308-d. Subdivision 45.

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: January 21, 2016 (for the February 1, 2016 Common Council Meeting)

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AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING A NEW VALET PERMIT PARKING PROVISION; CREATING A "NO STOPPING-VALET DROP OFF AREA"; MODIFYING A "HANDICAPPED PARKING SPACES-STREETS (METERED THREE-HOUR MAXIMUM)" ON THE EAST SIDE OF MAMARONECK AVENUE; MODIFYING A "HANDICAPPED PARKING SPACES-STREETS (METERED THREE-HOUR MAXIMUM)" ON THE NORTH SIDE OF MARTINE AVENUE; MODIFYING A "NO STANDING ANY TIME" ZONE ON THE EAST SIDE OF MAMARONECK AVENUE; AND MODIFYING "OVERNIGHT FLASHING OF INTERSECTION TRAFFIC CONTROL SIGNALS-UNDER COMPUTER CONTROL" FOR THE INTERSECTION OF NORTH BROADWAY AT BOND STREET AND OTIS AVENUE.

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

Valet Permit Parking

Section 1. Article II, Section 20 1, of an ordinance adopted by the Common Council of the City of White Plains on the third day of September 1946, entitled, "An ordinance regulating traffic in the City of White Plains and providing penalties for the violations of its provisions," as last amended on the 6th day of July 2015, is hereby amended by adding a new Subsection 7 to read as follows:

7. VALET PERMIT PARKING

(1). Locations at Which Valet Parking Is Permitted

The White Plains Department of Parking is hereby authorized to specify by regulation where valet parking operators shall be permitted to store vehicles within a public parking area and structure. Said area or portion of the public parking area or structure so designated shall be identified through signage and/or appropriately identified meter bags.

(2) Periods During Which Valet Parking Is Permitted

The White Plains Department of Parking is hereby authorized to specify by regulation the hours during which valet parking shall be permitted.

(3) Valet Parking Fees

The White Plains Department of Parking shall collect fees for valet permit parking at the rates established in the Valet Parking Rules and Regulations. The White Plains Department of Parking shall further count the funds collected and deposit same to the credit of the White Plains Department of Parking.

No Stopping-Valet Drop Off Area

Section 2. Article II, Section 221, of said ordinance, as last amended on the 11th day of June 2014, is hereby amended by adding a new Subdivision 221-d to read as follows:

Section 221-d NO STOPPING-VALET DROP OFF AREA. Monday thru Friday beginning 5 PM and extending to 1 AM the following day and on Saturday and Sunday beginning at 11 AM and extending to 1 AM the following day.

1. Mamaroneck Avenue, on the east side, for a distance of approximately 70 feet starting at point approximately 180 feet north of the southerly curb line of Martine Avenue.

Handicapped Parking Spaces-Streets
(Metered Three Hour Maximum)

Section 3. Article VII-A, Section 755, at Subdivision 7 of said ordinance, as last amended on the 8th day of September 2008, is hereby amended to read as follows:

7. Mamaroneck Avenue, on the west side, for the first meter space south of Shapham Place, and for approximately 20 feet starting from a point approximately 255 feet from the north curb line of Shapham Place, and the first parking space south of the driveway to #452 Mamaroneck Avenue, and on the east side for approximately [~~48~~] 20 feet starting from a point [~~45~~] 175 feet [~~north~~] south of [~~Martine Avenue~~] Main Street.

Section 4. Article VII-A, Section 755, Subdivision 4 of said ordinance, as last amended on the 3rd day of December 2001, is hereby amended to read as follows:

4. Marine Avenue, three metered parking space on the south side of the traffic island in front of the White Plains Public Library - the parking meter will allow the first fifteen minutes of parking for free, after which the proper coinage must be deposited for the amount of time required up to a maximum of three hours, and on the north side for approximately 20 feet starting at a point approximately 40 feet east of Main Street.

No Standing at Any Time

Section 5. Article II, Section 222, Subdivision 29 of said ordinance, last amended

on the 2nd day of May 2005, is hereby amended to read as follows:

29. Mamaroneck Avenue, on both sides, between Ridgeway and the city line and on the west side for a distance of approximately 520 feet starting at a point of 215 feet south of the southerly curb line of Shapham Place, and on the east side from Martine Avenue for approximately 180 feet northerly.

Overnight Flashing of Intersection Traffic Control Signals-
Under Computer Control

Section 6. Section 308-d of Article III of said ordinance, as last amended on 3rd day of March 2014, is hereby amended by adding a new subdivision 45 to read as follows:

45. North Broadway at Bond Street and Otis Avenue.

Section 7. 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

Dear Mayor and Council Members:

Per referral by the Common Council on November 2, 2015, the Department of Building has reviewed the proposed pending application for Site Plan/Special Permit Approval and Outdoor Dining for a project located at 60 South Broadway. The applicant, Maple & Broadway LLC, proposes the redevelopment of this site into a residential and commercial mixed use facility.

This property is situated within the CB-3 Zoning District and located within the Central Parking Area (CPA). It is known and designated on the tax assessment map of the City of White Plains as Section 125.84, Block 3, Lot 1. The applicant has requested that Special Permit Approval be granted for proposed Outdoor Dining Areas in conjunction with the future restaurant spaces. It should be noted that individual restaurant tenants, once established, will have to submit plans for their respective spaces that comply with Section 6.7.8 of the Zoning Ordinance.

The Department of Building has reviewed this application with respect to Zoning compliance only and has no objection to this application being approved.

Kevin M. Hodapp, P.E.
Deputy Commissioner of Building

Dated: January 22, 2016
(for the February 1, 2016 Common Council meeting)

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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

January 22, 2016

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on January 11, 2016, reviewed an application filed on behalf of Maple and Broadway LLC, the Contract Vendee of the property known as 60 South Broadway (aka"The Westchester Pavilion"), White Plains NY. The applicant has submitted an application for site plan and Special Permit approval for the proposed redevelopment of this site located at 60 South Broadway, White Plains, NY.

OUTCOME: The Design Review Board reviewed this application and made the following comments:

1. Changes as presented illustrate good improvements and are recommended.
2. The Board would like to see a presentation as project is further developed, final design is completed and all exterior building materials have been selected.

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board

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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N.GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISONER

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

SUBJECT: **60 SOUTH BROADWAY**
(SECTION 125.84, BLOCK 3, LOT 1)
MAPLE AND BROADWAY HOLDINGS, LLC
APPLICATION FOR SITE PLAN AND
SPECIAL PERMIT FOR OUTDOOR DINING

By letter dated October 21, 2015, William S. Null, on behalf of Maple and Broadway Holdings, LLC (the "Applicant) in cooperation with Urstadt Biddle Properties Inc., owner of the premises, submitted an application for site plan and special permit for outdoor dining to the White Plains Common Council for proposed redevelopment of the Westchester Pavilion site at 60 South Broadway. The 3.58-acre (156,016 square feet) site is bounded on the northerly side by land containing the Westchester One office building at 44 South Broadway, on the southerly side by Maple Avenue (360 feet of frontage), on the easterly side by Hale Avenue (400 feet of frontage), and on the westerly side by South Broadway (500 feet of frontage).

The site was rezoned by the Common Council from B-6 Enclosed Mall to CB-3 Core Business Zoning District and included within Central Parking Area "CPA" in November 2014. A Generic Environmental Impact Statement (GEIS) was prepared by the applicant which evaluated potential significant adverse impacts in connection with the rezoning and the Common Council adopted an Environmental Findings Statement on November 3, 2014. The adopted zoning map amendment facilitated a greater variety of uses onsite, including residential, while also permitting a greater maximum building height (280 feet versus 90 feet).

Applicant proposes to redevelop the site from an existing 185,000 square foot enclosed mall and retail center to a new 857,585 square foot mixed-use commercial and residential

development including two 24-story residential towers containing a total of 707 residential rental dwelling units (including 43 affordable units) and 93,840 square of commercial space (77,340 square feet of retail, 16,500 square feet of restaurant space, inclusive of six outdoor dining areas totaling 1,800 square feet) fronting on South Broadway and Maple Avenue.

Tower 1 will be located above the retail podium in the southwest portion of the site and will contain 277,502 square feet including 249 dwelling units (17 studios, 116 one-bedrooms, 93 two-bedrooms and 23 three-bedrooms), an outdoor roof deck, and swimming pool on the 24th floor. Tower 2 at the northeast corner of the site will include 444,969 square feet with 458 units (37 studios, 259 one bedrooms, 138 two-bedrooms and 24 three-bedrooms), roof top pool, and roof deck amenity space.

Both residential towers will be accessed from a residential entrance courtyard off South Broadway via a shard lobby and will include a shared pet area, fitness facility, and clubroom for residents. The development would also include a four-level, internal ramp parking structure containing 1,037 parking spaces, 714 spaces dedicated to the 707 residential dwelling units on the first, second and third level of the structure and 322 dedicated spaces for retail and restaurant patrons on the third and fourth levels. Residential tenant vehicular access to the garage will be via a dedicated entrance off Hale Avenue at the northeastern corner of the site, while retail and restaurant patrons will access the structure either from Hale Avenue or mid-block on Maple Avenue. Further, the retail stores and restaurants will not be directly accessible from the internal parking structure; rather patrons will need to exit the structure via a retail lobby portal to either Maple Avenue or South Broadway forecourt as means to activate the sidewalk with pedestrian activity.

The Planning Department has reviewed the application for site plan approval pursuant to Section 7.5 Site Plan Standards, and for special permit approval pursuant to Section 6.5 and 6.7.8 Special Permit Standards and Individual Standards and requirements for Outdoor Dining of the City Zoning Ordinance respectively, and offers the following comments and recommendations for Common Council consideration.

I. CONSISTENCY WITH THE COMPREHENSIVE PLAN

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

- Boutique and specialty retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue and along East Post Road.
- The Business Improvement District and property owners in the Central Business District should promote and work to expand leasing to boutique and specialty retailers.
- "Big box" retail and department stores should not be located with exposure on street frontages that are principal pedestrian corridors, as these stores generally have limited access points, which discourages pedestrian activity.
- Existing department stores, malls and large-scale retailers should be encouraged to provide more entrances and display windows in street-level facades to enhance the pedestrian experience.
- The trend toward more residential development in the Core Area should be encouraged.

Furthermore, the Plan recommends that the Maple Avenue Corridor between Bloomingdale Road and Mamaroneck Avenue be maintained as an "edge corridor" that separates the commercial "Specialty Retail Area" on the north side of Maple Avenue from the residential districts to the south of Maple Avenue (Comprehensive Plan page II-I-44).

The project proposes a mixed-use development featuring specialty retail on the ground floor and residential apartments above, enabled by the City's recent rezoning of the site from the B-6 Enclosed Mall Zoning District to the CB-3 Zoning District where residential uses are permitted. The proposed ground floor retail and outdoor dining located along the Maple Avenue frontage will promote and enhance the pedestrian experience in this area of the City ensuring a more active streetscape then what currently exists consistent with the Comprehensive Plan recommendations. The applicant has also provided ample landscaping and pedestrian amenities along Maple Avenue, which serves to screen the development from the adjacent lower-density Carhart residential neighborhood to the south.

The proposed project clearly benefits the City by putting back into productive use an underutilized and underperforming site, as well as generating increased economic activity and tax revenues. The 707 dwelling units proposed are estimated to bring approximately 1,400 new residents to the City who will support nearby businesses and help to spur further reinvestment in and revitalization of the surrounding area.

Consistency with Westchester County Regional Planning Policies

As noted in the Westchester County Planning Board referral review letter addressed to the City Clerk, dated November 16, 2015, the proposed development is consistent with the Westchester County Planning Board's long range planning policies set forth in ***Westchester 2025- Context for County and Municipal Planning and Policies to Guide County Planning***, and its recommended strategies set forth in ***Patterns for Westchester: The Land and the People*** as it would direct new

development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability. The County Planning Board lauds three specific "noteworthy project elements," orientation of retail to the street, bicycle storage and parking facilities, and green building technology proposed for the project citing such components as model examples for all sustainable downtown redevelopment projects.

II. AFFORDABLE HOUSING

Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, dated revised January 1, 2012, the project qualifies as an Applicable Rental Project which requires a 10% affordable rental unit set aside by virtue of being located in the CB-3 Core Business Zoning District where a minimum of 10% of the total units in the development must be affordable to Families at 60% to 100% of Median Family income, the average of which being no more than 80% of Family Income.

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

Based on an analysis of the current White Plains Affordable Rental Housing Program with respect to existing unit inventory and housing needs of the community, the Planning Department recommends that the Common Council establish a 6% affordable component for this project for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms as listed in the table below.

Bedroom Size	Unit Count by Unit Type	Affordable Units at 6%
Studios	54	3
One Bedrooms	375	22
Two Bedrooms	231	15
Three Bedrooms	47	3
Total Dwelling Units:	707	43

In accordance with the Program guidelines, the affordable units must be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no *smaller* than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 43 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the

Commissioner of Planning as director of the White Plains Affordable Rental Housing Program and pursuant to existing program guidelines.

III. OPEN SPACE AND PARKLAND

The applicant proposes approximately 30,000 square feet of publicly accessible usable open space onsite including a 7,200 square foot plaza forecourt fronting on South Broadway. The forecourt will serve as the pedestrian entrance to the residential towers as well as a public gathering space with outdoor restaurant seating subject to special permit approval. The remaining publicly accessible open space will be located along the Maple and Hale frontages beyond the existing sidewalk within the property where the applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping consisting primarily of large Birch and Sugar Maple trees and a variety of grasses, laurel and boxwood. The intent is to create a more pedestrian scaled streetscape along the Maple Avenue façade consistent with the Comprehensive Plan.

In addition to publicly accessible open space onsite, the proposed site plan includes a landscaped courtyard and amenity rooftop terrace above the retail podium connecting both towers. The balance of the podium would be comprised of non-accessible ballast and vegetated green roof consisting of various sedum species, various shrubs, perennials and ornamental grasses, and a series of planter boxes in an effort to create a more visually appealing roof-scape for residents and provide additional storm water management benefit.

While the submitted site plan complies with the City's Zoning Ordinance with respect to useable open space, it is clear that no public park or recreation facilities are proposed onsite to mitigate the additional impact of the anticipated 1,400 new residents on existing City park facilities. Further, an analysis of existing parkland within a quarter-mile of the site yields a mere 1.93 acres, or 85,743 square feet, an area which also includes a significant portion of the Carhart Neighborhood, the most underserved residential neighborhood in the City in terms of available recreation amenities. The entire 256-acre downtown Central Parking Area District, of which the site is now part, contains only 1.13 acres or 49,322 square feet of parkland amounting to .004% of the total district area.

Pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof in a communication to the Common Council dated January 4, 2016, it is recommended that the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 1,400 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented herein.

Further, the Planning Department recommends that the Common Council establish a fee-in-lieu of providing adequate park and recreation facilities on site plans with residential units on a per residential unit basis ($2,500 per studio unit, $3,000 per one bedroom unit, and $3,500 per two bedroom and larger unit) at the time of project approval pursuant to New York State General City Law § 27-a. This recommended fee structure is intended to mitigate the recreational impact of new multi-family projects *without* discouraging the development of sustainable mixed-use residential projects downtown, and is posited after careful analysis of some 26 other Westchester County municipalities that currently administer fee-in-lieu of parkland programs.

Under this fee schedule the current 707 unit mix proposed for 60 South Broadway would result in a total fee-in-lieu payment to the City of $2,330,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee be paid by the applicant in three equal installments of $776,666.66 to be made at month 25, month 37, and month 49 from the date of issuance of the foundation permit.

IV. NEIGHBORHOOD CHARACTER

A noted, the site is immediately adjacent to Westchester One, the largest office building in White Plains standing 21 stories, (248 feet) and directly across Hale Avenue from the 14-story (168 foot) Crown Plaza Hotel. Maple Avenue serves as the boundary between the City's Core Business Area and Carhart Close-In Neighborhood to the south, as identified in the Comprehensive Plan and reinforced by the maximum permitted height and density in the adjacent transitional zoning districts. Specifically, the south side of Maple Avenue is zoned RM-1 Residential Multi-Family District and RM-.35 Residential Multi-Family District that permits multi-family apartment buildings of up to 125 feet. Both districts span approximately four tax parcels south of Maple Avenue adjacent to the R2-2.5 two family zoning district that comprises the bulk of the Carhart neighborhood.

Applicant has submitted supplemental site specific massing diagrams in Part III of the Environmental Assessment Form (EAF), dated October 20, 2015, comparing seven existing view-sheds to those of the previous and proposed schemes for the purposes of analyzing potential visual impacts that may result from the project. As depicted, the proposed site plan has transferred significant density and height away from the Maple Avenue frontage and set the retail and parking podium back from the southern property line as a means of reducing bulk and height impact to the adjacent Carhart neighborhood and pedestrians traversing the north side of Maple Avenue. This is particularly evident in the Photo Image 5 from Dekalb Avenue and Photo Image 6 from Maple Avenue.

Both Tower One and Two as proposed comply with the bulk and dimensional standards of the CB-3 Core Business District and are consistent in massing and articulation with many buildings in the downtown core. Further, the proposed streetscape improvements, retail frontage, and

useable public space on both South Broadway and Maple Avenue are a marked improvement over existing conditions and will serve to both link the Post Road/Maple Avenue retail corridor and enhance overall neighborhood character.

V. SHADOW AND WIND IMPACTS

Shadow analyses were conducted as part of the initial DGEIS process in order to identify locations where shadows from potential new buildings could fall onto publicly accessible open space as well as project-created open space. The analysis took into account any identified historic resources, public spaces or natural features in the immediate area that might have significant sunlight-dependent features concluding that under the Maximum Mixed-Use Development Scenario shadows would not be cast onto any of the abovementioned facilities, but rather onto the existing commercial and office structures and parking facilities located adjacent to the Project Site. Because of the path that the sun travels across the sky, no shadow can be cast in a triangular area south of any given site, thereby avoiding, in this case, any shadow impacts on the residential Carhart neighborhood located to the south of the Project Site.

The Applicant retained Rowan Williams Davies & Irwin Inc. (RWDI) to conduct an analysis of the potential wind effects on the pedestrian environment in and around the Project Site. The report summarizes the results of a wind tunnel study at the pedestrian/grade, podium, and roof levels, and predicted wind speed variations during the summer versus winter months based on the following five categories for classifying acceptable pedestrian wind speed:

1. Sitting – calm or light breezes desired for outdoor restaurants and seating areas;
2. Standing – gentle breezes suitable for main building entrances and bus stops;
3. Strolling – moderate winds appropriate for window shopping;
4. Walking – relatively high speeds that can be tolerated if objective is to walk without lingering; and
5. Uncomfortable – strong winds considered a nuisance for most activities requiring wind mitigation.

Overall, wind speeds are expected to meet the wind safety criterion throughout the site in all but two locations , namely along the existing roadway to the north of the site, and at one localized area on the northern portion of the Tower 2 roof level as outlined below.

Pedestrian/Grade Level

Grade-level wind conditions will be comfortable for sitting and strolling activities at most locations throughout the site during both the summer and winter months. Higher wind speeds (suitable for walking) will occur at building entrances along South Broadway during the winter months due to acceleration of the wind from the northwest along the west building façade. Slightly higher wind speeds causing potentially uncomfortable conditions were predicted on the north side of the site between South Broadway and Hale Avenue during the winter months. It is recommended that either

vertical porous wind screens (6 to 8 feet tall and 70-80% solid) be positioned perpendicular to the building to the north of the South Broadway entrances or that the South Broadway retail and restaurant entrances be set back with vestibule to protect them from the strong approaching winds.

Podium Level

The podium space of the two proposed towers will be utilized by residential tenants as well as by outdoor diners, particularly during the summer months. As such, conditions comfortable for standing and sitting are preferred. Wind conditions at the podium level are expected to achieve these two criteria at most locations during the summer, with the exception of the area at the corner of Maple Avenue and South Broadway where slightly higher winds (suitable for strolling) are predicted. These wind conditions are mainly the result of winds "down-washing" the tall building facades. During the winter months, wind conditions on the podium are generally expected to be comfortable for strolling or walking.

The exception is the area at the corner of Maple Avenue and South Broadway and the north side of podium across from Westchester One, which will likely be subjected to increased winds, with uncomfortable conditions. Given the limited use of the podium during the winter months coupled with the fact that pedestrian access is limited on this part of the podium, higher wind speeds are acceptable, but can be minimized by the installation of horizontal canopies or trellises that wrap around the building corner to keep winds away from the podium. Additionally, wind conditions on the podium as a whole can improve by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid), or localized porous wind screens or tall planters to help to protect the outdoor dining areas from high wind speeds.

Roof Level

During the summer, wind conditions at the outdoor amenity areas for both towers are expected to be slightly higher than desired (comfortable for standing or strolling). Winds suitable for strolling or walking are expected at most locations during the wintertime, except at the westernmost corner of Tower 1 and the northwest corner of Tower 2 where uncomfortable conditions are expected. Given the limited use of the area during the winter months, higher wind speeds are acceptable, but can be minimized, during both summer and winter months by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid) or with localized porous wind screens.

VI. PUBLIC SCHOOL IMPACTS

The DGEIS previously evaluated the number of public school students generated by a potential residential development under the CB-3 zoning on site for both the Mixed Use Scenario and Maximum Residential Development Scenario concluding the generation of some 17 school age children and 27 public school children respectively. Importantly, the Maximum Residential Development Scenario calculated a total of 1,749 new residents versus 1,440 for the proposed

action utilizing the same accepted multipliers. Therefore the proposed site plan's 707 dwelling units are anticipated to generate 21 public school children, six less than 27 calculated for the Maximum Residential Development Scenario.

The SEQRA Findings adopted by the Common Council on November 3, 2014 concluded that the maximum number of students projected for the development scenarios would not impose a significant additional burden to the White Plains School District when accounting for current and projected student enrollment figures through the 2020-2021 school years. Further, the Fiscal Analysis portion of the DGEIS concluded that even with the Maximum Residential Development Scenario generation of 27 additional public school children, revenues to the City and White Plains School District generated by the permitted development program under CB-3 zoning would exceed the cost of educating the new students.

VII. ZONING COMPLIANCE

Site Plan Standards

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

As identified previously, the proposed project is consistent with many recommendations of the City's Comprehensive Plan including the 2006 Core Area Vision Statement: "Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, walkable urban environment with 24/7 character..." The project design will require patrons to access the retail stores from Maple Avenue sidewalk rather than directly from the parking structure, ensuring a more active street scape then the current condition. Further, the proposed aesthetic and pedestrian improvements to the Maple Avenue and South Broadway frontages are consistent with the Plan's recommendation to promote attractive streetscapes in the Core Area.

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

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

The applicant has submitted a Full Environmental Assessment Form – Part 1 dated July 9, 2015 and Part III, dated October 20, 2015 and prepared additional

analyses evaluating the potential impact on traffic associated with the project. Based on the findings of the applicant's EAF Part III, and upon confirmation by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

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

The site plan contains three separate vehicular entrances to the internal parking structure along Hale Avenue, specifically a two way entrance/exit at the northeast corner of the site dedicated for residential tenets, an entrance and exit point to loading docks mid-block and an entrance/exit point to serve as the primary access for the retail and restaurant uses onsite. A fourth vehicular access point will be located mid-block along Maple Avenue to serve the retail/restaurant uses and will operate right in/right out by virtue of the existing Maple Avenue central median.

Pedestrian access to the residential towers will be via the 7,200 square foot plaza forecourt fronting on South Broadway and through a dedicated interior lobby space, while the retail/restaurant spaces on both South Broadway and Maple Avenue would be accessed solely from their respective street frontage and not directly from the parking garage. Retail and restaurant customers accessing the site via car will exit the interior parking structure via two retail lobbies at grade, either to the South Broadway forecourt or mid-block along Maple Avenue.

The existing sidewalk along Maple Avenue would be expanded within the property where the applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping. The proposed site plan will create an enhanced pedestrian oriented retail presence linking the downtown to the existing uses along lower Maple Avenue, particularly over the present condition.

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

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

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

The four-story interior parking structure will contain a total of 1,037 parking spaces (715 dedicated for residents, 322 for retail uses) where 1,017 are required and is thus compliant with Section 8 of the Zoning Ordinance. Parking Levels 1 and 2 will be dedicated for residents only and contain 273 and 279 spaces respectively. Parking Level 3 will contain 193 spaces for residents and 81 for retail customers to be enforced with a physical separation barrier between them. Parking level 4 will contain 241dedicated spaces for retail customers.

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 number of curb cuts has been minimized to the extent practicable to accommodate ingress/egress to the parking structure and loading area. Pedestrian access from the parking structure to the two residential lobbies is provided on all parking levels. Access to the two retail lobbies is provided on Parking Levels 3 and 4.

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

The 93,840 square feet of retail proposed requires three loading spaces pursuant to Section 8 of the Zoning Ordinance. Three loading spaces are proposed within the interior parking structure with dedicated access off of Hale Avenue. This location is screened from the street with electric doors and is designed to permit loading vehicles to enter and exit the site head in/head out to prevent any vehicles from backing into Hale Avenue.

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

Sidewalks are provided around the entire site and connect to the existing sidewalk system. A pedestrian crosswalk leading from the corner of Maple Avenue and South Broadway to the traffic island at the intersection of South Broadway and Maple Avenue has been added and extends across South Broadway.

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

Appropriate provisions for the physically disabled are provided within the parking structure adjacent to the retail and residential lobbies as confirmed by the City's Deputy Commissioner of Parking. Further, facilities for the physically handicap in the way of a proposed ramping system is proposed for the Maple Avenue frontage.

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.

Significant landscaping, including deciduous trees, evergreens, shrubs and groundcover plantings is provided around the entire site, including the entrances to the parking garage and loading area.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

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

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

Landscaped areas are proposed around the perimeter of the site, including an approximately 7,200 square foot forecourt plaza fronting on South Broadway with benches, tables, and chairs. Around the perimeter of the building, smaller plaza areas are proposed 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, terraces are proposed to transition the steep grade creating a new landscape area between the sidewalk and retail terraces. 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. Multiple bicycle racks and bike storage is proposed.

All parking for the project is underground. At-grade fencing is not proposed. The loading areas are appropriately screened, and all loading will be conducted along Hale Avenue and inside Residential Tower #2. 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.

The roof of the retail podium serves as an extensive green roof and provides a visual amenity for both residential buildings, as well as rooftop dining patrons. Portions of this roof will be improved with extensive vegetated green roof assemblies using an interlocking pre-vegetated tray system with a mix of sedum species. Where structural capacity permits, this roof will include moderate perimeter areas planted with flowering shrubs, perennials and ornamental grasses.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

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

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

The project will include a total of 32 12'6'' exterior decorative pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501 respectively, both dated October 15, 2015 and submitted by Perkins Eastman Architects.

The roof of the retail podium and both roofs of the two towers will be illuminated with bollard and low level accent lighting. A small residential courtyard above the loading and service garage roof will be illuminated by post, low level accent lighting.

The architectural fin elements of both Tower 1 and 2 will include linear LED light source integrated into contiguous outer edge of the structure with light directed back to the building to illuminate the fin surface. Lights will be hidden from direct view and automatically dimmed in evening hours via a lighting control system.

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 project has been designed in a manner to minimize noise impacts on the surrounding neighborhood.

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

The implementation of the applicant's Storm Water Pollution Prevention Plan (SWPPP) subject to the Commissioner of Public Works, and the incorporation of "urban greening" (green roofs, tree box filters, and the reclamation of impervious surfaces as landscape areas) provide an effective strategy for managing storm water runoff. The proposed urban greening will reduce the overall impervious area within the watershed by 33%. Accordingly, it is anticipated that the proposed project will reduce the rate of discharge by over 40%. The post development flows will not exceed pre-development flows.

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

No solar energy systems are proposed.

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

The proposed redevelopment will greatly enhance the character and protect property values of the adjacent neighborhood. This mixed use development replaces an enclosed retail facility with a mixed-use residential and retail/restaurant development consistent with the goals of the Comprehensive Plan. The project will include high end amenities including two pools, a fitness center, roof top terraces, pet area and restaurants, and private interior courtyard. The development also incorporates publicly accessible plaza areas, and enhanced sidewalks and with street furniture. In addition, green roof technology reduces impervious surfaces and provides residents of the development with additional green space opportunities.

Outdoor Dining Special Permit

Applicant is proposing a total of 1,800 square feet of outdoor dining area in six distinct locations, four at the corners of the South Broadway forecourt and South Broadway retail/restaurant frontage, one at grade at the corner of Maple Avenue and South Broadway, and one rooftop area atop the retail podium in the same location. While specific tenants have yet to be secured for each of the restaurant spaces, the location, scale, parking requirement, and operation of the outdoor dining operations presented in conjunction with the proposed site plan conform to the special permit requirements in Section 6 and 6.7.8 of the Zoning Ordinance as listed below.

6.7.8 Outdoor Dining:

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

No cabaret or fast food establishment proposed, application complies.

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

No outdoor dancing or the operation or use of musical instruments or sound reproductive devices is proposed. Application complies with this standard.

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

The project include a total of 32 exterior pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501 respectively, both dated October 15, 2015 and submitted by Perkins Eastman Architects. The exterior site lighting proposed will not cause illumination in excess of .5 foot candles beyond property boundaries.

6.7.8.4 Off-"street parking spaces" shall be provided as required for "restaurants" in

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

The 1,800 square foot aggregate floor area of outdoor dining space has been included as additional restaurant space within the proposed 93,840 square foot retail component for the purposes of calculating parking requirements. 322 dedicated retail/restaurant parking spaces are provided where 310 are required. Application complies with this standard.

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

All proposed outdoor dining areas are located on private property. Application complies with this standard.

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

All proposed outdoor dining areas are located on private property. Application complies with this standard.

6.7.8.7 Notice of a public hearing associated with an Outdoor Dining Special Permit shall be given as set forth in Section 12.7 of this ordinance except that notices to property owners (as shown by the tax assessment roll) within the affected area for a renewal of Outdoor Dining Special Permit shall be mailed to all such owners via certified mail (return receipt requested) except that notice to owners of residential condominium units may be given via certified mail without return receipt requested.

Applicant perfected the notice requirement required for the public hearing for Outdoor Dining Special Permit that was held and subsequently closed by the Common Council on January 4, 2016.

VIII. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 7.5 Site Plan Standards, and for special permit approval pursuant to Section 6.5 and 6.7.8 Special Permit Standards and Individual Standards and requirements for Outdoor Dining of the City Zoning Ordinance, the Planning Department recommends that the Common Council grant the requested site plan and special permit approval subject to the following conditions:

1. The project shall contain a 6% affordable component for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project and be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 43 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program pursuant to existing program guidelines.

2. The Common Council make the requisite finding pursuant to New York State General City Law § 27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 1,400 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the Planning Department communication to the Common Council, dated January 4, 2015, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

3. The Common Council assess a fee-in-lieu of providing adequate park and recreation facilities for the 707-dwelling units proposed on a per residential unit basis ($2,500 per studio unit, $3,000 per one bedroom unit, and $3,500 per two bedroom and larger unit) amounting to a total fee of $2,330,000 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in three equal installments of $776,666.66 to be made at month 25, month 37, and month 49 from the date of issuance of the foundation permit.

4. Porous parapets (6-8 feet tall and 70-80% solid) or similarly sized planters, localized trellises or wind screens must be added around the perimeter of the retail podium and rooftop terraces to protect rooftop amenities and outdoor dining areas from high wind speeds.

5. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.

6. 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.

7. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.

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

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 21, 2016
For the February 1, 2016 Common Council Meeting

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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: **60 SOUTH BROADWAY**
RESERVATION OF PARKLAND ON SITE PLAN OR PAYMENT OF MONEY-IN-LIEU THEREOF

As White Plains continues to experience strong multi-family development pressure in the downtown core, including the addition of 707 new dwelling units proposed at 60 South Broadway, it is imperative that the City is proactive in planning for increased population growth and the associated impact on existing park and recreational facilities.

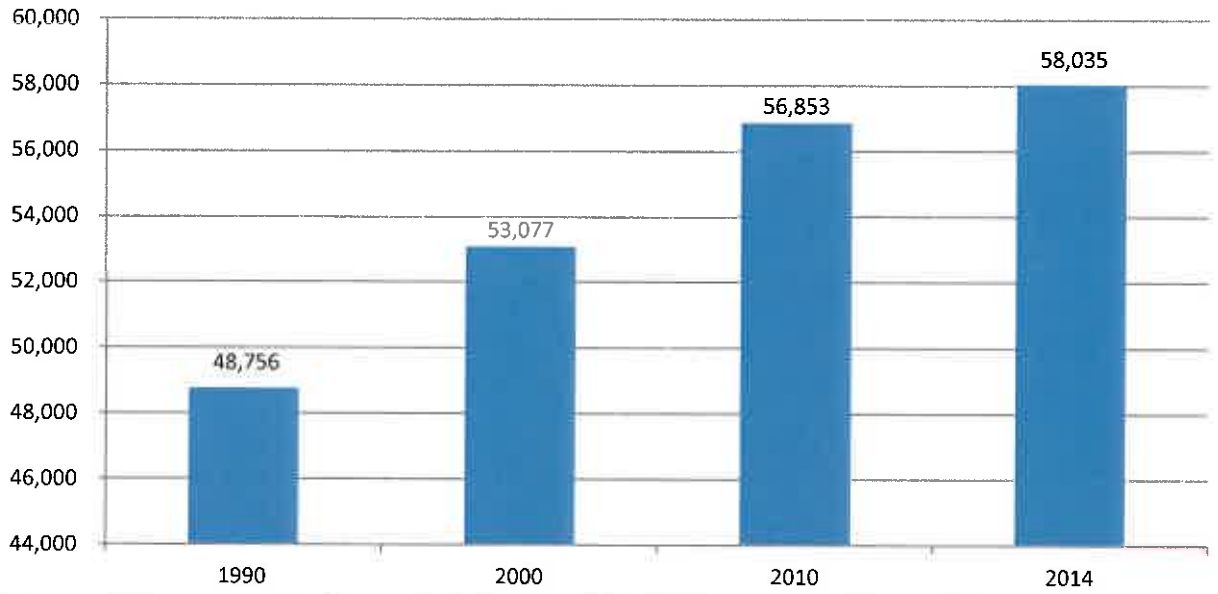
To that end, it is recommended that the Common Council exercise the powers vested in site plan approval agencies pursuant to General City Law of the State of New York, § 27-a: Site Plan Review, requiring site plans with residential units to provide either the reservation of parkland onsite or payment of money-in-lieu thereof as a mechanism to help ensure adequate park and recreation facilities exist for both current and future residents. If adequate lands cannot be provided onsite, the site plan approval agency may require a sum of money-in lieu of such lands in the amount established by resolution of the Common Council. Any fee-in-lieu monies received by the City must be placed in a special trust fund to be utilized exclusively for acquisition of new parkland, for new park and recreational facilities, or the expansion of existing facilities to serve the increased population.

It is necessary for the Common Council to both assess the suitability of possible park and recreation lands on the proposed 60 South Broadway site plan, as prepared by Perkins Eastman Architects dated July 15, 2015, and determine whether there is a need for additional facilities citywide, or acquisition of parks, playgrounds or recreation facilities that could be utilized by the estimated 1,200 new residents of the proposed development. An analysis of the City's projected population trends, current park/recreation inventory and New York State recreation guidelines has been provided herein for review in making such a determination.

I. CURRENT AND FUTURE POPULATION TRENDS

In determining the current and future recreational needs of a community it is important to consider recent trends in population growth and the composition of such growth by age cohort. Over a 20 year period from 1990-2010, the City's population increased by 16%, and a total of 19% though 2014 according to the most current Census Bureau population estimate.

Table 1: Population Change in City of White Plains 1990-2014



Source: Census 1990, 2000, 2010, 2014 Estimate

The City's increase in population since the 2000 Census in particular can be attributed to the rise in the number of 20-24 year olds (27% increase) and the number of persons between the ages of 55-64. The 2013 American Community Survey (Table 2) confirms the assertion that the City has been successful in attracting young working professionals or "Millennials" and gaining and retaining "empty-nesters." The table also highlights the large cohort of 25-44 year olds as a percent of total City population, which tend to be comprised of larger family sizes and thus require a greater need for adequate recreation facilities

TABLE 2: CITY OF WHITE PLAINS - POPULATION BY AGE GROUP

Age Group	2000 Census	2013 ACS	Percent Change	Percent of 2013 Population
Under 5 years	3,317	3,348	1%	6%
5 to 9 years	3,252	3,123	-4%	5%
10 to 14 years	2,985	3,669	23%	6%
15 to 19 years	2,701	2,661	-1%	5%
20 to 24 years	2,981	3,786	**27%**	7%
25 to 34 years	8,469	8,723	3%	**15%**
35 to 44 years	8,770	8,555	-2%	**15%**
45 to 54 years	7,391	7,420	0%	13%
55 to 59 years	2,845	3,396	19%	6%
60 to 64 years	2,308	3,376	**45%**	6%
65 to 74 years	4,053	4,748	17%	8%
75 to 84 years	2,719	3,015	11%	5%
85 years and over	1,286	1,333	4%	2%
Total Population	53,077	57,153	8%	100%

Source: 2009-2013 American Community Survey 5-Year Estimates; Census 2000

Future population projections provided by the New York Metropolitan Transportation Council (NYMTC), the regional metropolitan planning organization that distributes federal transportation monies to local governments, indicate that the City's total population will increase by 27% by the year 2050. Of particular note is that the City's downtown population area where the 60 South Broadway project and other high density multi-family residential projects are proposed is projected to grow by some 54% by the year 2050 (See Table 3).

TABLE 3: CITY OF WHITE PLAINS POPULATION PROJECTIONS

White Plains Neighborhood	Census Tract	2015	2025	% Increase from 2015-2025	2050	% Increase from 2015-2050
North WP (Reservoir Area)	89.02	3,814	3,814	0%	4,477	17%
North WP (East)	89.01	5,458	5,687	4%	6,645	22%
North WP (West)	90	4,297	4,458	4%	5,465	27%
Battle Hill	91	5,755	5,721	-1%	6,421	12%
Highlands	96	4,451	4,452	0%	5,237	18%
Fischer Hill	92	7,228	7,989	11%	9,095	26%
Upper Highlands	95	5,257	5,321	1%	6,799	29%
North Street/Gedney Farms (South of Ridgeway)	97.03	4,102	4,098	0%	4,732	15%
North Street/Gedney Farms (North of Ridgeway)	97.02	2,908	3,335	15%	3,925	35%
Gedney Manor	97.01	2,918	2,914	0%	3,384	16%
West Downtown to Rt 119	93	3,164	3,527	11%	4,880	54%
East Downtown and Carhart	94	4,598	6,193	35%	7,102	54%
Lake Street (South)	88	4,489	4,578	2%	5,822	30%
Total Population (2015 Estimate)		58,439	62,087	6%	73,984	27%

Further, it is conservatively calculated that approximately 2,000 new residential units in the downtown core will come on–line and an additional 1,000 estimated in the pipeline over the next three to five years. This increase in projected population with little opportunity to provide meaningful parkland either on proposed site plans or elsewhere within the downtown Central Parking Area is the impetus for recommending the establishment of a fee-in-lieu of parkland policy for all new residential development city-wide.

II. NEW YORK STATE STANDARDS FOR PARKS AND RECREATION

The New York State Office of Parks, Recreation, and Historic Preservation has developed recreation facility guidelines that include recommended standards for the type and size of recreational facilities that a community should provide given its population size. (See Table 4 below) It should be noted that large regional parks are not applicable to local government park planning as their purpose is to serve a larger countywide population.

Table 4: New York State Recreation Facility Design Guidelines

Facility Type	Approx. Size in Acres	Acres per 1,000 pop	Travel Time/Radius of Area	Means Access	Comments
Pocket Park	1/4-1/2	¼	10 min. / 0.5 Mile	Bicycle or foot	Combined with residential development
Play Lot	1-2	2	10 min / 0.5 Mile	Bicycle or foot	For office workers, shoppers, neighborhood residents
Neighborhood Park	4-7	1	20 min / 0.5 Mile	Bicycle or foot	Should contain passive areas with landscaping, as well as active areas such as play fields, court games, tot lots, etc.

The City of White Plains has a total of 133.1 acres of public parkland (see attached inventory and map appended to this communication), or a mere 44% of the total 305.2 acres recommended by New York State based on current population, amounting to a *deficiency of 172 acres* of local parkland (see Table 5 below). Even with inclusion of 140 acres of County-owned park facilities located within the City, White Plains is still far below the recommended parkland acres per capita with only 273 acres compared to the 595 acres recommended per New York State guidelines.

Table 5: Existing White Plains Park Facilities Relative to NYS Recreation Facility Design Guidelines

Facility Type	State Standard Acres per 1000 pop	Acres Required for White Plains Total Population	White Plains Existing Acres of Parkland	Park Area Deficit/Need (acres)	Approx. Design Size (acres)	Radius of Area Served (miles)
Pocket Park	0.25	14.5	2.7	-11.8	.25-.5	10 min. / 0.5 Mile
Play Lot	2	116.3	18.9	-97.4	1-2	10 min / 0.5 Mile
Neighborhood Park	1	58.1	33.2	-24.9	4-7	20 min / 0.5 Mile
District Park	2	116.3	78.3	-38.0	20-100	30 Min
Subtotal	**5.25**	**305.2**	**133.1**	**-172.1**		
City, Village, Town Park* (Silver Lake Park)	5	290.7	140.6	-150.1	50-100	30 min. / 2 miles
Total	**10.25**	**595.9**	**273.7**	**-322.2**		

Source: NYS Office of Parks, Recreation and Historic Preservation, White Plains Planning Department

The anticipated generation of 1,200 new residents, or a full 2% of the City's current population, by the 60 South Broadway project itself would require an additional 6.3 acres of new parkland per NYS guidelines, further exacerbating the deficiency of current parkland from approximately 172 to 178 acres. Further, when accounting for the total projected 2050 City population of 73,984 and assuming no acquisition of additional parkland in that time, the City would contain only 35% of the total 383 acres recommended by New York State, amounting to a *deficiency of 250 acres* of local parkland. Even with inclusion of 140 acres of County-owned park facilities located within the City, White Plains would still fall far below the recommended parkland acres per capita with only 273 acres compared to the 748 acres recommended by New York State guidelines.

Table 6: Existing White Plains Park Facilities with Projected 2050 Population Increase Relative to NYS Recreation Facility Design Guidelines

	State Standard Acres per 1000 pop	Acres Required for White Plains Total Population	White Plains Existing Acres of Parkland	Park Area Need (acres)	Approx. Design Size (acres)	Radius of Area Served (miles)
Pocket Park	0.25	18.3	2.7	-15.6	.25-.5	10 min. / 0.5 Mile
Play Lot	2	146.0	18.9	-127.1	1-2	10 min / 0.5 Mile
Neighborhood Park	1	73.0	33.2	-39.8	4-7	20 min / 0.5 Mile
District Park	2	146.0	78.3	-67.7	20-100	30 Min
Subtotal	**5.25**	383.3	**133.1**	**-250.2**		
City, Village, Town Park*	5	365.0	140.6	-224.4	50-100	30 min. / 2 miles
Total	**10.25**	748.3	**273.7**	**-474.6**		

* The City of White Plains does not have a City Park of 50-100 acres in size. For this category, the County-owned park - Silver Lake - is included.

Source: NYS Office of Parks, Recreation and Historic Preservation; NYMTC TAZ Classifications 2015, White Plains Planning Department

III. 60 SOUTH BROADWAY SITE PLAN

Applicant proposes to redevelop the site from an existing 185,000 square foot enclosed mall and retail center to a new 857,585 square foot mixed-use commercial and residential development including two 24-story residential towers containing a total of 707 residential rental dwelling units, 1,037 structured parking spaces, and 93,840 square of commercial space (77,340 square feet of retail, 16,500 square feet of restaurant space) fronting on South Broadway and Maple Avenue.

Publicly Accessible Open Space: The project site plan, as prepared by Perkins Eastman Architects dated July 15, 2015, provides approximately 30,000 square feet of publicly accessible usable open space onsite including a 7,200 square foot plaza forecourt fronting on South Broadway. The forecourt will serve as the pedestrian entrance to the residential towers as well as a public gathering space with outdoor restaurant seating subject to special permit approval. The remaining publicly accessible open space will be located along the Maple and Hale frontages beyond the existing sidewalk within the property line where the applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping consisting primarily of large Birch and Sugar Maple trees and a variety of grasses, laurel and boxwood. The

intent is to create a more pedestrian scaled streetscape along the Maple Avenue façade consistent with the Comprehensive Plan.

Private Open Space: In addition to publicly accessible open space onsite, the proposed site plan includes a landscaped courtyard and amenity rooftop terrace above the retail podium connecting both towers. The balance of the podium would be comprised of non-accessible ballast and vegetated green roof consisting of various sedum species, various shrubs, perennials and ornamental grasses in an effort to create a more visually appealing roof-scape for residents and provide additional storm water management benefit. In addition, tenants will have access to various amenities such as two rooftop pools, a sky garden and pet area.

While the submitted site plan complies with the City's Zoning Ordinance with respect to useable open space, it is clear that no public park or recreation facilities are proposed onsite to mitigate the additional impact of the anticipated 1,200 new residents on existing City park facilities. Further, an analysis of existing parkland within a quarter-mile of the site yields a mere 1.93 acres, or 85,743 square feet, an area which also includes a significant portion of the Carhart Neighborhood, the most underserved residential neighborhood in the City in terms of available recreation amenities. The entire 256-acre downtown Central Parking Area District, of which the site is now part, contains only 1.13 acres or 49,322 square feet of parkland amounting to .004% of the total district area.

IV. COMPREHENSIVE PLAN CONSISTENCY

The provision for an applicant to contribute a fee-in-lieu of providing adequate land for park and recreation within their site plan is consistent the 1997 and 2006 Comprehensive Plan and the City's Recreation Vision Statement that reads:

"...the Plan contains a vision for open space and recreational resources that includes better integrating public open space into the fabric of the City's neighborhoods through an interconnected open space system...creating additional recreational opportunities through the construction of ballfields and passive open spaces, ***and achieving new parkland through the development review process****".* (Emphasis added)

V. CONCLUSION

The Planning Department recommends that the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted site plan for South 60 Broadway, as prepared by Perkins Eastman Architects dated July 15, 2015, does not provide adequate land for park and recreation facilities based on the project's generation of 1,200 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented herein.

Further, the Planning Department recommends that the Common Council establish a fee-in-lieu of providing adequate park and recreation facilities on site plans with residential units on a per residential unit basis ($2,500 per studio unit, $3,000 per one bedroom unit, and $3,500 per two bedroom and larger unit) by resolution at the time of project approval pursuant to New York State General City Law § 27-a. This recommended fee structure is intended to mitigate the recreational impact of new multi-family projects *without* discouraging the development of sustainable mixed-use residential projects downtown, and is posited after careful analysis of some 26 other Westchester County municipalities that currently administer fee-in-lieu of parkland programs.

Under this fee schedule the current 707 unit mix proposed for 60 South Broadway would result in a total fee-in-lieu payment to the City of $2,330,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee be paid by the applicant in three equal installments of $776,666.66 to be made at month 25, month 37, and month 49 from the date of issuance of the foundation permit.

Sincerely,

Christopher N. Gomez, AICP
Commissioner of Planning

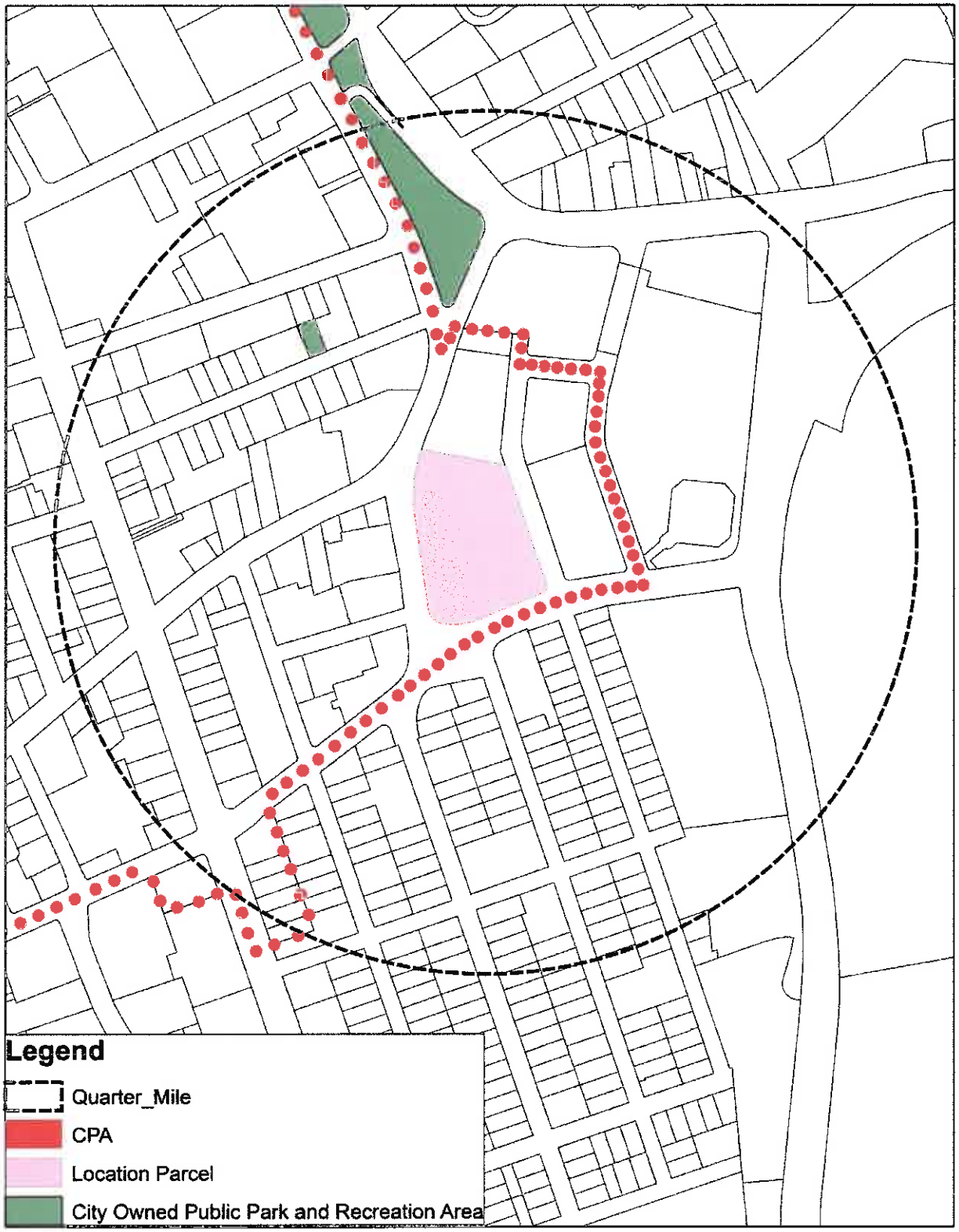
CITY OF WHITE PLAINS EXISTING PARKS AND RECREATIONAL FACILITIES

Name	Ownership	Acres	Facilities	Type of Park	Facility Type (Based on NYS Categories)
Delfino Park	COWP	17.9	Outdoor Seasonal Ice Rink, 6 Tennis Courts, 3 Platform Courts, 2 Baseball Fields, 2 Basket Ball Courts, Picnic Area, Playground	Active City Park	District Park
Ridgeway Nature Trail	COWP	13.8	Nature Trail	Passive Park	District Park
Bryant - Mamaroneck Park	COWP	8.9	0.5 Mile Trail	Passive Park	District Park
The Greenway	COWP	19	Trail with Benches	Passive Park	District Park
Expanded Greenway	COWP	0.22			
Baldwin Farm	COWP	18.5	Community Garden	Passive *Private Park*	District Park
Gillie Park	COWP	11.2	10 Tennis Courts, Baseball Fields, 2 Basketball Backboards, 1 Baseball Field, 2 Little League Field, Batting Cages, Playground	Active City Park	Neighborhood Park
Gardella Park	WP School District	7.5	Outdoor Pool, Wading Pool, Bath House, Picnic Area, Courtyard, 2 Regulation Basket Ball Courts, 1 Softball/ Little League Field, Playground	Active City Park	Neighborhood Park
Turnure Park	COWP	4.1	2 Play structures, Band Stand benches	Active City Park	Neighborhood Park
Peckham Park	COWP	5.32	Open Space		Neighborhood
D'Elia Acquisition	COWP	5.07	Open Space	Passive Park	Neighborhood
Battle Hill Park	COWP	3.9	1 Soccer Field, 1 Basket Ball Court, Playground with benches	Active City Park	play lot
Druss Park	COWP	1.99	2 Children's Play Structures, Picnic Area and Park Benches	Passive City Park	play lot
Tibbits Park	COWP	4.5	Park Benches, Statues, Gazebo	Passive City Park	play lot
Kittrell Park	COWP	1.7	Outdoor Pool, Wading Pool, Bath House, Picnic Area, Courtyard, 2 Basket Ball Courts, Playground with Benches	Active City Park	play lot
Jacob Purdy Park	COWP	1.5	Historic House	Passive City Park	play lot

Name	Ownership	Acres	Facilities	Type of Park	Facility Type (Based on NYS Categories)
next to Purdy	COWP	0.2	Adjacent Parcel	Passive City Park	play lot
Winbrook Housing Play Area	W.P Housing Authority	1		Active Park	play lot
Battle of White Plains Park	COWP	1.3	Children's Playground, 2 Seating Areas	Active City Park	play lot
Mattison Playground	COWP	0.8	Basketball Half Court, Tot Play Area, Grade School Climbing Equipment, Benches	Active City Park	play lot
Ben Simon Acquisition	COWP	2.04	Open Space	Passive Park	Play Lot
S. Lexington Play Lot	COWP	0.5	Two Benches	Passive City Park	pocket park
Chatterton Playground	COWP	0.4	Climbing Structure, 1 Half Court Basketball Court	Passive City Park	pocket park
Mitchell Place Tot Lot	COWP	0.13	Preschool Play Structure, Benches	Active City Park	pocket park
DeKalb Parklet	W.P Housing Authority	0.09			pocket park
Bark Park	COWP	0.6	Dog Park	Active City Park	pocket park
Renaissance Plaza	COWP	0.4	3 Large Fountains and Seating	Passive City Park	pocket park
Sunset Parcels	COWP	0.58	Open space	5 lots	Pocket Park
Silver Lake	County of West.	111.23	Open Space	Passive Park	County/Regional
Liberty Park Lease (County owned)	County of West.	29.34	Picnicking, Hiking and Fishing		County/Regional
Subtotal (COWP)		**133.14**			
Total (incl. Silver Lake)		**273.71**			

City of White Plains Parkland
Legend
City Owned Public Park and Recreation Area
County Owned Public Park

PARKLAND WITHIN ¼ MILE RADIUS OF 60 SOUTH BROADWAY



THE CITY OF WHITE PLAINS

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

December 22, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE PAVILION - 60 SOUTH BROADWAY - SITE PLAN AND SPECIAL PERMIT APPLICATION FOR THE PROPOSED RE-DEVELOPMENT OF THE WESTCHESTER PAVILION

At its August 17, 2015 and November 17, 2015 meetings, the Planning Board reviewed the site plan and special permit application for development of the The Pavillion, at 60 South Broadway. The application was made by 60 South Broadway Maple and Broadway Holdings, LLC, in cooperation with Urstadt Biddle Properties, Inc. The application involves demolition of the existing Pavilion Mall and construction of 707 apartments with amenities, and 95,000sf of retail and restaurant space. The special permit is for outdoor dining.

The Board finds the project to be well-planned and believes that it will help revitalize the surrounding area. The Board offers the following comments for the Common Council's consideration:

1) The building design is attractive, and the orientation of buildings minimizes their mass in views from the Carhart neighborhood.

2) The Hale Avenue elevation is a significant improvement over existing conditions.

3) Providing primary access to the retail uses only from Maple Avenue and South Broadway will activate the sidewalks and provide connectivity between the downtown and The Source and Westchester malls. Such pedestrian orientation has been lacking in other downtown development in recent years, and should serve as a model for future development.

4) Placing most of the mechanical equipment inside the building will result in a much more attractive building and not detract from the rooftop amenities.

5) Inclusion of electric vehicle charging stations, bicycle racks and storage rooms, and the planned shuttle van are sustainable features as well as amenities for the tenants.

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6) Designing to exceed LEED Silver standards is commendable.

7) Some members of the Board felt that the design should include additional publicly accessible and usable open space, including, but not limited to, access to the green roofs on top of the retail level.

8) The inclusion of three bedroom units may broaden the marketability of the development beyond the intended "millennial" and "empty-nester" markets. The Applicant noted that flex space has been incorporated into the building design, and will be outfitted to meet the demands of the tenants, and that it can be changed if the demands of tenants change.

Planning Board members voting in favor of the motion to send a letter to the Common Council supporting the proposed project and offering the above comments: M. Quinn, A. Cabrera*, J. Durante**, J. Ioris, L. Oliva, R. Stackpole, and Mr. Westlund (7); Opposed: None (0); Absent: (*Absent from the December meeting, **Absent from the November meeting).

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

DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
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DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Acting Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed the plans for the following site. There are no objections.

Public Safety's traffic concerns will
be deferred to the Traffic Commission.

60 South Broadway-Site Plan

David E. Chong
Commissioner of Public Safety

Dated: January 22, 2016

DEC:bn

THE CITY OF WHITE PLAINS

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

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MAYOR

RICHARD G. HOPE
COMMISSIONER

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

STEFANIA MIGNONE
DEPUTY COMMISSIONER

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

In response to the Building Department referral received November 4, 2015, the Department of Public Works has reviewed materials submitted by William S. Null, of Cuddy & Feder, LLP., on behalf of Maple and Broadway Holdings, LLC, applicant, in cooperation with Urstadt Biddle Properties Inc., property owners, supplementing the pending application requesting Site Plan and Special Permit Approval for the proposed redevelopment of the Westchester Pavilion site at 60 South Broadway. Included with submittals are Architectural plan set, revised 10/15/15, prepared by Perking Eastman Architects, Landscape plan set, revised 10/15/15, prepared by Moss Gilday Group Landscape Architects, and Civil Engineering drawings, revised 10/15/15, prepared by The Chazen Company Engineers/Surveyors. Also included is the Environmental Assessment Report – EAF Part 3,entitled "60 South Broadway Redevelopment Project," dated 10/20/15, as prepared by BFJ Planning, cover letter from Cuddy & Feder dated 10/21/15, describing portions of the project, and Parking Garage Signage and Message Plans, dated 9/11/15, prepared by Design Management.

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

1. The Stormwater Pollution Plan (SWPPP) submitted by the applicant which addresses all of the Department of Public Works comments furnished to the Engineer or Record "The Chazen Companies" via email on October 7, 2015 has been approved. As the plans are further developed, amendments to the SWPPP in accordance with the current NYSDEC SPEDES GENERAL PERMIT FOR STORMWWATER DISCHARGES from Construction Activity GP-0-15-002 may be required.

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

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 21, 2016

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THE CITY OF WHITE PLAINS

DEPARTMENT OF PUBLIC WORKS
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
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TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

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

1. Groundwater mitigation, both during construction and post development remains of great concern. The proposed development plans indicate an approximate finished floor elevation for the lowest parking level (P-1) will be a minimum of six (6) feet below grade (not including foundations and footing depths) on the east side of project, adjacent to Hale Avenue. Detailed soil borings, flow data for the existing volume and rate of groundwater being discharged off the site, and how it will be mitigated must be included in the design documents for DPW review and approval. As previously indicated in DPW document dated 7/7/14, "An increased risk of flooding to surrounding and downstream properties would accompany any attempt to construct building levels below grade, beneath the water table. We cannot permit active pumping or a gravity transfer of groundwater into the City's storm drainage system". The applicant must reduce the amount of groundwater being discharged offsite.

2. A portion (approximately the last two hundred (200) feet) of proposed 16" sanitary sewer must be upgraded in size to twenty four (24) inch minimum, Additionally a portion of the existing twenty four (24) inch sewer main located south of the terminating manhole for the proposed sewer main upgrades must be investigated for capacity and future size upgrade at the expense of the applicant, and subject to the approval of the Commissioner of Public Works.

3. Based on the final sizing of the building's water service lines by the applicant's Engineer of Record, the Commissioner of Public Works shall have sole discretion to determine if an increase to the proposed 12" water main (Paulding Ave, Hiram, and connecting to the water main located on Paulding Street) will be required.

4. The Applicant acknowledges certain upgrades are required to the City's infrastructure which is their responsibility. Some previously discussed infrastructure upgrades have been conceptually depicted on plan sheets C-130 and C-401. Design plans must next be provided by the Applicant for final approval by the Department of Public Works, and subsequently, the Westchester County Department of Health.

   A. Drawings should include plan and profile views, along with all applicable details and the CWP standard construction details sheets for both water and sanitary sewer.
   B. Submittals to WCDOH for permit will require, in addition to the drawings, completed forms DOH-348, BSP-5, Chapter 20 'Design of Sewers - General Design Information', and an engineer's report including all design calculations.
   C. All documents submitted for WCDOH permit approval shall be signed and sealed by the applicant's professional engineer of record.

5. The applicant's Engineer of Record (EOR) must revise the proposed water main-to-main, and service-to-main connections, to include the required CWP valve configuration at each service and/or main connection location. Contact DPW engineering at (914) 422-1216 for connection details.

6. Backflow prevention devices must be installed on the fire and domestic services. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Department of Health. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements.

7. Existing sanitary and water services shall be abandoned at the main, including all associated restoration work associated, as directed by DPW. Provide the locations and limits of existing services to be abandoned.

8. Prior to the issuance of a Building Permit, all existing sanitary sewer and stormwater drain structures, both manholes and catch basins, where new connections into the municipal system are being proposed, shall be inspected for capacity and structural integrity, in order to determine that the structures can safely accept the proposed connections and the additional flows. An inspection report indicating the conditions of each structure, and the option to repair or replace if needed, shall be provided to DPW for review and acceptance.

   In addition, DPW requests that a TV inspection be performed on the 15" RCP stormwater drain pipe (approximately 140') from existing drain manhole in Hale to the manhole at the intersection of Maple and Hale.

   Once DPW receives the information, the Commissioner of Public Works will determine if the applicant will be permitted to connect to the municipal stormwater system at the proposed locations,

if improvements to the existing drainage system are required, or if a more suitable connection point/location is required.

9. The plans indicate that several of the existing catch basins around the perimeter of the site will remain. These catch basins will require that their castings be replaced with new Eco-Friendly models with bicycle-safe grates in accordance with DPW's Standard Construction Details. Label plans accordingly and provide details as necessary. Any of these drainage structures found to be in need of repair, shall be updated, replaced or repaired by the applicant, at the applicants expense, and as directed by the Commissioner of Public Works.

10. Plan sheet C-130 shows multiple new catch basins (detail 2/C-506) proposed along the west curbline of Hale Avenue. Proposed catch basins must be equal to CWP DPW Standard Type-B catch basin. Update the plans and details accordingly.

11. As depicted in plan sheet C-130, there appears to be a new stormwater drain manhole (DMH-8) being installed with a drain inlet grate. If a catch basin is what's intended, revise structure in plans and detail. Note that any catch basin like structure must be fitted with a minimum 36" sump.

12. A check valve is being proposed in catch basin CB-3 on Hale Avenue. DPW does not allow check valves within the municipal ROW. It's suggested that the check valve be relocated to proposed drain manholes within the private property.

13. All stormwater drain manholes being installed within the private property, which outflows propose a direct connection to the municipal stormwater system (DMH-1, 5, 7 & 11), must include a minimum sump depth of 36". Upgrade plans and details and label accordingly.

14. Sheet C-101 of plans indicates that the existing drain manhole under the north sidewalk of Maple Avenue is to be removed, along with its related inflow pipes. Any manholes to be removed shall be done in accordance with DPW standards, and subject to the approval of the Commissioner of Public Works. Include detail in plans.

15. Proposed drain structures DMH-5, DMH-11 and YD-10, as illustrated on plan sheet C-130, indicate that each will have an inflow pipe with discharge flow originating from the proposed building. Prior to issuance of a Building Permit, provide further detail as to the origin, collection system and flow volume being directed to these structures. Additionally, pipe size calculations will be required, in order to verify that the down-flow pipes proposed will be able to adequately handle the intended flow.

16. The flow from the proposed trench drains for the loading dock area in parking level P-1, as shown in plan sheet C-130, are being directed to an oil-water separator and to sanitary sewer system, as noted in the plan. Prior to issuance of a Building Permit, provide additional information on this system from trench drains to the intended sanitary sewer connection point. Include details as applicable and revise drawings as necessary.

17. The construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, and an as-built must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor. A required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in

effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City through the Department of Public Works shall receive 20% of all costs as an administrative fee.

18. The architectural and landscape plans indicate that portions of the proposed building's roofs and second floor terrace areas will include the installation of "Greenroof Planting", referring to detail #4/LA-503. However, this detail number, as shown on plan sheet LA-503, is for dry-laid precast concrete pavers, while green roof tray details are shown in sheet LA-504. Prior to issuance of a Building Permit, verify and reconcile all the plans, with approval of the Commissioner of Public Works and the Building Department.

19. The **owner** must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work. Contact DPW Code Enforcement (914-422-1208).

20. The proposed site lighting plan, as shown on plan sheet LA-101, indicates the installation of lighted bollards along the sidewalk, within the City's right-of-way, on the south side of the project. Installation of the sidewalk lighting proposed requires a maintenance agreement with the City be executed, along with all necessary permits, and will remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said bollards. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, if the City performs maintenance work through the Department of Public Works, they shall receive 20% of all costs as an administrative fee.

21. The applicant must provide additional information that the proposed lighting located on the applicant's property will provide an equivalent amount of light on the sidewalk area for pedestrian's as the City standard Lumec luminaires.

22. The two decorative sidewalk luminaires proposed for the vehicle drop-off area on Hale Avenue must be relocated to ensure that they are installed wholly within the private property, including its concrete bases.

23. The plans indicate that the existing street cobra head light poles along the perimeter of the site will remain, however their light fixtures will be replaced with new City-Standard 250W-equivalent LED units. Contact DPW engineering for the lighting fixture details and for installation information.

24. Plan sheet C-101 shows an existing light pole within the sidewalk being removed. This proposed light is an existing cobra head street light pole which must remain in place. If the applicant's proposed design is not able to accommodate this existing pole at its current spot, it must be relocated to a nearby location approved by the Commissioner of Public Works.

25. The proposed sidewalks surrounding the site, as shown on the plans, indicate that concrete sidewalks are to be installed. DPW requires that all the sidewalks proposed to be installed within

the public ROW match the City's standard promenade sidewalk with the stamped concrete brick pattern band along the curb, *or* if an alternate design deviating from the City standard is requested, approval of the Commissioner of Public Works, Building, and Planning will be required.

26. Portions of the proposed pedestrian walkways and planting areas along the Maple Avenue corridor are illustrated with retaining walls extending into the City's right-of-way, as shown on plan sheets C-110 and LA-402. The City will require the applicant to investigate shortening the wall encroachments, and the applicant will be required to enter into a maintenance agreement and for a DPW Special Use Right Of Way Permit for the remaining wall encroachments into the Right Of Way (ROW).

27. The sidewalks, as seen on the plans in sheet C-110, do not show all the required pedestrian ramps at the locations of the existing crosswalks. Revise plans to clearly show the locations of all proposed ADA compliant ped-ramps with the required tactile pads, along the perimeter of the site and any other locations where new sidewalks are to be installed or restored under this project.

28. Revise plans to show the proposed granite curb from the northwest corner at Maple and Hale to the radius curb at the proposed building's south driveway ramp (refer to plan sheet C-110). It appears that a drawing layer may have been turned off prior to printing of plans.

29. The proposed curbline alignment for the northeast corner of the Maple and South Broadway intersection (see plan sheet C-110) eliminates one of the existing northbound travel lanes on South Broadway near its intersection with Lyon Place, Clarify if the removal of one of the two travel lanes on the northbound side of South Broadway, from Maple to Lyon, may be required.

30. The Plans illustrate multiple planting areas being proposed to be installed within the municipal ROW, along the north side of Maple Avenue and the east side or South Broadway. These planting areas will require that a maintenance agreement with the City be executed, along with all necessary permits, and will remain in effect with the transfer of the property. Prior to issuance of a Building Permit, This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said planting areas. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City through the Department of Public Works shall receive 20% of all costs as an administrative fee.

31. All tree species being proposed to be installed within the City's ROW will require approval from the Tree Preservation Committee, consisting of the Commissioners of Public Works and Planning, and the Environmental Officer, in consultation with the City's arborist prior to planting.

32. The latest landscape plans illustrate that three new streetscape trees, grates and tree pits are proposed for the west sidewalk of Hale Avenue, near the Maple intersection. Note that all proposed tree grates located in the City Right-of-Way must be ADA compliant CWP DPW Standard units. Contact DPW for information. The applicant may want to consider the use of Flexi-Pave porous surface in lieu of the proposed cast iron tree grates.

33. The Full Environmental Assessment Form - Part 1,entitled "60 South Broadway Redevelopment Project," dated 7/9/15, as prepared by BFJ Planning, indicated that the applicant intends to contract an outside solid waste removal and hauling company to handle the site's solid waste, recycled

cardboard and co-mingled materials, however a DPW Solid Waste Management Form has not been received. The applicant is required to complete and submit to DPW a Solid Waste Management form prior to the issuance of any permits.

34. The applicant shall provide designated snow storage areas and how removal of snow will be handled at the site. Note that plowing or storage of snow into the City Right Of Way is not permitted.

35. Prior to issuance of a Building Permit, verify all the existing underground utilities on the plans, including gas, telephone, fiber optics, sanitary sewer, drain and all water lines (include number of conduits and/or number of ducts per bank). It is highly recommended that test pits be performed at all the locations where proposed lines cross existing utility conduits, in order to prevent interference during construction. This is critical for the proposed sanitary main servicing the project.

36. Revise City of White Plains Right-of-Way pavement section detail, as currently shown on plan sheet C-501, to include 1-1/2" Surface Course, 1-1/2" Binder Course and 8" Asphalt Base. Pavement restoration on Westchester County ROW roads must have County DPW approved details, which should be incorporated in drawings once secured. For pipe trench backfill, 50-psi compact density backfill material (K-Krete) must be used from 12" above pipe to asphalt base. Revise all pertinent details as required.

37. All construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.

38. All construction work shall be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site formerly known as "the Pavilion located at 60 South Broadway ("60 South Broadway") are set forth below

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

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

C. The Construction Management Plan for the Proposed Project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers, which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

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

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

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

(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.

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

H. The Applicant shall equip all construction equipment with “back up” sound attenuation devices.

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

J. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.

K. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.

L. The Applicant shall include a note on both the approved 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.

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

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

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

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

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

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 21, 2016

THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

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

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

The Department of Parking/ Traffic Division has reviewed both the site plan application for 60 South Broadway which was referred by the Common Council on November 2, 2015 and comments from the Transportation Commission and has the following comments:

1. The gate for the residential exit must be located closer to the actual exit to provide for queuing storage.

2. All pedestrian crossings of driveways (three on the Hale Avenue side and one on the Maple Avenue side) must be Properly marked and be part of a clear continuous pedestrian path with appropriate minimization of grade changes.

3. The entry gate for the retail entrance is too close to Hale Avenue.

4. All doors opening out into sidewalk areas must be inset.

5. All exits must have stop lines and stop signs. Internal critical intersections should also have stop lines and stop signs (such as the ramps to both P-3 and P-4).

6. Queuing analyses must be refined for the Hale Avenue retail exit from the parking garage to determine the proper location for the exit gate and proper signal treatment for Hale Avenue southbound at Maple Avenue to make sure that traffic can exit through the gate, store and then get through the intersection (see attached report).

7. Future provision of Bus Rapid Transit (BRT) stops on South Broadway between East Post Road and Maple Avenue can be accomplished through the reallocation of the parking lanes.

8. The reductions of lanes and street widths along both the roadway connecting Maple Avenue westbound to Lyon Place and the east side of South Broadway adjacent to the site, are consistent with the White Plains Complete Streets Policy. These reductions allow for shorter pedestrian

crossings and wider sidewalks to better accommodate pedestrian travel and amenities.

9. All signs and markings should be indicated on a separate signing and marking plan, submitted prior to construction.

10. The signal modifications for additional crossings at South Broadway/ Lyon Place and Maple Avenue/ South Broadway must be included on a new signal plan which must be submitted prior to construction. This plan should also include provision of a new crossing on the east side of the Maple Avenue/ South Broadway Intersection, if possible. Enhanced crosswalk marking treatments will be determined as part of the signal plan review.

11. A loading dock management plan which shows turning diagrams (to be sure that critical areas are not blocked) must be submitted prior to issuance of a TCO. An overflow loading space should be identified in the loading dock area as part of this plan.

12. A parking management plan which describes procedures for temporary access closures, gate failures and defines access for residential versus retail must be submitted prior to issuance of a TCO.

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

Dated: January 21, 2016
(for the February 1, 2016 Common Council Meeting)

BFJ Planning

MEMORANDUM

Date:	December 3, 2015
To:	Thomas Soyk, Commissioner of Traffic, City of White Plains
From:	Georges Jacquemart and Lauren Rennée, BFJ Planning
Subject:	Queuing on Hale Avenue - Revisited

The purpose of this memo to is address concerns regarding queue lengths at the southbound approach of Hale Avenue as a result of the mixed-use redevelopment project proposed at 60 South Broadway. The driveway to the Westchester Pavilion parking garage is located on Hale Avenue, approximately 120 ft from the stop bar at the Maple Avenue intersection. It is estimated that most vehicles exiting the garage will turn left to head northbound on Hale Avenue. This memo will discuss the queues on the southbound approach generated from this new project and possible mitigation measures that can be taken to address their impact.

In the Environmental Assessment Statement (EAS) submitted in October 2015, BFJ updated the traffic impact analysis completed for the GEIS with revised traffic generation numbers for the proposed mixed-use project. This was done for the Weekday PM and Saturday MD peak periods. Since the submittal, the Synchro model has been updated to include recent lane changes on Maple Avenue, which add an addition through lane on both the eastbound and westbound approaches. Table 1 shows the Future with Action level of service (using HCM 2000 methodology) resulting from these recent lane changes.

Table 1: Revised HCM Intersection Capacity Analysis

Intersection	Control Type	Lane Group/ Movement	Future with Action			
			PM Peak Hour		Sat. Peak Hour	
			LOS	Delay	LOS	Delay
Maple Ave. & Hale Ave.	Signalized	Eastbound	A	7.1	A	6.8
		Westbound	B	21.2	B	11.8
		Northbound	C	29.0	C	28.8
		Southbound	E	72.6	F	88.9
		Overall	*C*	*23.7*	*C*	*28.8*

BFJ ran a SimTraffic microsimulation based off the Synchro model to determine queue lengths. The simulation was seeded for 30 minutes and ran for an hour. A more conservative 100 ft. distance was used as opposed to the aforementioned 120 ft. Table 2 shows the average and maximum queue lengths observed during the hour-long microsimulation. Synchro and SimTraffic reports are contained in the Appendix.

Table 2: SimTraffic Report Observed Queue Lengths

Queue Length (ft)	Future with Action			
	Wk PM		Sat MD	
	SB L	SB TR	SB L	SB TR
Average Queue	161	59	179	48
Maximum Queue	185	120	204	142

Mitigation Measures

The results from the SimTraffic simulation show that southbound queues will exceed the length between the driveway and the intersection. Much of the delay and queue length can be accounted for by the minimal southbound green time. As shown in the traffic impact analysis, most vehicles heading southbound on Hale Avenue make a left or right turn on to Maple Avenue. Very few vehicles travel straight through the intersection. To reduce the length of queues and improve the level of service for the southbound approach, two mitigation measures were tested.

1. Adding an exclusive left-turn phase to the second phase to allow protected and permitted left turns. Additional green time was given to the south-northbound movements from the east-westbound movements.
2. Split phases were applied to the south-northbound movements, which gives a green to all movements in one direction. In this arrangement, more time was given to southbound movements than northbound movements. Additional green time was given to the south-northbound phases from the east-westbound phases.

Tables 3 and 4 show a comparison between the future without mitigation and the future with the mitigation measures. Both mitigation strategies improve overall intersection level of service despite increasing delays from LOS A to B on the eastbound approach and LOS B to C on the westbound approach. Average queue lengths were significantly improved in both mitigation strategies.

Table 3: HCM Capacity Analysis Comparison with Mitigation Measures

Lane Group/ Movement	Current Program				Mitigation Measures							
	Future with Action				Mitigation 1: Protected Left Turn SB				Mitigation 2: Split Phase			
	PM Peak Hour		Sat. Peak Hour		PM Peak Hour		Sat. Peak Hour		PM Peak Hour		Sat. Peak Hour	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Eastbound	A	7.1	A	6.8	B	16.7	B	17.7	B	13.9	B	14.8
Westbound	B	21.2	B	11.8	C	27.0	C	29.7	A	22.7	C	23.0
Northbound	C	29.0	C	28.8	C	32.2	C	31.9	C	45.4	D	42.4
Southbound	E	72.6	F	88.9	C	20.5	B	19.4	C	33.0	C	34.9
Overall	*C*	*23.7*	*C*	*28.8*	*C*	*22.2*	*C*	*22.9*	*C*	*22.5*	*C*	*23.3*

BFJ Nov 30, 2015

Table 4: Summary of SimTraffic Report - Observed Queue Lengths

	Current Program				Mitigation Measures							
	Future with Action				Mitigation 1: Protected Left Turn SB				Mitigation 2: Split Phase			
Queue Length (ft)	Wk PM		Sat MD		Wk PM		Sat MD		Wk PM		Sat MD	
	SB L	SB TR	SB L	SB TR	SB L	SB TR	SB L	SB TR	SB L	SB TR	SB L	SB LTR
Average Queue	161	59	179	48	90	47	120	45	76	100	102	130
Maximum Queue	185	120	204	142	152	72	185	84	114	151	204	186

BFJ Nov 30, 2015

In conclusion, providing additional opportunity for vehicles to make left turns will be an effective mitigation measure to improve the performance of the Hale Avenue and Maple Avenue intersection. It is not certain to what degree the Simtraffic simulation took into consideration the fact that with the split phases (mitigation #2) the northbound phase would not be activated for many of the cycles since those volumes are so low. This could be a significant advantage, if the northbound phase were vehicle actuated.

Appendix: Synchro and SimTraffic Reports

Weekday PM Peak Period – Future with Action

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

Weekday PM Peak Period – Mitigation Measure 1

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

Weekday PM Peak Period – Mitigation Measure 2

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

Saturday MD Peak Period – Future with Action

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

Saturday MD Peak Period – Mitigation Measure 1

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

Saturday MD Peak Period – Mitigation Measure 2

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

Weekday PM Peak Period – Future with Action

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

HCM Signalized Intersection Capacity Analysis
1030: HALE AVE & MAPLE AVE

11/30/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Future Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	10	12	12	10	12	12	12	12	12	10	10
Total Lost time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	0.91		1.00	0.91			1.00		1.00	1.00	
Frpb, ped/bikes	1.00	1.00		1.00	0.99			1.00		1.00	1.00	
Flpb, ped/bikes	1.00	1.00		0.97	1.00			1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.98			0.90		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00			0.99		0.95	1.00	
Satd. Flow (prot)	1590	4247		1539	4155			1495		1593	1338	
Flt Permitted	0.22	1.00		0.32	1.00			0.93		0.70	1.00	
Satd. Flow (perm)	366	4247		517	4155			1401		1172	1338	
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	101	835	18	72	906	125	15	7	64	311	9	253
RTOR Reduction (vph)	0	2	0	0	17	0	0	48	0	0	146	0
Lane Group Flow (vph)	101	851	0	72	1014	0	0	38	0	311	117	0
Confl. Peds. (#/hr)	40		40	40		40						
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases	5	2			6			4			7	
Permitted Phases	2			6			4			7		
Actuated Green, G (s)	66.0	66.0		57.0	57.0			24.0		24.0	24.0	
Effective Green, g (s)	67.0	67.0		58.0	58.0			25.0		25.0	25.0	
Actuated g/C Ratio	0.67	0.67		0.58	0.58			0.25		0.25	0.25	
Clearance Time (s)	4.8	5.0		5.0	5.0			5.0		5.0	5.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	308	2845		299	2409			350		293	334	
v/s Ratio Prot	0.02	c0.20			c0.24						0.09	
v/s Ratio Perm	0.20			0.14				0.03		c0.27		
v/c Ratio	0.33	0.30		0.24	0.42			0.11		1.06	0.35	
Uniform Delay, d1	6.6	6.8		10.3	11.7			28.9		37.5	30.8	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	0.6	0.3		1.9	0.5			0.1		69.7	0.6	
Delay (s)	7.2	7.1		12.2	12.2			29.0		107.2	31.4	
Level of Service	A	A		B	B			C		F	C	
Approach Delay (s)		7.1			12.2			29.0			72.6	
Approach LOS		A			B			C			E	

Intersection Summary			
HCM 2000 Control Delay	23.7	HCM 2000 Level of Service	C
HCM 2000 Volume to Capacity ratio	0.60		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	11.8
Intersection Capacity Utilization	64.8%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Future Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	10	12	12	10	12	12	12	12	12	10	10
Lane Util. Factor	1.00	0.91	0.91	1.00	0.91	0.91	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor	0.99	1.00		0.97	0.99							
Frt		0.997			0.982			0.900			0.855	
Flt Protected	0.950			0.950				0.991		0.950		
Satd. Flow (prot)	1593	4247	0	1593	4155	0	0	1495	0	1593	1338	0
Flt Permitted	0.219			0.319				0.929		0.699		
Satd. Flow (perm)	363	4247	0	517	4155	0	0	1402	0	1172	1338	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		7			41			64			194	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		130			248			374			197	
Travel Time (s)		3.0			5.6			8.5			4.5	
Confl. Peds. (#/hr)	40		40	40		40						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	101	835	18	72	906	125	15	7	64	311	9	253
Shared Lane Traffic (%)												
Lane Group Flow (vph)	101	853	0	72	1031	0	0	86	0	311	262	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.14	1.25	1.14	1.14	1.25	1.14	1.14	1.14	1.14	1.14	1.25	1.25
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1		1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50		50	50	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	50	50		50	50		50	50		50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases	5	2			6			4			7	
Permitted Phases	2			6			4			7		
Detector Phase	5	2		6	6		4	4		7	7	
Switch Phase												
Minimum Initial (s)	3.0	18.0		18.0	18.0		25.0	25.0		25.0	25.0	
Minimum Split (s)	7.8	23.0		23.0	23.0		30.0	30.0		30.0	30.0	
Total Split (s)	10.0	71.0		61.0	61.0		29.0	29.0		29.0	29.0	

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

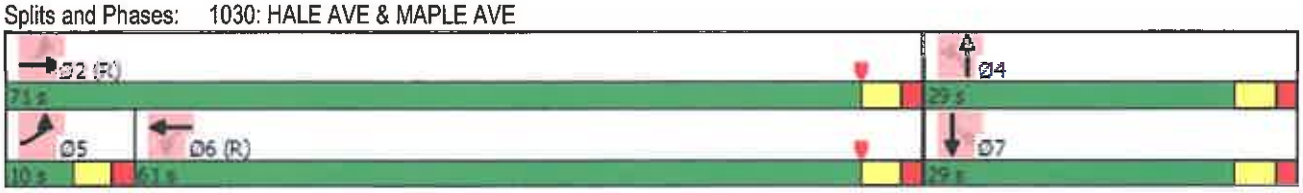
11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Split (%)	10.0%	71.0%		61.0%	61.0%		29.0%	29.0%		29.0%	29.0%	
Maximum Green (s)	5.2	66.0		56.0	56.0		24.0	24.0		24.0	24.0	
Yellow Time (s)	3.0	3.2		3.2	3.2		3.2	3.2		3.2	3.2	
All-Red Time (s)	1.8	1.8		1.8	1.8		1.8	1.8		1.8	1.8	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0			-1.0		-1.0	-1.0	
Total Lost Time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		C-Max	C-Max		None	None		None	None	
Walk Time (s)		6.0		6.0	6.0		7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		12.0		12.0	12.0		19.0	19.0		19.0	19.0	
Pedestrian Calls (#/hr)		0		0	0		0	0		0	0	
Act Effct Green (s)	67.2	67.0		59.0	59.0			25.0		25.0	25.0	
Actuated g/C Ratio	0.67	0.67		0.59	0.59			0.25		0.25	0.25	
v/c Ratio	0.32	0.30		0.24	0.42			0.22		1.06	0.55	
Control Delay	8.4	7.1		13.3	11.7			12.7		107.7	14.2	
Queue Delay	0.0	0.0		0.0	0.0			0.0		0.0	0.0	
Total Delay	8.4	7.1		13.3	11.7			12.7		107.7	14.2	
LOS	A	A		B	B			B		F	B	
Approach Delay		7.2			11.8			12.7			64.9	
Approach LOS		A			B			B			E	

Intersection Summary

Area Type: CBD
Cycle Length: 100
Actuated Cycle Length: 100
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow
Natural Cycle: 65
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.06
Intersection Signal Delay: 21.4 — Intersection LOS: C
Intersection Capacity Utilization 64.8% — ICU Level of Service C
Analysis Period (min) 15

Splits and Phases: 1030: HALE AVE & MAPLE AVE



Queuing and Blocking Report
Future with Action

11/30/2015

Intersection: 1030: HALE AVE & MAPLE AVE

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LTR	L	TR
Maximum Queue (ft)	96	106	117	106	50	216	184	158	117	185	120
Average Queue (ft)	38	72	37	18	24	111	54	32	39	161	59
95th Queue (ft)	70	141	97	71	47	230	140	91	79	214	109
Link Distance (ft)	90	90	90	90	201	201	201	201	307	101	101
Upstream Blk Time (%)	0	8	1	1		1	0			63	9
Queuing Penalty (veh)	0	0	0	0		0	0			62	8
Storage Bay Dist (ft)											
Storage Blk Time (%)											
Queuing Penalty (veh)											

Intersection: 1170: HALE AVE & Maple Entrance

Movement	EB	EB	NB	NB	SB	SB
Directions Served	L	R	LT	T	T	TR
Maximum Queue (ft)	123	138	75	74	73	158
Average Queue (ft)	28	67	26	5	20	29
95th Queue (ft)	72	139	65	35	61	107
Link Distance (ft)	123	123	101	101	164	164
Upstream Blk Time (%)	0	5				0
Queuing Penalty (veh)	0	0				0
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Network Summary

Network wide Queuing Penalty: 71

Weekday PM Peak Period – Mitigation Measure 1

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

HCM Signalized Intersection Capacity Analysis
1030: HALE AVE & MAPLE AVE

11/30/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Future Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	10	12	12	10	12	12	12	12	12	10	10
Total Lost time (s)	3.8	4.0		4.0	4.0			4.0		3.8	4.0	
Lane Util. Factor	1.00	0.91		1.00	0.91			1.00		1.00	1.00	
Frpb, ped/bikes	1.00	1.00		1.00	0.99			1.00		1.00	1.00	
Flpb, ped/bikes	1.00	1.00		0.97	1.00			1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.98			0.90		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00			0.99		0.95	1.00	
Satd. Flow (prot)	1591	4247		1539	4155			1495		1593	1338	
Flt Permitted	0.16	1.00		0.32	1.00			0.92		0.60	1.00	
Satd. Flow (perm)	275	4247		517	4155			1394		1002	1338	
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	101	835	18	72	906	125	15	7	64	311	9	253
RTOR Reduction (vph)	0	2	0	0	17	0	0	51	0	0	124	0
Lane Group Flow (vph)	101	851	0	72	1014	0	0	35	0	311	138	0
Confl. Peds. (#/hr)	40		40	40		40						
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		pm+pt	NA	
Protected Phases	5	2			6			4		3	7	
Permitted Phases	2			6			4			7		
Actuated Green, G (s)	48.2	48.2		37.5	37.5			20.0		41.8	41.8	
Effective Green, g (s)	49.2	49.2		38.5	38.5			21.0		42.8	42.8	
Actuated g/C Ratio	0.49	0.49		0.38	0.38			0.21		0.43	0.43	
Clearance Time (s)	4.8	5.0		5.0	5.0			5.0		4.8	5.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	226	2089		199	1599			292		535	572	
v/s Ratio Prot	0.03	c0.20			c0.24					c0.10	0.10	
v/s Ratio Perm	0.19			0.14				0.03		c0.14		
v/c Ratio	0.45	0.41		0.36	0.63			0.12		0.58	0.24	
Uniform Delay, d1	15.5	16.1		22.0	25.0			32.0		20.7	18.2	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	1.4	0.6		5.0	1.9			0.2		1.6	0.2	
Delay (s)	16.9	16.7		27.0	27.0			32.2		22.3	18.5	
Level of Service	B	B		C	C			C		C	B	
Approach Delay (s)		16.7			27.0			32.2			20.5	
Approach LOS		B			C			C			C	

Intersection Summary			
HCM 2000 Control Delay	22.2	HCM 2000 Level of Service	C
HCM 2000 Volume to Capacity ratio	0.62		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	15.6
Intersection Capacity Utilization	64.8%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Future Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	10	12	12	10	12	12	12	12	12	10	10
Lane Util. Factor	1.00	0.91	0.91	1.00	0.91	0.91	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor	0.99	1.00		0.97	0.99							
Frt		0.997			0.982			0.900			0.855	
Flt Protected	0.950			0.950				0.991		0.950		
Satd. Flow (prot)	1593	4247	0	1593	4155	0	0	1495	0	1593	1338	0
Flt Permitted	0.164			0.319				0.924		0.597		
Satd. Flow (perm)	273	4247	0	517	4155	0	0	1394	0	1001	1338	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		4			27			64			217	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		130			248			374			197	
Travel Time (s)		3.0			5.6			8.5			4.5	
Confl. Peds. (#/hr)	40		40	40		40						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	101	835	18	72	906	125	15	7	64	311	9	253
Shared Lane Traffic (%)												
Lane Group Flow (vph)	101	853	0	72	1031	0	0	86	0	311	262	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.14	1.25	1.14	1.14	1.25	1.14	1.14	1.14	1.14	1.14	1.25	1.25
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1		1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50		50	50	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	50	50		50	50		50	50		50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		pm+pt	NA	
Protected Phases	5	2			6			4		3	7	
Permitted Phases	2			6			4			7		
Detector Phase	5	2		6	6		4	4		3	7	
Switch Phase												
Minimum Initial (s)	3.0	18.0		18.0	18.0		25.0	25.0		3.0	25.0	
Minimum Split (s)	7.8	23.0		23.0	23.0		30.0	30.0		7.8	30.0	
Total Split (s)	12.2	50.2		38.0	38.0		30.0	30.0		19.8	49.8	

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

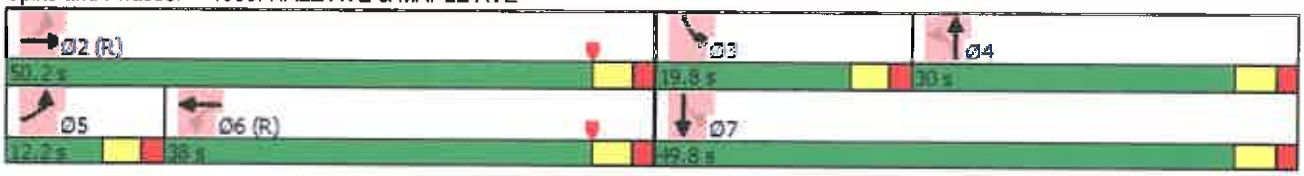
11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Split (%)	12.2%	50.2%		38.0%	38.0%		30.0%	30.0%		19.8%	49.8%	
Maximum Green (s)	7.4	45.2		33.0	33.0		25.0	25.0		15.0	44.8	
Yellow Time (s)	3.0	3.2		3.2	3.2		3.2	3.2		3.0	3.2	
All-Red Time (s)	1.8	1.8		1.8	1.8		1.8	1.8		1.8	1.8	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0			-1.0		-1.0	-1.0	
Total Lost Time (s)	3.8	4.0		4.0	4.0			4.0		3.8	4.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		C-Max	C-Max		None	None		None	None	
Walk Time (s)		6.0		6.0	6.0		7.0	7.0			7.0	
Flash Dont Walk (s)		12.0		12.0	12.0		19.0	19.0			19.0	
Pedestrian Calls (#/hr)		0		0	0		0	0			0	
Act Effct Green (s)	50.4	50.2		40.4	40.4			26.0		42.0	41.8	
Actuated g/C Ratio	0.50	0.50		0.40	0.40			0.26		0.42	0.42	
v/c Ratio	0.41	0.40		0.35	0.61			0.21		0.59	0.38	
Control Delay	20.3	17.3		31.3	27.1			12.3		25.1	5.6	
Queue Delay	0.0	0.0		0.0	0.0			0.0		0.0	0.0	
Total Delay	20.3	17.3		31.3	27.1			12.3		25.1	5.6	
LOS	C	B		C	C			B		C	A	
Approach Delay		17.6			27.4			12.3			16.2	
Approach LOS		B			C			B			B	

Intersection Summary

Area Type: CBD
Cycle Length: 100
Actuated Cycle Length: 100
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow
Natural Cycle: 70
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.61
Intersection Signal Delay: 21.1 — Intersection LOS: C
Intersection Capacity Utilization 64.8% — ICU Level of Service C
Analysis Period (min) 15

Splits and Phases: 1030: HALE AVE & MAPLE AVE



Queuing and Blocking Report
Future with Action

11/30/2015

Intersection: 1030: HALE AVE & MAPLE AVE

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LTR	L	TR
Maximum Queue (ft)	106	142	106	106	115	230	216	186	95	152	72
Average Queue (ft)	36	103	80	44	42	184	109	49	43	90	47
95th Queue (ft)	75	125	131	114	87	248	211	109	84	133	72
Link Distance (ft)	90	90	90	90	201	201	201	201	307	101	101
Upstream Blk Time (%)	0	25	9	3		9	1	0		4	
Queuing Penalty (veh)	0	0	0	0		0	0	0		4	
Storage Bay Dist (ft)											
Storage Blk Time (%)											
Queuing Penalty (veh)											

Intersection: 1170: HALE AVE & Maple Entrance

Movement	EB	EB	NB
Directions Served	L	R	LT
Maximum Queue (ft)	28	74	31
Average Queue (ft)	16	36	7
95th Queue (ft)	39	63	28
Link Distance (ft)	123	123	101
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 4

Weekday PM Peak Period – Mitigation Measure 2

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

HCM Signalized Intersection Capacity Analysis
1030: HALE AVE & MAPLE AVE

11/30/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Future Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	10	12	12	10	12	12	12	12	12	10	10
Total Lost time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	0.91		1.00	0.91			1.00		0.95	0.95	
Frpb, ped/bikes	1.00	1.00		1.00	0.99			1.00		1.00	1.00	
Flpb, ped/bikes	1.00	1.00		0.97	1.00			1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.98			0.90		1.00	0.87	
Flt Protected	0.95	1.00		0.95	1.00			0.99		0.95	0.99	
Satd. Flow (prot)	1591	4247		1539	4155			1495		1513	1287	
Flt Permitted	0.18	1.00		0.32	1.00			0.99		0.95	0.99	
Satd. Flow (perm)	303	4247		517	4155			1495		1513	1287	
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	101	835	18	72	906	125	15	7	64	311	9	253
RTOR Reduction (vph)	0	2	0	0	17	0	0	60	0	0	184	0
Lane Group Flow (vph)	101	851	0	72	1014	0	0	26	0	280	109	0
Confl. Peds. (#/hr)	40		40	40		40						
Turn Type	pm+pt	NA		Perm	NA		Split	NA		Split	NA	
Protected Phases	5	2			6		8	8		4	4	
Permitted Phases	2			6								
Actuated Green, G (s)	52.8	52.8		42.1	42.1			5.9		26.3	26.3	
Effective Green, g (s)	53.8	53.8		43.1	43.1			6.9		27.3	27.3	
Actuated g/C Ratio	0.54	0.54		0.43	0.43			0.07		0.27	0.27	
Clearance Time (s)	4.8	5.0		5.0	5.0			5.0		5.0	5.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	251	2284		222	1790			103		413	351	
v/s Ratio Prot	0.03	c0.20			c0.24			c0.02		c0.19	0.08	
v/s Ratio Perm	0.19			0.14								
v/c Ratio	0.40	0.37		0.32	0.57			0.26		0.68	0.31	
Uniform Delay, d1	12.8	13.3		18.8	21.4			44.1		32.4	28.9	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	1.1	0.5		3.8	1.3			1.3		4.4	0.5	
Delay (s)	13.9	13.8		22.7	22.7			45.4		36.8	29.4	
Level of Service	B	B		C	C			D		D	C	
Approach Delay (s)		13.8			22.7			45.4			33.0	
Approach LOS		B			C			D			C	

Intersection Summary			
HCM 2000 Control Delay	22.5	HCM 2000 Level of Service	C
HCM 2000 Volume to Capacity ratio	0.57		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	15.8
Intersection Capacity Utilization	64.2%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Future Volume (vph)	89	735	16	63	797	110	13	6	56	274	8	223
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	10	12	12	10	12	12	12	12	12	10	10
Lane Util. Factor	1.00	0.91	0.91	1.00	0.91	0.91	1.00	1.00	1.00	0.95	0.95	1.00
Ped Bike Factor	0.99	1.00		0.97	0.99							
Frt		0.997			0.982			0.900			0.870	
Flt Protected	0.950			0.950				0.991		0.950	0.995	
Satd. Flow (prot)	1593	4247	0	1593	4155	0	0	1495	0	1513	1287	0
Flt Permitted	0.181			0.319				0.991		0.950	0.995	
Satd. Flow (perm)	301	4247	0	517	4155	0	0	1495	0	1513	1287	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		4			29			64			253	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		130			248			374			197	
Travel Time (s)		3.0			5.6			8.5			4.5	
Confl. Peds. (#/hr)	40		40	40		40						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	101	835	18	72	906	125	15	7	64	311	9	253
Shared Lane Traffic (%)										10%		
Lane Group Flow (vph)	101	853	0	72	1031	0	0	86	0	280	293	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.14	1.25	1.14	1.14	1.25	1.14	1.14	1.14	1.14	1.14	1.25	1.25
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1		1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50		50	50	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	50	50		50	50		50	50		50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Turn Type	pm+pt	NA		Perm	NA		Split	NA		Split	NA	
Protected Phases	5	2			6		8	8		4	4	
Permitted Phases	2			6								
Detector Phase	5	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	3.0	18.0		18.0	18.0		5.0	5.0		25.0	25.0	
Minimum Split (s)	7.8	23.0		23.0	23.0		10.0	10.0		30.0	30.0	
Total Split (s)	11.3	53.0		41.7	41.7		13.0	13.0		34.0	34.0	

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

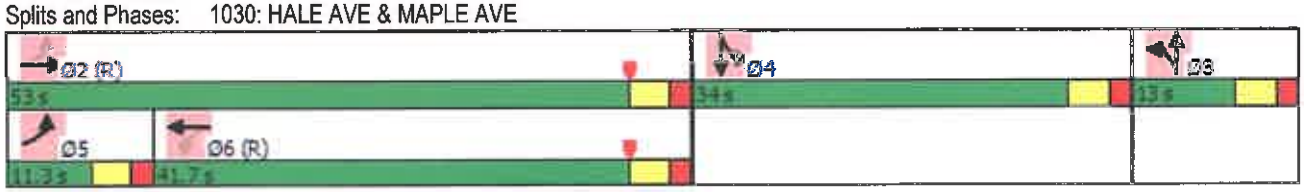
11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Split (%)	11.3%	53.0%		41.7%	41.7%		13.0%	13.0%		34.0%	34.0%	
Maximum Green (s)	6.5	48.0		36.7	36.7		8.0	8.0		29.0	29.0	
Yellow Time (s)	3.0	3.2		3.2	3.2		3.2	3.2		3.2	3.2	
All-Red Time (s)	1.8	1.8		1.8	1.8		1.8	1.8		1.8	1.8	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0			-1.0		-1.0	-1.0	
Total Lost Time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		C-Max	C-Max		None	None		None	None	
Walk Time (s)		6.0		6.0	6.0		7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		12.0		12.0	12.0		19.0	19.0		19.0	19.0	
Pedestrian Calls (#/hr)		0		0	0		0	0		0	0	
Act Effct Green (s)	55.0	54.8		45.1	45.1			8.0		27.3	27.3	
Actuated g/C Ratio	0.55	0.55		0.45	0.45			0.08		0.27	0.27	
v/c Ratio	0.38	0.37		0.31	0.55			0.48		0.68	0.55	
Control Delay	16.6	14.2		26.5	22.7			25.9		41.4	10.0	
Queue Delay	0.0	0.0		0.0	0.0			0.0		0.0	0.0	
Total Delay	16.6	14.2		26.5	22.7			25.9		41.4	10.0	
LOS	B	B		C	C			C		D	B	
Approach Delay		14.5			22.9			25.9			25.4	
Approach LOS		B			C			C			C	

Intersection Summary

Area Type: CBD
Cycle Length: 100
Actuated Cycle Length: 100
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow
Natural Cycle: 75
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.68
Intersection Signal Delay: 20.6 — Intersection LOS: C
Intersection Capacity Utilization 64.2% — ICU Level of Service C
Analysis Period (min) 15

Splits and Phases: 1030: HALE AVE & MAPLE AVE



Intersection: 1030: HALE AVE & MAPLE AVE

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LTR	L	LTR
Maximum Queue (ft)	92	126	106	125	91	224	216	117	92	114	151
Average Queue (ft)	46	101	71	39	30	185	120	43	40	76	100
95th Queue (ft)	82	122	130	107	67	247	230	86	72	106	146
Link Distance (ft)	90	90	90	90	201	201	201	201	307	101	101
Upstream Blk Time (%)	1	21	7	3		7	1			1	10
Queuing Penalty (veh)	0	0	0	0		0	0			1	10
Storage Bay Dist (ft)											
Storage Blk Time (%)											
Queuing Penalty (veh)											

Intersection: 1170: HALE AVE & Maple Entrance

Movement	EB	EB	NB
Directions Served	L	R	LT
Maximum Queue (ft)	49	56	31
Average Queue (ft)	19	36	5
95th Queue (ft)	44	57	24
Link Distance (ft)	123	123	101
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 11

Saturday MD Peak Period – Future with Action

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

HCM Signalized Intersection Capacity Analysis
1030: HALE AVE & MAPLE AVE

11/30/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Future Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	10	12	12	10	12	12	12	12	12	10	10
Total Lost time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	0.91		1.00	0.91			1.00		1.00	1.00	
Frpb, ped/bikes	1.00	1.00		1.00	0.99			1.00		1.00	1.00	
Flpb, ped/bikes	1.00	1.00		0.96	1.00			1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.97			0.90		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00			0.99		0.95	1.00	
Satd. Flow (prot)	1586	4256		1530	4087			1505		1593	1348	
Flt Permitted	0.28	1.00		0.36	1.00			0.96		0.76	1.00	
Satd. Flow (perm)	468	4256		574	4087			1461		1269	1348	
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	132	736	10	43	673	160	7	10	43	355	16	197
RTOR Reduction (vph)	0	1	0	0	40	0	0	32	0	0	148	0
Lane Group Flow (vph)	132	745	0	43	793	0	0	28	0	355	65	0
Confl. Peds. (#/hr)	40		40	40		40						
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases	5	2			6			4			7	
Permitted Phases	2			6			4			7		
Actuated Green, G (s)	66.0	66.0		56.0	56.0			24.0		24.0	24.0	
Effective Green, g (s)	67.0	67.0		57.0	57.0			25.0		25.0	25.0	
Actuated g/C Ratio	0.67	0.67		0.57	0.57			0.25		0.25	0.25	
Clearance Time (s)	4.8	5.0		5.0	5.0			5.0		5.0	5.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	382	2851		327	2329			365		317	337	
v/s Ratio Prot	c0.02	0.17			0.19						0.05	
v/s Ratio Perm	c0.21			0.07				0.02		c0.28		
v/c Ratio	0.35	0.26		0.13	0.34			0.08		1.12	0.19	
Uniform Delay, d1	6.4	6.6		10.0	11.5			28.7		37.5	29.6	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	0.5	0.2		0.8	0.4			0.1		86.9	0.3	
Delay (s)	7.0	6.8		10.8	11.9			28.8		124.4	29.8	
Level of Service	A	A		B	B			C		F	C	
Approach Delay (s)		6.8			11.8			28.8			88.9	
Approach LOS		A			B			C			F	

Intersection Summary			
HCM 2000 Control Delay	28.8	HCM 2000 Level of Service	C
HCM 2000 Volume to Capacity ratio	0.58		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	11.8
Intersection Capacity Utilization	65.9%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Future Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	10	12	12	10	12	12	12	12	12	10	10
Lane Util. Factor	1.00	0.91	0.91	1.00	0.91	0.91	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor	0.98	1.00		0.96	0.99							
Frt		0.998			0.971			0.903			0.861	
Flt Protected	0.950			0.950				0.994		0.950		
Satd. Flow (prot)	1593	4256	0	1593	4086	0	0	1505	0	1593	1347	0
Flt Permitted	0.280			0.357				0.965		0.757		
Satd. Flow (perm)	462	4256	0	575	4086	0	0	1461	0	1269	1347	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		4			92			43			197	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		130			248			374			197	
Travel Time (s)		3.0			5.6			8.5			4.5	
Confl. Peds. (#/hr)	40		40	40		40						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	132	736	10	43	673	160	7	10	43	355	16	197
Shared Lane Traffic (%)												
Lane Group Flow (vph)	132	746	0	43	833	0	0	60	0	355	213	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.14	1.25	1.14	1.14	1.25	1.14	1.14	1.14	1.14	1.14	1.25	1.25
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1		1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50		50	50	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	50	50		50	50		50	50		50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases	5	2			6			4			7	
Permitted Phases	2			6			4			7		
Detector Phase	5	2		6	6		4	4		7	7	
Switch Phase												
Minimum Initial (s)	3.0	18.0		18.0	18.0		25.0	25.0		25.0	25.0	
Minimum Split (s)	7.8	23.0		23.0	23.0		30.0	30.0		30.0	30.0	
Total Split (s)	10.0	71.0		61.0	61.0		29.0	29.0		29.0	29.0	

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

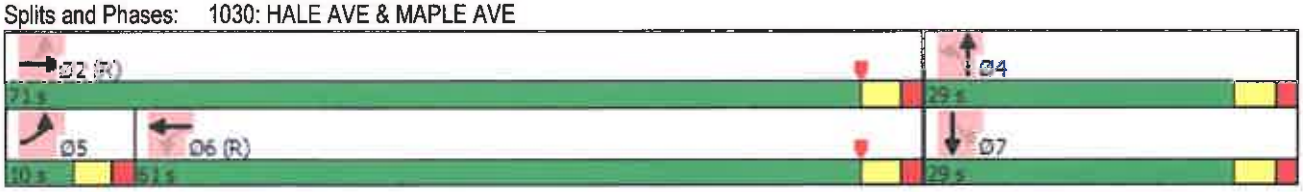
11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Split (%)	10.0%	71.0%		61.0%	61.0%		29.0%	29.0%		29.0%	29.0%	
Maximum Green (s)	5.2	66.0		56.0	56.0		24.0	24.0		24.0	24.0	
Yellow Time (s)	3.0	3.2		3.2	3.2		3.2	3.2		3.2	3.2	
All-Red Time (s)	1.8	1.8		1.8	1.8		1.8	1.8		1.8	1.8	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0			-1.0		-1.0	-1.0	
Total Lost Time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		C-Max	C-Max		None	None		None	None	
Walk Time (s)		6.0		6.0	6.0		7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		12.0		12.0	12.0		19.0	19.0		19.0	19.0	
Pedestrian Calls (#/hr)		0		0	0		0	0		0	0	
Act Effct Green (s)	67.2	67.0		57.0	57.0			25.0		25.0	25.0	
Actuated g/C Ratio	0.67	0.67		0.57	0.57			0.25		0.25	0.25	
v/c Ratio	0.35	0.26		0.13	0.35			0.15		1.12	0.44	
Control Delay	8.5	6.8		11.3	10.6			14.0		123.4	8.8	
Queue Delay	0.0	0.0		0.0	0.0			0.0		0.0	0.0	
Total Delay	8.5	6.8		11.3	10.6			14.0		123.4	8.8	
LOS	A	A		B	B			B		F	A	
Approach Delay		7.1			10.7			14.0			80.5	
Approach LOS		A			B			B			F	

Intersection Summary

Area Type: CBD
Cycle Length: 100
Actuated Cycle Length: 100
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow
Natural Cycle: 65
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.12
Intersection Signal Delay: 26.1 — Intersection LOS: C
Intersection Capacity Utilization 65.9% — ICU Level of Service C
Analysis Period (min) 15

Splits and Phases: 1030: HALE AVE & MAPLE AVE



Queuing and Blocking Report
Future with Action

11/30/2015

Intersection: 1030: HALE AVE & MAPLE AVE

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LTR	L	TR
Maximum Queue (ft)	71	117	106	50	47	215	116	44	139	204	142
Average Queue (ft)	29	67	31	5	16	90	28	15	34	179	48
95th Queue (ft)	53	131	86	28	42	196	83	40	91	201	116
Link Distance (ft)	90	90	90	90	201	201	201	201	307	101	101
Upstream Blk Time (%)	0	5	1			0				85	5
Queuing Penalty (veh)	0	0	0			0				105	7
Storage Bay Dist (ft)											
Storage Blk Time (%)											
Queuing Penalty (veh)											

Intersection: 1170: HALE AVE & Maple Entrance

Movement	EB	EB	NB	NB	SB	SB
Directions Served	L	R	LT	T	T	TR
Maximum Queue (ft)	138	155	119	101	174	179
Average Queue (ft)	58	136	51	3	48	61
95th Queue (ft)	143	149	108	33	119	155
Link Distance (ft)	123	123	101	101	164	164
Upstream Blk Time (%)	6	92	5	0	0	1
Queuing Penalty (veh)	0	0	7	0	0	0
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Network Summary

Network wide Queuing Penalty: 119

Saturday MD Peak Period – Mitigation Measure 1

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

HCM Signalized Intersection Capacity Analysis
1030: HALE AVE & MAPLE AVE

11/30/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Future Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	10	12	12	10	12	12	12	12	12	10	10
Total Lost time (s)	3.8	4.0		4.0	4.0			4.0		3.8	4.0	
Lane Util. Factor	1.00	0.91		1.00	0.91			1.00		1.00	1.00	
Frpb, ped/bikes	1.00	1.00		1.00	0.99			1.00		1.00	1.00	
Flpb, ped/bikes	1.00	1.00		0.96	1.00			1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.97			0.90		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00			0.99		0.95	1.00	
Satd. Flow (prot)	1589	4256		1530	4087			1505		1593	1348	
Flt Permitted	0.21	1.00		0.36	1.00			0.96		0.65	1.00	
Satd. Flow (perm)	346	4256		574	4087			1457		1088	1348	
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	132	736	10	43	673	160	7	10	43	355	16	197
RTOR Reduction (vph)	0	1	0	0	37	0	0	34	0	0	108	0
Lane Group Flow (vph)	132	745	0	43	796	0	0	26	0	355	105	0
Confl. Peds. (#/hr)	40		40	40		40						
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		pm+pt	NA	
Protected Phases	5	2			6			4		3	7	
Permitted Phases	2			6			4			7		
Actuated Green, G (s)	45.8	45.8		32.0	32.0			20.0		44.2	44.2	
Effective Green, g (s)	46.8	46.8		33.0	33.0			21.0		45.2	45.2	
Actuated g/C Ratio	0.47	0.47		0.33	0.33			0.21		0.45	0.45	
Clearance Time (s)	4.8	5.0		5.0	5.0			5.0		4.8	5.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	286	1991		189	1348			305		594	609	
v/s Ratio Prot	c0.05	0.18			c0.19					c0.12	0.08	
v/s Ratio Perm	0.17			0.07				0.02		c0.15		
v/c Ratio	0.46	0.37		0.23	0.59			0.09		0.60	0.17	
Uniform Delay, d1	16.6	17.2		24.3	27.9			31.8		19.5	16.3	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	1.2	0.5		2.8	1.9			0.1		1.6	0.1	
Delay (s)	17.8	17.7		27.0	29.8			31.9		21.1	16.4	
Level of Service	B	B		C	C			C		C	B	
Approach Delay (s)		17.7			29.7			31.9			19.4	
Approach LOS		B			C			C			B	

Intersection Summary			
HCM 2000 Control Delay	22.9	HCM 2000 Level of Service	C
HCM 2000 Volume to Capacity ratio	0.60		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	15.6
Intersection Capacity Utilization	65.9%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Future Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	10	12	12	10	12	12	12	12	12	10	10
Lane Util. Factor	1.00	0.91	0.91	1.00	0.91	0.91	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor	0.99	1.00		0.96	0.99							
Frt		0.998			0.971			0.903			0.861	
Flt Protected	0.950			0.950				0.994		0.950		
Satd. Flow (prot)	1593	4256	0	1593	4086	0	0	1505	0	1593	1347	0
Flt Permitted	0.226			0.357				0.962		0.649		
Satd. Flow (perm)	374	4256	0	575	4086	0	0	1456	0	1088	1347	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		3			60			43			197	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		130			248			374			197	
Travel Time (s)		3.0			5.6			8.5			4.5	
Confl. Peds. (#/hr)	40		40	40		40						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	132	736	10	43	673	160	7	10	43	355	16	197
Shared Lane Traffic (%)												
Lane Group Flow (vph)	132	746	0	43	833	0	0	60	0	355	213	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.14	1.25	1.14	1.14	1.25	1.14	1.14	1.14	1.14	1.14	1.25	1.25
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1		1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50		50	50	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	50	50		50	50		50	50		50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Turn Type	pm+pt	NA		Perm	NA		Perm	NA		pm+pt	NA	
Protected Phases	5	2			6			4		3	7	
Permitted Phases	2			6			4			7		
Detector Phase	5	2		6	6		4	4		3	7	
Switch Phase												
Minimum Initial (s)	3.0	18.0		18.0	18.0		25.0	25.0		3.0	25.0	
Minimum Split (s)	7.8	23.0		23.0	23.0		30.0	30.0		7.8	30.0	
Total Split (s)	12.0	50.0		38.0	38.0		30.0	30.0		20.0	50.0	

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

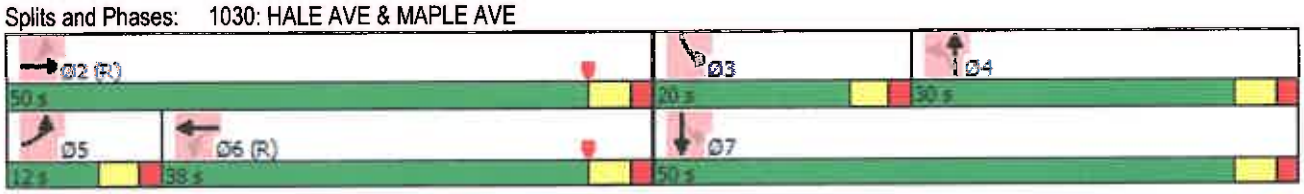
11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Split (%)	12.0%	50.0%		38.0%	38.0%		30.0%	30.0%		20.0%	50.0%	
Maximum Green (s)	7.2	45.0		33.0	33.0		25.0	25.0		15.2	45.0	
Yellow Time (s)	3.0	3.2		3.2	3.2		3.2	3.2		3.0	3.2	
All-Red Time (s)	1.8	1.8		1.8	1.8		1.8	1.8		1.8	1.8	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0			-1.0		-1.0	-1.0	
Total Lost Time (s)	3.8	4.0		4.0	4.0			4.0		3.8	4.0	
Lead/Lag	Lead			Lag	Lag		Lag	Lag		Lead		
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		C-Max	C-Max		None	None		None	None	
Walk Time (s)		6.0		6.0	6.0		7.0	7.0			7.0	
Flash Dont Walk (s)		12.0		12.0	12.0		19.0	19.0			19.0	
Pedestrian Calls (#/hr)		0		0	0		0	0			0	
Act Effct Green (s)	50.2	50.0		38.2	38.2			26.0		42.2	42.0	
Actuated g/C Ratio	0.50	0.50		0.38	0.38			0.26		0.42	0.42	
v/c Ratio	0.46	0.35		0.20	0.52			0.15		0.64	0.31	
Control Delay	20.8	16.8		26.7	24.7			13.6		26.8	4.3	
Queue Delay	0.0	0.0		0.0	0.0			0.0		0.0	0.0	
Total Delay	20.8	16.8		26.7	24.7			13.6		26.8	4.3	
LOS	C	B		C	C			B		C	A	
Approach Delay		17.4			24.8			13.6			18.4	
Approach LOS		B			C			B			B	

Intersection Summary

Area Type: CBD
Cycle Length: 100
Actuated Cycle Length: 100
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow
Natural Cycle: 70
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.64
Intersection Signal Delay: 20.3 — Intersection LOS: C
Intersection Capacity Utilization 65.9% — ICU Level of Service C
Analysis Period (min) 15

Splits and Phases: 1030: HALE AVE & MAPLE AVE



Queuing and Blocking Report
Future with Action

11/30/2015

Intersection: 1030: HALE AVE & MAPLE AVE

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LTR	L	TR
Maximum Queue (ft)	106	106	125	106	47	226	201	178	52	185	84
Average Queue (ft)	49	94	67	29	13	167	76	40	29	120	45
95th Queue (ft)	94	116	130	88	38	242	175	104	53	173	80
Link Distance (ft)	90	90	90	90	201	201	201	201	307	101	101
Upstream Blk Time (%)	3	17	7	2		3	0			17	0
Queuing Penalty (veh)	0	0	0	0		0	0			21	0
Storage Bay Dist (ft)											
Storage Blk Time (%)											
Queuing Penalty (veh)											

Intersection: 1170: HALE AVE & Maple Entrance

Movement	EB	EB	NB	SB
Directions Served	L	R	LT	T
Maximum Queue (ft)	56	56	56	54
Average Queue (ft)	22	37	10	2
95th Queue (ft)	44	54	40	18
Link Distance (ft)	123	123	101	164
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 21

Saturday MD Peak Period – Mitigation Measure 2

- HCM 2000 Intersection Capacity Analysis
- Synchro Lanes, Volumes and Signal Timing Report
- SimTraffic Queue Report

HCM Signalized Intersection Capacity Analysis
1030: HALE AVE & MAPLE AVE

11/30/2015

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Future Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	12	10	12	12	10	12	12	12	12	12	10	10
Total Lost time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	0.91		1.00	0.91			1.00		0.95	0.95	
Frpb, ped/bikes	1.00	1.00		1.00	0.99			1.00		1.00	1.00	
Flpb, ped/bikes	1.00	1.00		0.96	1.00			1.00		1.00	1.00	
Frt	1.00	1.00		1.00	0.97			0.90		1.00	0.89	
Flt Protected	0.95	1.00		0.95	1.00			0.99		0.95	0.99	
Satd. Flow (prot)	1588	4256		1530	4087			1505		1513	1311	
Flt Permitted	0.24	1.00		0.36	1.00			0.99		0.95	0.99	
Satd. Flow (perm)	398	4256		574	4087			1505		1513	1311	
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	132	736	10	43	673	160	7	10	43	355	16	197
RTOR Reduction (vph)	0	1	0	0	38	0	0	39	0	0	96	0
Lane Group Flow (vph)	132	745	0	43	795	0	0	21	0	295	177	0
Confl. Peds. (#/hr)	40		40	40		40						
Turn Type	pm+pt	NA		Perm	NA		Split	NA		Split	NA	
Protected Phases	5	2			6		8	8		4	4	
Permitted Phases	2			6								
Actuated Green, G (s)	50.4	50.4		39.4	39.4			8.1		26.5	26.5	
Effective Green, g (s)	51.4	51.4		40.4	40.4			9.1		27.5	27.5	
Actuated g/C Ratio	0.51	0.51		0.40	0.40			0.09		0.28	0.28	
Clearance Time (s)	4.8	5.0		5.0	5.0			5.0		5.0	5.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	290	2187		231	1651			136		416	360	
v/s Ratio Prot	c0.03	0.17			0.19			c0.01		c0.19	0.13	
v/s Ratio Perm	c0.20			0.07								
v/c Ratio	0.46	0.34		0.19	0.48			0.15		0.71	0.49	
Uniform Delay, d1	13.8	14.3		19.2	22.0			41.9		32.6	30.4	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	1.1	0.4		1.8	1.0			0.5		5.5	1.1	
Delay (s)	15.0	14.7		21.0	23.1			42.4		38.1	31.4	
Level of Service	B	B		C	C			D		D	C	
Approach Delay (s)		14.8			23.0			42.4			34.9	
Approach LOS		B			C			D			C	

Intersection Summary			
HCM 2000 Control Delay	23.3	HCM 2000 Level of Service	C
HCM 2000 Volume to Capacity ratio	0.52		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	15.8
Intersection Capacity Utilization	62.6%	ICU Level of Service	B
Analysis Period (min)	15		

c Critical Lane Group

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Future Volume (vph)	116	648	9	38	592	141	6	9	38	312	14	173
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	10	12	12	10	12	12	12	12	12	10	10
Lane Util. Factor	1.00	0.91	0.91	1.00	0.91	0.91	1.00	1.00	1.00	0.95	0.95	1.00
Ped Bike Factor	0.99	1.00		0.96	0.99							
Frt		0.998			0.971			0.903			0.892	
Flt Protected	0.950			0.950				0.994		0.950	0.989	
Satd. Flow (prot)	1593	4256	0	1593	4086	0	0	1505	0	1513	1311	0
Flt Permitted	0.238			0.357				0.994		0.950	0.989	
Satd. Flow (perm)	394	4256	0	575	4086	0	0	1505	0	1513	1311	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		3			64			43			133	
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		130			248			374			197	
Travel Time (s)		3.0			5.6			8.5			4.5	
Confl. Peds. (#/hr)	40		40	40		40						
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	132	736	10	43	673	160	7	10	43	355	16	197
Shared Lane Traffic (%)										17%		
Lane Group Flow (vph)	132	746	0	43	833	0	0	60	0	295	273	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.14	1.25	1.14	1.14	1.25	1.14	1.14	1.14	1.14	1.14	1.25	1.25
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1		1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50		50	50	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	50	50		50	50		50	50		50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Turn Type	pm+pt	NA		Perm	NA		Split	NA		Split	NA	
Protected Phases	5	2			6		8	8		4	4	
Permitted Phases	2			6								
Detector Phase	5	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	3.0	18.0		18.0	18.0		25.0	25.0		25.0	25.0	
Minimum Split (s)	7.8	23.0		23.0	23.0		30.0	30.0		30.0	30.0	
Total Split (s)	11.0	53.0		42.0	42.0		13.0	13.0		34.0	34.0	

Lanes, Volumes, Timings
1030: HALE AVE & MAPLE AVE

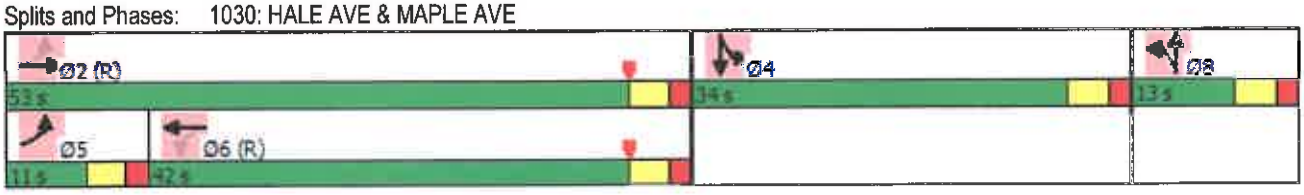
11/30/2015

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Split (%)	11.0%	53.0%		42.0%	42.0%		13.0%	13.0%		34.0%	34.0%	
Maximum Green (s)	6.2	48.0		37.0	37.0		8.0	8.0		29.0	29.0	
Yellow Time (s)	3.0	3.2		3.2	3.2		3.2	3.2		3.2	3.2	
All-Red Time (s)	1.8	1.8		1.8	1.8		1.8	1.8		1.8	1.8	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0			-1.0		-1.0	-1.0	
Total Lost Time (s)	3.8	4.0		4.0	4.0			4.0		4.0	4.0	
Lead/Lag	Lead			Lag	Lag							
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		C-Max	C-Max		None	None		None	None	
Walk Time (s)		6.0		6.0	6.0		7.0	7.0		7.0	7.0	
Flash Dont Walk (s)		12.0		12.0	12.0		19.0	19.0		19.0	19.0	
Pedestrian Calls (#/hr)		0		0	0		0	0		0	0	
Act Effct Green (s)	52.6	52.4		41.4	41.4			11.5		27.5	27.5	
Actuated g/C Ratio	0.53	0.52		0.41	0.41			0.12		0.28	0.28	
v/c Ratio	0.45	0.33		0.18	0.48			0.28		0.71	0.60	
Control Delay	18.8	15.1		23.5	21.8			22.5		42.8	21.4	
Queue Delay	0.0	0.0		0.0	0.0			0.0		0.0	0.0	
Total Delay	18.8	15.1		23.5	21.8			22.5		42.8	21.4	
LOS	B	B		C	C			C		D	C	
Approach Delay		15.6			21.9			22.5			32.5	
Approach LOS		B			C			C			C	

Intersection Summary

Area Type: CBD
Cycle Length: 100
Actuated Cycle Length: 100
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Yellow
Natural Cycle: 95
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.71
Intersection Signal Delay: 22.1 — Intersection LOS: C
Intersection Capacity Utilization 62.6% — ICU Level of Service B
Analysis Period (min) 15

Splits and Phases: 1030: HALE AVE & MAPLE AVE



Queuing and Blocking Report
Future with Action

11/30/2015

Intersection: 1030: HALE AVE & MAPLE AVE

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LTR	L	LTR
Maximum Queue (ft)	104	124	106	106	47	216	194	172	74	204	186
Average Queue (ft)	48	91	59	25	16	153	85	47	28	102	130
95th Queue (ft)	90	140	124	84	40	248	196	114	61	177	187
Link Distance (ft)	90	90	90	90	201	201	201	201	307	101	101
Upstream Blk Time (%)	2	18	6	2		5	0			19	34
Queuing Penalty (veh)	0	0	0	0		0	0			23	42
Storage Bay Dist (ft)											
Storage Blk Time (%)											
Queuing Penalty (veh)											

Intersection: 1170: HALE AVE & Maple Entrance

Movement	EB	EB	NB	SB	SB
Directions Served	L	R	LT	T	TR
Maximum Queue (ft)	72	129	56	89	67
Average Queue (ft)	27	48	15	3	6
95th Queue (ft)	53	90	47	29	31
Link Distance (ft)	123	123	101	164	164
Upstream Blk Time (%)		2			
Queuing Penalty (veh)		0			
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Network Summary

Network wide Queuing Penalty: 65

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 November 18, 2015, reviewed a request from The Westchester Pavilion (60 South Broadway), for a site plan and special permit approvals as referred by the Common Council on November 2, 2015.

The Transportation Commission had the following comments:

1. Plans showing proposed MUTCD signage and pavement markings need to be submitted.
2. Certain Synchro analyses do not accurately represent field conditions.

   The Commission recommended that these items be provided directly to the City Transportation Engineer for his review.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: November 23, 2015 (for the December 7, 2015 Common Council Meeting)

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THOMAS M. ROACH
MAYOR

JOHN P. LARSON
COMMISSIONER

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

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

(914) 422-1232 Phone
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TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

RE: Maple & Broadway Holding, 60 South Broadway
Application for Site Plan and Special Permit Approval (Urstadt Biddle)

The Department of Parking has received and reviewed the above-noted application for site plan and special permit approval and has the following comments:

- The submitted site plan calls for the realignment of a portion of the on-street meters on the east side of South Broadway between Lyon Place and East Post Road. Additionally, three current on-street metered spaces will be eliminated as part of this development.

- The pavement markings and layout of the realigned spaces should be coordinated with this Department prior to installation.

- The applicant should be required to reinstall any parking meter posts necessary for the realignment.

- Given the scope and scale of this project, the applicant should be required to address the parking needs of construction workers during construction of the project as part of a construction management plan to insure that the nearby municipal parking areas are not adversely affected.

Respectfully submitted,

John P. Larson
Commissioner of Parking

Date: February 1, 2016

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

THOMAS M. ROACH
MAYOR

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

ROD JOHNSON
STAFF

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

FROM: ANDREW BERGER, ACTING CHAIRMAN
CONSERVATION BOARD

APPLICANT: MAPLE & BROADWAY LLC

PROJECT: 60 SOUTH BROADWAY (A.K.A. "THE WESTCHESTER PAVILION")
ZONING: CB-3

ACTION: SITE PLAN APPROVAL & SPECIAL PERMIT

DATE: DECEMBER 22, 2015

Project Overview:

This document focuses on the site plan application for a mixed use complex with residential and retail uses at 60 South Broadway, to be constructed on a 3.58 acre parcel On South Broadway, Maple Avenue and Hale Avenue.

Maple and Broadway Holdings, LLC ("Applicant") is requesting Site Plan and Special Permit (for outdoor dining) approval from the City of White Plains Common Council ("Common Council") and a sales tax exemption and mortgage tax exemption from the County of Westchester Industrial Development Agency (IDA) to facilitate the redevelopment of property located at 60 South Broadway, designated on the Tax Assessment Map of the City of White Plains as Section 125.84, Block 3, Lot 1 (The "Project Site"). The Project Site is proposed to be redeveloped with a new approximately 855,000 square feet (SF) mixed-use residential and commercial development project (the "Project Action") consisting of 707 multifamily units (approximately 760,000 SF), six percent (6%) or 43 units of which will be affordable at 60% of Westchester County's Median Family Income ("MFI"), within two 24 story buildings located on top of approximately 95,000 SF of street-level commercial use, including 1,800 square feet of outdoor dining and including approximately 1,037 parking spaces (the "Proposed Redevelopment Project"). The Proposed Redevelopment Project would stand 24 stories and 280 feet in height when completed.

The Project Site was rezoned in November 2014 by the Common Council from B-6 (Enclosed Mall) to CB-3 (Core Business 3) and the boundary of the Central Parking areas ("CPA") was extended to include the Project Site. This action, including the rezoning of the Project Site to CB-3, its inclusion in the CPA and its redevelopment (collectively the "CB-3 Rezoning") was analyzed in a Generic Environmental Impact Statement (GEIS) which considered, among other things, potential impacts from a mixed-use residential and commercial deployment and culminated in the adoption of SEQR Environmental Findings on November 3, 2014.

Referral Basis:

This project has been referred to the Conservation Board due to its proximity to the White Plains Armory, which is listed on the White Plains Open Space Inventory. The White Plains Armory is also listed on the National Register of Historic Places.

The Conservation Board requests that the Applicant address the following concerns.

- In addition to safeguarding the White Plains Armory physically and aesthetically, it is important that 60 South Broadway project enhance the overall environment making the area more attractive and livable. It is the Board's feeling that every effort to improve the project's sustainability and minimize impacts at this time will add value and generate significant financial and life-style returns in the future.

- Because 60 South Broadway will be home to 707 multifamily units and roughly 95,000 SF of Street Level commercial development, it is important that the project be human-scaled, pedestrian friendly, and appealing. The three fronts of the development should have plenty of year-round green and be architecturally interesting. All frontages should be glazed (transparent) to provide maximum visibility of retail spaces to the streetscape and vice-versa.

- The Board feels that it is important for the Applicant to confirm that the streetscape landscape improvements will be constructed as part of any initial development. White Plains must be assured that these streetscape, site and open spaces be developed sufficiently prior to any residential or commercial occupancy. We also suggest a maintenance bond or similar be put in place to assure that the streetscape and plantings be adequately maintained or replaced if determined necessary.

Shadow/Wind Impact:

The Conservation Board is concerned about potential shadow and micro-wind impacts. Based on the currently provided analysis, it appears that the project's shadow impact will be negligible. The Conservation Board however, requests that it be confirmed that the project will not cast unwelcomed shadows on the public right-of-way or adjacent properties.

As a result of the recently constructed tall structures built at Renaissance Plaza (Ritz) and City Center Tower (Trump), there has been a significant increase in street level wind velocity and micro-wind bursts.

The Applicant shall provide additional analysis comparing the current wind activity versus the proposed development. The proposed development should be designed to eliminate any such adverse impacts from high wind velocity and micro-bursts.

Green Space and Open Space

The Applicant notes that 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 landscape areas around the perimeter of the Premises including an approximately 7,200 square foot plaza fronting on South Broadway, adjacent to the residential building. The new plaza pocket park would include trellised seat walls defining landscape areas, benches, tables, and chairs sited amongst planting areas.

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 planting that further establish clear circulation path and promote pedestrian activity.

With 707 residential units, the Board anticipates a significant amount of pets in the building including many dogs. Plans are being developed to provide amenities such as a "dog terrace" or "dog park-space" If not not properly planned, this could have a significant impact on the streetscape and surrounding neighborhood.

The Conservation Board applauds the Applicant for its street/sidewalk amenities and landscape plan. The Board also encourages the Applicant to provide the maximum of both planted green areas and open areas that will serve to increase the general feeling of openness of the area.

Storm Water Impacts

A Green roof is proposed for the retail podium and will provide an amenity for both residential buildings, as well as a rooftop. While some of the rooftop will be comprised of ballast, the rest will be vegetated green roof assemblies. It appears that most rooftop storm water management will divert storm water to the vegetated green roof.

Managing storm water is a critical issue for the City of White Plains and the region, (current property is 98.5% impervious). Accordingly, the Applicant has developed a design to ensure that the development improve the overall environmental quality by reducing the rate of run-off by approximately 40% and reduce the percentage of imperious surface by 33% from existing conditions.

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 a strategy for managing storm water runoff and irrigating the proposed plantings. The urban greening should also reduce the volume of runoff, attenuate peak flows and minimize the heat island effect.

The urban greening proposed herein will reduce overall impervious area within the watershed by 33%: the equivalent of 1.3 acres.

Green Building Technology:

The Conservation Board commends the Applicant with the many sustainable features proposed, however, the Board suggests that all relevant types of Green Technology should be incorporated to obtain the minimum "equivalent" of LEED Silver certification. This achievement will mitigate potential impacts of this project and showcase the 60 South Broadway project leadership in defining their project as part of White Plains sustainable future.

Other Considerations:

To minimize traffic congestion, properly designed pick-up/drop-off areas need to be designed to accommodate pick-up lay-over and queue activities which take into consideration the potential massive amount of activity that may occur under this development. In addition, to minimize vehicular traffic congestion and promote alternative transportation a comprehensive shuttle service should be developed to limit car trips between the proposed development, transportation center and other local destinations such as medical and recreational facilities. The bike storage and shelter plan should also be further expanded to promote bike usage by residents, employees and patrons of the proposed development.

Respectfully submitted,

ANDREW BERGER

_____

Andrew Berger, Acting Chairman
White Plains Conservation Board

Westchester gov.com

Robert P. Astorino
County Executive

County Planning Board

Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code

November 16, 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 15-012B — 60 South Broadway; Site Plan & Special Permit**

Dear Ms. McPherson:

The Westchester County Planning Board has received revised site plans (dated October 15, 2015) and related materials for the above referenced application to construct a new large-scale, mixed-use development on a 3.58-acre site which now contains the White Plains Pavilion Mall in downtown White Plains. The applicants propose to demolish the existing mall and construct two 24-story towers above a podium building containing retail and parking. In total, 707 residential apartments are proposed (including 71 restricted as affordable per City regulations) with 95,396 square feet of street-level commercial space. Parking for 1,022 vehicles would also be constructed.

The subject site is bounded by South Broadway (a portion of which is County Road 108), Maple Avenue and Hale Avenue. Because the site is sloped downward from South Broadway, the retail/parking podium building will be constructed into the hill, placing parking below grade of the site's South Broadway frontage. Vehicular access to the parking would be from Maple Avenue and Hale Avenue.

The subject property was part of a previous SEQR review with respect to a rezoning which occurred in 2014 to change the designation of the site from B-6 (Enclosed Mall) to CB-3 (Core Business 3). A generic environmental impact statement (EIS) for the proposed development was completed for the rezoning and a Findings Statement was adopted by the City on November 3, 2014. At this time the applicants are seeking site plan approval to construct the project as well as a special permit approval to permit outdoor dining.

We reviewed the generic EIS related to this project and responded to the City in a letter dated August 12, 2015. In addition, we provided prior comments on the site plan in a letter dated August 17, 2015. We have now reviewed the revisions to the site plan under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we have no further comments. Our comments from our August 17, 2015 letter are below for your reference and continued consideration:

1. **Consistency with County Planning Board polities.** The proposed development is consistent with the County Planning Board's long-range planning policies set forth in ***Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning,*** adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in ***Patterns for Westchester: The Land and the People***, adopted December 5, 1995 because it would direct new development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently and where redevelopment can enhance economic vitality. We support the proposed application. We wish to call special attention to a number of noteworthy project elements that we believe are model examples of what all downtown redevelopment projects should contain:

> ORIENTATION OF RETAIL TO THE STREET The proposed development has kept all proposed retail spaces along the street, with pedestrian access directly to the surrounding sidewalks. There are entrances to retail stores on all three sides of the proposed development that have street frontage. This is very important for promoting an active, pedestrian-oriented streetscape in the downtown.
>
> BICYCLE PARKING The plans show a bicycle storage room for residents of the proposed building along with multiple bike parking areas to serve the retail portion of the development. Bicycling is becoming an increasingly popular form of transportation in White Plains, as can be evidenced by the bicycle racks around downtown that are full, particularly in similar downtown developments such as City Center. Providing the level of bicycle parking shown on the plans will continue this positive trend.
>
> GREEN BUILDING TECHNOLOGY The site plans show substantial green roof plantings which will minimize the stormwater runoff associated with this development. We support this design element and encourage the applicant to incorporate as much green building technology as possible into the proposed buildings.

2. **County Road.** The portion of South Broadway north of the intersection of East Post Road is a County road (CR 108). Approval from the Westchester County Department of Public Works and Transportation is required for any work related to the road under Section 239 F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal.

With respect to the portion of the development site that is located along the County portion of South Broadway, the City and the applicant should be advised that roads in the vicinity of the project (South Broadway, East Post Road and Armory Place) will be paved by the County in 2017. In addition, Westchester Avenue (CR 71) will be paved by the County in 2016. Any utility connections, street network changes, sewer upgrades etc. made after paving will require pavement restoration (mill/pave) by the applicant for the full width of the roadway.

3. **Increased sewage flows**. As noted in our previous comments on the draft GEIS, the proposed development will increase sewage flows from the site into the existing infrastructure and will add to the volume requiring treatment at the Mamaroneck Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities policy, the County

recommends that municipalities require development applicants to offset the projected increase in flow through reductions in inflow/infiltration (I&I) at a ratio of three for one for all market rate units and a ratio of one for one for any affordable units.

4. **Provisions for recycling.** The City should require the applicant to verify that there is sufficient space to accommodate the storage needs for recyclables under the expanded County recycling program. County regulations for plastic recycling may be found at: http://environment.westchestergov.com.

5. **Future transit improvements**. We noted in our comments on the generic EIS that a Mass Transit Task Force examined the potential to create bus rapid transit (BRT) service across the I-287 corridor and concluded with a set of recommendations for both east-west and north-south services that would intersect in White Plains. One conceptual plan presented a BRT route along South Broadway and Maple Avenue, directly along the frontages of the subject site, a route not currently served by transit.

As the City is part of the continuing review of BRT planning and the New York State agencies are participating in the City's planning project for the White Plains train station area, we are confident that as various private development plans advance, opportunities for BRT implementation and transit service enhancements and infrastructure will be identified and integrated as appropriate.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By:

Edward Buroughs, AICP
Commissioner

EEB/LH

cc: Michael Dispenza, Contract Administrator. County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation
Todd B. Westhuis, P.E., Office of Traffic Safety and Mobility, NYS DOT Operations Division

Westchester gov.com

Robert P. Astorino
County Executive

County Planning Board

Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code

August 17, 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 15-012 — 60 South Broadway; Site Plan & Special Permit**

Dear Ms. McPherson:

The Westchester County Planning Board has received a site plan (dated July 14, 2015) and related materials for the above referenced application to construct a new large-scale, mixed-use development on a 3.58-acre site which now contains the White Plains Pavilion Mall in downtown White Plains. The applicants propose to demolish the existing mall and construct two 24-story towers above a podium building containing retail and parking. In total, 707 residential apartments are proposed (including 71 restricted as affordable per City regulations) with 95,396 square feet of street-level commercial space. Parking for 1,022 vehicles would also be constructed.

The subject site is bounded by South Broadway (a portion of which is County Road 108), Maple Avenue and Hale Avenue. Because the site is sloped downward from South Broadway, the retail/parking podium building will be constructed into the hill, placing parking below grade of the site's South Broadway frontage. Vehicular access to the parking would be from Maple Avenue and Hale Avenue.

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We reviewed the generic EIS related to this project and responded to the City in a letter dated August 12, 2015. We have now reviewed the site plan 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 offer the following comments:

1. <u>Consistency with County Planning Board polities.</u> The proposed development is consistent with the County Planning Board's long-range planning policies set forth in ***Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning,*** adopted by the Board on

132 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601 Telephone: (914) 995-4100 Website: westchestergov.com

May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in ***Patterns for Westchester: The Land and the People***, adopted December 5, 1995 because it would direct new development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently and where redevelopment can enhance economic vitality. We support the proposed application. We wish to call special attention to a number of noteworthy project elements that we believe are model examples of what all downtown redevelopment projects should contain:

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BICYCLE PARKING The plans show a bicycle storage room for residents of the proposed building along with multiple bike parking areas to serve the retail portion of the development. Bicycling is becoming an increasingly popular form of transportation in White Plains, as can be evidenced by the bicycle racks around downtown that are full, particularly in similar downtown developments such as City Center. Providing the level of bicycle parking shown on the plans will continue this positive trend.

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Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By:

Edward Buroughs, AICP
Commissioner

EEB/LH
cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation
Todd B. Westhuis, P.E., Office of Traffic Safety and Mobility, NYS DOT Operations Division

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

January 25, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: MAPLE AND BROADWAY LLC. AND URSTADT BIDDLE PROPERTIES INC.
60 SOUTH BROADWAY
SITE PLAN AND SPECIAL PERMIT APPROVALS

At its August 3, 2015 meeting, the Common Council received an application submitted on behalf of Maple and Broadway LLC, the Contract Vendee, and Urstadt Biddle Properties, Inc., ("UBP"), the property owner (together the "Applicant"), regarding site plan and special permit approvals for the proposed redevelopment of the existing Westchester Pavilion site at 60 South Broadway ("Project" or "Proposed Action") .

The property at 60 South Broadway is designated on the Official Map of the City of White Plains as Section 125.84, Block 3, Lot 1 and encompasses 3.58 acres bounded on the south by Maple Avenue, on the west by South Broadway, and on the east by Hale Avenue ("Project Site").

The Proposed Action involves:

A. The redevelopment of the Project Site that will comprise approximately 858,000 sq. ft. of mixed-use residential and commercial development as follows:

1. A total of 707 residential dwelling units (approximately 762,189 SF), contained within two 24-story towers. One of the towers will have 249 apartments and the other will have 458 apartments. The buildings will stand approximately 280 feet in height and will have amenity space on the rooftops. Six percent (6%) or 43 units of the total 707 units will be affordable at 60% of Westchester County's Median Family Income ("MFI"),

2. Approximately 95,000 sq. ft. of commercial uses, including:

   a. Approximately 77,000 sq. ft. of retail space.

   b. Approximately 16,500 sq. ft. of restaurant space with 1,800 sq. ft. of appurtenant outdoor dining in select areas.

3. A four-level, below–grade parking garage with approximately 1,037 parking spaces.

4. A loading area with four loading docks for trucks and other service vehicles accessible from Hale Avenue; and

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B. Demolition of existing Westchester Pavilion, a 185,000-square-foot enclosed shopping center and multi-level parking garage.

C. Construction of utility improvements to accommodate the Proposed Project including, not limited to, storm water, sanitary sewer, water supply, etc.

D. Traffic engineering improvements including traffic signal timing and phasing, and construction of roadway lane adjustments as necessary, etc.

The Proposed Action involves the following approval actions:

1. Approval of a Site Plan pursuant to Section 7.5 of the Zoning Ordinance.

2. Approval of a Special Permit for Outdoor Dining associated with restaurant space, pursuant to Sections 6.5, 6.7.8 and 7.5 of the Zoning Ordinance

3. Approval of a Stormwater Pollution Preventions Plan ("SWPPP").

4. Approval of an agreement for the construction of utility improvements to accommodate the Proposed Project including, not limited to, storm water, sanitary sewer, water supply, etc.

5. Approval of a license agreement to install and maintain landscaping improvements within various public street rights-of-ways.

6. Approval of a sales tax exemption and mortgage tax exemption from the County of Westchester Development Agency (IDA).

7. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for this project for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms.

8. Approval of a payment of money–in-lieu of reservation of on-site parkland for site plans with residential units. Pursuant to New York State General City Law Section 27-a: Sit Plan Review; and

At the August 3, 2015 meeting, the Common Council received information submitted on behalf of the Applicant including: ("Application Materials")

1. A cover letter prepared by William Null. Esq. of Cuddy & Feder, LLP, dated July 14, 2015.

2. A Building Short Form Permit Application dated j July 15, 2015.

3. Plans prepared by Perkins Eastman Architects, entitled "60 South Broadway, White Plains, NY, Site Plan Submission," dated July 15, 2015.
4. Landscape Architectural Drawings prepared by Moss Gilday Group, dated July 15, 2015.

5. Civil Engineering drawings prepared by The Chazen Companies, dated July 15, 2015.

6. Full Environmental Assessment Form – Part 1, entitled "60 South Broadway Redevelopment

Project," dated July 9, 2015, prepared by BFJ Planning.

7. Memorandum, entitled "Parking and Loading Management Plan," dated July 14, 2015.

8. Building Permit Application Form.

At the November 2, 2015 meeting, the Common Council referred the additional documents to supplement the pending application ("Supplemental Documents") which included:

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.

2. Landscape Architectural Drawings prepared by Moss Gilday Group, dated October 15, 2015.

3. Civil Engineering drawings prepared by The Chazen Companies, dared October 15, 2015.

4. Parking Signage and Message Plans prepared by Desman Design Management, entitled "60 South Broadway Parking Garage, White Plains, New York," ("Sign Message Plan"), dated September 11, 2015.

5. Full Environmental Assessment Form – Part 3, entitled "60 South Broadway Redevelopment Project," dated October 20, 2015, prepared by BFJ Planning.

This provided additional information addressing visual impacts, pedestrian wind impacts, traffic impacts, and additional documentation to demonstrate that the proposed project conforms to the 2014 Findings and that the specific project will not result in any other potential impact:

The Common Council has received correspondence from City Departments, Boards and Commissions, and other involved agencies as follows:

1. A letter from Thomas J. Soyk, City Transportation Engineer, Deputy Commissioner of Parking, dated January 21, 2016.
2. A letter from the Transportation Commission, dated November 23,2015. .
3. A letter from the John Larson, Commissioner of Parking, dated September 8, 2015.
4. A letter from the John Larson, Commissioner of Parking, dated February 1, 2016.
5. A letter from the Richard Hope, Commissioner of Public Works, dated January 21, 2016
6. A letter from the Richard Hope, Commissioner of Public Works, dated January 21, 2016 regarding the Stormwater Pollution Prevention Plan.
7. A letter from the White Plains Planning Board ,dated December 22, 2015.
8. A letter from the Christopher Gomez, Commissioner of Planning, dated January 4, 2016.
9. A letter from the Christopher Gomez, Commissioner of Planning, dated January 21, 2016
10. David Chong, Commissioner of Public Safety, dated January 22, 2016
11. A letter from the Conservation Board, dated December 22, 2015.
12. A letter from Edward Buroughs, Commissioner of Planning, Westchester County, dated November 16, 2015.

The Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The Proposed Action represents a Type I Action under SEQR regulations since the project exceeds the following thresholds: for the following reasons:

- In a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area.
- Parking for 1,000 vehicles.
- In a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works.

Conditions

The Environmental Officer recommends that the conditions recommended by the various City Departments, Boards and Commissions included in the Site Plan and Special Permit approval resolution for the Proposed Action entitled:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHTIE PLAINS APLPROVING THE APPLICATION SUBMITTED ON BEHALF OF MAPLE AND BROADWAY HOLDINNGS, LLC ("APPLICANT") IN COOPERATION WITH URSTADT BIDDLE PROPERTIES INC., THE OWNER OF THE PREMISES LOCATED AT 60 SOUTH BROADWAY, FOR SIX (6) SPECIAL PERMIT APPROVALS FOR OUTDOOR DINING AND SITE PLAN APPROVAL FOR THE PROPOSED REDEVELOPMENT OF THE WESTCHESTER PAVILION SITE AT 60 SOUTH BROADWAY, INCLUDING A NEW APPROXIMATELY 856,499 SQUARE FOOT MIXED-USE RESIDENTIAL AND RETAIL/RESTAURANT DEVELOPMENT, CONSISTING OF 707 MULTIFAMILY UNITS, 43 UNITS (6%) OF WHICH WILL BE AFFORDABLE AT 60% OF WESTCHESTER COUNTY'S MEDIAN FAMILY INCOME ("MFI") WITHIN TWO (2) 24 STORY BUILDINGS, WITH A MAXIMUM HEIGHT OF 280 FEET AND LOCATED ON TOP OF APPROXIMATELY 1,037 PARKING SPACES, AND RESIDENTIAL COMMUNITY AMENITIES TO INCLUDE A FIRST FLOOR GRAND LOBBY IN EACH TOWER WITH A 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, PLAYGOUND AND OTHER RECREATIONAL PURPOSES, INCLUDING THE ACQUISITION OF REAL PROPERTY, TO MITIGATE THE RECREATIONAL IMPACT OF THE NEW MULTIFAMILY PROJECT, IN ACCORDANCE WITH GENERAL CITY LAW SECTION 27-a,

along with the other pertinent conditions therein, be incorporated in the Environmental Findings for the Proposed Action described herein for the purpose of the SEQR review ("Conditions"):

SEQR Findings

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) designate itself to serve as the Lead Agency for the environmental review; (b) find that the Proposed Action is aa Type I Action under SEQR regulations;(c) find that the Proposed Action is consistent with the findings included the 2014 Findings Statement adopted on October 6, 2014; and (d) find that the Proposed Action when compared against the SEQR criteria of environmental effect will not have a significant effect on the environment based on the findings contained herein.

Prior Rezoning and Generic Environmental Impact Review Regarding 60 South Broadway.

The 3.58-acre Project Site, located at 60 South Broadway, is the site of the Westchester Pavilion, a 185,000-square-foot enclosed shopping center with a 634-space multi-level parking garage which together cover 100 percent of the site. The Westchester Pavilion shopping center is now largely vacant.

To facilitate the future redevelopment of the Westchester Pavilion Mall site, UBP submitted a petition to amend the Zoning Ordinance to re-map the Project Site from the B-6 District to the CB-3 District, and re-map the Project Site within the boundary of the Central Parking Area ("CPA") ("CB-3Zonng Amendment").

The CB-3 Zoning Amendment was analyzed in an environmental review process which included a Draft Generic Environmental Impact Statement (GEIS) accepted on July 7, 2014, a Final Generic Environmental Impact Statement (FGEIS) accepted on October 6, 2014, and culminated in the adoption of SEQR Generic Environmental Findings on November 3, 2014 ("2014 Findings Statement").

Following the adoption of the 2014 Findings Statement, the Common Council adopted the CB-3Zonng Amendment.

SEQR Review of the Proposed site plan and special permit approvals for 60 South Broadway Action.

The 2014 Findings Statement considered a reasonable range of future potential development on the Project Site and provided analysis of the worst-case scenario for each of the potential impact categories for a the site:) a Maximum Residential Development Scenario; 2) a Maximum Commercial Development Scenario; and 3) a Maximum Mixed-Use Development Scenario.

The 2014 Findings Statement clearly stated that any application for site plan /special permit approvals regarding 60 South Broadway would require a full review and submittal of additional information to demonstrate compliance with the generic 2014 Findings and that the project-specific site plan would not have a significant impact on the environment.

Comparison of the Proposed Project with the Prior GEIS Analysis

The Proposed Project involves the redevelopment of The Westchester Pavilion with a new 854,699 square foot mixed-use residential and commercial development, along with 1,800 square feet of outdoor dining. The CB-3 Rezoning GEIS contemplated several redevelopment scenarios for the Project Site given that the CB-3 zoning designation would allow for a range of new uses and densities. Three maximum worst-case development scenarios were studied in the Draft GEIS for the Project Site: 1) a Maximum Residential Development Scenario; 2) a Maximum Commercial Development Scenario; and 3) a Maximum Mixed-Use Development Scenario.

These scenarios sought to maximize development potential under the CB-3 rezoning for a range of future worst-case development scenarios recognizing that the CB-3 District allows for a greater range of uses and FAR scenarios than existed on the Project Site under the B-6 District. The Maximum Worst-Case Development Scenarios that were analyzed in the GEIS represented the upper limits of potential residential, commercial and mixed-use development that could occur on the Project Site in the future for purposes of the GEIS impact analysis. The following table provides a comparison of zoning data for the Proposed Project with each of the three maximum worst-case CB-3 development scenarios.

Table : Zoning Comparison of Proposed Project versus Future GEIS Maximum Scenarios				
	CB-3 Redevelopment Project	**CB-3 GEIS Maximum Residential Scenario**	**CB-3 GEIS Maximum Commercial Scenario**	**CB-3 GEIS Maximum Mixed Use Scenario**
District	CB-3	CB-3	CB-3	CB-3
Lot Area	3.58 acres	3.58 acres	3.58 acres	3.58 acres
Maximum Building Coverage	79%	85%	85%	85%
Floor Area Ratio	5.49	5.5	3.0	5.5[1]
Gross Floor Area	854,699 SF	858,000	468,000 SF	858,000 SF
Use:				
• **Non-Residential**	**93,840 SF (Total)**	**0 SF**	**468,000 SF (Total)**	**308,000 SF (Total)**
o Retail	77,340 SF	0 SF	112,000 SF	112,000 SF
o Restaurant	16,600 SF	0 SF	23,000 SF	23,000 SF
o Hotel/Restaurant	0	0 SF	104,000 SF (4,000 SF Restaurant)	104,000 (4,000 SF Restaurant)
o Health Club	0 SF	0 SF	0 SF	54,000 SF
o Office	0 SF	0 SF	229,000	15,000 SF
• **Residential**	**N/A**	**858,000 (Total)**	**0 SF**	**550,000 SF**
o Total Units	707	**858**	**0**	**550**
o Unit Mix	N/A 54 Studio 375- 1-Bedroom 231 – 2- Bedroom- 47 – 3-Bedroom	1/3 - 1- Bedroom 2/3 – 2-Bedroom	N/A	1/3 - 1-Bedroom 2/3 – 2-Bedroom
o Affordable Units	36 (@60%MFI)	**86**	**0**	**55**
o Market Rate Units	**0**	**772**	**0**	**495**
Parking Standards	3/1,000 SF	1/dwelling unit[2]	3.3/1,000 SF for retail/restaurant; 3.3/1,000 for medical office; 2/1,000 SF for office; 1/room for hotel;	3.3/1,000 SF for retail/restaurant; 3.3/1,000 for medical office; 2/1,000 SF for office; 1/room for hotel; Residential: 1/dwelling unit[2]
Required Parking	986 required 1,037 provided	≈ 858	≈ 1,075	≈ 1,357 spaces
Maximum Height	280 feet	Up to 280 feet	Up to 280 feet[3]	Up to 280 feet

As demonstrated in the Table above, the development program set forth under the Proposed Action is

Less than, and falls within the parameters of, the maximum worst-case development scenarios analyzed in the GEIS for the CB-3 Rezoning.

On November 3, 2014, the Common Council adopted a SEQR Environmental Findings Statement on the 60 South Broadway Rezoning. The Proposed Action will be constructed in accordance with the SEQR Findings, which concluded the following:

- "Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action, as modified by the Environmental Findings Statement, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts are being avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified herein; and

- Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations..."

The Proposed Action does not exceed any of the development thresholds analyzed in the GEIS, with the exception of wastewater generation, since the GEIS Maximum Worst-Case Development Scenarios did not include three-bedroom units which are included in the Proposed Action.

Review of the Proposed Action regarding the SEQR Criteria of Environmental Impacts.

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

Consistency with the Comprehensive Plan

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains Comprehensive Plan. It is located within the City's Core Area – defined as "a place to live, work, shop and spend quality leisure time." In addition, the Plan states that downtown residential development is a major economic tool for the City to create a truly livable, "walkable" urban environment with a 24/7 character that supports office and retail. In particular, the Vision Statement for the Core Area includes the following recommendations pertaining to the project area location (Comprehensive Plan page II-1-4):

- Boutique and specialty retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue and along East Post Road.

- The Business Improvement District and property owners in the Central Business District should promote and work to expand leasing to boutique and specialty retailers.

- "Big box" retail and department stores should not be located with exposure on street frontages that are principal pedestrian corridors, as these stores generally have limited access points, which discourages pedestrian activity.

- Existing department stores, malls and large-scale retailers should be encouraged to provide more entrances and display windows in street-level facades to enhance the pedestrian experience.

- The trend toward more residential development in the Core Area should be encouraged.

  Furthermore, the Plan recommends that the Maple Avenue Corridor between Bloomingdale Road and Mamaroneck Avenue be maintained as an "edge corridor" that separates the commercial "Specialty Retail Area" on the north side of Maple Avenue from the residential districts to the south of Maple Avenue (Comprehensive Plan page II-I-44).

The project proposes a mixed-use development featuring specialty retail on the ground floor and residential apartments above, enabled by the City's recent rezoning of the site from the B-6 Enclosed Mall Zoning District to the CB-3 Zoning District where residential uses are permitted. The proposed ground floor retail and outdoor dining located along the Maple Avenue frontage will promote and enhance the pedestrian experience in this area of the City ensuring a more active streetscape than what currently exists consistent with the Comprehensive Plan recommendations. The Applicant has also provided ample landscaping and pedestrian amenities along Maple Avenue, which serves to screen the development from the adjacent lower-density Carhart residential neighborhood to the south.

The proposed project clearly benefits the City by putting back into productive use an underutilized and underperforming site, as well as generating increased economic activity and tax revenues. The 707 dwelling units proposed are estimated to bring approximately 1,400 new residents to the City who will support nearby businesses and help to spur further reinvestment in and revitalization of the surrounding area.

Consistency with Westchester County Regional Planning Policies

As noted in the Westchester County Planning Board referral review letter addressed to the City Clerk, dated November 16, 2015, the proposed development is consistent with the Westchester County Planning Board's long range planning policies set forth in Westchester 2025- Context for County and Municipal Planning and Policies to Guide County Planning, and its recommended strategies set forth in Patterns for Westchester: The Land and the People as it would direct new development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability. The County Planning Board lauds three specific "noteworthy project elements," orientation of retail to the street, bicycle storage and parking facilities, and green building technology proposed for the project citing such components as model examples for all sustainable downtown redevelopment projects.

Affordable Housing

Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, dated revised January 1, 2012, the project qualifies as an Applicable Rental Project which requires a 10% affordable rental unit set aside by virtue of being located in the CB-3 Core Business Zoning District where a minimum of 10% of the total units in the development must be affordable to Families at 60% to 100% of Median Family income, the average of which being no more than 80% of Family Income.

However, the Applicant is requesting a reduction of the 10% affordable unit requirement to 6% of total units in accordance with the White Plains Affordable Rental Housing Program Rules and Procedures which state: "At the option of the Common Council, the number of affordable rental

units may be established at 6% where all required affordable rental units in a specified ARHP Applicable Rental Project are affordable to Families at 60% of Median Family Income".
Based on an analysis of the current White Plains Affordable Rental Housing Program with respect to existing unit inventory and housing needs of the community, the Planning Department recommends that the Common Council establish a 6% affordable component for this project for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms as listed in the table below.

Bedroom Size	Unit Count by Unit Type	Affordable Units at 6%
Studios	54	3
One Bedrooms	375	22
Two Bedrooms	231	15
Three Bedrooms	47	3
Total Dwelling Units:	707	43

In accordance with the Program guidelines, the affordable units must be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 43 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as director of the White Plains Affordable Rental Housing Program and pursuant to existing program guidelines.

Open Space and Parkland

The Applicant proposes approximately 30,000 square feet of publicly accessible usable open space onsite including a 7,200 square foot plaza forecourt fronting on South Broadway. The forecourt will serve as the pedestrian entrance to the residential towers as well as a public gathering space with outdoor restaurant seating subject to special permit approval. The remaining publicly accessible open space will be located along the Maple and Hale frontages beyond the existing sidewalk within the property where the Applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping consisting primarily of large Birch and Sugar Maple trees and a variety of grasses, laurel and boxwood. The intent is to create a more pedestrian scaled streetscape along the Maple Avenue façade consistent with the Comprehensive Plan.

In addition to publicly accessible open space onsite, the proposed site plan includes a landscaped courtyard and amenity rooftop terrace above the retail podium connecting both towers. The balance of the podium would be comprised of non-accessible ballast and vegetated green roof consisting of various sedum species, various shrubs, perennials and ornamental grasses, and a series of planter boxes in an effort to create a more visually appealing roof-scape for residents and provide additional storm water management benefit.

While the submitted site plan complies with the City's Zoning Ordinance with respect to useable open space, it is clear that no public park or recreation facilities are proposed onsite to mitigate the additional impact of the anticipated approximately 1,400 new residents on existing City park facilities. Further, an analysis of existing parkland within a quarter-mile of the site yields a mere

1.93 acres, or 85,743 square feet, an area which also includes a significant portion of the Carhart Neighborhood, the most underserved residential neighborhood in the City in terms of available recreation amenities. The entire 256-acre downtown Central Parking Area District, of which the site is now part, contains only 1.13 acres or 49,322 square feet of parkland amounting to .004% of the total district area.

Pursuant to the recommendations from the Planning Department, dated January 4, 2016, it is recommended that the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of approximately 1,400 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented herein.

Further, the Planning Department recommended that the Common Council establish a fee-in-lieu of providing adequate park and recreation facilities on site plans with residential units on a per residential unit basis ($2,500 per studio unit, $3,000 per one bedroom unit, and $3,500 per two bedroom and larger unit) at the time of project approval pursuant to New York State General City Law § 27-a. This recommended fee structure is intended to mitigate the recreational impact of new multi-family projects without discouraging the development of sustainable mixed-use residential projects downtown, and is posited after careful analysis of some 26 other Westchester County municipalities that currently administer fee-in-lieu of parkland programs.

Under this fee schedule the current 707 unit mix proposed for 60 South Broadway would result in a total fee-in-lieu payment to the City of $2,330,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee be paid by the Applicant in three equal installments of $776,666.66 to be made at month 25, month 37, and month 49 from the date of issuance of the foundation permit.

Zoning Compliance

Site Plan Standards

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

As identified previously, the proposed project is consistent with many recommendations of the City's Comprehensive Plan including the 2006 Core Area Vision Statement: "Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, walkable urban environment with 24/7 character…" The project design will require patrons to access the retail stores from South Broadway or Maple Avenue sidewalks rather than directly from the parking structure, ensuring a more active street scape then the current condition. Further, the proposed aesthetic and pedestrian improvements to the Maple Avenue and South Broadway frontages are consistent with the Plan's recommendation to promote attractive streetscapes in the Core Area.

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

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

The Applicant has submitted a Full Environmental Assessment Form – Part 1 dated July 9, 2015 and Part 3, dated October 20, 2015 and prepared additional analyses evaluating the potential impact on traffic associated with the project. Based on the findings of the Applicant's EAF Part 3, and upon confirmation by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

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

The site plan contains three separate vehicular entrances to the internal parking structure along Hale Avenue, specifically a two way entrance/exit at the northeast corner of the site dedicated for residential tenants, an entrance and exit point to loading docks mid-block and an entrance/exit point to serve as the primary access for the retail and restaurant uses onsite. A fourth vehicular access point will be located mid-block along Maple Avenue to serve the retail/restaurant uses and will operate right in/right out by virtue of the existing Maple Avenue central median.

Pedestrian access to the residential towers will be via the 7,200 square foot plaza forecourt fronting on South Broadway and through a dedicated interior lobby space, while the retail/restaurant spaces on both South Broadway and Maple Avenue would be accessed solely from their respective street frontage and not directly from the parking garage. Retail and restaurant customers accessing the site via car will exit the interior parking structure via two retail lobbies at grade, either to the South Broadway forecourt or mid-block along Maple Avenue.

The existing sidewalk along Maple Avenue would be expanded within the property where the Applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping. The proposed site plan will create an enhanced pedestrian oriented retail presence linking the downtown to the existing uses along lower Maple Avenue, particularly over the present condition.

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

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

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

The four-story interior parking structure will contain a total of 1,037 parking spaces (715 dedicated for residents, 322 for retail uses) where 1,017 are required and is thus compliant with Section 8 of the Zoning Ordinance. Parking Levels 1 and 2 will be dedicated for residents only and contain 273 and 249 spaces respectively. Parking Level 3 will contain 193 spaces for residents and 81 for retail customers to be enforced with a physical separation barrier between them. Parking level 4 will contain 241dedicated spaces for retail customers.

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 number of curb cuts has been minimized to the extent practicable to accommodate ingress/egress to the parking structure and loading area. Pedestrian access from the parking structure to the two residential lobbies is provided on all parking levels. Access to the two retail lobbies is provided on Parking Levels 3 and 4.

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

The 77,340 square feet of retail proposed requires three loading spaces pursuant to Section 8 of the Zoning Ordinance. Three loading spaces are proposed within the interior parking structure with dedicated access off of Hale Avenue. This location is screened from the street with electric doors and is designed to permit loading vehicles to enter and exit the site head in/head out to prevent any vehicles from backing into Hale Avenue.

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

Sidewalks are provided around the entire site and connect to the existing sidewalk system. A pedestrian crosswalk leading from the corner of Maple Avenue and South Broadway to the traffic island at the intersection of South Broadway and Maple Avenue has been added and extends across South Broadway.

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

Appropriate provisions for the physically disabled are provided within the parking structure adjacent to the retail and residential lobbies as confirmed by the City's Deputy Commissioner of Parking. Further, facilities for the physically handicap in the way of a proposed ramping system is proposed for the Maple Avenue frontage.

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.

Significant landscaping, including deciduous trees, evergreens, shrubs and groundcover plantings is provided around the entire site, including the entrances to the parking garage and loading area.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

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

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

Landscaped areas are proposed around the perimeter of the site, including an approximately 7,200 square foot forecourt plaza fronting on South Broadway with benches, tables, and chairs. Around the perimeter of the building, smaller plaza areas are proposed 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, terraces are proposed to transition the steep grade creating a new landscape area between the sidewalk and retail terraces. 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. Multiple bicycle racks and bike storage is proposed.

All parking for the project is underground. At-grade fencing is not proposed. The loading areas are appropriately screened, and all loading will be conducted along Hale Avenue and inside Residential Tower #2. 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.

The roof of the retail podium serves as an extensive green roof and provides a visual amenity for both residential buildings, as well as rooftop dining patrons. Portions of this roof will be improved with extensive vegetated green roof assemblies using an interlocking pre-vegetated tray system with a mix of sedum species. Where structural capacity permits, this roof will include moderate perimeter areas planted with flowering shrubs, perennials and ornamental grasses.

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

The City's Construction Management Protocol must be adhered to the satisfaction of the Commissioner of Public Works.

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

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

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

The project will include a total of 32 12'6'' exterior decorative pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501 respectively, both dated October 15, 2015 and submitted by Perkins Eastman Architects.

The roof of the retail podium and both roofs of the two towers will be illuminated with bollard and low level accent lighting. A small residential courtyard above the loading and service garage roof will be illuminated by post, low level accent lighting.

The architectural fin elements of both Tower 1 and 2 will include linear LED light source integrated into contiguous outer edge of the structure with light directed back to the building to illuminate the fin surface. Lights will be hidden from direct view and automatically dimmed in evening hours via a lighting control system.

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 project has been designed in a manner to minimize noise impacts on the surrounding neighborhood.

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

The implementation of the Applicant's Storm Water Pollution Prevention Plan (SWPPP) approved by the Commissioner of Public Works, and the incorporation of "urban greening" (green roofs, tree box filters, and the reclamation of impervious surfaces as landscape areas) provide an effective strategy for managing storm water runoff. The proposed urban greening will reduce the overall impervious area within the watershed by 33%. Accordingly, it is anticipated that the proposed project will reduce the rate of discharge by over 40%. The post development flows will not exceed pre-development flows.

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

No solar energy systems are proposed.

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

The proposed redevelopment will enhance the character and protect property values of the adjacent neighborhood. This mixed use development replaces an enclosed retail facility with a mixed-use residential and retail/restaurant development consistent with the goals of the Comprehensive Plan. The project will include high end amenities including two pools, a fitness center, roof top terraces, pet area and restaurants, and private interior courtyard. The development also incorporates publicly accessible plaza areas, and enhanced sidewalks and

with street furniture. In addition, green roof technology reduces impervious surfaces and provides residents of the development with additional green space opportunities.

Outdoor Dining Special Permit

Applicant is proposing a total of 1,800 square feet of outdoor dining area in six distinct locations, four at the corners of the South Broadway forecourt and South Broadway retail/restaurant frontage, one at grade at the corner of Maple Avenue and South Broadway, and one rooftop area atop the retail podium in the same location. While specific tenants have yet to be secured for each of the restaurant spaces, the location, scale, parking requirement, and operation of the outdoor dining presented in conjunction with the proposed site plan conform to the special permit requirements in Section 6 and 6.7.8 of the Zoning Ordinance as listed below.

6.7.8 Outdoor Dining:

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

No cabaret or fast food establishment is proposed. The Application complies with this standard.

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

No outdoor dancing or the operation or use of musical instruments or sound reproductive devices is proposed. The Application complies with this standard.

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

The project includes a total of 32 exterior pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501 respectively, both dated October 15, 2015 and submitted by Perkins Eastman Architects. The exterior site lighting proposed will not cause illumination in excess of 0.5 foot candles beyond property boundaries.

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

The 1,800 square foot aggregate floor area of outdoor dining space has been included as additional restaurant space within the proposed 95,640 square foot retail/restaurant/outdoor dining component for the purposes of calculating parking

requirements. 322 dedicated retail/restaurant parking spaces are provided where 316 are required. Application complies with this standard.

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

All proposed outdoor dining areas are located on private property. Application complies with this standard.

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

All proposed outdoor dining areas are located on private property. The Application complies with this standard.

6.7.8.7 Notice of a public hearing associated with an Outdoor Dining Special Permit shall be given as set forth in Section 12.7 of this ordinance except that notices to property owners (as shown by the tax assessment roll) within the affected area for a renewal of Outdoor Dining Special Permit shall be mailed to all such owners via certified mail (return receipt requested) except that notice to owners of residential condominium units may be given via certified mail without return receipt requested.

Applicant perfected the notice requirement required for the public hearing for Outdoor Dining Special Permit that was held and subsequently closed by the Common Council on January 4, 2016.

Based on the foregoing analysis and review, the Proposed Action conforms to the Site Plan Standards pursuant Section 7.5, the Special Permit Standards and Individual Standards and requirements for Outdoor Dining pursuant to Sections 6.5 and 6.7.8 of the City 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.

Stormwater

A full Storm Water Pollution Prevention Plan (SWPPP) has been prepared and approved for the Proposed Project. Redevelopment of previously developed sites provides an opportunity to improve existing conditions and reduce pollutant discharges from former developed areas that were constructed without storm water pollution controls. The City's storm water management regulations require that the SWPPP include water quality treatment for redevelopment projects.

The proposed development is subject to the design criteria listed within Chapter 4 and Chapter 9 of the 2015 New York State Storm Water Management Design Manual. Chapter 4 requires the subject

project to reduce the post development rate of discharge to a rate less than or equal to pre-development discharge for the 1-year, 24-hour storm event (Channel Protection); 10-year, 24-hour storm event (Overbank Flood Control) Extreme Flood Control); and 100-year, 24-hour storm event (Extreme Flood Control). In addition, the City of White Plains requested the 2-year, 24-hour storm event, 25-year, 24-hour storm event, and 50-year, 24-hour storm events be analyzed. Chapter 9 outlines the alternatives available for addressing the water quality objectives for redevelopment projects. According to Section 9.2.1.B.I, if redevelopment activities result in a reduction of existing impervious cover by a minimum of 25% of the total disturbed, impervious area, then the storm water criteria for water quality has been achieved.

The proposed Redevelopment Project is incorporating an urban greening concept consisting of a combination of green roofs, bio-retention pockets, and reclamation of impervious surfaces as landscape areas as 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.

Effectively unpaving land and using practices that help rain absorb and be better used near where it falls, avoiding installing larger stormwater 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 storm water, the polluted runoff is discharging into water ways and rivers. The urban greening associated with this project reduces the overall impervious area of the watershed contributing to the City's storm sewer system by 29%, the equivalent of 1.04 acres. The proposed measures outlined in the SWPPP have been designed to provide quality controls by treating runoff prior to its discharge off site and by reducing overall impervious area. With implementation of the SWPPP, the proposed Redevelopment Project is not anticipated to have any adverse storm water impacts on the City's storm water system.

The Stormwater Pollution Prevention Plan (SWPPP) submitted by the Applicant addresses all of the DPW comments furnished to the Engineer of Record "The Chazen Companies" via email on October 7, 2015 has been approved. As the plans are further developed, amendments to the SWPPP in accordance with the current NYSDEC SPEDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY GP-0-15-002 may be required.

Sanitary Sewer

The Findings Statement for the CB-3 Zonng Amendment, DGEIS and FGEIS examined the capacity flows of the sanitary sewers that serve the project site and projected wastewater generation for the Maximum Residential Development, and Maximum Mixed Use Development scenarios.

The Department of Public Works anticipated upgrades of the sanitary sewer line would be required along South Broadway, Armory Place and Westchester Avenue to convey the flows generated from the projects.

The proposed wastewater generation calculations contained in the July 9, 2015 EAF for the Proposed Project have been updated to reflect the revised development program. The current Redevelopment Project is anticipated to have a total average daily wastewater generation rate of approximately 140,507 gallons per day (EAF projected 147,920 gallons per day). The Proposed Project will generate slightly more wastewater than any of the Maximum Worst Case Development

Scenarios analyzed in the GEIS (approximately 8,467 gallons per day more). This is due to the difference in the actual mix of proposed uses as compared to the mix of uses proposed projected in the GEIS.

The off-site utility survey uncovered numerous underground utilities which occupy South Broadway and Armory Place, and along Westchester Avenue up to Paulding Street and traverse the existing sanitary sewer lines which deemed this route unfeasible. The Department of Public Works, in the letter dated January 21, 2016, has determined an alternate alignment traversing Hale Avenue, Hiram Street, Paulding Street, and extending along Westchester Avenue. The new line would consist of a 24- inch diameter ductile iron pipe. In addition, a portion of the existing 24-inch sewer main located south of the terminating manhole for the proposed new sewer main upgrades must be investigated for capacity and future upgrade at the expense of the Applicant, and subject to the approval of the Commissioner of Public Works.

With the incorporation of these improvements into the Proposed Project, the project will not have any adverse impacts upon the City's sanitary sewer system.

Water Supply

The overall municipal water supply system has sufficient capacity flows to serve the Project Site and projected domestic water demands for the proposed mixed use development.

The City of White Plains Department of Public Works has required project–specific improvements to the water supply system in the streets adjacent to the project to improve the flow of water for domestic and fire-fighting purposes. The 6-inch water main located within Hale Avenue should be upgraded to a 12-inch main from the intersection of Maple Avenue to the intersection of Hiram Street. The main would also be upgraded from an 8-inch to 12-inch main within Hiram Street from Hale Avenue to Paulding Street. The water main within Paulding Street would need to be further investigated to determine its current size. If it is an 8-inch main, the City of White Plains Department of Public Works has recommended that it also be upgraded from an 8-inch to 12-inch main from Hiram Street to Westchester Avenue.

Based on water supply flow tests, the existing water system has adequate pressure to serve the domestic portion of the development up to a 10- to 12-story building. Anything above this height would require a domestic booster. Buildings taller than 4 stories would require the installation of fire pumps to provide adequate pressure for any proposed fire sprinkler system and standpipe system.

With implementation of these project improvements, the Proposed Project is not anticipated to have any adverse impacts upon the City's water system.

Solid Waste.

While the Proposed Project would result in increased demand for solid waste collection services, the residential, retail and restaurant uses included in the Proposed Project are not dissimilar from other existing uses in the nearby downtown. The amount of solid waste generated by the Proposed Project is within the range of anticipated and previously analyzed for the maximum residential and mixed use buildout scenarios in the DGEIS.

As outlined in the July 9, 2015 EAF for the Proposed Project, which accompanied the Site Plan and

Special Permit Application, the Applicant intends to contract with an outside solid waste removal and hauling company. Based on the analysis identifying an estimated amount of solid waste generated by the Proposed Project, multiple local companies have indicated a willingness and capacity to serve the project. This company will be responsible to collect and dispose of solid waste and recycled material from the project as required by law. Facilities currently receiving solid waste, recycled cardboard and co-mingled materials from the Project Site have indicated they have existing capacity to service the estimated solid waste generation resulting from the project. The Applicant must submit a Solid Waste Management Form to DPW for approval to document these services prior to the issuance of any C of O or TCO for the Proposed Action.

Potential Construction Impacts.

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

A pre-construction meeting should be held with the Applicant and City staff through the Building Department to coordinate construction phasing/monitoring including site preparation, construction staging, erosion control, limit of construction areas, tree preservation, storm water management, etc.

Traffic

This mixed use project is largely a residential development. In general residential uses generate less traffic than other office or commercial uses. Other factors including proximity to the downtown, access to transit and a bus service to the White Plains Train Station generate lower traffic levels in the AM and PM peak traffic periods.

Potential traffic impacts resulting from the Proposed Project were initially assessed by the background traffic impacts studies assessed by the Traffic Impact Study in the 2014 Findings and updated for the project specific site plan approval. This update is included in the Environmental Assessment Form Part 3 and supplemented by the Traffic Memorandum from BFJ Planning dated December 3, 2015, which addresses the vehicle queuing on Hale Avenue,

Due to the changes in driveway access locations and lane reductions, an additional traffic impact analysis (PM & Saturday Peaks) was updated for the following intersections:

a. Maple Avenue at Hale Avenue.
b. South Broadway at Maple Avenue/ Lyon Place.
c. Maple Avenue at Bloomingdale Road.
d. Mamaroneck Avenue at Bloomingdale Road.

Acceptable levels of traffic service can be achieved for the Proposed Action subject to minimal mitigation traffic signal timing and phasing changes. A final traffic report for these intersections is

subject to the approval of the Deputy Commissioner of Parking / City Transportation Engineer and appropriate conditions related thereto have been included in the conditions in the Site Plan and Special Permit Approval, which conditions are incorporated by reference in the Environmental Findings Resolution attached hereto.

Air Quality

The proposed site plan and special permit for outdoor dining do not introduce any new land uses not already permitted in the CB-3 District. Air quality emissions from stationary sources are regulated under local, State and Federal regulations. The primary source of air pollution associated with the Proposed Redevelopment Project are mobile sources typically related to project-induced vehicular activity and congestion impacts at certain localized intersections. The traffic impact report did not identify any congestion impacts at certain localized intersections that would not be mitigated by traffic signal timing and phasing changes.

Noise

The CB-3 Rezoning action did not introduce any new land uses not already permitted in in the existing CB-3 zone on the adjacent properties. Continued compliance with the White Plains Noise Pollution Ordinance would serve to mitigate any site plan specific impacts associated with a future development project. Short term noise impacts related to construction of future development are regulated under the White Plains Building Code and City's Construction Management Protocol. No adverse noise impacts are anticipated under the Proposed Redevelopment Project.

Public Transportation and Bicycle Infrastructure

The Project Site is located in the downtown area which is served by the Westchester County Department of Transportation's "Bee-line" system, with several bus routes nearby along Mamaroneck Avenue. The White Plains Transit Center which is approximately 1 mile to the west of the Project Site serves as a multi-modal hub for the Bee-line, regional bus services and the Metro-North Railroad.

The New NY Bridge Mass Transit Task Force has recommended a new Bus Rapid Transit (BRT) system as a component of the New NY Bridge, the planned replacement for the Tappan Zee Bridge. The Task Force recommended the long range development of BRT routes in the nearby area with one potential route located adjacent to the Project Site. The FGEIS (page 16) stated that any future application for site development should address how a BRT station could be incorporated into future development. However, there have not been any specific plans released on potential BRT routes since adoption of the Proposed Rezoning. The Proposed Redevelopment Project does not change the configuration of the streets around the Project Site and would not preclude the location of a stop in the vicinity of the site, should BRT become a reality in the future.

The Project Site is located within the City's bicycle network, which consists of 3.6 miles of bicycle routes, lanes and paths and at least a dozen bicycle racks. Several roads in the vicinity of the Project Site, such as South Broadway, Post Road and Westchester Avenue, have been designated as Bike Routes. The Proposed Redevelopment Project set forth in the Site Plan Application will provide amenities for cyclists both living in and visiting the site. Bike storage will be provided in the building for residents and on street bikes racks will be provided for visitors.

(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 site is entirely occupied by the existing Westchester Pavilion shopping mall. There are no natural landscaped conditions on the Project site.

The Proposed Action includes a landscaping plan for the redevelopment of the site.

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

A noted, the site is immediately adjacent to Westchester One, the largest office building in White Plains standing 21 stories, (248 feet) and directly across Hale Avenue from the 14-story (168 foot) Crown Plaza Hotel. Maple Avenue serves as the boundary between the City's Core Business Area and Carhart Close-In Neighborhood to the south, as identified in the Comprehensive Plan and reinforced by the maximum permitted height and density in the adjacent transitional zoning districts. Specifically, the south side of Maple Avenue is zoned RM-1 Residential Multi-Family District and RM-.35 Residential Multi-Family District that permits multi-family apartment buildings of up to 125 feet. Both districts span approximately four tax parcels south of Maple Avenue adjacent to the R2-2.5 two family zoning district that comprises the bulk of the Carhart neighborhood.

Applicant has submitted supplemental site specific massing diagrams in Part 3 of the Environmental Assessment Form (EAF), dated October 20, 2015, comparing seven existing view-sheds to those of the previous and proposed schemes for the purposes of analyzing potential visual impacts that may result from the project. As depicted, the proposed site plan has transferred significant density and height away from the Maple Avenue frontage and set the retail and parking podium back from the southern property line as a means of reducing bulk and height impact to the adjacent Carhart neighborhood and pedestrians traversing the north side of Maple Avenue. This is particularly evident in the Photo Image 5 from Dekalb Avenue and Photo Image 6 from Maple Avenue.

Both Tower One and Two as proposed comply with the bulk and dimensional standards of the CB-3 Core Business District and are consistent in massing and articulation with many buildings in the downtown core. Further, the proposed streetscape improvements, retail frontage, and useable public space on both South Broadway and Maple Avenue are a marked improvement over existing conditions and will serve to both link the Post Road/Maple Avenue retail corridor and enhance overall neighborhood character.

<u>Shadow Impacts</u>

Shadow analyses were conducted as part of the initial DGEIS process in order to identify locations where shadows from potential new buildings could fall onto publicly accessible open space as well as project-created open space. The analysis took into account any identified historic resources, such as the Armory, public spaces or natural features in the immediate area that might have significant sunlight-dependent features concluding that under the Maximum Mixed-Use Development Scenario shadows would not be cast onto any of the abovementioned facilities, but rather onto the existing commercial and office structures and parking facilities located adjacent to the Project Site.

Because of the path that the sun travels across the sky, no shadow can be cast in a triangular area

south of any given site, thereby avoiding, in this case, any shadow impacts on the residential Carhart neighborhood located to the south of the Project Site.

Wind Impacts

The Applicant retained Rowan Williams Davies & Irwin Inc. (RWDI) to conduct an analysis of the potential wind effects on the pedestrian environment in and around the Project Site. The report summarizes the results of a wind tunnel study at the pedestrian/grade, podium, and roof levels, and predicted wind speed variations during the summer versus winter months based on the following five categories for classifying acceptable pedestrian wind speed:

1. Sitting – calm or light breezes desired for outdoor restaurants and seating areas;
2. Standing – gentle breezes suitable for main building entrances and bus stops;
3. Strolling – moderate winds appropriate for window shopping;
4. Walking – relatively high speeds that can be tolerated if objective is to walk without lingering; and
5. Uncomfortable – strong winds considered a nuisance for most activities requiring wind mitigation.

Overall, wind speeds are expected to meet the wind safety criterion throughout the site in all but two locations, namely along the existing roadway to the north of the site, and at one localized area on the northern portion of the Tower 2 roof level as outlined below.

Wind at the Pedestrian/Grade Level

Grade-level wind conditions will be comfortable for sitting and strolling activities at most locations throughout the site during both the summer and winter months. Higher wind speeds (suitable for walking) will occur at building entrances along South Broadway during the winter months due to acceleration of the wind from the northwest along the west building façade. Slightly higher wind speeds causing potentially uncomfortable conditions were predicted on the north side of the site between South Broadway and Hale Avenue during the winter months. It is recommended that either vertical porous wind screens (6 to 8 feet tall and 70-80% solid) be positioned perpendicular to the building to the north of the South Broadway entrances or that the South Broadway retail and restaurant entrances be set back with vestibule to protect them from the strong approaching winds.

Wind at the Podium Level

The podium space of the two proposed towers will be utilized by residential tenants as well as by outdoor diners, particularly during the summer months. As such, conditions comfortable for standing and sitting are preferred. Wind conditions at the podium level are expected to achieve these two criteria at most locations during the summer, with the exception of the area at the corner of Maple Avenue and South Broadway where slightly higher winds (suitable for strolling) are predicted. These wind conditions are mainly the result of winds "down-washing" the tall building facades. During the winter months, wind conditions on the podium are generally expected to be comfortable for strolling or walking.

The exception is the area at the corner of Maple Avenue and South Broadway and the north side of podium across from Westchester One, which will likely be subjected to increased winds, with uncomfortable conditions. Given the limited use of the podium during the winter months coupled

with the fact that pedestrian access is limited on this part of the podium, higher wind speeds are acceptable, but can be minimized by the installation of horizontal canopies or trellises that wrap around the building corner to keep winds away from the podium. Additionally, wind conditions on the podium as a whole can improve by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid), or localized porous wind screens or tall planters to help to protect the outdoor dining areas from high wind speeds.

Wind at the Roof Level

During the summer, wind conditions at the outdoor amenity areas for both towers are expected to be slightly higher than desired (comfortable for standing or strolling). Winds suitable for strolling or walking are expected at most locations during the wintertime, except at the westernmost corner of Tower 1 and the northwest corner of Tower 2 where uncomfortable conditions are expected. Given the limited use of the area during the winter months, higher wind speeds are acceptable, but can be minimized, during both summer and winter months by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid) or with localized porous wind screens.

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

The type and quantity of energy demand for the Proposed Project is not significant in the context of the City of White Plains as a regional employment, retail, residential and governmental center. The existing providers have the capacity to support the proposed project.

(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.

Public School Impacts

The DGEIS previously evaluated the number of public school students generated by a potential residential development under the CB-3 zoning on site for both the Mixed Use Scenario and Maximum Residential Development Scenario concluding the generation of some 17 school age children and 27 public school children respectively. Importantly, the Maximum Residential Development Scenario calculated a total of 1,749 new residents versus 1,440 for the proposed action utilizing the same accepted multipliers. Therefore the proposed site plan's 707 dwelling units are anticipated to generate 21 public school children, six less than 27 calculated for the Maximum Residential Development Scenario.

The SEQR Findings adopted by the Common Council on November 3, 2014 concluded that the maximum number of students projected for the development scenarios would not impose a

significant additional burden to the White Plains School District when accounting for current and projected student enrollment figures through the 2020-2021 school years. Further, the Fiscal Analysis portion of the DGEIS concluded that even with the Maximum Residential Development Scenario generation of 27 additional public school children, revenues to the City and White Plains School District generated by the permitted development program under CB-3 zoning would exceed the cost of educating the new students.

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

Respectfully submitted,

Rod Johnson

Environmental Officer

RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL ADOPTING ENVIRONMENTAL FINDINGS ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101. ET EQ. (SEQR), REGARDING SITE PLAN AND SPECIAL PERMIT APPROVALS FOR THE REDEVELOPMENT OF 60 SOUTH BROADWAY ON BEHALF OF MAPLE AND BROADWAY LLC. AND URSTADT BIDDLE PROPERTIES INC.

WHEREAS, at its August 3, 2015 meeting, the Common Council referred the application submitted on behalf of Maple and Broadway LLC, the Contract Vendee, and Urstadt Biddle Properties, Inc., ("UBP"), the property owner (together the "Applicant"), regarding site plan and special permit approvals for the proposed redevelopment of the existing Westchester Pavilion site at 60 South Broadway ("Proposed Action"); and

WHEREAS, the property at 60 South Broadway is designated on the Official Map of the City of White Plains as Section 125.84, Block 3, Lot 1 and encompasses 3.58 acres bounded on the south by Maple Avenue, on the west by South Broadway, and on the east by Hale Avenue ("Project Site"); and

WHEREAS, the Proposed Action involves:

A. The redevelopment of the Project Site that will comprise approximately 858,000 sq. ft. of mixed-use residential and commercial development as follows:

1. A total of 707 residential dwelling units (approximately 762,189 SF), contained within two 24-story towers. One of the towers will have 249 apartments and the other will have 458 apartments. The buildings will stand approximately 280 feet in height and will have amenity space on the rooftops. Six percent (6%) or 43 units of the total 707 units will be affordable at 60% of Westchester County's Median Family Income ("MFI"),

2. Approximately 95,000 sq. ft. of commercial uses, including:

   a. Approximately 77,000sq. ft. of retail space.

   b. Approximately 16,500 sq. ft. of restaurant space with 1,800 square feet of appurtenant outdoor dining in select areas.

3. A four-level, below–grade parking garage with approximately 1,037 parking spaces.

4. A loading area with three loading docks for trucks and other service vehicles accessible from Hale Avenue; and

B. Demolition of existing Westchester Pavilion, a 185,000-square-foot enclosed shopping center and multi-level parking garage.

C. Construction of utility improvements to accommodate the Proposed Project including, not limited to, storm water, sanitary sewer, water supply, etc.

D. Traffic engineering improvements including traffic signal timing and phasing, and construction of roadway lane adjustments as necessary, etc.; and

WHEREAS, the Proposed Action involves the following approval actions:

1. Approval of a Site Plan pursuant to Section 7.5 of the Zoning Ordinance.

2. Approval of a Special Permit for Outdoor Dining associated with restaurant space, pursuant to Sections 6.5, 6,7,8 and 7.5 of the Zoning Ordinance.

3. Approval of a Stormwater Pollution Preventions Plan ("SWPPP").

4. Approval of an agreement for the construction of utility improvements to accommodate the Proposed Project including, not limited to, storm water, sanitary sewer, water supply, etc.

5. Approval of a license agreement to install and maintain landscaping improvements within various public street rights-of-ways.

6. Approval of a sales tax exemption and mortgage tax exemption from the County of Westchester Development Agency (IDA).

7. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for this project for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms.

8. Approval of a payment of money–in-lieu of reservation of on-site parkland for site plans with residential units. Pursuant to New York State General City Law Section 27-a: Sit Plan Review; and

WHEREAS, at the August 3, 2015 meeting, the Common Council received information submitted on behalf of the Applicant including: ("Application Materials")

1. A cover letter prepared by William Null. Esq. of Cuddy & Feder, LLP, dated July 14, 2015.

2. A Building Short Form Permit Application dated j July 15, 2015.

3. Plans prepared by Perkins Eastman Architects, entitled "60 South Broadway, White Plains, NY, Site Plan Submission," dated July 15, 2015.
4. Landscape Architectural Drawings prepared by Moss Gilday Group, dated July 15, 2015.

5. Civil Engineering drawings prepared by The Chazen Companies, dated July 15, 2015.

6. Full Environmental Assessment Form – Part 1, entitled "60 South Broadway Redevelopment Project," dated July 9, 2015, prepared by BFJ Planning.

7. Memorandum, entitled "Parking and Loading Management Plan," dated July 14, 2015.

8. Building Permit Application Form; and

WHEREAS, at its November 2, 2015 meeting, the Common Council referred the additional documents to supplement the pending application ("Supplemental Documents") which included:

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.

2. Landscape Architectural Drawings prepared by Moss Gilday Group, dated October 15, 2015.

3. Civil Engineering drawings prepared by The Chazen Companies, dared October 15, 2015.

4. Parking Signage and Message Plans prepared by Desman Design Management, entitled "60 South Broadway Parking Garage, White Plains, New York," ("Sign Message Plan"), dated September 11, 2015.

5. Full Environmental Assessment Form – Part 3, entitled "60 South Broadway Redevelopment Project," dated October 20, 2015, prepared by BFJ Planning.

This provided additional information addressing visual impacts, pedestrian wind impacts, traffic impacts, and additional documentation to demonstrate that the proposed project conforms to the 2014 Findings and that the specific project will not result in any other potential impacts; and

WHEREAS, the Common Council has received correspondence from City Departments, Boards and Commissions, and other involved agencies as follows:

1. A letter from Thomas J. Soyk, City Transportation Engineer, Deputy Commissioner of Parking, dated January 21, 2016.
2. A letter from the Transportation Commission, dated November 23, 2015.
3. A letter from the John Larson, Commissioner of Parking, dated February 1, 2016.
4. A letter from the Richard Hope, Commissioner of Public Works, dated January 21, 2016
5. A letter from the Richard Hope, Commissioner of Public Works, dated January 21, 2016, regarding the Stormwater Pollution Prevention Plan.
6. A letter from the White Plains Planning Board, dated December 22, 2015.
7. A letter from the Christopher Gomez, Commissioner of Planning, dated January 4, 2016.
8. A letter from the Christopher Gomez, Commissioner of Planning, dated January 21, 2016
9. A letter from David Chong, Commissioner of Public Safety, dated January 22, 2016
10. A letter from the Conservation Board, dated December 22, 2015.
11. A letter from Edward Buroughs, Commissioner of Planning, Westchester County, dated November 16, 2015; and

WHEREAS, the Proposed Action has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action represents a Type I Action under SEQR regulations since the project exceeds the following thresholds: for the following reasons:

- In a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area.
- Parking for 1,000 vehicles.
- In a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; and

Conditions

WHEREAS, based on the recommendation of the Environmental Officer, all of the conditions recommended by the various City Departments, Boards and Commissions, and the Westchester County Planning Board included in the Site Plan and Special Permit approval resolution for this Proposed Action entitled:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHTIE PLAINS APLPROVING THE APPLICATION SUBMITTED ON BEHALF OF MAPLE AND BROADWAY HOLDINNGS, LLC ("APPLICANT") IN COOPERATION WITH URSTADT BIDDLE PROPERTIES INC., THE OWNER OF THE PREMISES LOCATED AT 60 SOUTH BROADWAY, FOR SIX (6) SPECIAL PERMIT APPROVALS FOR OUTDOOR DINING AND SITE PLAN APPROVAL FOR THE PROPOSED REDEVELOPMENT OF THE WESTCHESTER PAVILION SITE AT 60 SOUTH BROADWAY, INCLUDING A NEW APPROXIMATELY 856,499 SQUARE FOOT MIXED-USE RESIDENTIAL AND RETAIL/RESTAURANT DEVELOPMENT, CONSISTING OF 707 MULTIFAMILY UNITS, 43 UNITS (6%) OF WHICH WILL BE AFFORDABLE AT 60% OF WESTCHESTER COUNTY'S MEDIAN FAMILY INCOME ("MFI") WITHIN TWO (2) 24 STORY BUILDINGS, WITH A MAXIMUM HEIGHT OF 280 FEET AND LOCATED ON TOP OF APPROXIMATELY 1,037 PARKING SPACES, AND RESIDENTIAL COMMUNITY AMENITIES TO INCLUDE A FIRST FLOOR GRAND LOBBY IN EACH TOWER WITH A 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, PLAYGOUND AND OTHER RECREATIONAL PURPOSES, INCLUDING THE ACQUISITION OF REAL PROPERTY, TO MITIGATE THE RECREATIONAL IMPACT OF THE NEW MULTIFAMILY PROJECT, IN ACCORDANCE WITH GENERAL CITY LAW SECTION 27-a,

along with the other pertinent conditions therein, are herewith incorporated into this Environmental Findings resolution for the Proposed Action described herein for the purpose of the SEQR review ("Conditions"):

SEQR Findings

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action, (a) designate itself to serve as the Lead Agency for the environmental review; (b) find that the Proposed Action is aa Type I Action under SEQR regulations; (c) find that the Proposed Action is consistent with the findings included the 2014 Findings Statement adopted on October 6, 2014; and (d) find that the Proposed Action when compared against 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, Application Materials, Conditions and reports from the various City departments, boards or commissions and involved agencies,

and public comments which, when considered together, constitute the Environmental Review Record which serves as a basis for the SEQR determination; now, therefore, be it

RESOLVED, 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 a Type I Action under SEQR; and be it further

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

Prior Rezoning and Generic Environmental Impact Review Regarding 60 South Broadway.

The 3.58-acre Project Site, located at 60 South Broadway, is the site of the Westchester Pavilion, a 185,000-square-foot enclosed shopping center with a 634-space multi-level parking garage which together cover 100 percent of the site. The Westchester Pavilion shopping center is now largely vacant.

To facilitate the future redevelopment of the Westchester Pavilion Mall site, UBP submitted a petition to amend the Zoning Ordinance to re-map the Project Site from the B-6 District to the CB-3 District, and re-map the Project Site within the boundary of the Central Parking Area ("CPA") ("CB-3Zonng Amendment").

The CB-3 Zoning Amendment was analyzed in an environmental review process which included a Draft Generic Environmental Impact Statement (GEIS) accepted on July 7, 2014, a Final Generic Environmental Impact Statement (FGEIS) accepted on October 6, 2014, and culminated in the adoption of SEQR Generic Environmental Findings on November 3, 2014 ("2014 Findings Statement").

Following the adoption of the 2014 Findings Statement, the Common Council adopted the CB-3Zonng Amendment.

SEQR Review of the Proposed site plan and special permit approvals for 60 South Broadway Action.

The 2014 Findings Statement considered a reasonable range of future potential development on the Project Site and provided analysis of the worst-case scenario for each of the potential impact categories for a the site:) a Maximum Residential Development Scenario; 2) a Maximum Commercial Development Scenario; and 3) a Maximum Mixed-Use Development Scenario.

The 2014 Findings Statement clearly stated that any application for site plan /special permit approvals regarding 60 South Broadway would require a full review and submittal of additional information to demonstrate compliance with the generic 2014 Findings and that the project-specific site plan would not have a significant impact on the environment.

Comparison of the Proposed Project with the Prior GEIS Analysis

The Proposed Project involves the redevelopment of The Westchester Pavilion with a new 854,699 square foot mixed-use residential and retail/restaurant development and 1,800 square feet of outdoor dining. The CB-3 Rezoning GEIS contemplated several redevelopment scenarios for the Project Site given that the

CB-3 zoning designation would allow for a range of new uses and densities. Three maximum worst-case development scenarios were studied in the Draft GEIS for the Project Site: 1) a Maximum Residential Development Scenario; 2) a Maximum Commercial Development Scenario; and 3) a Maximum Mixed-Use Development Scenario.

These scenarios sought to maximize development potential under the CB-3 rezoning for a range of future worst-case development scenarios recognizing that the CB-3 District allows for a greater range of uses and FAR scenarios than existed on the Project Site under the B-6 District.

The Maximum Worst-Case Development Scenarios that were analyzed in the GEIS represented the upper limits of potential residential, commercial and mixed-use development that could occur on the Project Site in the future for purposes of the GEIS impact analysis.

The following table provides a comparison of zoning data for the Proposed Project with each of the three maximum worst-case CB-3 development scenarios.

Table : Zoning Comparison of Proposed Project versus Future GEIS Maximum Scenarios

	CB-3 Redevelopment Project	**CB-3 GEIS Maximum Residential Scenario**	**CB-3 GEIS Maximum Commercial Scenario**	**CB-3 GEIS Maximum Mixed Use Scenario**
District	CB-3	CB-3	CB-3	CB-3
Lot Area	3.58 acres	3.58 acres	3.58 acres	3.58 acres
Maximum Building Coverage	79%	85%	85%	85%
Floor Area Ratio	5.49	5.5	3.0	5.5[1]
Gross Floor Area	854,699 SF	858,000	468,000 SF	858,000 SF
Use:				
• **Non-Residential**	**93,840 SF (Total)**	**0 SF**	**468,000 SF (Total)**	**308,000 SF (Total)**
o Retail	77,340 SF	0 SF	112,000 SF	112,000 SF
o Restaurant	16,600 SF	0 SF	23,000 SF	23,000 SF
o Hotel/Restaurant	0	0 SF	104,000 SF (4,000 SF Restaurant)	104,000 (4,000 SF Restaurant)
o Health Club	0 SF	0 SF	0 SF	54,000 SF
o Office	0 SF	0 SF	229,000	15,000 SF
• **Residential**	**N/A**	**858,000 (Total)**	**0 SF**	**550,000 SF**
o Total Units	707	**858**	**0**	**550**
o Unit Mix	N/A 54 Studio 375- 1-Bedroom 231 – 2- Bedroom- 47 – 3-Bedroom	1/3 - 1- Bedroom 2/3 – 2-Bedroom	N/A	1/3 - 1-Bedroom 2/3 – 2-Bedroom
o Affordable Units	36 (@60%MFI)	**86**	**0**	**55**

o Market Rate Units	**0**	**772**	**0**	**495**
Parking Standards	3/1,000 SF	1/dwelling unit[2]	3.3/1,000 SF for retail/restaurant; 3.3/1,000 for medical office; 2/1,000 SF for office; 1/room for hotel;	3.3/1,000 SF for retail/restaurant; 3.3/1,000 for medical office; 2/1,000 SF for office; 1/room for hotel; Residential: 1/dwelling unit[2]
Required Parking	986 required 1,037 provided	≈ 858	≈ 1,075	≈ 1,357 spaces
Maximum Height	280 feet	Up to 280 feet	Up to 280 feet[3]	Up to 280 feet

As demonstrated in the Table above, the development program set forth under the Proposed Action is less than, and falls within the parameters of, the maximum worst-case development scenarios analyzed in the GEIS for the CB-3 Rezoning.

On November 3, 2014, the Common Council adopted a SEQR Environmental Findings Statement on the 60 South Broadway Rezoning. The Proposed Action will be constructed in accordance with the SEQR Findings, which concluded the following:

- "consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action, as modified by the Environmental Findings Statement, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts are being avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified herein; and

- consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations..."

The Proposed Action does not exceed any of the development thresholds analyzed in the GEIS, with the exception of wastewater generation, since the GEIS Maximum Worst-Case Development Scenarios did not include three-bedroom units which are included in the Proposed Action.

Review of the Proposed Action regarding the SEQR Criteria of Environmental Impacts.

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

Consistency with the Comprehensive Plan

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains Comprehensive Plan. It is located within the City's Core Area – defined as "a place to live, work, shop and spend quality leisure time." In addition, the Plan states that downtown residential

development is a major economic tool for the City to create a truly livable, "walkable" urban environment with a 24/7 character that supports office and retail. In particular, the Vision Statement for the Core Area includes the following recommendations pertaining to the project area location (Comprehensive Plan page II-I-4):

- Boutique and specialty retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue and along East Post Road.

- The Business Improvement District and property owners in the Central Business District should promote and work to expand leasing to boutique and specialty retailers.

- "Big box" retail and department stores should not be located with exposure on street frontages that are principal pedestrian corridors, as these stores generally have limited access points, which discourages pedestrian activity.

- Existing department stores, malls and large-scale retailers should be encouraged to provide more entrances and display windows in street-level facades to enhance the pedestrian experience.

- The trend toward more residential development in the Core Area should be encouraged.

Furthermore, the Plan recommends that the Maple Avenue Corridor between Bloomingdale Road and Mamaroneck Avenue be maintained as an "edge corridor" that separates the commercial "Specialty Retail Area" on the north side of Maple Avenue from the residential districts to the south of Maple Avenue (Comprehensive Plan page II-I-44).

The project proposes a mixed-use development featuring specialty retail on the ground floor and residential apartments above, enabled by the City's recent rezoning of the site from the B-6 Enclosed Mall Zoning District to the CB-3 Zoning District where residential uses are permitted. The proposed ground floor retail and outdoor dining located along the Maple Avenue frontage will promote and enhance the pedestrian experience in this area of the City ensuring a more active streetscape than what currently exists consistent with the Comprehensive Plan recommendations. The Applicant has also provided ample landscaping and pedestrian amenities along Maple Avenue, which serves to screen the development from the adjacent lower-density Carhart residential neighborhood to the south.

The proposed project clearly benefits the City by putting back into productive use an underutilized and underperforming site, as well as generating increased economic activity and tax revenues. The 707 dwelling units proposed are estimated to bring approximately 1,400 new residents to the City who will support nearby businesses and help to spur further reinvestment in and revitalization of the surrounding area.

Consistency with Westchester County Regional Planning Policies

As noted in the Westchester County Planning Board referral review letter addressed to the City Clerk, dated November 16, 2015, the proposed development is consistent with the Westchester County Planning Board's long range planning policies set forth in Westchester 2025- Context for County and Municipal Planning and Policies to Guide County Planning, and its recommended strategies set forth in Patterns for Westchester: The Land and the People as it would direct new

development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability. The County Planning Board lauds three specific "noteworthy project elements," orientation of retail to the street, bicycle storage and parking facilities, and green building technology proposed for the project citing such components as model examples for all sustainable downtown redevelopment projects.

Affordable Housing

Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, dated revised January 1, 2012, the project qualifies as an Applicable Rental Project which requires a 10% affordable rental unit set aside by virtue of being located in the CB-3 Core Business Zoning District where a minimum of 10% of the total units in the development must be affordable to Families at 60% to 100% of Median Family income, the average of which being no more than 80% of Family Income.

However, the Applicant is requesting a reduction of the 10% affordable unit requirement to 6% of total units in accordance with the White Plains Affordable Rental Housing Program Rules and Procedures which state: "At the option of the Common Council, the number of affordable rental units may be established at 6% where all required affordable rental units in a specified ARHP Applicable Rental Project are affordable to Families at 60% of Median Family Income".
Based on an analysis of the current White Plains Affordable Rental Housing Program with respect to existing unit inventory and housing needs of the community, the Planning Department recommends that the Common Council establish a 6% affordable component for this project for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms as listed in the table below.

Bedroom Size	Unit Count by Unit Type	Affordable Units at 6%
Studios	54	3
One Bedrooms	375	22
Two Bedrooms	231	15
Three Bedrooms	47	3
Total Dwelling Units:	707	43

In accordance with the Program guidelines, the affordable units must be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 43 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as director of the White Plains Affordable Rental Housing Program and pursuant to existing program guidelines.

Open Space And Parkland

The Applicant proposes approximately 30,000 square feet of publicly accessible usable open space onsite including a 7,200 square foot plaza forecourt fronting on South Broadway. The forecourt will

serve as the pedestrian entrance to the residential towers as well as a public gathering space with outdoor restaurant seating subject to special permit approval. The remaining publicly accessible open space will be located along the Maple and Hale frontages beyond the existing sidewalk within the property where the Applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping consisting primarily of large Birch and Sugar Maple trees and a variety of grasses, laurel and boxwood. The intent is to create a more pedestrian scaled streetscape along the Maple Avenue façade consistent with the Comprehensive Plan.

In addition to publicly accessible open space onsite, the proposed site plan includes a landscaped courtyard and amenity rooftop terrace above the retail podium connecting both towers. The balance of the podium would be comprised of non-accessible ballast and vegetated green roof consisting of various sedum species, various shrubs, perennials and ornamental grasses, and a series of planter boxes in an effort to create a more visually appealing roof-scape for residents and provide additional storm water management benefit.

While the submitted site plan complies with the City's Zoning Ordinance with respect to useable open space, it is clear that no public park or recreation facilities are proposed onsite to mitigate the additional impact of the anticipated 1,400 new residents on existing City park facilities. Further, an analysis of existing parkland within a quarter-mile of the site yields a mere 1.93 acres, or 85,743 square feet, an area which also includes a significant portion of the Carhart Neighborhood, the most underserved residential neighborhood in the City in terms of available recreation amenities. The entire 256-acre downtown Central Parking Area District, of which the site is now part, contains only 1.13 acres or 49,322 square feet of parkland amounting to .004% of the total district area.

Pursuant to the recommendations from the Planning Department, dated January 4, 2016, it is recommended that the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 1,400 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented herein.

Further, the Planning Department recommended that the Common Council establish a fee-in-lieu of providing adequate park and recreation facilities on site plans with residential units on a per residential unit basis ($2,500 per studio unit, $3,000 per one bedroom unit, and $3,500 per two bedroom and larger unit) at the time of project approval pursuant to New York State General City Law § 27-a. This recommended fee structure is intended to mitigate the recreational impact of new multi-family projects without discouraging the development of sustainable mixed-use residential projects downtown, and is posited after careful analysis of some 26 other Westchester County municipalities that currently administer fee-in-lieu of parkland programs.

Under this fee schedule the current 707 unit mix proposed for 60 South Broadway would result in a total fee-in-lieu payment to the City of $2,330,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee be paid by the Applicant in three equal installments of $776,666.66 to be made at month 25, month 37, and month 49 from the date of issuance of the foundation permit.

Zoning Compliance

Site Plan Standards 7.5:

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

As identified previously, the proposed project is consistent with many recommendations of the City's Comprehensive Plan including the 2006 Core Area Vision Statement: "Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, walkable urban environment with 24/7 character…" The project design will require patrons to access the retail stores from the South Broadway or Maple Avenue sidewalks rather than directly from the parking structure, ensuring a more active street scape then the current condition. Further, the proposed aesthetic and pedestrian improvements to the Maple Avenue and South Broadway frontages are consistent with the Plan's recommendation to promote attractive streetscapes in the Core Area.

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

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

The Applicant has submitted a Full Environmental Assessment Form – Part 1 dated July 9, 2015 and Part 3, dated October 20, 2015 and prepared additional analyses evaluating the potential impact on traffic associated with the project. Based on the findings of the Applicant's EAF Part 3, and upon confirmation by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

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

The site plan contains three separate vehicular entrances to the internal parking structure along Hale Avenue, specifically a two way entrance/exit at the northeast corner of the site dedicated for residential tenants, an entrance and exit point to loading docks mid-block and an entrance/exit point to serve as the primary access for the retail and restaurant uses onsite. A fourth vehicular access point will be located mid-block along Maple Avenue to serve the retail/restaurant uses and will operate right in/right out by virtue of the existing Maple Avenue central median.

Pedestrian access to the residential towers will be via the 7,200 square foot plaza forecourt fronting on South Broadway and through a dedicated interior lobby space, while the retail/restaurant spaces on both South Broadway and Maple Avenue would be accessed solely from their respective street frontage and not directly from the parking garage. Retail and restaurant customers accessing the site via car will exit the interior parking structure via two retail lobbies at grade, either to the South Broadway forecourt or mid-block along Maple Avenue.

The existing sidewalk along Maple Avenue would be expanded within the property where the Applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping. The proposed site plan will create an enhanced pedestrian oriented retail presence linking the downtown to the existing uses along lower Maple Avenue, particularly over the present condition.

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

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

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

The four-story interior parking structure will contain a total of 1,037 parking spaces (715 dedicated for residents, 322 for retail uses) where 1,023 spaces are required including the outdoor dining and is thus compliant with Section 8 of the Zoning Ordinance. Parking Levels 1 and 2 will be dedicated for residents only and contain 273 and 249 spaces respectively. Parking Level 3 will contain 193 spaces for residents and 81 for retail customers to be enforced with a physical separation barrier between them. Parking level 4 will contain 241dedicated spaces for retail customers.

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 number of curb cuts has been minimized to the extent practicable to accommodate ingress/egress to the parking structure and loading area. Pedestrian access from the parking structure to the two residential lobbies is provided on all parking levels. Access to the two retail lobbies is provided on Parking Levels 3 and 4.

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

The 77,340square feet of retail proposed requires three loading spaces pursuant to Section 8 of the Zoning Ordinance. Three loading spaces are proposed within the interior parking structure with dedicated access off of Hale Avenue. This location is screened from the street with electric doors and is designed to permit loading vehicles to enter and exit the site head in/head out to prevent any vehicles from backing into Hale Avenue.

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

Sidewalks are provided around the entire site and connect to the existing sidewalk system. A pedestrian crosswalk leading from the corner of Maple Avenue and South Broadway to the traffic island at the intersection of South Broadway and Maple Avenue has been added and extends across South Broadway.

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

Appropriate provisions for the physically disabled are provided within the parking structure

adjacent to the retail and residential lobbies as confirmed by the City's Deputy Commissioner of Parking. Further, facilities for the physically handicap in the way of a proposed ramping system is proposed for the Maple Avenue frontage.

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.

Significant landscaping, including deciduous trees, evergreens, shrubs and groundcover plantings is provided around the entire site, including the entrances to the parking garage and loading area.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

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

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

Landscaped areas are proposed around the perimeter of the site, including an approximately 7,200 square foot forecourt plaza fronting on South Broadway with benches, tables, and chairs. Around the perimeter of the building, smaller plaza areas are proposed 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, terraces are proposed to transition the steep grade creating a new landscape area between the sidewalk and retail terraces. 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. Multiple bicycle racks and bike storage is proposed.

All parking for the project is underground. At-grade fencing is not proposed. The loading areas are appropriately screened, and all residential loading will be conducted along Hale Avenue and inside Residential Tower #2. 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.

The roof of the retail podium serves as an extensive green roof and provides a visual amenity for both residential buildings, as well as rooftop dining patrons. Portions of this roof will be

improved with extensive vegetated green roof assemblies using an interlocking pre-vegetated tray system with a mix of sedum species. Where structural capacity permits, this roof will include moderate perimeter areas planted with flowering shrubs, perennials and ornamental grasses.

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

The City's Construction Management Protocol must be adhered to the satisfaction of the Commissioner of Public Works.

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

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

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

The project will include a total of 32 12'6'' exterior decorative pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501 respectively, both dated October 15, 2015 and submitted by Perkins Eastman Architects.

The roof of the retail podium and both roofs of the two towers will be illuminated with bollard and low level accent lighting. A small residential courtyard above the loading and service garage roof will be illuminated by post, low level accent lighting.

The architectural fin elements of both Tower 1 and 2 will include linear LED light source integrated into contiguous outer edge of the structure with light directed back to the building to illuminate the fin surface. Lights will be hidden from direct view and automatically dimmed in evening hours via a lighting control system.

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 project has been designed in a manner to minimize noise impacts on the surrounding neighborhood.

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

The implementation of the Applicant's Storm Water Pollution Prevention Plan (SWPPP) approved by the Commissioner of Public Works, and the incorporation of "urban greening" (green roofs, tree box filters, and the reclamation of impervious surfaces as landscape areas) provide an effective strategy for managing storm water runoff. The proposed urban greening

will reduce the overall impervious area within the watershed by 33%. Accordingly, it is anticipated that the proposed project will reduce the rate of discharge by over 40%. The post development flows will not exceed pre-development flows.

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

No solar energy systems are proposed.

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

The proposed redevelopment will enhance the character and protect property values of the adjacent neighborhood. This mixed use development replaces an enclosed retail facility with a mixed-use residential and retail/restaurant development consistent with the goals of the Comprehensive Plan. The project will include high end amenities including two pools, a fitness center, roof top terraces, pet area and restaurants, and private interior courtyard. The development also incorporates publicly accessible plaza areas, and enhanced sidewalks and with street furniture. In addition, green roof technology reduces impervious surfaces and provides residents of the development with additional green space opportunities.

Outdoor Dining Special Permit

Applicant is proposing a total of 1,800 square feet of outdoor dining area in six distinct locations, four at the corners of the South Broadway forecourt and South Broadway retail/restaurant frontage, one at grade at the corner of Maple Avenue and South Broadway, and one rooftop area atop the retail podium in the same location. While specific tenants have yet to be secured for each of the restaurant spaces, the location, scale, parking requirement, and operation of the outdoor dining presented in conjunction with the proposed site plan conform to the special permit requirements in Section 6 and 6.7.8 of the Zoning Ordinance as listed below.

6.7.8 Outdoor Dining:

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

No cabaret or fast food establishment is proposed The Application complies with this standard.

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

No outdoor dancing or the operation or use of musical instruments or sound reproductive devices is proposed. The Application complies with this standard.

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

The project includes a total of 32 exterior pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501 respectively, both dated October 15, 2015 and submitted by Perkins Eastman Architects. The exterior site lighting proposed will not cause illumination in excess of 0.5 foot candles beyond property boundaries.

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

The 1,800 square foot aggregate floor area of outdoor dining space has been included as additional restaurant space within the proposed 95.640 square foot retail/restaurant component for the purposes of calculating parking requirements. 322 dedicated retail/restaurant parking spaces are provided where 316 are required. The Application complies with this standard.

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

All proposed outdoor dining areas are located on private property. Application complies with this standard.

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

All proposed outdoor dining areas are located on private property. The Application complies with this standard.

6.7.8.7 Notice of a public hearing associated with an Outdoor Dining Special Permit shall be given as set forth in Section 12.7 of this ordinance except that notices to property owners (as shown by the tax assessment roll) within the affected area for a renewal of Outdoor Dining Special Permit shall be mailed to all such owners via certified mail (return receipt requested) except that notice to owners of residential condominium units may be given via certified mail without return receipt requested.

Applicant perfected the notice requirement required for the public hearing for Outdoor Dining Special Permit that was held and subsequently closed by the Common Council on January 4, 2016.

Based on the foregoing analysis and review, the Proposed Action conforms to the Site Plan Standards pursuant Section 7.5, and the Special Permit Standards and Individual Standards and requirements for Outdoor Dining pursuant to Section 6.5 and 6.7.8 of the City 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.

Stormwater

A full Storm Water Pollution Prevention Plan (SWPPP) has been prepared and approved for the Proposed Redevelopment Project. Redevelopment of previously developed sites provides an opportunity to improve existing conditions and reduce pollutant discharges from former developed areas that were constructed without storm water pollution controls. The City's storm water management regulations require that the SWPPP include water quality treatment for redevelopment projects.

The proposed development is subject to the design criteria listed within Chapter 4 and Chapter 9 of the 2015 New York State Storm Water Management Design Manual. Chapter 4 requires the subject project to reduce the post development rate of discharge to a rate less than or equal to pre-development discharge for the 1-year, 24-hour storm event (Channel Protection); 10-year, 24-hour storm event (Overbank Flood Control) Extreme Flood Control); and 100-year, 24-hour storm event (Extreme Flood Control). In addition, the City of White Plains requested the 2-year, 24-hour storm event, 25-year, 24-hour storm event, and 50-year, 24-hour storm events be analyzed. Chapter 9 outlines the alternatives available for addressing the water quality objectives for redevelopment projects. According to Section 9.2.1.B.I, if redevelopment activities result in a reduction of existing impervious cover by a minimum of 25% of the total disturbed, impervious area, then the storm water criteria for water quality has been achieved.

The proposed Redevelopment Project is incorporating an urban greening concept consisting of a combination of green roofs, bio-retention pockets, and reclamation of impervious surfaces as landscape areas as 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.

Effectively unpaving land and using practices that help rain absorb and be better used near where it falls, avoids installing larger stormwater 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 storm water, the polluted runoff is discharging into water ways and rivers. The urban greening associated with this project reduces the overall impervious area of the watershed contributing to the City's storm sewer system by 29%, the equivalent of 1.04 acres. The proposed measures outlined in the SWPPP have been designed to provide quality controls by treating runoff prior to its discharge off site and by reducing overall impervious area. With implementation of the SWPPP, the proposed Redevelopment Project is not anticipated to have any adverse storm water impacts on the City's storm water system.

The Stormwater Pollution Prevention Plan (SWPPP) submitted by the Applicant addresses all of the DPW comments furnished to the Engineer of Record "The Chazen Companies" via email on October 7, 2015 has been approved. As the plans are further developed, amendments to the SWPPP in accordance with the current NYSDEC SPEDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY GP-0-15-002 may be required.

Sanitary Sewer

The Findings Statement for the CB-3/Zonng Amendment, DGEIS and FGEIS examined the capacity flows of the sanitary sewers that serve the project site and projected wastewater generation for the Maximum Residential Development, and Maximum Mixed Use Development scenarios.

The Department of Public Works anticipated upgrades of the sanitary sewer line would be required along South Broadway, Armory Place and Westchester Avenue to convey the flows generated from the projects.

The proposed wastewater generation calculations contained in the July 9, 2015 EAF for the Proposed Project have been updated to reflect the revised development program. The current Redevelopment Project is anticipated to have a total average daily wastewater generation rate of approximately 140,507 gallons per day (EAF projected 147,920 gallons per day). The Proposed Project will generate slightly more wastewater than any of the Maximum Worst Case Development Scenarios analyzed in the GEIS (approximately 8,467 gallons per day more). This is due to the difference in the actual mix of proposed uses as compared to the mix of uses proposed projected in the GEIS.

The off-site utility survey uncovered numerous underground utilities which occupy South Broadway and Armory Place, and along Westchester Avenue up to Paulding Street and traverse the existing sanitary sewer lines which deemed this route unfeasible. The Department of Public Works, in the letter dated January 21, 2016, has determined an alternate alignment traversing Hale Avenue, Hiram Street, Paulding Street, and extending along Westchester Avenue. The new line would consist of a 24- inch diameter ductile iron pipe. In addition, a portion of the existing 24-inch sewer main located south of the terminating manhole for the proposed new sewer main upgrades must be investigated for capacity and future upgrade at the expense of the Applicant, and subject to the approval of the Commissioner of Public Works.

With the incorporation of these improvements into the Proposed Project, the project will not have any adverse impacts upon the City's sanitary sewer system.

Water Supply

The overall municipal water supply system has sufficient capacity flows to serve the Project Site and projected domestic water demands for the proposed mixed use development.

The City of White Plains Department of Public Works has required project–specific improvements to the water supply system in the streets adjacent to the project to improve the flow of water for domestic and fire-fighting purposes. The 6-inch water main located within Hale Avenue should be upgraded to a 12-inch main from the intersection of Maple Avenue to the intersection of Hiram Street. The main would also be upgraded from an 8-inch to 12-inch main within Hiram Street from Hale Avenue to Paulding Street. The water main within Paulding Street would need to be further

investigated to determine its current size. If it is an 8-inch main, the City of White Plains Department of Public Works has recommended that it also be upgraded from an 8-inch to 12-inch main from Hiram Street to Westchester Avenue.

Based on water supply flow tests, the existing water system has adequate pressure to serve the domestic portion of the development up to a 10- to 12-story building. Anything above this height would require a domestic booster. Buildings taller than 4 stories would require the installation of fire pumps to provide adequate pressure for any proposed fire sprinkler system and standpipe system.

With implementation of these project improvements, the Proposed Project is not anticipated to have any adverse impacts upon the City's water system.

Solid Waste.

While the Proposed Project would result in increased demand for solid waste collection services, the residential, retail and restaurant uses included in the Proposed Project are not dissimilar from other existing uses in the nearby downtown. The amount of solid waste generated by the Proposed Project is within the range of anticipated and previously analyzed for the maximum residential and mixed use buildout scenarios in the DGEIS.

As outlined in the July 9, 2015 EAF for the Proposed Project, which accompanied the Site Plan and Special Permit Application, the Applicant intends to contract with an outside solid waste removal and hauling company. Based on the analysis identifying an estimated amount of solid waste generated by the Proposed Project, multiple local companies have indicated a willingness and capacity to serve the project. This company will be responsible to collect and dispose of solid waste and recycled material from the project as required by law. Facilities currently receiving solid waste, recycled cardboard and co-mingled materials from the Project Site have indicated they have existing capacity to service the estimated solid waste generation resulting from the project. The Applicant is required to submit a Solid Waste Management Form to DPW for approval to document these services.

Potential Construction Impacts.

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

A pre-construction meeting should be held with the Applicant and City staff through the Building Department to coordinate construction phasing/monitoring including site preparation, construction staging, erosion control, limit of construction areas, tree preservation, storm water management, etc.

Traffic

This mixed use project is largely a residential development. In general residential uses generate less traffic than other office or commercial uses. Other factors including proximity to the downtown, access to transit and a bus service to the White Plains Train Station generate lower traffic levels in the AM and PM peak traffic periods.

Potential traffic impacts resulting from the Proposed Project were initially assessed by the background traffic impacts studies assessed by the Traffic Impact Study in the 2014 Findings and updated for the project specific site plan approval. This update is included in the Environmental Assessment Form Part 3 and supplemented by the Traffic Memorandum from BFJ Planning dated December 3, 2015, which addresses the vehicle queuing on Hale Avenue,

Due to the changes in driveway access locations and lane reductions, an additional traffic impact analysis (PM & Saturday Peaks) was updated for the following intersections:

a. Maple Avenue at Hale Avenue.
b. South Broadway at Maple Avenue/ Lyon Place.
c. Maple Avenue at Bloomingdale Road.
d. Mamaroneck Avenue at Bloomingdale Road

Acceptable levels of traffic service can be achieved for the Proposed Action subject to minimal mitigation traffic signal timing and phasing changes. A final traffic report for these intersections is subject to the approval of the Deputy Commissioner of Parking / City Transportation Engineer.

Air Quality

The proposed site plan and special permit for outdoor dining do not introduce any new land uses not already permitted in the CB-3 District. Air quality emissions from stationary sources are regulated under local, State and Federal regulations. The primary source of air pollution associated with the Proposed Redevelopment Project are mobile sources typically related to project-induced vehicular activity and congestion impacts at certain localized intersections. The traffic impact report did not identify any congestion impacts at certain localized intersections that would not be mitigated by traffic signal timing and phasing changes.

Noise

The CB-3 Rezoning action did not introduce any new land uses not already permitted in in the existing CB-3 zone on the adjacent properties. Continued compliance with the White Plains Noise Pollution Ordinance would serve to mitigate any site plan specific impacts associated with a future development project. Short term noise impacts related to construction of future development are regulated under the White Plains Building Code and City's Construction Management Protocol. No adverse noise impacts are anticipated under the Proposed Redevelopment Project.

Public Transportation and Bicycle Infrastructure

The Project Site is located in the downtown area which is served by the Westchester County Department of Transportation's "Bee-line" system, with several bus routes nearby along Mamaroneck Avenue. The White Plains Transit Center which is approximately 1 mile to the west of

the Project Site serves as a multi-modal hub for the Bee-line, regional bus services and the Metro-North Railroad.

The New NY Bridge Mass Transit Task Force has recommended a new Bus Rapid Transit (BRT) system as a component of the New NY Bridge, the planned replacement for the Tappan Zee Bridge. The Task Force recommended the long range development of BRT routes in the nearby area with one potential route located adjacent to the Project Site. The FGEIS (page 16) stated that any future application for site development should address how a BRT station could be incorporated into future development. However, there have not been any specific plans released on potential BRT routes since adoption of the Proposed Rezoning. The Proposed Redevelopment Project does not change the configuration of the streets around the Project Site and would not preclude the location of a stop in the vicinity of the site, should BRT become a reality in the future.

The Project Site is located within the City's bicycle network, which consists of 3.6 miles of bicycle routes, lanes and paths and at least a dozen bicycle racks. Several roads in the vicinity of the Project Site, such as South Broadway, Post Road and Westchester Avenue, have been designated as Bike Routes. The Proposed Redevelopment Project set forth in the Site Plan Application will provide amenities for cyclists both living in and visiting the site. Bike storage will be provided in the building for residents and on street bikes racks will be provided for visitors.

(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 site is entirely occupied by the existing Westchester Pavilion shopping mall. There are no natural landscaped conditions on the Project site.

The Proposed Action includes a landscaping plan for the redevelopment of the site.

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

A noted, the site is immediately adjacent to Westchester One, the largest office building in White Plains standing 21 stories, (248 feet) and directly across Hale Avenue from the 14-story (168 foot) Crown Plaza Hotel. Maple Avenue serves as the boundary between the City's Core Business Area and Carhart Close-In Neighborhood to the south, as identified in the Comprehensive Plan and reinforced by the maximum permitted height and density in the adjacent transitional zoning districts. Specifically, the south side of Maple Avenue is zoned RM-1 Residential Multi-Family District and RM-.35 Residential Multi-Family District that permits multi-family apartment buildings of up to 125 feet. Both districts span approximately four tax parcels south of Maple Avenue adjacent to the R2-2.5 two family zoning district that comprises the bulk of the Carhart neighborhood.

Applicant has submitted supplemental site specific massing diagrams in Part 3 of the Environmental Assessment Form (EAF), dated October 20, 2015, comparing seven existing view-sheds to those of the previous and proposed schemes for the purposes of analyzing potential visual impacts that may result from the project. As depicted, the proposed site plan has transferred significant density and height away from the Maple Avenue frontage and set the retail and parking podium back from the southern property line as a means of reducing bulk and height impact to the adjacent Carhart neighborhood and pedestrians traversing the north side of Maple Avenue. This is particularly

evident in the Photo Image 5 from Dekalb Avenue and Photo Image 6 from Maple Avenue.

Both Tower One and Two as proposed comply with the bulk and dimensional standards of the CB-3 Core Business District and are consistent in massing and articulation with many buildings in the downtown core. Further, the proposed streetscape improvements, retail frontage, and useable public space on both South Broadway and Maple Avenue are a marked improvement over existing conditions and will serve to both link the Post Road/Maple Avenue retail corridor and enhance overall neighborhood character.

Shadow Impacts

Shadow analyses were conducted as part of the initial DGEIS process in order to identify locations where shadows from potential new buildings could fall onto publicly accessible open space as well as project-created open space. The analysis took into account any identified historic resources, such as the Armory, public spaces or natural features in the immediate area that might have significant sunlight-dependent features concluding that under the Maximum Mixed-Use Development Scenario shadows would not be cast onto any of the abovementioned facilities, but rather onto the existing commercial and office structures and parking facilities located adjacent to the Project Site.

Because of the path that the sun travels across the sky, no shadow can be cast in a triangular area south of any given site, thereby avoiding, in this case, any shadow impacts on the residential Carhart neighborhood located to the south of the Project Site.

Wind Impacts

The Applicant retained Rowan Williams Davies & Irwin Inc. (RWDI) to conduct an analysis of the potential wind effects on the pedestrian environment in and around the Project Site. The report summarizes the results of a wind tunnel study at the pedestrian/grade, podium, and roof levels, and predicted wind speed variations during the summer versus winter months based on the following five categories for classifying acceptable pedestrian wind speed:

1. Sitting – calm or light breezes desired for outdoor restaurants and seating areas;
2. Standing – gentle breezes suitable for main building entrances and bus stops;
3. Strolling – moderate winds appropriate for window shopping;
4. Walking – relatively high speeds that can be tolerated if objective is to walk without lingering; and
5. Uncomfortable – strong winds considered a nuisance for most activities requiring wind mitigation.

Overall, wind speeds are expected to meet the wind safety criterion throughout the site in all but two locations, namely along the existing roadway to the north of the site, and at one localized area on the northern portion of the Tower 2 roof level as outlined below.

Wind at the Pedestrian/Grade Level

Grade-level wind conditions will be comfortable for sitting and strolling activities at most locations throughout the site during both the summer and winter months. Higher wind speeds (suitable for walking) will occur at building entrances along South Broadway during the winter months due to acceleration of the wind from the northwest along the west building façade. Slightly higher wind

speeds causing potentially uncomfortable conditions were predicted on the north side of the site between South Broadway and Hale Avenue during the winter months. It is recommended that either vertical porous wind screens (6 to 8 feet tall and 70-80% solid) be positioned perpendicular to the building to the north of the South Broadway entrances or that the South Broadway retail and restaurant entrances be set back with vestibule to protect them from the strong approaching winds.

Wind at the Podium Level

The podium space of the two proposed towers will be utilized by residential tenants as well as by outdoor diners, particularly during the summer months. As such, conditions comfortable for standing and sitting are preferred. Wind conditions at the podium level are expected to achieve these two criteria at most locations during the summer, with the exception of the area at the corner of Maple Avenue and South Broadway where slightly higher winds (suitable for strolling) are predicted. These wind conditions are mainly the result of winds "down-washing" the tall building facades. During the winter months, wind conditions on the podium are generally expected to be comfortable for strolling or walking.

The exception is the area at the corner of Maple Avenue and South Broadway and the north side of podium across from Westchester One, which will likely be subjected to increased winds, with uncomfortable conditions. Given the limited use of the podium during the winter months coupled with the fact that pedestrian access is limited on this part of the podium, higher wind speeds are acceptable, but can be minimized by the installation of horizontal canopies or trellises that wrap around the building corner to keep winds away from the podium. Additionally, wind conditions on the podium as a whole can improve by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid), or localized porous wind screens or tall planters to help to protect the outdoor dining areas from high wind speeds.

Wind at the Roof Level

During the summer, wind conditions at the outdoor amenity areas for both towers are expected to be slightly higher than desired (comfortable for standing or strolling). Winds suitable for strolling or walking are expected at most locations during the wintertime, except at the westernmost corner of Tower 1 and the northwest corner of Tower 2 where uncomfortable conditions are expected. Given the limited use of the area during the winter months, higher wind speeds are acceptable, but can be minimized, during both summer and winter months by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid) or with localized porous wind screens.

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

The type and quantity of energy demand for the Proposed Project is not significant in the context of the City of White Plains as a regional employment, retail, residential, and governmental center. The existing providers have the capacity to support the proposed project.

(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.

Public School Impacts

The DGEIS previously evaluated the number of public school students generated by a potential residential development under the CB-3 zoning on site for both the Mixed Use Scenario and Maximum Residential Development Scenario concluding the generation of some 17 school age children and 27 public school children respectively. Importantly, the Maximum Residential Development Scenario calculated a total of 1,749 new residents versus 1,440 for the proposed action utilizing the same accepted multipliers. Therefore the proposed site plan's 707 dwelling units are anticipated to generate 21 public school children, six less than 27 calculated for the Maximum Residential Development Scenario.

The SEQR Findings adopted by the Common Council on November 3, 2014 concluded that the maximum number of students projected for the development scenarios would not impose a significant additional burden to the White Plains School District when accounting for current and projected student enrollment figures through the 2020-2021 school years. Further, the Fiscal Analysis portion of the DGEIS concluded that even with the Maximum Residential Development Scenario generation of 27 additional public school children, revenues to the City and White Plains School District generated by the permitted development program under CB-3 zoning would exceed the cost of educating the new students.

(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, based on the foregoing reasons, that the Common Council finds that the Proposed Action is consistent with the findings included the 2014 Findings Statement adopted on October 6, 2014; for the rezoning of the project site from B-6 to CB-3 within the Central Parking Area, and be it further

RESOLVED, based on the foregoing reasons, that the Common Council finds that the Proposed Action when compared against the SEQR criteria of environmental effect 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 MAPLE AND BROADWAY HOLDINGS, LLC ("APPLICANT') IN COOPERATION WITH URSTADT BIDDLE PROPERTIES INC., THE OWNER OF THE PREMISES LOCATED AT 60 SOUTH BROADWAY, FOR SIX (6) SPECIAL PERMIT APPROVALS FOR OUTDOOR DINING AND SITE PLAN APPROVAL FOR THE PROPOSED REDEVELOPMENT OF THE WESTCHESTER PAVILION SITE AT 60 SOUTH BROADWAY, INCLUDING A NEW APPROXIMATELY 856,499 SQUARE FOOT 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 MEDIAN FAMILY INCOME ("MFI"), WITHIN TWO (2) 24 STORY BUILDINGS, WITH A MAXIMUM HEIGHT OF 280 FEET AND LOCATED ON TOP OF APPROXIMATELY 93,840 SQUARE FEET OF STREET LEVEL ACCESSIBLE COMMERCIAL USE, INCLUDING APPROXIMATELY 77,340 SQUARE FEET OF RETAIL AND 16,500 SQUARE FEET OF RESTAURANT WITH 1800 SQUARE FEET 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 A 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.

WHEREAS, the Common Council of the City of White Plains ("Common Council"), at a meeting held on May 7, 2013, received a communication from the Commissioner of Building, dated April 25, 2013, transmitting on behalf of Urstadt Biddle Properties Inc., owner of property located at 60 South Broadway, known as the Westchester Pavilion site, a petition dated April 15, 2013, requesting to amend the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), by reclassifying 60 South Broadway from the B-6 (enclosed mall) Zoning District to the CB-3 (Central Business 3) Zoning District, and establishing a system of incentive zoning benefits that the Common Council would control consistent with the New York State General City Law,

Section 81-d, in order to encourage the provision of community amenities over and above those that would otherwise be part of a development, such as access to usable open space or significant improvements to municipal infrastructure; and

WHEREAS, the Common Council, at a meeting held on June 3, 2013, received a communication from the Commissioner of Building, dated May 30, 2013, transmitting on behalf of Urstadt Biddle Properties Inc. a revised petition withdrawing the request for implementation of a system of incentive zoning, and specifically, requesting to amend the Zoning Ordinance to: (1) reclassify the site located at 60 South Broadway from a B-6 (enclosed mall) Zoning District to the CB-3 (Central Business 3) Zoning District; (2) extend the Central Parking Area (CPA) to encompass the 60 South Broadway site; and (3) amend Section 5.5.3.2 of the Zoning Ordinance to permit an increase in "height" to up to 350 feet by Special Permit for "development sites" or "lots" between 150,000 and 200,000 square feet within the CB-3, CB-4 and UR-4 Zoning Districts ("Proposed Action"); and

WHEREAS, the Common Council, at a meeting held on July 1, 2013, adopted an environmental findings resolution whereby the Common Council (a) designated itself Lead Agency for the environmental review of the Proposed Action; (b) determined that the Proposed Action is a Type I Action under the State Environmental Quality Review Act and its accompanying regulations (SEQRA); (c) determined that a Draft Generic Environmental Impact Statement (DGEIS) be prepared for the Proposed Action to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; (d) authorized the Planning Department and the

Environmental Officer to work with Urstadt Biddle Properties Inc. on a DGEIS Scoping Outline for the Proposed Action; and (e) authorized the Environmental Officer to distribute the appropriate notice as required by SEQRA; and

WHEREAS, the Common Council, at a meeting held on September 3, 2013, received a communication from the Commissioner of Building dated August 28, 2013, transmitting a communication on behalf of Urstadt Biddle Properties Inc., from William Null, Esq., dated August 19, 2013, advising that Urstadt Biddle Properties Inc. was withdrawing that part of its Zoning petition to amend Section 5.5.3.2 of the Zoning Ordinance to establish a Special Permit within the CB-3, CB-4 and UR-4 Zoning Districts to allow an increase in height on development sites or lots between 150,000 and 200,000 square feet; and

WHEREAS, the Common Council, at a meeting held on September 3, 2013, received a communication from the Environmental Officer dated August 27, 2013, recommending, *inter alia*, that the Common Council reconfirm that a DGEIS must be prepared for the Proposed Action, as modified by the August 19, 2013 letter from William Null, Esq., on behalf of Urstadt Biddle Properties Inc. ("Modified Proposed Action"), determining that the revised Scoping Outline is adequate for the purpose of commencing public review and comment regarding the issues to be addressed in the DGEIS, scheduling a comment period for the purpose of receiving written comments regarding the Scoping Outline, and authorizing the Environmental Officer to distribute the appropriate notices as required by SEQRA; and

WHEREAS, the Common Council, at a meeting held on September 3, 2013, adopted an environmental findings resolution reconfirming that a DGEIS must be prepared for the Modified Proposed Action, determining that the revised Scoping Outline is adequate for the purpose of commencing public review and comment regarding the issues to be addressed in the DGEIS, scheduling a comment period for the purpose of receiving written comments regarding the Scoping Outline, and authorizing the Environmental Officer to distribute the appropriate notices as required by SEQRA; and

WHEREAS, the Common Council, at a meeting held on October 7, 2013, adopted the Scoping Outline as the Final Scope of Work for the preparation of the Draft Generic Environmental Impact Statement (DGEIS) for the 60 South Broadway rezoning project; and

WHEREAS, at a meeting held on June 2, 2014, the Common Council received a communication from the Commissioner of Building dated May 28, 2014, recommending that the Common Council refer the Preliminary DGEIS (PDGEIS) dated May 2014, to certain City staff for a completeness review; and

WHEREAS, the Common Council, at a meeting held on June 2, 2014, referred the PDGEIS dated May 2014, to the Corporation Counsel, the Commissioners of Planning, Building, Public Works, and Public Safety, the Deputy Commissioner of Parking for Transportation Engineering and the Environmental Officer for a review regarding issues addressed in the Final Scope of Work; and

WHEREAS, the Common Council, at a meeting held on July 7, 2014, adopted an environmental findings resolution accepting a DGEIS document dated July 2, 2014, as complete and adequate for the purpose of commencing public review and comment regarding issues addressed in the Final Scope of Work, scheduled a public hearing on the DGEIS for August 4, 2014, scheduled an additional ten (10) day period following the close of the public hearing to receive additional comments, and directed the Environmental Officer to prepare, file and publish the appropriate notice of completeness of the DGEIS dated July 2, 2014, and notice of the DGEIS public hearing to be held on August 4, 2014; and

WHEREAS, the Common Council, at a Special Meeting held on July 22, 2014, adopted a resolution scheduling a public hearing in relation to the zoning petition submitted on behalf of Urstadt Biddle Properties Inc. for a proposed amendment to the Zoning Ordinance to re-zone and re-map 60 South Broadway (Section 125.84, Block 3, Lot 1) from the B-6 (Enclosed Mall) Zoning District to the CB-3 (Core Business 3) Zoning District and to re-map and extend the boundaries of the Central Parking Area (CPA) to include said property within the CPA; and

WHEREAS, the Common Council, at its meeting on August 4, 2014, opened the public hearing on the DGEIS, received testimony, and adjourned the public hearing to September 2, 2014; and

WHEREAS, the Common Council, at its meeting of August 4, 2014, opened the

public hearing on the re-zoning petition, received testimony, and adjourned the public hearing to September 2, 2014; and

WHEREAS, the Common Council, at its meeting of September 2, 2014, opened the adjourned public hearing on the DGEIS, received testimony, and closed the public hearing; and

WHEREAS, the Common Council, at its meeting of September 2, 2014, received communications in relation to DGEIS from the Commissioner of Building dated August 21, 2014; the Commissioner of Public Safety, dated July 29, 2014; the Chair of the Planning Board, dated August 21, 2014; the Acting Chair of the Design Review Board, dated August 4, 2014; and the Westchester County Planning Board, dated August 12, 2014; and

WHEREAS, the Common Council, at its meeting of September 2, 2014, opened the adjourned public hearing on the re-zoning petition, received testimony, and closed the public hearing; and

WHEREAS, the Common Council, at its September 2, 2014 meeting, received communications in relation to the re-zoning petition from the Commissioner of Building, dated August 21, 2014; the then Commissioner of Planning, dated August 21, 2014; the Commissioner of Public Safety, dated July 29, 2014; the Commissioner of Parking, dated September 2, 2014; the Deputy Commissioner of Parking for Transportation Engineering, dated August 21, 2014; the Chair of the Planning Board, dated August 21, 2014; the Acting Chair of the Transportation Commission,

dated August 21, 2014; and the Westchester County Planning Board, dated August 12, 2014; and

WHEREAS, the Common Council, at its October 6, 2014 meeting, received a communication from the Chair of the Conservation Board, dated August 18, 2014 and from the Environmental Officer regarding the DGEIS, and adopted a resolution which: (a) found that the FGEIS (Final Generic Environmental Impact Statement) dated September 30, 2014, was adequate and accurate and responded to comments received regarding the Draft Environmental Impact Statement; (b) accepted the FGEIS, dated September 30, 2014, for consideration in making environmental findings; (c) authorized the Environmental Officer to distribute and make available the FGEIS to involved and interested parties and the public; (d) authorized the Environmental Officer to distribute appropriate notices and filings as required by SEQRA; (e) established a ten (10) day period starting with the date of distribution of the FGEIS by the Environmental Officer in which to consider the FGEIS before issuing its written findings statement; and (f) authorized the Environmental Officer and City staff to prepare a draft environmental findings statement for the Common Council's consideration; and

WHEREAS, the Common Council, at a meeting held on November 3, 2014, adopted an environmental findings statement issued under SEQRA regarding the petition by Urstadt Biddle Properties Inc. to amend the Zoning Ordinance of the City of White Plains to remap 60 South Broadway ("Project Site") from the B-6 Zoning District to the CB-3 Zoning District and to include the Project Site in the Central Parking Area (CPA); and

WHEREAS, the aforementioned 37 page environmental findings statement examined the relevant environmental impacts and provided specific environmental findings, weighed and balanced relevant environmental impacts with social, economic and other considerations, examined the alternatives, and provided the necessary findings and certifications as required under SEQRA; and

WHEREAS, the Common Council, at the November 3, 2014 meeting, adopted an ordinance amending the Zoning Ordinance with respect to rezoning 60 South Broadway from the B-6 Enclosed Mall Zoning District to the CB-3 (Central Business-3) Zoning District and extending the boundaries of the Central Parking Area (CPA) to include said property within the CPA; and

WHEREAS, the Common Council, at a meeting held on August 3, 2015, received a communication from the Commissioner of Building dated August 3, 2015, transmitting on behalf of Maple and Broadway LLC, contract vendee, ("Applicant') in cooperation with Urstadt Biddle Properties Inc., owner of the property known as 60 South Broadway (Westchester Pavilion site), an application for Site Plan approval and Special Permit approval for outdoor dining associated with the restaurant spaces for the proposed redevelopment of the site; and

WHEREAS, the site encompasses 3.58 acres bounded on the south by Maple Avenue, on the west by South Broadway, and on the east by Hale Avenue, and on the north by the Westchester One project site; and

WHEREAS, the property is situated in a CB-3 Zoning District and is located within

the CPA, and is designated on the tax assessment map of the City of White Plains as Section 125.84, Block 3, Lot 1; and

WHEREAS, the redevelopment was proposed to comprise approximately 858,000 square feet of mixed-use residential and commercial development as follows:

1. A total of 707 residential dwelling units contained within two (2) 24 story towers; one of the towers to have 249 apartments and the other tower to have 458 apartments as shown on the Zoning Compliance Chart on Plan Sheet G-001, last revised October 15, 2015; the buildings to stand approximately 280 feet in height and to have amenity space on the rooftops.

2. Approximately 93,840 square feet of rental/restaurant use, including:

a. Approximately 43,000 square feet of retail space;

b. Approximately 22,000 square feet of restaurant space with 1,800 square feet of appurtenant outdoor dining in select locations (as identified on Exhibit A in this approval resolution herein) ;

c. Approximately 30,000 square feet of commercial space that, alternatively, will be a health club (subject to a special permit) or additional retail/restaurant space.

3. A four-level, below-grade parking garage with approximately 1,037 parking spaces accessible from both Maple and Hale Avenues.

4. A loading area for trucks and other service vehicles accessible from Hale Avenue; and

WHEREAS, the Application included the following documents:

A. A cover letter dated July 14, 2015, from William Null, Esq., of the law firm of Cuddy & Feder LLP, counsel for the Applicant, forwarding and describing the background and details of the Application;

B. A Building Short Form Permit Application, dated July 15, 2015;

C. A memorandum regarding parking and loading management, dated July 14, 2015, as prepared by Perkins Eastman Architects;

D. A Full Environmental Assessment Form dated July 9, 2015, as prepared by BFJ Planning;

E. Plans prepared by Perkins Eastman Architects, entitled "60 South Broadway, White Plains, NY, Site Plan Submission," dated July 14, 2015, consisting of the following:

Drawing No.	Entitled	Last Revised
	Cover Sheet	7/14/15
G001	Drawing Index&Project Info	7/14/15

Drawing No.	Entitled	Last Revised
SV1	Existing Conditions Plan	7/14/15
AS-101	Architectural Plan	7/14/15
LA-102	Landscape Plan	7/14/15
A-201	Exterior Elevation	7/14/15
A-202	Exterior Elevation	7/14/15
A-203	Exterior Elevation	7/14/15
A-204	Exterior Elevation	7/14/15
A-101	Parking Level P-1 Floor Plan	7/14/15
A-102	Parking Level P-2 Floor Plan	7/14/15
A-103	Parking Level P-3 Floor Plan	7/14/15
A-104	Parking Level P-4 Floor Plan	7/14/15
A-105	Ground Floor Plan	7/14/15
A-106	2nd Floor Plan	7/14/15
A-107	3rd Floor Plan	7/14/15
A-108	23rd Floor Plan	7/14/15
A-109	24th Floor Plan	7/14/15
A-110	Roof Plan	7/14/15
A-301	Building Section	7/14/15;

F. Landscape Architectural Drawings prepared by Moss Gilday Group, consisting of the following:

Drawing No.	Entitled	Last Revised
LA-100	Overall Landscape Site Plan	7/14/15
LA-101	Site Lighting Plan	7/14/15
LA-400	Landscape Site Plan South Broadway Residential Entrance	7/14/15
LA-401	Landscape Site Plan South Broadway & Maple Avenue	7/14/15
LA-402	Landscape Site Plan Maple Avenue & Hale Avenue	7/14/15
LA-403	Landscape Site Plan Hale Avenue Residential Entrance	7/14/15
LA-404	Landscape Site Plan Residential Courtyard	7/14/15
LA-500	Landscape Details General Notes, Legends And Schedules	7/14/15
LA-501	Landscape Site Details	7/14/15; and

G. Civil Engineering drawings prepared by The Chazen Companies, consisting of the following:

Drawing No.	Entitled	Last Revised
N1	Notes and Adjoining Properties Map	7/14/15
N2	Construction Notes	7/14/15
N3	Construction Notes	7/14/15
SP2	Demolition Plan	7/14/15
SP3	Site Plan	7/14/15

Drawing No.	Entitled	Last Revised
SP4	Grading and Erosion&Sediment Control Plan	7/14/15
SP5	Utility Plan	7/14/15
SP6	Overall Sanitary Sewer Off-Site Improvement Routing Diagram	7/14/15
PP1	Ramp and Loading Area Profiles	7/14/15
SD1	Site Details	7/14/15
SD2	Sanitary Sewer System Details	7/14/15
SD3A	Water System Details	7/14/15
SD3B	Additional Water System Notes	7/14/15
SD4	Erosion&Sediment Control Details	7/14/15
SD5	Storm Sewer Details	7/14/15; and

WHEREAS, the Common Council, at its August 3, 2015 meeting, referred the Application to all necessary City departments, officers, agencies, boards and commissions, and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at its meeting of November 2, 2015, received a communication from the Commissioner of Building, dated October 29, 2015, transmitting on behalf of the Applicant, additional information and modifications to the Site Plans in response to questions raised by the Common Council and City staff; and

WHEREAS, the additional information and modifications to the Site Plans included the following:

A. A cover letter dated October 21, 2015 from William Null, Esq., on behalf of the Applicant, describing and detailing the publicly accessible open space for the project, the rooftop retail podium and stormwater runoff and treatment;

B. 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 BJF Planning, dated October 20, 2015; the EAF Part 3 summarizes the prior SEQRA review conducted by the Common Council with regard to the prior rezoning of the premises from the B-6 Zoning District to the C-B 3 Zoning District and inclusion of the 60 South Broadway site in the CPA. Specifically, the EAF Part 3 cites to relevant portions of the prior GEIS prepared in connection with such rezoning that was comprised of a Draft and Final GEIS. The EAF Part 3 also incorporates the following analyses: traffic (additional traffic patterns since the South Broadway driveway portal, previously contemplated in the GEIS, is no longer provided in this plan); lighting (lighting proposed for the building and its effect, if any, upon adjacent uses); and wind (effect of winds on pedestrians on the surrounding properties and proposed development), shadow analysis (effect of shadow on-site, on a historic building and area buildings); and lighting specifications (for on-site and lighting on public ROW);

C. Revised Plans consisting of the following:

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:

Drawing No.	Entitled	Last Revised
	Cover Sheet	10/15/15
G-001	Project Info	10/15/15
SV-1	Existing Conditions Plan	10/15/15
AS-101	Architectural Site Plan	10/15/15
A-102	Landscape Plan (This plan is an inadvertent duplicate of LA-102 attached within plans prepared by Perkins Eastman listed herein above)	10/15/15
A-201	Overall Exterior Elevations	10/15/15
A-202	Overall Exterior Elevations	10/15/15
A-203	Overall Exterior Elevations	10/15/15
A-204	Overall Exterior Elevations	10/15/15
A-101	Parking Level P-1 Floor Plan	10/15/15
A-102	Parking Level P-2 Floor Plan	10/15/15
A-103	Parking Level P-3 Floor Plan	10/15/15
A-104	Parking Level P-4 Floor Plan	10/15/15
A-105	Ground Floor Plan	10/15/15
A-106	2nd Floor Plan	10/15/15
A-107	3rd Floor Plan	10/15/15
A-108	23rd Floor Plan	10/15/15
A-109	24th Floor Plan	10/15/15

Drawing No.	Entitled	Last Revised
A-110	Roof Plan	10/15/15
A-301	Building Section	10/15/15;

2. Landscape Architectural drawings prepared by Moss Gilday Group, dated October 15, 2015, consisting of the following:

Drawing No.	Entitled	Last Revised
LA-100	Overall Landscape Plan	10/15/15
LA-101	Site Lighting Plan	10/15/15
LA-102	Landscape Plan (duplicate)	10/15/15
LA-400`	Landscape Site Plan South Broadway Residential Entrance	10/15/15
LA-401	Landscape Site Plan South Broadway & Maple Avenue	10/15/15
LA-402	Landscape Site Plan Maple Avenue & Hale Avenue	10/15/15
LA-403	Landscape Site Plan Hale Avenue Residential Entrance	10/15/15
LA-404	Landscape Site Plan Residential Courtyard	10/15/15
LA-500	General Construction Notes, Legends & Schedules	10/15/15
LA-501	Landscape Site Details	10/15/15
LA-502	Landscape Details General Plan Schedule	10/15/15

Drawing No.	Entitled	Last Revised
LA-503	Landscape Roof Details	10/15/15
LA-504	Landscape Roof Details	10/15/15
LA-505	Landscape Roof Details	10/15/15;

3. Civil Engineering drawings prepared by The Chazen Companies, dated October 15, 2015, consisting of the following:

Drawing No.	Entitled	Last Revised
C-001	Notes and Adjoining Properties Map (formerly N-1)	10/15/15
C-002	Construction Notes (formerly N-2)	10/15/15
C-003	Construction Notes (formerly N-3)	10/15/15
C-101	Demolition Plan (formerly SP-2)	10/15/15
C-102	Demolition Plan (formerly SP-2)	10/15/15
C-110	Site Plan (formerly SP-3)	10/15/15
C-120	Grading and Erosion & Sediment Control Plan (formerly SP4)	10/15/15
C-130	Utility Plan (formerly SP5)	10/15/15
C-301	Ramp and Loading Area Profiles (formerly PP1)	10/15/15
C-401	Overall Sanitary Sewer Off-Site Improvements Routing Diagram (formerly SP6)	10/15/15
C-501	Site Details (formerly SD1)	10/15/11)
C-502	Sanitary Sewer System Details (formerly SD2)	10/15/15
C-503	Water System Details (formerly SD3A)	10/15/15

Drawing No.	Entitled	Last Revised
C-504	Additional Water System Notes (formerly SD3B)	10/15/15
C-505	Erosion&Sediment Control Details (formerly SD4)	10/15/15
C-506	Storm Sewer Details (formerly SD5)	10/15/15

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:

Drawing No.	Entitled	Last Revised
A101	Parking Level P-1 Floor Plan	9/11/15
A102	Parking Level P-2 Floor Plan	9/11/15
A103	Parking Level P-3 Floor Plan	9/11/15
A104	Parking Level P-4 Floor Plan	9/11/15; and

WHEREAS, the revised project consists of approximately 93,840 square feet of retail and restaurant use with 1,800 square feet of outdoor dining and approximately 760,859 square feet for 707 residential units, as shown in the EAF, Part 3, dated October 20, 2015; and

WHEREAS, Mr. Null's correspondence of October 21, 2015 states that 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 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. Propose Affordable Housing for those at 60% of Westchester County Median Family Income (MFI), the development with 6% or 43 dwelling units at 60% MFI rates;

C. Modifications 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 modified to separate the residential drop-off area from the garage entrance and exit portal;

E. The drop-off area along South Broadway modified and relocated in accordance with comments issued by the Transportation Commission and the Deputy Commissioner of Parking for Transportation; and

F. Parking Signage and Message Plans prepared by Desman Design Management; and

WHEREAS, the Common Council, at its November 2, 2015 meeting, referred the supplemental information and modified Site Plans regarding the Application to all necessary City departments, officers, agencies, boards and commissions, and the Westchester County Planning Board

for review. Comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at its meeting held on December 7, 2015, adopted a resolution scheduling a public hearing for January 4, 2016, on that portion of the Application concerning six outdoor dining Special Permits associated with restaurant spaces at select locations on private property located at 60 South Broadway; and

WHEREAS, the Common Council, at its meeting held on January 4, 2016, opened the public hearing, received testimony from the Applicant's representatives and afforded the public the opportunity to present testimony, and then closed the public hearing on the six Special Permits for the outdoor dining portion of the Application; and

WHEREAS, at a Special Meeting of the Common Council held on January 11, 2016, representatives of the Applicant discussed more details concerning the outdoor dining component of the Application; and

WHEREAS, at a Special Meeting of the Common Council held on January 25, 2015, representatives of the Applicant further discussed more details concerning the Application; and

WHEREAS, the Common Council, at the January 25, 2016 Special Meeting, received a communication from the City Clerk, dated January 22, 2016, forwarding the following documents submitted by the Applicant:

A. A cover letter from William S. Null, Esq., dated January 22, 2016, transmitting the additional materials related to the Application;

B. A binder containing letter-sized versions of the images shown on "Figure IV.10-1" of the Environmental Assessment Form, EAF Part 3, dated October 20, 2015, previously submitted to the Common Council in connection with the Application;

C. A print of Sheet C-130, "Utility Plan," dated October 15, 2015, that was submitted to the Common Council on October 21, 2015, which print has been annotated to highlight with red circles the five (5) locations along South Broadway that have cistern planters installed with trees to further enhance the stormwater management on the site (in addition to the green roof and other infrastructure being installed).

D. A three-dimensional illustration showing the functional methodology for the tree cisterns that will be installed along South Broadway.

E. A print of the Outdoor Dining Plan shown to the Common Council at the January 11, 2016 Special Meeting (Work Session), which previously was informally submitted to the City's staff; and

WHEREAS, the Common Council, at its meeting held on February 1, 2016, received communications on the Application from the Commissioner of Building, dated January 22, 2016;

the Commissioner of Planning dated January 4, 2016, and January 21, 2016; the Commissioner of the Public Works, (two) both dated January 21, 2016; the Commissioner of Public Safety, dated January 22, 2016; the Commissioner of Parking, dated February 1, 2016; the Deputy Commissioner of Parking for Transportation Engineering, January 21, 2016; the Chair of the Planning Board, dated December 22, 2015; the Acting Chair of the Transportation Commission; the Chair of the Design Review Board, dated January 22, 2016; the Acting Chair of the Conservation Board, dated December 22, 2015; the Environmental Officer, dated January 25, 2016; and the Westchester County Planning Board, dated November 16, 2015; and

WHEREAS, the Common Council, at its February 1, 2016 meeting, adopted a resolution declaring its intent to serve as Lead Agency for the environmental review of the Site Plan/Special Permit Application pursuant to the State Environmental Quality Review Act and its accompanying regulations (SEQRA), authorizing the Environmental Officer to distribute the appropriate notice as required by SEQRA, and adopted an environmental determination; and

WHEREAS, the Common Council has reviewed and considered comments from the public, as well as from the various City departments, officers, agencies, boards and commissions, and the Westchester County Planning Board, and has reviewed the application in light of the 1997 Comprehensive Plan and the update to the Comprehensive Plan adopted July 11, 2006, and standards set forth in the Zoning Ordinance, including but not limited to Sections 4, 5, 6, 7 and 8; and

NOW, THEREFORE, be it

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

Site Plan

Section 7.5 Standards

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

Section 7.5.1 *Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan." Variances granted by the Board of Appeals need not be regarded by the approving agency as satisfying the requirement of conformity with this Ordinance for purposes of this review and approval. The approving agency shall review any such variances and may deny approval or require modifications pursuant to Section 7.5, above, in the event it finds any such variances produce or permit an unsatisfactory condition or arrangement in the "site plan" before it.*

1. 60 South Broadway is located in the 1997 Comprehensive Plan and 2006 Update to the Comprehensive Plan Planning Area described as the "Core Area," and the land use designation for the property is "Central Business-3" (CB-3).

2. Roadways abutting and giving access to the 60 South Broadway site are classified as follows: South Broadway is classified as a " minor street" on page 1-II-3 of the 1997 Plan. Maple Avenue is classified as an arterial or major street linking [the] regional roadways [*e.g.* I-287] and entrance corridors." Hale Avenue is a "collector or secondary street." North of East Post Road, South Broadway is a County Road (CR 108). East Post Road, in proximity to the project site, is also an arterial or major street and a County Road (Route 22)

3. The 1997 Comprehensive Plan lists open space character and possible open space and recreational uses as important for consideration in the context of the Central Business District.

4. The project is consistent with the strategies established in the 1997 Comprehensive Plan and the 2006 Comprehensive Plan Update. The project site is located within the City's Core Area - defined as "a place to live, work, shop and spend quality leisure time." In addition, the Comprehensive Plan states that downtown residential development is a major economic tool for the City to create a truly livable, "walkable" urban environment with a 24/7 character that supports office and retail. The project design will require patrons to access the retail stores from South Broadway and Maple Avenue sidewalks rather than directly from the parking structure, ensuring a more active street scape than the current condition. Further, the proposed aesthetic and pedestrian improvements to the Maple Avenue and South Broadway frontages are consistent with the Plan's recommendation to promote attractive streetscapes in the Core Area and promote the City's Complete Streets Policy. In particular, the Vision Statement for the Core Area includes the following recommendations pertaining to the project location (2006 Comprehensive Plan Update at page II-1-4):

A. Boutique and speciality retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue and along East Post Road.

B. The Business Improvement District and property owners in the central Business District should promote and work to expand leasing to boutique and specialty retailers.

C. "Big box" retail and department stores should not be located with exposure on street frontages that are principal pedestrian corridors, as those stores generally have limited access points, which discourages pedestrian activity.

D. Existing department stores, malls and large-scale retailers should be encouraged to provide more entrances and display windows in street-level facades to enhance the pedestrian experience.

E. The trend toward more residential development in the Core Area should be encouraged.

F. Review all existing and new development to determine the extent to which it addresses pedestrian traffic as a planning element, addressing crosswalk signal timing, location of crosswalks, pavement markings and other physical improvements (1997 Comprehensive Plan).

G. Encourage use of urban design elements, such as signage, public amenities and landscaping to create visual linkages between the Speciality Retail Area and the Mamaroneck Avenue Business District (1997 Comprehensive Plan).

H. Protect residential neighborhoods abutting the Specialty Retail Area from impacts of commercial uses, including parking, traffic and conversion of residential uses to non-residential uses (1997 Comprehensive Plan).

5. The Plan recommends that the Maple Avenue Corridor between Bloomingdale Road and Mamaroneck Avenue be maintained as an "edge corridor" that separates the commercial "Specialty Retail Area" on the north side of Maple Avenue from the residential districts to the south of Maple Avenue (Comprehensive Plan page II-I-44).

6. The project proposes a mixed-use development featuring specialty retail on the ground floor and residential apartments above, enabled by the City's recent rezoning of the site from the B-6 Enclosed Mall Zoning District to the CB-3 Zoning District where residential uses are permitted. The proposed ground floor retail and outdoor dining located along the South Broadway and Maple Avenue frontage will promote and enhance the pedestrian experience in this area of the City ensuring a more active streetscape than what currently exists consistent with Comprehensive Plan recommendations. The Applicant has also provided ample landscaping and pedestrian amenities along Maple Avenue, which serves to screen the development from the adjacent lower-density Carhart residential neighborhood to the south.

7. The proposed project clearly benefits the City by putting an underutilized and underperforming site in the Core Area back into productive use, as well as generating increased economic activity and tax revenues. The 707 dwelling units proposed are estimated to bring approximately 1,400 new residents to the City who will help support nearby businesses and spur further reinvestment in and revitalization of the surrounding area.

8. According to the communication of the Westchester County Planning Board dated November 16, 2015, the proposed development is consistent with the Westchester County Planning Board's long-range planning policies set forth in ***Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning,*** adopted by the Westchester County Planning Board on May 6, 2008, amended January 2, 2010, and its recommended strategies set forth in ***Patterns for Westchester: The Land and the People***, adopted December 5, 1995, because it would direct new development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently and where redevelopment can enhance economic vitality.

9. According to the communication of the Westchester County Planning Board dated November 16, 2015, the portion of South Broadway north of the intersection of East Post Road is a County road (CR 108). Approval from the Westchester County Department of Public Works and Transportation is required for any work related to the County portion of the road under Section 239 F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal.

10. According to the communication of the Westchester County Planning Board dated November 16, 2015, with respect to the portion of the development site that is located along the County portion of South Broadway, roads in the vicinity of the project (South Broadway, East Post Road and Armory Place) will be paved by the County in 2017. In addition, Westchester Avenue (CR 71) will be paved by the County in 2016. Any utility connections, street network changes, sewer upgrades, etc. made after paving will require pavement restoration (mill/pave) by the Applicant for

the full width of the roadway.

11. As per the communication of the Westchester County Planning Board dated November 16, 2015, a Mass Transit Task Force examined the potential to create Bus Rapid Transit (BRT) service across the I-287 corridor and concluded with a set of recommendations for both east-west and north-south services that would intersect in White Plains. One conceptual plan presented a BRT route along South Broadway and Maple Avenue, directly along the frontages of the subject site, a route not currently served by transit.

12. As per the communication of the Westchester County Planning Board dated November 16, 2015, as the City of White Plains is part of the continuing review of BRT planning and the New York State agencies are participating in the City's planning project for the White Plains train station area, the County of Westchester is confident that as various private development plans advance, opportunities for BRT implementation and transit service enhancements and infrastructure will be identified and integrated as appropriate.

13. The FGEIS stated that any future application for site development should address how a BFT station could be incorporated into future development. However, there have not been any specific plans released on potential BRT routes since adoption of the rezoning amendment. The proposed redevelopment project does not change the configuration of the streets around the site and would not preclude the location of a stop in the vicinity of the site, should BRT become a reality in the future.

14. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the development of the proposed project at 60 South Broadway is consistent with the Zoning Ordinance definition of the CB-3 Zoning District in which 60 South Broadway is located. The Zoning Ordinance describes this district at Section 5.5.19 as follows:

> The CB-3 District is a high-density, mixed-use area encompassing the core of the City's central business district. Appropriate to the City's role as a regional center, this District permits a combination of residential, retail, office, government, business, service, cultural and entertainment "uses." This District also encourages high-density hi-rise housing to be built on larger sites.

15. In addition, the Zoning Ordinance at Section 5.4.1.5.1, provides, in pertinent part, as follows:

> For the CB-3 District, in the Central Parking Area, to encourage the construction of additional "multi-family dwellings" serving a variety of income groups for both rental and ownership, and focusing on the needs of young professionals, seniors and other who would benefit from proximity to "restaurants," shops, employment opportunities, cultural opportunities and transportation, consistent with the "Comprehensive Plan."

16. Subject to the Applicant's compliance with the conditions contained in this

approval resolution herein, in accordance with Section 7.5.1 of the Zoning Ordinance, the proposed development of the site conforms with the 1997 Comprehensive Plan and the 2006 Update to the Comprehensive Plan adopted by the Common Council on July 11, 2006, and the CB-3 (Central Business-3) Zoning District's height, bulk, density and parking requirements.

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

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

1. The site specific traffic study included as Section IV.2 "Transportation and Parking Appendix A "HCM Signalized Intersection Capacity Analysis" in the 60 South Broadway Redevelopment Project Environmental Assessment Report EAF Part 3, provides a traffic capacity analysis of five intersections:

a. Maple Avenue and South Broadway;

b. South Broadway and Lyon Place;

c. Hale Avenue and Maple Avenue;

d. Bloomingdale Road and Maple Avenue; and

e. Mamaroneck Avenue and Bloomingdale Road.

A further examination of queue lengths at the southbound approach of Hale Avenue as a result of the mixed-use redevelopment project was undertaken at the request of the Deputy Commissioner of Parking for Transportation Engineering and is submitted with the Deputy Commissioner's communication dated January 21, 2016, along with the Deputy Commissioner's

comments and conditions.

2. As shown in Table IV-2.6 " Traffic Analysis Results, the EAF Part 3, dated October 20, 2015, all the development scenarios studied in the GEIS have greater impacts on levels of service than the proposed project.

3. The Applicant has submitted A Full Environmental Assessment Form-Part I, dated July 9, 2015 and Part 3, dated October 20, 2015 and prepared additional analyses evaluating the potential impact on traffic associated with the project, based on the findings of the Applicant's EAF Part 3.

4. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, particularly those of the Deputy Commissioner of Parking for Transportation Engineering which incorporates those of the Transportation Commission, the proposed project will not have a negative impact on existing traffic conditions on existing streets at and surrounding the proposed project, and satisfies the requirements of Section 7.5 of the Zoning Ordinance.

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

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

1. The site plan contains three separate vehicular entrances to the internal parking structure along Hale Avenue, specifically a two way entrance/exit at the northeast corner of the site dedicated for residential tenants, an entrance and exit point to loading docks mid-block, and an entrance/exit point to serve as the primary access for the retail and restaurant uses onsite. A fourth vehicular access point will be located mid-block along Maple Avenue to serve the retail/restaurant uses and will operate right in/right out by virtue of the existing Maple Avenue central median.

2. Pedestrian access to the residential towers will be via the 7,200 square foot plaza forecourt fronting on South Broadway and through a dedicated interior lobby space, while the retail/restaurant spaces in the garage on both South Broadway and Maple Avenue would be accessed solely from their respective street frontage and not directly from the parking garage. Retail and restaurant customers accessing the site via car will exit the interior parking structure via two retail lobbies at grade, either to the South Broadway forecourt or mid-block along Maple Avenue. The residential towers also will have a lobby space on Hale Avenue adjacent to the dedicated vehicular access drive.

3. The existing sidewalk along Maple Avenue would be expanded within the property where the Applicant proposes a series of terraced small plaza areas of scored concrete each containing benches, seat walls and landscaping. The proposed site plan will create an enhanced pedestrian oriented retail presence linking the downtown to the existing uses along lower Maple Avenue, particularly over the present condition.

4. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, visibility into and out of the site is adequate.

5. After examining the proposed plans and Traffic Study, the Common Council finds that, subject to the Applicant's compliance with the conditions contained in this approval resolution herein, based upon the communications from the Deputy Commissioner of Parking for Transportation Engineering, incorporating comments of the Transportation Commission, Public Works Department, and Planning Department, the number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways on and giving access to the proposed , and the visibility in both directions at all exit points of the site are appropriate and satisfy the requirements of Sections 7.5.2.2 and 7.5.2.3 of the Zoning Ordinance.

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

1. The proposed project is located in the Central Parking Area (CPA). The parking requirements in the CPA for the proposed uses on the are: (1) residential units - 1 per unit; (2) retail/restaurant -3.3 per 1,000 square feet of gross floor area; and (3) outdoor dining-3.3 per 1,000 square feet of gross floor area.

2. As correctly noted in the Zoning Compliance Chart shown on Plan Sheet G-001, last revised October 15, 2015, the total parking requirement for the proposed project is 1,023 parking spaces, including outdoor dining, with 707 of those spaces being for one (1) space per unit for the 707 proposed residential units and 316 spaces for retail/restaurant and outdoor dining parking. No joint

use parking is proposed for the Application.

3. The Applicant is proposing 1,037 parking spaces for the proposed project, exceeding the parking requirement by fourteen (14) parking spaces, with all parking located in a parking structure below the residential, retail and restaurant uses. Additional public on-street parking is provided on the three abutting streets but none of this counts toward any required parking for uses on the .

4. The four story interior parking structure will contain a total of 1,037 parking spaces (715 dedicated for residents, 322 for retail uses) where 1,023 parking spaces are required and is thus compliant with Section 8 of the Zoning Ordinance. Parking levels 1 and 2 will be dedicated for residents only and contain 273 and 249 parking spaces, respectively. Parking level 3 will contain 193 parking spaces for residents and 81 for retail customers to be enforced with a physical separation barrier between them. Parking level 4 will contain 241 dedicated parking spaces for retail customers.

5. The submitted site plan calls for the realignment of a portion of the on-street meters on the east side of South Broadway between Lyon Place and East Post Road. Additionally, three (3) current on-street metered spaces will be eliminated as part of the development.

6. The inclusion of electric vehicle charging stations, bicycle racks and storage rooms, and the planned shuttle van are sustainable features as well as amenities for the tenants.

7. Subject to the Applicant's compliance with the conditions set forth in this approval

resolution herein relating to the site plan, the location, arrangement and adequacy of the off-"street" parking, the parking garage meets and exceeds the requirements of Section 8 of the Zoning Ordinance.

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

1. There are no at-grade , open air parking lots located on the . Parking is located in a structured parking garage below the residential and retail/restaurant uses.

2. The number of curb cuts has been minimized to the extent practicable to accommodate ingress/egress to the parking structure and loading area. Pedestrian access from the parking structure to the two residential lobbies is provided on all parking levels. Access to the two retail lobbies is provided on Parking Levels 1 and 2.

3. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, including, among other things, the requirement for wayfinding signage and a parking management plan approved by the Commissioner of Public Works and the Deputy Commissioner of Parking for Transportation Engineering, the parking garage and the interconnection of sections of the parking structure via access drives within and between portions of the parking garage provide maximum efficiency and facilitate safe and convenient traffic circulation with the .

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

1. The approximately 77, 340 square feet of retail proposed requires three loading

spaces in accordance with Section 8 of the Zoning Ordinance. Three loading spaces are proposed within the interior parking structure with dedicated access off of Hale Avenue. This location is screened from the street with electric doors and is designed to permit loading vehicles to enter and exit the site head in/head out to prevent any vehicles from backing into Hale Avenue.

2. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the proposed number of "loading spaces" and the proposed loading design and operation meet the requirements of Section 8 of the Zoning Ordinance.

7.5.2.7 *Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system. Sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Safety and Public Works.*

1. Sidewalks are provided around the entire site and connect to the existing sidewalk system. A pedestrian crosswalk leading from the corner of Maple Avenue and South Broadway to the traffic island at the intersection of South Broadway and Maple Avenue has been added and extends across South Broadway.

2. The project site is located within the City's bicycle network, which consists of 3.6 miles of bicycle routes, lanes and paths and at least a dozen bicycle racks. Several roads in the vicinity of the project site, such as South Broadway, Post Road and Westchester Avenue, have been designated as Bike Routes. The proposed redevelopment project set forth in the Site Plan Application will provide amenities for cyclists both living in and visiting the site. Bike storage will be provided

in the building for residents and on-street bike rakes will be provided for visitors.

3. On June 3, 2013, the Common Council adopted a Complete Streets Policy, requiring that the City's Department of Public Works consider all modes of travel within its projects, and that they shall in the planning stage of each project evaluate the feasibility of implementing the complete streets design features. The intent of the Complete Streets Policy is to create an environment that supports and invites multiple uses, including a safe, active and comfortable space for pedestrians, bicycles and public transportation, and is conducive to the public life and the efficient movement of people.

4. A key component of the redevelopment is its pedestrian orientation to Maple Avenue, South Broadway, Post Road, and Hale Avenue, linking the downtown to the existing retail uses along Maple Avenue and new residents living in the proposed development (and to the south of the proposed development) to the downtown. The South Broadway, Maple Avenue and Hale Avenue streetscapes will be upgraded with significant landscaping, wider sidewalks and pedestrian amenities (*i.e.* benches, street trees, etc). In addition, a new ground floor forecourt will be provided on South Broadway that will provide seating for the public, landscaping and other pedestrian amenities. In addition, the proposed redevelopment project set forth in the Site Plan Application will provide amenities for cyclists both living in and visiting the site.

5. The provision of primary access to the retail uses only from Maple Avenue and

South Broadway will activate the sidewalks and provide connectivity between the downtown and The Source and Westchester malls. Such pedestrian orientation has been lacking in other downtown development in recent years, and should serve as a model for future development.

6. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the vehicular and pedestrian circulation both within the boundaries of the proposed and in relation to adjoining streets and sidewalk system will enhance pedestrian activity and linkages to other areas of the downtown.

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

1. Appropriate provisions for the physically challenged are provided within the parking structure adjacent to the retail and residential lobbies. Further, facilities for the physically challenged, in the way of a proposed ramping system, is provided for the Maple Avenue frontage.

2. Subject to the Applicant's compliance with the approval resolution herein relating to the site plan, the location, arrangement and design of facilities for the physically challenged, including ramps, depressed curbs and location of reserved parking spaces are adequate and appropriate.

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.*

1. Significant landscaping, including deciduous trees, evergreens, shrubs and groundwater plantings is proposed to be provided by the Applicant around the entire site, including at the entrances to the parking garage and loading area.

2. The following are the requirements for landscaping at parking lots and loading spaces at Section 8.7.5:

> **8.7.5** *Landscaping: Except for "parking lots" accessory to a "one" or "two family dwelling," all off-"street" "parking lots" and "loading spaces" shall be curbed, screened and landscaped with appropriate trees, shrubs, ground cover and other plant materials to assure the establishment of a safe, convenient and attractive facility. Such landscaping shall be planted and maintained in accordance with the following requirements:*
>
> **8.7.5.1** *In all off-"street" "parking lots" which contain 25 or more "parking spaces" and which are not located in "parking garages," at least 6% of the total "parking lot" shall be so landscaped, and at least 1 tree of not less than 3 inches caliper, shall be provided within such "parking lot" for each 12 "parking spaces."*
>
> **8.7.5.2** *Raised planting islands at least 8 feet in width shall be provided as necessary to guide vehicle movement, to separate opposing rows of "parking spaces" and to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such raised planting islands and the landscaping within them shall be designed and arranged so as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow, to prevent indiscriminate diagonal movement of vehicles and to provide cooling shade and visual relief from the visual monotony and summer heat of a large paved "parking lot." Curbs of such islands shall be designed so as to facilitate surface drainage and to prevent vehicles from overhanging sidewalks and damaging landscaping materials.*

3. Sections 8.7.5.1 and 8.7.5.2 of the Zoning Ordinance provide the requirements for landscaping of "parking lots" and "loading spaces." The proposed project provides for all parking and loading to be located in the enclosed parking structure. Therefore, Sections 8.7.5.1 and 8.7.5.2

do not apply to this Application.

8.7.5.3 *Suitable landscaping shall be provided, as required by the agency approving the "site plan," along the periphery of "parking lots," "parking garages" and "loading spaces" where they abut "streets," public spaces and residential districts. Such screening shall be in accordance with the requirements of Section 4.4.19.*

1. Section 8.7.5.3 of the Zoning Ordinance provides that the approving agency shall provide landscaping screening where a "parking garage" abuts a "street," public space and residential districts. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, the landscaping at the entrance/exit points for the parking garage and loading area are suitable and appropriate in full compliance with these requirements.

8.7.5.4 *The selection, amount and location of all landscaping materials shall be subject to approval by the agency approving the "site plan," based upon consideration of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems, including plant care, snow plowing and leaf removal.*

1. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the landscaping selection, amount and location provides the maximum landscaping using sustainable species.

8.7.5.5 *All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next, immediately following, growing season.*

1. As set forth in the conditions contained in this approval resolution herein, the

maintenance of landscaping shall be required as part of the overall Site Landscaping Installation and Maintenance Plan. This approval resolution herein further requires that the Site Landscaping Installation and Management Plan provide that the Department of Public Works shall require a bond for all landscaping improvements to be installed in the public right-of-way. Said bond, including the terms and amount, shall be in a form approved by the Corporation Counsel.

8.7.5.6 *The placement of landscaping shall create no obstruction to driver vision at critical traffic intersection areas.*

1. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, no obstructions of driver vision are created at any traffic intersection areas.

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. Subject to all of the conditions set forth in this approval resolution herein, the vehicular and traffic circulation both within and without the site has been reviewed and is acceptable in accordance with the provisions of Section 7.5.2 of the Zoning Ordinance. This finding specifically includes, but is not limited to, consideration of the effect of the development on traffic conditions on existing "streets;" vehicular and pedestrian access drives and walkways; visibility at all exit points of the site; parking facilities; the driveways connecting such facilities to the roadways; patterns of vehicular and pedestrian circulation; facilities for the physically challenged; and the adequacy of access for emergency purposes.

7.5.3 *The protection of environmental quality and the preservation and enhancement of property values in the neighboring area. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:*

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

4.4.16 *Fences: Fences and walls, including retaining walls, are permitted within required "yards" and "courts" provided that:*

4.4.16.1 *Such fences or walls do not exceed 4 feet in height if located in a required "front yard" or in any other required "yard" abutting a "street," and 6 feet in height in any other required "yard," except that a fence of not less than three-fourths open construction may have a maximum height of 8 feet where located in a non-residential district, and except that the Commissioner of Building may, where required for safety, require the addition to a retaining wall of a motor vehicle bumper guard or a fence, of not less than three-fourths open construction and not exceeding the above height limitations by more than 4 feet. A fence or wall not exceeding 8 feet in height shall be permitted for purposes of sound attenuation within a required "side yard" or "rear yard" which "yard" immediately abuts the following limited access roadways: I-287, the Bronx River Parkway, the Hutchinson River Parkway, and the Central Westchester Parkway or access ramps leading thereto, conditioned that both sides of the fence or wall be equally finished.*

4.4.16.2 *The fence or wall meets the requirements of Section 4.4.4 of this Ordinance.*

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."*

4.4.16.4 *All fences or walls must be inside all "lot lines."*

4.4.16.5 *Electrically charged fences, barbed wire fences and other fences constructed of sharp materials are not permitted within residential areas. Barbed wire is permitted as a part of a fence in a non-residential area provided such barbed wire is located at least 6 feet*

above the ground.

4.4.19 *Landscaping, Screening and Buffer Areas:*

4.4.19.1 *All portions of "lots" subject to special permit review under Section 6 of this Ordinance or "site plan" review under Section 7 of this Ordinance which are not used for locations for "buildings," "structures," "parking lots," loading spaces," sidewalks or similar purposes, shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees and shrubbery, in accordance with specifications approved as a part of the "site plan."*

1. Landscaping is an extremely important component of this proposed project. It is necessary (1) to screen existing nearby and new residents from the retail/restaurant uses; (2) to establish an aesthetically pleasing environment for the residents, retail/restaurant and outdoor dining; and (3) to establish the green character of the proposed .

2. Landscaped areas are proposed around the perimeter of the site, including an approximately 7,200 square foot forecourt plaza fronting on South Broadway with benches, tables and chairs. Around the perimeter of the building, smaller plaza areas are proposed 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, terraces are proposed to transition the steep grade creating a new landscape area between the sidewalk and retail terraces. 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, tables and chairs, as well as seat walls, will be interspersed around open space

areas to activate the streetscape. Bicycle racks will also be located at key points along the development.

3. All parking for the project is underground. At-grade fencing is not proposed. The loading areas are appropriately screened and all loading will be conducted along Hale Avenue and inside Residential Tower #2. 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.

4. The roof of the retail podium serves as an extensive green roof and provides a visual amenity for both residential buildings, as well as rooftop dining patrons. Portions of this roof will be improved with extensive vegetated green roof assemblies, using an interlocking pre-vegetated tray system with a mix of sedum species. Where structural capacity permits, this roof will include moderate perimeter areas planted with flowering shrubs, perennials and ornamental grasses.

5. There shall be no electrically charged fences, barbed-wire fences or other fences described in Section 4.4.16.5 of the Zoning Ordinance.

6. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, the location, height and materials of walls, fences, hedges and plantings located on the proposed development adequately screen the entrance and exits from the enclosed "parking

garage" and "loading spaces," storage areas, refuse areas, utility installations and other such features, and meet the requirements of Section 4.4.16 (Fences), 4.4.19 (Landscaping) and applicable subsections of Section 8.7.5 (Parking and Loading areas) of the Zoning Ordinance.

4.4.19.2 *Any application to construct or "alter" any "building" or "structure" or to establish any "use" in any non-residential district or any non-residential "use" in any district shall include provisions for a buffer screening area at least 10 feet in width along any "lot line" abutting a "lot" in a residential district. Any application to construct a development of "multi-family dwellings" requiring more than 10 "parking spaces" shall include provisions for a buffer screening area at least 10 feet in width along any "lot line" abutting a privately owned "lot" in a one-family or two-family residential district, These requirements may be waived by the approving authority in situations where it determines that adjoining land "uses," topographic features or existing vegetation satisfy the same purpose. The approving authority may allow the substitution of a wall or fence of location, height, design and materials approved by it, and meeting the requirements of Section 4.4.14, for part or all of the required planting. Where such a buffer screening area is required, it shall be of evergreen planting of such type, height, spacing and arrangement as in the judgment of the approving authority will screen the activity involved from the neighboring residential area. Non-evergreen planting may seasonally supplement evergreen planting but not take its place. The plan and specifications for such planting shall be filed with the plans for the "use" of the "lot."*

1. The proposed project is designed to comply with Section 4.4.19.2 of the Zoning Ordinance.

2. The Landscaping Installation and Management Plan required by this approval resolution herein to be submitted by the Applicant will protect the environmental quality of the site and preserve and enhance the property values in the neighboring area, subject to compliance with the

conditions contained herein which conditions should also be included in the Landscaping Installation and Management Plan.

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

1. Dust and erosion control measures contained in the Construction Management Protocol set forth in this approval resolution herein , and implemented pursuant to said protocol will prevent dust and erosion during construction.

2. Landscape plantings and maintenance undertaken pursuant to the requirements of the Landscaping and Management Plan required by this approval resolution herein, will prevent dust and erosion after construction during the operation of the proposed project.

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

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

2. Scenic views through and across the are being preserved to the maximum extent practicable through the location and orientation of the residential towers as shown on Site Plan sheets A-105 through A-110 and A-301, last revised, October 15, 2015.

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

4.4.20 *Exterior Lighting: All exterior lighting accessory to multi-family or non-residential "uses," and all exterior lighting of "recreation facilities" accessory to residential "uses," including the lighting of signs, shall be of such type and location and have such shading as will prevent the source of light from being seen from any adjoining "streets" and residential properties and which will prevent objectionable glare observable from such "streets" or properties.*

1. The project will include a total of 32 12'6" exterior decorative pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501, respectively, both dated October 15, 2015 and submitted by Perkins Eastman Architects.

2. The roof of the retail podium and both roofs of the two towers will be illuminated with bollard and low level accent lighting. A small residential courtyard above the loading and service garage roof will be illuminated by post, low level accent.

3. Subject to the lighting plan and specifications contained on Site Plan Sheets LA-101 and LA-501, last revised October 15, 2015, and Appendix B "Lighting Specifications" of the 60 South Broadway Development Project Environmental Assessment Report EAF Part 3, dated October 20, 2015, as same may be modified by the applicable conditions contained in this approval resolution herein, all exterior lighting satisfies the requirements of Sections 7.5.3.4 and 4.4.20 of the Zoning Ordinance.

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.

1. There are no accessory structures on the site.

2. The project has been designed in a manner to minimize noise impacts on the surrounding neighborhood.

3. The placement of most of the mechanical equipment inside the building will result in a much more attractive building, reduce noise, and not detract from the rooftop amenities.

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.*

1. The implementation of the Applicant's Storm Water Pollution Prevention Plan (SWPPP) approved by the Commissioner of Public Works, and the incorporation of "urban greening" (green roofs, tree box filters, and the reclamation of impervious surfaces as landscape areas) provide an efficient strategy for managing storm water runoff. The proposed urban greening will reduce the overall impervious area within the watershed by 33%. Accordingly, it is anticipated that the proposed project will reduce the rate of discharge by over 40%. The post development flows will not exceed pre-development flows.

2. The Stormwater Pollution Plan (SWPPP) submitted by the Applicant which

addressees all of the Department of Public Works comments furnished to the Engineer of Record, "The Chazen Companies" via e-mail on October 7, 2015 and has been approved. As the plans are further developed, amendments to the SWPPP in accordance with the current NYSDEC SPEDES GENERAL PERMIT FOR STORMWATER DISCHARGES from Construction Activity GP-0-15-002 may be required.

3. The Commissioner of Public Works has approved the Stormwater Pollution Prevention Plan for the proposed project, subject to the conditions contained in his communication dated January 21, 2016. The Common Council finds that those conditions, and such other conditions as set forth in the communication from the Commissioner of Public Works address the Zoning Ordinance requirements under Section 7.5.3.6, and said conditions are contained in this approval resolution herein.

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

4.4.21.3 *Access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping, shall be considered by all approving agencies as a part of their review of any application.*

4.4.21.4 *New construction on any "lot" which would block access to sunlight between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time for existing approved solar energy systems or for solar energy systems for which a permit has been issued is prohibited except by permission from the Board of Appeals on a showing that other arrangements are infeasible or impractical, or that the degree of blocking is negligible.*

1. The proposed project does not intend to use solar power. The building does not

obstruct or impair the ability of other properties adjacent to the site to install solar panels and utilize solar power.

2. The building design is attractive, and the orientation of buildings minimizes their mass in views from the Carhart neighborhood.

3. The Hale Avenue elevation is a significant improvement over existing conditions.

4. Subject to the Applicant's compliance with the conditions contained in this approval resolution herein, the design of the development is in harmony with the "uses" in the neighboring area and will preserve property values, and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance, given the architectural design of the building, use of lighting, landscaping and plantings.

Section 7.5.4 *A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood. On report and recommendation of the Design Review Board, the approving agency shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk dimensions, materials and location on the site and, in relation to development on adjoining properties, the natural terrain and vegetation.*

1. The proposed redevelopment will enhance the character and protect property values of the adjacent neighborhood. This mixed-use development replaces an aging and outdated enclosed

retail facility with a mixed-use residential and retail/restaurant development consistent with the goals of the Comprehensive Plan. The project will include high end amenities, including two swimming pools, a fitness center, roof top terraces, pet area and restaurants, and a private interior courtyard. The development also incorporates publicly accessible plaza areas, wide sidewalks, and designated sitting areas for pedestrians. In addition, green roof technology reduces impervious surfaces and provides residents of the development with additional green space opportunities.

2. Applicant has submitted supplemental site specific massing diagrams in Part 3 of the EAF, dated October 20, 2015, comparing seven (7) existing view-shed to those of the previously proposed schemes for the purpose of analyzing potential visual impacts that may result from the project. The proposed site plan has transferred significant density and height away from Maple Avenue frontage and set the retail and parking podium back from the southern property line as a means of reducing bulk and height impact to the adjacent Carhart neighborhood and pedestrians traversing the north side of Maple Avenue.

3. Both Tower #1 and #2 as proposed comply with the bulk and dimensional standards of the CB-3 Zoning District and are consistent in massing and articulation with many buildings in the downtown core. Further, the proposed streetscape improvements, retail frontage, and useable public space on both South Broadway and Maple Avenue are a marked improvement over existing conditions and will serve to both link the Post Road/Maple Avenue retail corridor and enhance overall neighborhood character.

3. Shadow analyses were conducted as part of the initial DGEIS process in order to identify locations where shadows from potential new buildings could fall onto publicly accessible open space as well as project-created open space. The analysis took into account any identified historic resources, public spaces or natural features in the immediate area that might have significant sunlight-dependent features concluding that under the Maximum Mixed-Use Development Scenario, shadows would not be cast onto any of the aforementioned facilities, but rather onto the existing commercial and office structures and parking facilities located adjacent to the project site. Because of the path that the sun travels across the sky, no shadow can be cast in a triangular area south of any given site, thereby avoiding, in this case, any shadow impacts on the residential Carhart neighborhood located to the south of the project site.

4. Based on the Shadow Analysis from the July 9, 2015 EAF, no significant adverse impacts to the visual character and quality of the area are anticipated as a result of the proposed project.

5. The Applicant retained Rowan Williams Davis & Irwin Inc. (RWDI to conduct an analysis of the potential wind effects on the pedestrian environment in and around the . The report summarizes the results of a wind tunnel study at the pedestrian/grade, podium, and roof levels, and predicted wind speed variations during the summer versus winter months based on the following five (5) categories for classifying acceptable pedestrian wind speed:

(1) Sitting-calm or light breezes desired for outdoor restaurants and seating area;

(2) Standing-gentle breezes suitable for main building entrances and bus stops;

(3) Strolling-moderate winds appropriate for window shopping;

(4) Walking-relatively high speeds that can be tolerated if objective is to walk without lingering; and

(5) Uncomfortable-strong winds considered a nuisance for most activities requiring wind mitigation.

6. Subject to the wind mitigation conditions contained in this approval resolution herein, wind speeds are expected to meet the wind safety criterion throughout the site in all but two (2) locations, namely, along the existing roadway to the north of the site, and at one localized area on the northern portion of the Tower #2 roof level, which wind impacts will be mitigated to the maximum extent possible.

7. Subject to all of the findings and conditions contained in this approval resolution herein, and subject to the proposed project meeting at minimum the requirements for LEED Certification, the architectural design of this proposed project will enhance and protect the character and property values of the neighborhood in accordance with Section 7.5.4 of the Zoning Ordinance.

Reservation of Parkland on Site Plan-
Payment of Money-in-Lieu-Findings
in Accordance with Section 27-a of
the New York General City Law

1. In connection with this site plan Application herein, the City of White Plains finds in accordance with Section 27-a of the New York General City Law ("General City Law"), that the provision of parkland and recreation facilities in conjunction with the development of multi-family uses is necessary to meet the needs of its residents.

2. In accordance with Section 27-a of the General City Law, where it is not practical for a particular development to provide parkland and recreational facilities, it is in the best interest of the City of White Plains and its residents to require funds to be paid to the City to be used exclusively for parks, playgrounds or recreational facilities, including the acquisition of property.

3. In accordance with Section 27-a of the General City Law, land for park, playground or other recreational facilities may not be required until the Common Council has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational facilities within the City of White Plains. Such findings shall include an evaluation of the present and anticipated future needs for park and recreation facilities in the City based on projected population growth to which the particular site plan will contribute.

4. In accordance with Section 27-a of the General City Law, by adoption of this approval resolution herein, the Common Council makes a finding that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreation purposes, but that a suitable park or parks of adequate size cannot be properly located on the 60 South Broadway, therefore the Common Council shall require a sum of money in lieu thereof, to be established by a resolution of the Common Council. In making such determination of suitability, the Common Council assessed the size and suitability of land shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood or a need for improvements to or the acquisition of parks, playgrounds or recreation facilities or purposes that may be used by the

population of the particular site plan. Such fee required by the Common Council in lieu of land for park, playground or other recreation purposes or facilities shall be deposited in a trust fund to be used by the City of White Plains exclusively for park, playground and other recreational purposes, including the acquisition of property. This finding is based on the following information and analysis.

A. As noted in the communication of the Commissioner of Planning, dated January 8, 2016, as White Plains continues to experience strong multi-family development pressure in the downtown core, including the addition of 707 new dwelling units proposed at 60 South Broadway, it is imperative that the City be proactive in planning for increased population growth and the associated impact on existing park and recreational facilities.

B. The Common Council has assessed both the suitability of possible park and recreation lands on the proposed 60 South Broadway site, as shown on the site plan prepared by Perkins Eastman Architects dated July 15, 2015 and revised October 15, 2015, and has determined that there is a need for additional facilities Citywide, or acquisition of parks, playgrounds or recreation facilities that could be utilized by the estimated 1,400 new residents of the proposed development. The Commissioner of Planning in a communication dated January 4, 2016, has provided a comprehensive analysis of the City's projected population trends, current park/recreation inventory, and New York State recreation guidelines for the Common Council's review in making such a determination.

C. Over a twenty (20) year period from 1990-2010, the City's population increased

by 16% and a total of 19% through 2014, according to the most recent Census Bureau population estimate. The City's increase in population since the 2000 Census in particular can be attributed to the rise in the number of 20-24 years olds (27% increase) and the number of persons between the ages of 55-84. The 2013 American Community Survey confirms the assertion that the City of White Plains has been successful in attracting young working professionals or "Millennials" and gaining and retaining "empty-nesters." There is also a large cohort of 25-44 year olds as a percent of total City population, which tend to be comprised of larger family sizes and thus require a greater need for adequate recreation facilities.

D. Future population projections provided by the New York Metropolitan Council, the regional metropolitan planning organization that distributes federal transportation monies to local governments, indicate that the City's total population will increase by 27% by the year 2050. The City's downtown population area where the 60 South Broadway project and other high density multi-family residential projects are proposed is projected to grow by some 54% by the year 2050.

E. Further, it is conservatively estimated that approximately 2,000 new residential units in the downtown core will come on-line and an additional 1,000 estimated in the pipeline over the next three to five years. The Common Council finds that this increase in projected downtown population with little opportunity to provide meaningful parkland either on proposed new site plans or elsewhere within the downtown Central Parking Area is the impetus for the establishment of a fee-in-lieu of parkland policy for all new residential development City-wide.

F. According to the communication of the Commissioner of Planning dated January 8, 2016, the New York State Office of Parks, Recreation, and Historic Preservation has developed recreation facility guidelines that include recommended standards for the type and size of recreational facilities that a community should provide given its population size. Large regional parks are not applicable to local government park planning as their purpose is to serve a larger County-wide population.

G. The City of White Plains has a total of 133.1 acres of public parkland or only 44% of the total 305.2 acres recommended by New York State based on current population, amounting to a deficiency of 172 acres of local parkland. Even with the inclusion of 140 acres of County-owned park facilities located within the City, White Plains is still far below the recommended parkland acres per capita with only 273 acres compared to the 595 acres recommended per New York State guidelines.

H. As stated in the communication of the Commissioner of Planning dated January 4, 2016, the anticipated generation of 1,400 new residents, or a full 2% of the City's current population, by the 60 South Broadway project itself would require an additional 6.3 acres of new parkland per New York State guidelines, further magnifying the deficiency of current parkland from approximately 172 to 178 acres. Further, when accounting for the total projected 2050 City of White Plains population of 73,984 and assuming no acquisition of additional parkland in that time, the City would contain only 35% of the total 383 acres recommended by New York State, amounting to a deficiency of 250 acres of local parkland. Even with the inclusion of 140 acres of County- owned

park facilities located within the City, White Plains would still fall far below the recommended parkland acres per capita with only 273 acres compared to the 748 acres recommended by New York State guidelines.

I. The Applicant proposes to redevelop the site from an existing 185,000 square foot enclosed mall and retail center to a new 856,499 square foot mixed-use retail/restaurant and residential development, including two 24-story residential towers containing a total of 707 residential rental dwelling unit, 1.037 structured parking spaces, and 93,840 square feet of commercial space (77,340 square feet of retail, 16,500 square feet of restaurant space), plus an additional 1800 square feet of outdoor dining fronting on South Broadway and Maple Avenue.

J. The plan, as prepared by Perkins Eastman Architects, dated July 15, 2015 and revised October 15, 2015, provides approximately 30,000 square feet of publicly accessible usable open space onsite, including a 7,200 square foot plaza forecourt fronting on South Broadway. The forecourt will serve as the pedestrian entrance to the residential towers as well as a public gathering space with outdoor restaurant seating, subject to the special permit approvals herein. The remaining publicly accessible open space will be located along the Maple Avenue and Hale Avenue frontages beyond the existing sidewalk within the property line where the Applicant proposes a series of terraced small plaza areas of solid concrete each containing benches, seat walls and landscaping, consisting primarily of large Birch and Sugar Maple trees and a variety of grasses, laurel and boxwood. The intent is to create a more pedestrian scaled streetscape along the Maple Avenue facade consistent with the Comprehensive Plan.

K. In addition to publicly accessible open space onsite, the proposed site plan includes a landscaped courtyard and amenity rooftop terrace above the retail podium connecting both towers. The balance of the podium would be comprised of non-accessible ballast and vegetated green roof, consisting of various sedum species, various shrubs, perennials and ornamental grasses in an effort to create a more visually appealing roof-scape for residents and provide additional storm water management benefit. In addition, tenants will have access to various amenities such as rooftop pools, a sky garden and pet area.

L. While the site plan complies with the City's Zoning Ordinance with respect to useable open space, it is clear that no public park or recreation facilities are proposed onsite to mitigate the additional impact of the anticipated 1,400 new residents on existing City park facilities. Further, an analysis of existing parkland within a quarter-mile of the site yields only 1.93 acres, or 85,743 square feet, an area which also includes a significant portion of the Carhart Neighborhood, the most underserved residential neighborhood in the City in terms of available recreation amenities. The entire 256-acre downtown CPA District, in which the site is now included, contains only 1.13 acres or 49,322 square feet of parkland amounting to .004% of the total district area.

15. The provision for an applicant to contribute a fee-in-lieu of providing adequate land for park and recreation within its site plan is consistent with the 1997 Comprehensive Plan and 2006 Update adopted on July 11, 2006 and the City's Recreation Vision Statement which states;

> "... the Plan contains a vision for open space and recreational resources that includes better integrating public open space into the fabric of the City's neighborhoods through an interconnected open space system ... creating additional recreational opportunities through the construction of ballfields

and passive open spaces, **and achieving new parkland through the development review process."** (emphasis added)

16. Based upon the above, the Common Council finds that the submitted site plan for 60 South Broadway, as prepared by Perkins Eastman Architects, dated July 15, 2015 and revised October 15, 2015, does not provide adequate land for park and recreation facilities based on the project's generation of 1,400 new City residents, projected future overall growth to City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented herein.

17. Further, in accordance with Section 27-a of the General City Law, the Common Council hereby establishes by this approval resolution herein a fee-in-lieu of providing adequate park and recreation facilities on site plans with residential units on a per residential unit basis:

$2,500 per studio unit;

$3,000 per one bedroom unit; and

$3,500 per two bedroom or larger unit.

18. The aforementioned fee structure is intended to mitigate the recreational impact of new multi-family projects without discouraging the development of sustainable mixed-use residential projects downtown, and is posited after careful analysis of some twenty-six (26) other Westchester County municipalities that currently administer fee-in-lieu parkland programs.

19. Under this fee schedule for 60 South Broadway set forth in this approval resolution herein, the current 707 unit mix proposed for 60 South Broadway will result in a total fee-

in-lieu payment to the City of White Plains of $2,330,000, as agreed by the Applicant, to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

20. The total fee shall be paid by the Applicant in three (3) equal installments of $776,666.66 to be made at month twenty-five (25), month thirty-seven (37) and month forty-nine (49) from the date of the issuance of the foundation permit.

Affordable Housing

1. Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, revised January 1, 2012, the project qualifies as a Applicable Rental project which requires a 10% affordable rental unit set aside. The Applicant is requesting a reduction of the 10% affordable unit requirement to 6% of total units in accordance with the White Plains Affordable Rental Housing program Rules and Procedures which state:

> "At the option of the Common Council, the number of affordable rental units may be established at 6% where all required affordable rental units in a specified ARHP Applicable Rental Project are affordable to Families at 60% of Median Family Income."

2. Based on an analysis of the current White Plains Affordable Rental Housing Program with respect to existing unit inventory and housing needs of the community, the Common Council hereby establishes a 6% affordable component for this project for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three (3) studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms.

3. In accordance with the Program guidelines, in addition to the affordable units comprising of the same proportional unit mix at the market rate units with respect to bedroom count, they can be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 43 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning, as Director of the White Plains Affordable Rental Housing Program and pursuant to existing program guidelines.

Special Permit - Outdoor Dining

6.5 Standards

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

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

1. The Applicant proposes to have six (6) outdoor dining locations on the site, generally as shown on Exhibit A attached to this approval resolution herein and made a part hereof. These outdoor dining locations are listed on Exhibit A as a. through f. and the size of each outdoor dining area is listed on Exhibit A and herein as:

Outdoor Dining Location	a.	187 square feet
Outdoor Dining Location	b.	188 square feet
Outdoor Dining Location	c.	188 square feet
Outdoor Dining Location	d.	187 square feet
Outdoor Dining Location	e.	300 square feet
Outdoor Dining Location	f.	750 square feet

2. In accordance with Section 6.5.1 of the Zoning Ordinance, the proposed outdoor dining use(s) at restaurants on the premises and the locations of such outdoor dining use(s) in the vicinity of the areas shown on the premises will be in harmony with the appropriate orderly development of the area in which it is located, as such uses currently exist as part of retail uses at The Westchester, and the site known as The Source, all located along Bloomingdale Road.

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

1 The proposed special permits for outdoor dining use(s) at this location will not hinder or discourage the appropriate development and use of adjacent buildings.

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

1. Subject to the Applicant's compliance with the applicable conditions contained in

this resolution herein, in accordance with Section 6.5.3 of the Zoning Ordinance, the operations in connection with the proposed special permit outdoor dining use(s) will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would the operation of other uses not requiring a special permit in the CB-3 Zoning District.

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

1. Subject to the Applicant's compliance with the applicable conditions contained in this approval resolution herein, in accordance with Section 6.5.4 of the Zoning Ordinance, the six(6) parking spaces required by Section 8.3 of the Zoning Ordinance for the proposed 1,800 square feet of six (6) outdoor dining special permit use(s) located within the designated retail/restaurant parking area of the "parking garage" achieves maximum convenience and safety and minimizes impact on the surrounding uses.

With respect to the individual standards for outdoor dining special permit uses:

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

1. There will be no cabarets or fast food establishments permitted in association with either the indoor or outdoor dining.

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

1. The hours of operation of the outdoor dining shall be limited to no later than midnight on weekdays and weekends.

2. No outdoor dancing or the operation or use of musical instruments or sound reproduction devices is proposed. The Application complies with this standard.

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

1. The project includes a total of 32 exterior pole lights and 36 exterior bollard lights situated at grade in equal intervals along the South Broadway and Maple Avenue frontages as indicated on the Site Lighting Plan and Landscape Site Details, LA-101 and LA-501, respectively, both dated October 15, 2015, as submitted by Perkins Eastman Architects. The exterior site lighting proposed will not cause illumination in excess of 5 foot candles beyond property boundaries.

2. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, the lighting for the six (6) special permit outdoor dining use(s) complies with Section 6.7.8.3 of the Zoning Ordinance and such lighting shall be limited to the hours of operation of the outdoor dining areas established in this approval resolution herein.

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

1. The 1,800 square foot aggregate floor plan area of outdoor dining space has been included as additional restaurant space within the proposed 95,640 square foot retail/restaurant component for the purposes of calculating parking requirements. 322 dedicated retail/restaurant parking spaces are provided where 316 are required. The Application complies with this standard.

2. Off-street parking is limited to the retail/restaurant parking areas of the "parking garage" and is restricted by the applicable conditions contained in this approval resolution herein. Seating for the 1,800 square feet of outdoor dining generates an additional requirement of six (6) parking spaces. Such parking will be located in the retail/restaurant portion of the "parking garage." Parking will be allocated among the six (6) outdoor dining use locations, pursuant to Section 8.3 of the Zoning Ordinance at a ratio of 3.3 spaces per 1,000 square feet of outdoor dining area.

3 The outdoor dining seating for the six (6) outdoor dining use(s) does not represent a relocation of seating from inside the restaurant.

4 All of the six (6) Special Permit outdoor dining use(s) are located on private property and are not in the form of sidewalk cafes on public property.

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

1 The outdoor dining is located entirely on private property.

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

1. This Section is not applicable.

6.7.8.7 Notice of a public hearing associated with an Outdoor Special Permit shall be given as set forth in Section 12.7 of this ordinance except that notices to property owners (as shown on the tax assessment roll) within the affected area for a renewal of an Outdoor Dining Special permit shall be mailed to all such owners via certified mail (return receipt requested) except that notice to owners of residential condominium units may be given via certified mail without return receipt requested.

1. Applicant perfected the notice requirement required for the public hearing for Outdoor Dining Special Permits that was held and subsequently closed by the Common Council on January 4, 2016; and be it further

RESOLVED, that based upon the above findings, the Common Council determines that the standards of Sections 4, 5, 6,7, and 8 of the Zoning Ordinance have been satisfied and that the Special Permits for Outdoor Dining and Site Plan approval of the Special Permit/Site Plan Application be and hereby are granted, subject to the Applicant's compliance with the following

conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, groundwater mitigation, both during construction and post development remains of great concern. The proposed development plans indicate an approximate finished floor elevation for the lowest parking level (P-1) will be a minimum of six(6) feet below grade (not including foundations and footing depths) on the east side of the project, adjacent to Hale Avenue. Detailed soil borings, flow data for the existing volume and rate of groundwater being discharged off the site, and how it will be mitigated must be included in the design documents for the Department of Public Works (DPW) review and approval. As previously indicated in a DPW document dated July 7, 2014, "An increased risk of flooding to surrounding and downstream properties would accompany any attempt to construct building levels below grade, beneath the water table. We cannot permit active pumping or a gravity transfer of groundwater into the City's storm drainage system." The Applicant must reduce the amount of groundwater being discharged offsite.

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, a portion (approximately the last two hundred (200) feet) of proposed 16" sanitary sewer must be upgraded in size to twenty four (24) inch minimum. Additionally, a portion of the existing 24 inch sewer main located south of the terminating manhole for the proposed sewer main upgrades must be investigated for capacity and future size upgrade at the expense of the Applicant, and subject to the approval of the Commissioner of Public Works.

3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, based on the final sizing of the building's water service lines by the Applicant's Engineer of Record, the Commissioner of Public Works shall have sole discretion to determine if an increase to the proposed 12" water main (Paulding Ave, Hiram, and connecting to the water main located on Paulding Street) will be required.

4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Applicant acknowledges certain upgrades are required to the City's infrastructure which are its responsibility. Some previously discussed infrastructure upgrades have been conceptually depicted on Plan Sheets C-130 and C-401. Design plans must next be provided by the Applicant for final approval by DPW, and subsequently, by the Westchester County Department of Health.

A. Drawings shall include plan and profile views, along with all applicable details and the City's DPW standard construction details sheets for both water and sanitary sewer.

B. Submittals to the Westchester County Department of Health for permit will require, in addition to the drawings, completed forms DOH-348, BSP-5, Chapter 20 "Design of Sewers-General Design Information," and an engineer's report, including all design calculations.

C. All documents submitted for Westchester County Department of Health permit approval shall be signed and sealed by the Applicant's professional Engineer of Record.

5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Applicant's Engineer of Record (EOR) must revise the proposed water main-to-main, and service-to-main connections, to include the required CWP valve configuration at each service and/or main connection location. The Applicant shall contact DPW engineering for connection details.

6. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, backflow prevention devices must be installed on the fire and domestic services. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Department of Health. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements.

7. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, existing sanitary and water services shall be abandoned at the main, including all associated restoration work, as directed by DPW. The Applicant shall provide the locations and limits of existing services to be abandoned.

8. As per the recommendation set forth in the communication of the Commissioner of

Public Works dated January 21, 2016, prior to the issuance of a Building Permit, all existing sanitary sewer and stormwater drain structures, both manholes and catch basins where new connections into the municipal system are being proposed, shall be inspected for capacity and structural integrity, in order to determine that the structures can safely accept the proposed connections and the additional flows. An inspection report indicating the conditions of each structure, and the option to repair or replace if needed, shall be provided to DPW for review and acceptance.

In addition, DPW requires that a TV inspection be performed on the 15" RCP stormwater drain pipe (approximately 140') from an existing drain manhole in Hale Avenue to the manhole at the intersection of Maple and Hale Avenues.

Once DPW receives the information, the Commissioner of Public Works will determine if the Applicant will be permitted to connect to the municipal stormwater system at the proposed locations, if improvements to the existing drainage system are required, or if a more suitable connection point/location is required.

9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the plans indicate that several of the existing catch basins around the perimeter of the site will remain. These catch basins will require that their castings be replaced with new Eco-Friendly models with bicycle-safe grates in accordance with DPW's Standard Construction Details. The Applicant shall label plans accordingly and provide details as necessary. Any of these drainage structures found to be in need of repair, shall be updated, replaced or repaired by the Applicant, at the Applicant's expense, and as directed by the Commissioner of Public Works.

10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, Plan sheet C-130 shows multiple new catch basins (detail 2/C-506) proposed along the west curbline of Hale Avenue. Proposed catch basins must be equal to CWP DPW Standard Type-B catch basin. The Applicant shall update the plans and details accordingly.

11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, as depicted in Plan Sheet C-130, there appears to be a new stormwater drain manhole (DMH-8) being installed with a drain inlet grate. If a catch basin is what is intended, the Applicant shall revise the structure in plans and detail. The Applicant shall note that any catch basin like structure must be fitted with a minimum 36" sump.

12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, a check valve is being proposed in catch basin CB-3 on Hale Avenue. DPW does not allow check valves within the municipal ROW. The check valve shall be relocated to proposed drain manholes within the private property.

13. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, all stormwater drain manholes being installed within the private property, which outflows propose a direct connection to the municipal stormwater system (DMH-1, 5, 7 & 11), must include a minimum sump depth of 36". The Applicant shall upgrade plans and details and label accordingly.

14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, Sheet C-101 indicates that the existing drain manhole under the north sidewalk of Maple Avenue is to be removed, along with its related inflow pipes. Any manholes to be removed shall be done in accordance with DPW standards, and subject to the approval of the Commissioner of Public Works.

15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, proposed drain structures DMH-5, DMH-11 and YD-10, as illustrated on Plan Sheet C-130, indicate that each will have an inflow pipe with discharge flow originating from the proposed building. Prior to issuance of a Building Permit, the Applicant shall provide further detail as to the origin, collection system and flow volume being directed to these structures. Additionally, pipe size calculations will be required, in order to verify that the down-flow pipes proposed will be able to adequately handle the intended flow.

16, As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the flow from the proposed trench drains for the loading dock area in parking level P-1, as shown in Plan Sheet C-130, are being directed to an oil-water separator and to sanitary sewer system, as noted in the plan. Prior to issuance of a Building Permit, the Applicant shall provide additional information on this system from trench drains to the intended sanitary sewer connection point. The Applicant shall include details as applicable and revise drawings as necessary.

17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, and an as-built must be provided to DPW, signed and sealed by this engineer, or by a New York State licensed land surveyor. A required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and approved by the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive and the City through the DPW shall receive 20% of all costs as an administrative fee.

18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the architectural and landscape plans indicate that portions of the proposed building's roofs and second floor terrace areas shall include the installation of "Greenroof Planting", referring to detail #4, Plan Sheet LA-503. However, this detail number, as shown on plan sheet LA-503, is for dry-laid precast concrete pavers, while green roof tray details are shown in sheet LA-504. Prior to issuance of a Building Permit, the Applicant shall verify and reconcile all the plans, with the approval of the Commissioner of Public Works and the Building Department.

19. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Applicant must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work. The Applicant shall contact the DPW Code Enforcement regarding same.

20. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the proposed site lighting plan, as shown on plan sheet LA-101, indicates the installation of lighted bollards along the sidewalk, within the City's right-of-way, on the south side of the project. Installation of the sidewalk lighting proposed requires a maintenance agreement with the City be executed, along with all necessary permits, and will remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and approved by the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said bollards. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, if the City performs maintenance work through the DPW, they shall receive 20% of all costs as an administrative fee.

21. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Applicant must provide additional information that the proposed lighting located on the Applicant's property will provide an equivalent amount of light on

the sidewalk area for pedestrian's as the City standard Lumec luminaires.

22. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the two decorative sidewalk luminaires proposed for the vehicle drop-off area on Hale Avenue must be relocated to ensure that they are installed wholly within the private property, including its concrete bases.

23. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the plans indicate that the existing street cobra head light poles along the perimeter of the site will remain; however their light fixtures will be replaced with new City-Standard 250W-equivalent LED units. The Applicant shall contact DPW engineering for the lighting fixture details and for installation information.

24. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, Plan sheet C-101 shows an existing light pole within the sidewalk being removed. This light is an existing cobra head street light pole which must remain in place. If the Applicant's proposed design is not able to accommodate this existing pole at its current spot, it must be relocated to a nearby location approved by the Commissioner of Public Works.

25. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the proposed sidewalks surrounding the site, as shown on the plans, indicate that concrete sidewalks are to be installed. DPW requires that all the sidewalks

proposed to be installed within the public ROW match the City's standard promenade sidewalk with the stamped concrete brick pattern band along the curb, or if an alternate design deviating from the City standard is requested, approval of the Commissioners of Public Works, Building, and Planning shall be required.

26. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, portions of the proposed pedestrian walkways and planting areas along the Maple Avenue corridor are illustrated with retaining walls extending into the City's right-of-way, as shown on Plan Sheets C-110 and LA-402. The City will require the Applicant to investigate shortening the wall encroachments, and the Applicant will be required to enter into a maintenance agreement subject to the approval of the Corporation Counsel and for a DPW Special Use Right Of Way Permit for the remaining wall encroachments into the right of way (ROW).

27. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the sidewalks, as seen on the plans in Sheet C-110, do not show all the required pedestrian ramps at the locations of the existing crosswalks. The Applicant shall revise plans to clearly show the locations of all proposed ADA compliant ped-ramps with the required tactile pads, along the perimeter of the site and any other locations where new sidewalks are to be installed or restored under this project.

28. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Applicant shall revise plans to show the proposed granite

curb from the northwest corner at Maple and Hale Avenues to the radius curb at the proposed building's south driveway ramp (refer to plan sheet C-110). It appears that a drawing layer may have been turned off prior to printing of plans.

29. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the proposed curbline alignment for the northeast corner of the Maple Avenue and South Broadway intersection (*see* Plan Sheet C-110) eliminates one of the existing northbound travel lanes on South Broadway near its intersection with Lyon Place, the Applicant shall clarify if the removal of one of the two travel lanes on the northbound side of South Broadway, from Maple to Lyon, may be required.

30. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Landscaping Plans illustrate multiple planting areas being proposed to be installed within the municipal ROW, along the north side of Maple Avenue and the east side of South Broadway. These planting areas will require that a maintenance agreement with the City be executed, subject to the approval of the Corporation Counsel, along with all necessary permits, and will remain in effect with the transfer of the property. Prior to issuance of a Building Permit, this document must be completed in accordance with the City's local law requirements and approved by the Corporation Counsel. These requirements shall be detailed in the Landscaping Installation and Management Plan. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said planting areas. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the

Applicant fail to be responsive. Further, the City through the DPW shall receive 20% of all costs as an administrative fee.

31. The Applicant shall be required to prepare a Landscaping Installation and Management Plan. The care and maintenance of the landscaping must be provided as a requirement in the Landscaping Installation and Management Plan, and shall include as a specific condition the language contained in Section 8.7.5.5 of the Zoning Ordinance which provides as follows: "All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next, immediately following, growing season." The Landscaping Installation and Management Plan shall be subject to the approval of the Tree Preservation Committee, consisting of the Commissioners of Planning and Public Works and the Environmental Officer. The full Plan shall be approved prior to the issuance of a building permit.

32. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, all tree species being proposed to be installed within the City's ROW will require approval from the Tree Preservation Committee, consisting of the Commissioners of Public Works and Planning, and the Environmental Officer, in consultation with the City's arborist prior to planting.

33. The Landscape Plan has been reviewed with respect to site distance obstructions and necessary modifications have been made. The Landscaping Installation and Management Plan

shall provide that the placement of plantings in the field shall be reviewed with respect to site distance impacts and approved by the Departments of Parking and Public Works.

34. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the latest landscape plans illustrate that three new streetscape trees, grates and tree pits are proposed for the west sidewalk of Hale Avenue, near the Maple Avenue intersection. The Applicant shall note that all proposed tree grates located in the City ROW must be ADA compliant according to City of White Plains DPW Standard units. The Applicant shall contact the DPW for information. The Applicant may wish to consider the use of Flexi-Pave porous surface in lieu of the proposed cast iron tree grates.

35. Within sixty (60) days of the issuance of any building permit, the Applicant shall be responsible for posting a bond for the value of landscaping and installation of the landscaping on the . The Applicant must advise the Corporation Counsel in writing of the issuance of said building permit. The amount of said bond shall be determined by the Commissioner of Public Works in consultation with the Corporation Counsel. The bond shall provide that: (1) if construction ceases for a period of 12 months, and (2) if existing plantings have been removed, then the City may call the bond and install the landscaping required for this area in the approved site plan.

36. The tree inventory submitted by the Applicant which identifies the type, location, and disposition of the trees to be removed and protected shall be maintained and updated during the construction phase and shall be submitted to the Tree Preservation Committee, for approval, prior to

any tree removal. This tree inventory shall be made a part of the Landscaping Installation and Management Plan.

37. Existing trees shown on the Landscape Plan as remaining shall be provided with tree maintenance measures as required by the Landscaping Installation and Management Plan. The Landscape Plan shall be updated prior to issuance of a temporary or final Certificate of Occupancy to reflect the final planting locations and species on the site and in any public streets or right of way.

38. Trees that die during or within one year after issuance of a temporary Certificate of Occupancy and are not otherwise indicated in the Landscaping Installation and Management Plan as to be removed and replaced, shall be replaced at a ratio of one-to-one with such species as is determined appropriate by the Tree Preservation Committee.

39. The requirement that all landscaping be properly trimmed and maintained in good condition at all times shall be included in the Landscaping Installation and Management Plan.

40. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Full Environmental Assessment Form - Part 1,entitled "60 South Broadway Redevelopment Project," dated July 9, 2015, as prepared by BFJ Planning, indicated that the Applicant intends to contract an outside solid waste removal and hauling company to handle the site's solid waste, recycled cardboard and co-mingled materials; however a DPW Solid Waste Management Form has not been received. The Applicant is required to complete and submit

to DPW a Solid Waste Management form prior to the issuance of any permits.

41. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the Applicant shall provide designated snow storage areas and how removal of snow will be handled at the site. The Applicant shall note that plowing or storage of snow into the City ROW is not permitted.

42. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, prior to issuance of a Building Permit, the Applicant shall verify all the existing underground utilities on the plans, including gas, telephone, fiber optics, sanitary sewer, drain and all water lines (include number of conduits and/or number of ducts per bank). It is highly recommended that test pits be performed at all the locations where proposed lines cross existing utility conduits, in order to prevent interference during construction. This is critical for the proposed sanitary main servicing the project.

43. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, the applicant shall revise City of White Plains ROW pavement section detail, as currently shown on Plan Sheet C-501, to include 1-1/2" Surface Course, 1-1/2" Binder Course and 8" Asphalt Base. Pavement restoration on Westchester County ROW roads must have County DPW approved details, which shall be incorporated in drawings once secured. For pipe trench backfill, 50-psi compact density backfill material (K-Krete) must be used from 12" above pipe to asphalt base. The Applicant shall revise all pertinent details as required.

44. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, all construction under the jurisdiction of the DPW must be in conformance with the DPW's standards regardless of what may be shown or omitted on the plan.

45. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 21, 2016, all construction work shall be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site formerly known as "the Pavilion located at 60 South Broadway ("60 South Broadway") are set forth below:

a. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the

site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site , length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Planning, and Public Works, the Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.

b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained

from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.

c. The Construction Management Plan for the proposed project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers, which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes

shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

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

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

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

i. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have

better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

ii. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.

iii. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra-low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel

delivered for use at this construction site shall consist of said fuel.

iv. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.

v. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

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

h. The Applicant shall equip all construction equipment with "back up" sound attenuation devices.

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

j. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.

k. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.

l. The Applicant shall include a note on both the approved 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.

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

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

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

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

46. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, the gate for the residential exit must be located closer to the actual exit to provide for queuing storage.

47. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, all pedestrian crossings of driveways (three (3) on the Hale Avenue side and one (1) on the Maple Avenue side) must be properly marked and be a clear continuous pedestrian path with appropriate minimization of grade changes.

48. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, the entry gate for the retail entrance is too close to Hale Avenue and must be relocated to a position approved by the Deputy Commissioner of Parking for Transportation Engineering.

49. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, all doors opening out into sidewalk areas must be inset.

50. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, all exits must

have stop lines and stop signs. Internal critical intersections shall also have stop lines and stop signs (such as the ramps to both P-3 and P-4).

51. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, queuing analyses must be refined for the Hale Avenue retail exit from the parking garage to determine the proper location for the exit gate and proper signal treatment for Hale Avenue southbound at Maple Avenue to ensure that traffic can exit through the gate, store and then get through the intersection.

52. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, future provision of Bus Rapid Transit (BRT) stops on South Broadway between East Post Road and Maple Avenue can be accomplished through the reallocation of the parking lanes.

53. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 21, 2016, the reductions of lanes and street widths along both the roadway connecting Maple Avenue westbound to Lyon Place and the east side of South Broadway adjacent to the site, are consistent with the White Plains Complete Streets Policy. These reductions allow for shorter pedestrian crossings and wider sidewalks to better accommodate pedestrian travel and amenities.

54. As per the recommendation set forth in the communication of the Deputy

Commissioner of Parking dated January 21, 2016, all signs and markings shall be indicated on a separate signing and marking plan, submitted to the Deputy Commissioner of Parking for Transportation Engineering for approval prior to construction.

55. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking dated January 21, 2016, the signal modifications for additional crossings at South Broadway/Lyon Place and Maple Avenue/South Broadway, must be included on a new signal plan which must be submitted to the Deputy Commissioner of Parking for Transportation Engineering for approval, prior to construction. This plan should also include provision of a new crossing on the east side of the Maple Avenue/South Broadway intersection, if possible. Enhanced crosswalk marking treatments will be determined as part of the signal plan review.

56. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking dated January 21, 2016, a Parking Management Plan which describes procedures for temporary access closures, gate failures and defines access for residential versus retail must be submitted to the Deputy Commissioner of Parking for Transportation Engineering for approval prior to the issuance of a TCO.

57. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated December 22, 2015, because 60 South Broadway will be home to 707 multifamily units and roughly 95,000 square feet of Street level commercial development, it is important that the project be human-scaled, pedestrian friendly, and appealing.

The three fronts of the development should have plenty of year-round green and be architecturally interesting. All frontages should be glazed (transparent) to provide maximum visibility of retail spaces to the streetscape and vice-versa.

58. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking dated January 21, 2016, a Loading Dock Management Plan which shows turning diagrams (to be sure that critical areas are not blocked) must be submitted to the Deputy Commissioner of Parking for Transportation Engineering for approval prior to the issuance of a Temporary Certificate of Occupancy (TCO). An overflow loading space shall be identified in the loading dock area as part of the Loading Dock Management Plan.

59. Trucks shall not be permitted to idle outside the loading dock or along Hale Avenue.

60. The loading dock shall be fully enclosed and constructed with (1) an overhead door; (2) acoustical wall panels within the loading dock area; and (3) an internal curtain-style sound attenuation screen to minimize sound exiting the loading dock during hours of operation. The final design and materials of this sound attenuation screen shall be approved by the Commissioner of Building.

61. The Parking Management and Loading Dock Management Plan shall be binding on both the Applicant, current project owner and its successors and assigns.

62. The Parking Management and Loading Management Plans shall also provide that, for general merchandise deliveries, the loading dock shall operate from 8:30 AM to 6 PM from Monday to Friday, with limited hours of operation on weekends. Restaurant delivery schedules for trucks with refrigeration units shall be in accordance with the City of White Plains' Noise Ordinance (8:00 AM to 10:00 PM). The Parking Management and Loading Management Agreement shall provide that the operation of the loading shall be reviewed annually with the Commissioners of Building, Planning and Public Works, and Deputy Commissioner of Parking to ensure that the impacts are minimized and the residential Carhart neighborhood protected.

63. As per the recommendation set forth in the communication of the Commissioner of Parking dated February 1, 2016, the pavement markings and layout of the realigned spaces shall be coordinated with the Department of Parking prior to installation.

64. As per the recommendation set forth in the communication of the Commissioner of Parking dated February 1, 2016, the Applicant shall be required to reinstall any parking meter posts necessary for the realignment.

65. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, grade-level wind conditions should be comfortable for sitting and strolling activities at most locations throughout the site during both the summer and winter months. Higher wind speeds (suitable for walking) will occur at building entrances along South Broadway during the winter months due to acceleration of the wind from the

northwest along the west building facade. Slightly higher wind speeds causing potentially uncomfortable conditions were predicted on the north side of the site between South Broadway and Hale Avenue and on the roof of Towers 1 and 2 in the northwest corners during winter months. Either vertical porous wind screens (6 to 8 feet tall and 70-80% solid) must be positioned perpendicular to the building to the north of the South Broadway entrances or the South Broadway retail and restaurant entrances must be set back with a vestibule to protect them from the strong approaching winds. The final design shall be subject to the approval of the Commissioners of Planning, Building and Department of Public Works.

66. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, the podium space of the two proposed towers will be utilized by residential tenants as well as by outdoor diners, particularly during the summer months. As such, conditions comfortable for standing and sitting are preferred. Wind conditions at the podium level are expected to achieve these two criteria at most locations during the summer, with the exception of the area at the corner of Maple Avenue and South Broadway where slightly higher winds (suitable for strolling) are predicted. These wind conditions are mainly the result of winds "down-washing" the tall building facades. During the winter months, wind conditions on the podium are generally expected to be comfortable for strolling or walking. The final design shall be subject to the approval of the Commissioners of Planning, Building and Department of Public Works. The area at the corner of Maple Avenue and South Broadway and the north side of the podium across from Westchester One, will likely be subjected to increased winds, with uncomfortable conditions. Given the limited use of the podium during the winter months, coupled

with the fact that pedestrian access is limited on this part of the podium, higher speed winds are acceptable, but can be minimized by the installation of horizontal canopies or trellises that wrap around the building corner to keep winds away from the podium. Additionally, wind conditions on the podium as a whole can be improved by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid), or localized porous wind screens, or tall planters to help to protect the outdoor dining areas from high wind speeds. The final design shall be subject to the approval of the Commissioners of Planning, Department of Public Works and Building.

67. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, during the summer, wind conditions at the outdoor amenity areas for both towers are expected to be slightly higher than desired (comfortable for standing or strolling). Winds suitable for strolling or walking are expected at most locations during the wintertime, except at the westernmost corner of Tower #1 and the northwest corner of Tower #2 where uncomfortable conditions are expected. Given the limited use of the area during the winter months, higher wind speeds are acceptable, but can be minimized, during both summer and winter months, by installing a tall porous parapet around the perimeter of the podium (6-8 feet tall, 70-80% solid) or with localized porous wind screens. The porous parapet shall be installed pursuant to a final design approved by the Commissioners of Planning, Building, and Department of Public Works.

68. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016 and as noted previously in this approval

resolution herein, the project shall contain a 6% affordable component for families earning 60% of Median Family Income, for a total of 43 affordable units comprised of three studios, 22 one-bedrooms, 15 two-bedrooms, and three three-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project and be composed of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 43 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning, as Director of the White Plains Affordable Rental Housing Program pursuant to the existing program guidelines.

69. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, the Common Council has made the requisite findings pursuant to New York State General City Law Section 27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 1,400 new City residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the communication of the Commissioner of Planning dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money -in-lieu thereof.

70. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, the Common Council has assessed a fee-in-lieu of providing adequate park and recreation facilities for the 707-dwelling units proposed on a per

residential unit basis ($2,500 per studio unit, $3,000 per one bedroom unit, and $3,500 per two bedroom and larger unit) amounting to a total fee of $2,330,000 to be paid by the Applicant to the City to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the Applicant in three equal installments of $776,666.66 to be made at month 25, month 37, and month 49 from the date of issuance of the foundation permit.

71. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, all landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.

72. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, a pre-construction meeting shall be held with the Applicant, the contractor, the Building Inspector, the Environmental Officer, and other City staff, as needed, to review the construction plan and time-line, and to detail City requirements and Applicant responsibilities during construction.

73. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 21, 2016, prior to the issuance of a building permit, the Departments of Building and Planning, and the Environmental Officer shall ensure that the

Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification and Silver as proposed by the Applicant, and the New York State Energy Star Standards.

74. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated December 22, 2015, all relevant types of Green Technology should be incorporated to obtain the minimum "equivalent"of LEED Silver Certification. This achievement will mitigate potential impacts of the Project and showcase the 60 South Broadway project leadership in defining its project as part of White Plains sustainable future.

75. The Applicant shall retain a LEED certified architect or engineer to review the plans and specifications for the proposed project, and oversee the construction of the proposed project. The LEED certified architect or engineer shall provide a report to the Common Council, prior to issuance of a temporary or final Certificate of Occupancy, describing how the building design and operation meet the requirements for at least a LEED certification.

76. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated December 22, 2015, the Applicant shall confirm that the streetscape landscape improvements will be constructed as part of any initial development. The City must be assured that these streetscape, site and open spaces be developed sufficiently prior to any residential or commercial occupancy. A maintenance bond or similar document approved by the Corporation Counsel shall be in place to assure that the street and plantings be adequately maintained or replaced

if determined necessary.

77. The Applicant shall submit a Parking Management and Loading Management Plans which will specify on-site directional signage for passenger vehicles and trucks. All retail and restaurant tenants at the proposed project will be required to comply with the Plans. Signage shall be provided at loading docks indicating "no idling;" and shall provide specific directions for how trucks may enter and exit the site.

78. The sweeping of the exterior driveways, including the parking garage on the site, shall be performed in accordance with the applicable requirements of the City of White Plains Noise Ordinance.

79. The Department of Public Safety has not indicated any problems with the layout and location of fire lanes and emergency zones. The final construction plans shall be subject to the final approval of the Department of Public Safety with respect to the location and adequacy of the fire lanes and emergency zones.

80. No electrically charged or barbed wire fences, or fences with sharp objects attached are proposed or shall be permitted to be installed, any barbed wire on existing fences will be removed.

81. Noise and odor from the restaurant use(s) shall be controlled by a

comprehensive kitchen exhaust management system for each restaurant, (or combined if a written agreement for joint restaurant use and maintenance is provided in a form acceptable to the Corporation Counsel), including:

a. Grease filters incorporated into the kitchen exhaust system with grease trap in the sanitary sewer line;

b. Electrostatic precipitators installed for each restaurant use unless combined for multiple restaurants, and sized appropriately;

c. A series of charcoal type filters to remove odor and smoke prior to discharge into the atmosphere, with a 90 to 95% removal factor;

d. A parallel fresh air system to provide makeup air to the kitchen;

e. A supply and exhaust system will be equipped with sound attenuating silencing systems to assure that the operation of the equipment systems will meet or better the City requirement for a 55 dB sound level at the property line;

f. The Department of Building shall be present at the testing of the noise levels of the equipment on commissioning, and the Applicant or its

successors and assigns shall provide certified noise level testing reports to the Commissioner of Building as currently required for cabaret uses;

g. A fan system equipped with variable speed motor controllers so their operating level and energy use can be reduced in warm up and cool down periods and other off-peak times to further limit the effect of the equipment on the surroundings;

h. The entire system, including the duct work, shall be maintained on a regular basis, in accordance with a Maintenance Plan to be reviewed and approved by the Departments of Building and Public Works, the submission of such Maintenance Plan shall be a condition of the issuance of either a temporary or final Certificate of Occupancy; and

i. A copy of the Maintenance Plan shall be maintained in the on-site office of the owner or its representative, and shall be available for public review upon request.

82. The building's boilers and chiller system shall be fully insulated. Sound attenuating silencing systems shall be used to ensure that the requirements for a 55 dB sound level at the property line are met, in accordance with the City's Noise Ordinance.

83. The Applicant shall provide a project design and operation which includes building, mechanical equipment, electrical system, and stormwater design and operation, and waste management.

84. The Applicant is responsible for full compliance with the requirements of the City of White Plains for stormwater management and the Construction Management Protocol, and further is required to submit a Solid Waste Management Plan for the entire site which demonstrates how each tenant will comply with refuse and recycling requirements of the City.

85. If blasting is required, the Applicant shall comply with the City of White Plains' Blasting Protocol which includes the following:

1. Compliance with all State and City codes, rules and regulations and further requirements set forth herein as follows:

2. All blasting operations shall be monitored by a licensed Professional Engineer retained by the Applicant. A Blasting Management Plan must be developed and shall conform to the White Plains Supplemental Building and Fire Code, Explosive Materials Code, and No. NFP No. 495, National Fire Protection Association (NFPA), 1966 edition as amended, section 495 outlining blasting. Formulas proper for distances and particle velocities are provided in the Supplemental Code and NFPA 495. The proper amounts

of high explosives derived from equations and site conditions shall be contained in the Blasting Management Plan that shall be prepared by a licensed Professional Engineer and approved by the Commissioner of Public Safety or his designee before blasting is commenced. Written logs of all blasting shall be prepared and submitted by the licensed Professional Engineer, signed and sealed, to verify compliance with Code requirements and the conditions contained in this resolution herein.

3. No blasting shall take place unless the proper permits have been obtained from the Department of Public Safety for the appropriate fees. The company undertaking the blasting for the Applicant must provide, inter alia, the following information:

a. Proof of a valid blasting license and Certificate of Competence from the New York State Department of Labor;

b. Certificate of Insurance in the amount of at least $5,000,000 liability coverage or more in which the City of White Plains is named an additional insured;

c. Certificate of Workers Compensation Insurance (Form c105.2);

d. Certificate of Compliance with Disability Benefits Law (Form D.B. 120.1);

e. If blasting is near a Tennessee Pipe Gas Line, provide proof of notification;

f. Notice of evacuation to Consolidated Edison (Code 53), if necessary.

4. Upon production and approval of the aforementioned documents, the blasting company shall call the City's Fire Prevention Bureau to make an appointment to inspect the blasting area. The inspector from the Fire Prevention Bureau will pick up all permits and other information at the Department of Public Safety, prior to the inspection of the area. Upon completion of the area inspection, the inspector will sign and date all permits and issue them to the blasting company. No permit shall be issued unless and until the contractor has provided written documentation demonstrating that a contract of insurance has been procured in the correct amount of coverage and in which the City of White Plains is named an additional insured.

5. A Fire Inspector from the Fire Prevention Bureau shall witness blasting at all blasting sites and insure that the site and blasting company are in compliance with the City of White Plains Supplemental Building Codes and the New York State Fire Prevention and the NFPA reference standard 495.

6. The Applicant shall ensure that the blasting company retained by the Applicant

is licensed by the State of New York and has obtained necessary permits from the City's Department of Public Safety and shall:

a. comply with all White Plains Supplemental Building and Fire Code provisions pertaining to the placement and specifications for storage magazines, including but not limited to signing the storage magazines: "EXPLOSIVES-KEEP OUT" with 6" inch high lettering;

b. note the proximity of buildings and roads;

c. inspect the blasting mats to ensure that they are in good condition (a minimum of three (3) are required);

d. ensure that at no time a blast takes place with any uncovered holes;

e. ensure that all residents within five hundred (500) feet of the property are notified of the date and time that the blasting is to take place;

f. ensure that the signs have been posted on roadways, informing the public that they are entering/leaving a blasting area and that they are not to use a short wave radio in the area;

g. obtain separate permits from the City's Department of Public Safety for the transportation of explosives and blasting. All blasting operations are to be witnessed by the Fire Prevention Bureau and meet applicable state and local fire codes. The blasting company must comply with 1176.2d-1 of the White Plains Supplemental Code and 9 NYCRR Part 1176.1 (NFPA Standards for inspection of vehicles for transporting explosives);

h. ensure that all explosives are removed from the site at the end of each day;

i. ensure that a "shot report" is filled out for every shot. The report is to be accompanied with a seismograph print-out for each shot recorded; these reports shall be filed with the Department of Public Safety-Fire Prevention Bureau. A second seismograph shall be provided by the blasting company to be located at the direction of the Fire Inspector from the Fire Prevention Bureau;

j. provide the name, address and phone number of the contractor performing the blasting work, as well as the person actually responsible for the blasting at the site to the Department of Public Safety and provide a duplicate copy of the license to the Fire Inspector from the Department of Public Safety-Fire Prevention Bureau;

k. notify the Fire Prevention Bureau twenty-four (24) hours in advance of

blasting;

l. ensure that the general public is as far away from the blast area as possible;

m. if required by the Fire Inspector from the Fire Prevention Bureau, have all traffic through or around the blasting area stopped before the shot and until after the shot has been completed;

n. ensure that no explosives are left in any blasting holes overnight. No overnight storage is allowed;

o. provide pre-blast surveys to all property owners within five hundred (500) feet of the site and create a photographic record of structural conditions of individual residences in the designated 500 foot construction impact area, and provide a sworn affidavit of service to the Commissioner of Public Safety with a copy to the Corporation Counsel;

p. test blasting shall be conducted on the site to determine the minimum amount of explosives necessary. However, at no time will a blast go over a 2.0 ppv on the seismograph. If this occurs, the blasting company will be required to cut back on the number of pounds of explosive, ensuring the ppv to stay under 2.0 ppv.

86. As per the communication of the Commissioner of Public Works dated January 21, 2016, the Stormwater Pollution Prevention Plan (SWPPP) has been reviewed by the Department of Public Works and has been approved. Best Management Practices (BMP) are required at all times and all Department of Public Works permits for stormwater and right of way work must be secured prior to the issuance of a Building Permit. As noted, the Department of Public Works MS4 stormwater permit is required. In addition, two full sets of current SWPPP plans must be provided to accompany the SWPPP report which must include the requisite updated certification pages included in the SWPPP report.

87. As per the communication of the Commissioner of Public Works dated January 21, 2016, 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 temporary certificate of occupancy. A typical escrow account must be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the authority to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the City (Department of Public Works) shall receive 20% of all costs as an administrative fee.

88. As per the communication of the Commissioner of Public Works dated January 21, 2016, all contractors working on projects disturbing soil must have a NYSDEC certified "trained individual" on site at all times where soil disturbance is taking place. Copies of the trained individual certificates must be provided to the Department of Public Works prior to any construction

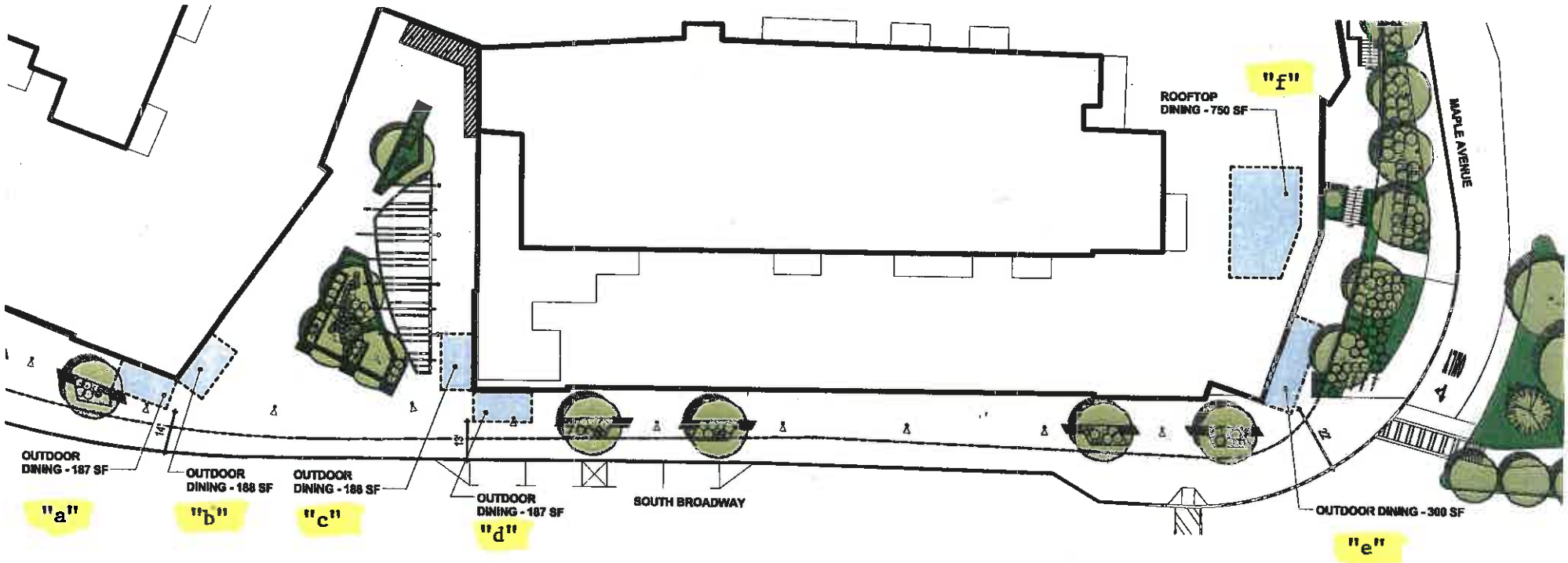
taking place.

89. As per the communications of the Commissioner of Public Works dated January 21, 2016, if the site requires imported fill in the proposed municipal right of way or City owned property, all fill must be tested for composition and chemicals in accordance with New York State Department of Environmental Conservation (DEC) and the Department of Public Works' directions and at the full expense of the owner. These test results must be received prior to depositing material on municipal property. 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 insurance must be provided in the amount to be determined by the Commissioner of Public Works and the City's Risk Manager.

90. A Department of Public Works solid waste management plan must be submitted for review and approval prior to this issuance of a building permit. The plan must show a designated location for each of the conventional waste materials and recyclable materials (glass, tin, metal, plastic, cardboard) with separate storage containers shown for the recyclables. Conventional waste and recyclable materials are shown at a collection point depicted on plan sheet SP-2.0. The Applicant shall cause to be developed a routing plan for removal of the waste and recyclable materials from the building to the collection point where it will be removed by the City's municipal collection services or a private carter. If a private carter is to be used, then a letter must be submitted to the Commissioner of Public Works by the Applicant stating this fact.

91. 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.

EXHIBIT "A"



PARKING

RETAIL AREA: 93,840 SF
REQUIRED PARKING - 310
OUTDOOR DINING AREA: 1,800 SF
REQUIRED PARKING - 6

TOTAL PARKING REQUIRED FOR RETAIL AND OUTDOOR PARKING - 316

Perkins Eastman

OUTDOOR DINING

"The Birthplace of the State of New York"
OFFICE OF THE MAYOR

THOMAS M. ROACH
MAYOR

t:914.422.1411
f:914.422.1395

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

Attached for your consideration is a resolution authorizing the certification of a Home Rule request from the City of White Plains seeking the enactment of special New York State legislation amending Article 18-A of the General Municipal Law of the State of New York in relation to establishing a City of White Plains Industrial Development Agency. The Assembly Bill A01469, which was introduced on January 12, 2015, and the Senate Bill S02320, which was introduced on January 22, 2015, proposes to accomplish the creation of such Agency.

Thomas M. Roach
Mayor

Dated: February 1, 2016

255 MAIN STREET, WHITE PLAINS, NY 10601
www.cityofwhiteplains.com

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CERTIFICATION OF A HOME RULE REQUEST SEEKING ENACTMENT OF STATE LEGISLATION AMENDING THE GENERAL MUNICIPAL LAW TO ESTABLISH THE WHITE PLAINS INDUSTRIAL DEVELOPMENT AGENCY (ASSEMBLY BILL NO. A01469) (SENATE BILL NO. S02320).

WHEREAS, the New York State Industrial Development Agency Act, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended, authorizes and provides for the creation of industrial development agencies in the several counties, cities, villages and towns in the State of New York; and

WHEREAS, the aforementioned legislation empowers such agencies, *inter alia*, to acquire, construct, reconstruct, lease, improve, maintain, equip and furnish land, any building or other improvement, and all real and personal properties, including but not limited to, machinery and equipment, deemed necessary in connection therewith, whether or not in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial, industrial or civic purposes, to the end that such agencies may be able to promote, develop, encourage, assist and advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York and to improve their prosperity and standard of living; and

WHEREAS, a number of municipalities throughout New York State, including the County of Westchester, City of Yonkers, City of Mount Vernon, City of New Rochelle, City of Peekskill, Town of Yorktown, Town of Mount Pleasant, Town of Ossining, Village of Port Chester,

Village of Hastings-on-Hudson, Village of Buchanan, and the Village of Ossining, have sought and have been granted by special act of the State Legislature, the authority to establish an industrial development agency to accomplish any or all of the purposes set forth in the New York State Industrial Development Agency Act; and

WHEREAS, in the interest of promoting and maintaining job opportunities, health, general prosperity and the economic welfare and benefit of the citizens of the City of White Plains and the State of New York and improve their standard of living and to bolster commerce and industry in the City of White Plains, the City of White Plains seeks enactment of State Legislation to establish an industrial development agency to be known as the City of White Plains Industrial Development Agency; and

WHEREAS, under the proposed legislation, members of the City of White Plains Industrial Development Agency shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall serve at the pleasure of the Mayor; and

WHEREAS, the proposed legislation also provides that members of the City of White Plains Industrial Development Agency shall have all of the powers and duties now or hereafter conferred by Title I of the New York State Industrial Development Agency Act, except that the Agency's power of condemnation shall not be exercised without prior approval of the Common Council, and provided that the exercise of the powers by such Agency with respect to the acquisition of real property, whether by purchase, condemnation, or otherwise, shall be limited to the corporate

limits of the City of White Plains, and such Agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans; and

WHEREAS, legislation to amend the General Municipal Law to establish a White Plains Industrial Development Agency was introduced on January 12, 2015, in the New York State Assembly (Assembly Bill No. A01469) and on January 22, 2015, in the New York State Senate (Senate Bill No S02320); and

WHEREAS, it is necessary for the City of White Plains to pass a Home Rule Request authorizing and instructing the New York State Assembly and the New York State Senate to proceed forward with enactment and adoption of such legislation.

NOW, THEREFORE, the Common Council of the City of White Plains does hereby enact the following Resolution:

RESOLVED, that the City of White Plains requests the enactment of legislation set forth in Assembly Bill No. A01469 entitled, "AN ACT to amend the general municipal law, in relation to the establishment of the White Plains industrial development agency;" and as set forth in Senate Bill No. S02320 entitled, "AN ACT to amend the general municipal law, in relation to the establishment of the White Plains industrial development agency;" and be it further

RESOLVED, that there be inserted in such request a statement reading substantially

as follows:

The local government does not have the power to enact such legislation by local law; and be it further

RESOLVED, that the City Clerk be and hereby is authorized to certify that the Common Council on the 1st day of February 2016, approved the foregoing request by at least a two-thirds vote of the total membership of the Common Council.

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

Under the Rules of Order and Procedure of the Common Council noted in Section 2-3-16 of the Municipal Code, the Regular Stated Monthly Meeting of the Common Council is established as the First Monday of the month, (except if such is a holiday and then it would be held the first Tuesday).

Due to a scheduling conflict, the attached resolution is requesting that the date for the Regular Stated Meeting of May be changed from the first Monday, May 2, 2016, to Wednesday, May 4, 2016 at 7:30 p.m.

Anne M. McPherson, CMC
City Clerk

DATED: January 11, 2016

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SETTING THE DATE FOR THE STATED MEETING OF THE COMMON COUNCIL FOR MAY 2016 AS MAY 4, 2016.

WHEREAS, the Rules of Order and Procedure of the Common Council of the City of White Plains, as stated in Section 2-3-16 of the White Plains Municipal Code, provide by resolution that the monthly stated meeting of the Common Council shall be on the first Monday of the month, unless that first Monday be a holiday, and then stated meeting shall be on the next day: and

WHEREAS, the Charter of the City of White Plains, at Section 28, empowers the Common Council of the City of White Plains to establish its stated meeting by ordinance or resolution; and

WHEREAS, the first Monday of May 2016, May 2, 2016, poses a scheduling conflict for the Mayor and would result in his absence from said meeting; now, therefore, be it

RESOLVED, that notwithstanding Section 2-3-16 of the White Plains Municipal Code, the stated meeting for May 2016 shall be May 4, 2016 at 7:30 p.m.

THE CITY OF WHITE PLAINS

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 resolution rescinding a resolution adopted at a Regular Stated Meeting of the Common Council dated January 4, 2016, scheduling a public hearing on an application submitted by Wild Fusion Asian Sushi Grille and Bar to operate an Accessory Cabaret Use at 250 Main Street. In reviewing the application it was determined to be not fully vetted and certain changes need to take place prior to completing the application.

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

Sincerely,

Anne M. McPherson, CMC
City Clerk

DATED: October 29, 2015

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS RESCINDING A RESOLUTION ADOPTED JANUARY 4, 2016 ENTITLED, "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR FEBRUARY 1, 2016, IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF WILD FUSION 2 INC., ("APPLICANT"), FOR A SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET AT THE WILD FUSION LOCATED AT 250 MAIN STREET."

RESOLVED, that on January 4, 2016 a resolution was adopted by the Common Council of the City of White Plains scheduling a pubic hearing for February 1, 2016, on an application submitted on behalf of Wild Fusion 2 Inc., d/b/a Wild Fusion Asian Sushi Grill and Bar, and be it further

RESOLVED, that the Applicant was directed by the City Clerk to give notice of said hearing pursuant to and in accordance with Sections 6.4.2, 12.2.2. and 12.7 of the Zoning Ordinance, and on January 5, 2016 a communication and certified copy of the resolution was mailed to the Applicant by the City Clerk, and be it further

RESOLVED, that the Applicant neglected to meet the notice requirements for such hearing to take place, and be it further

RESOLVED, that subsequent to the mailing by the City Clerk of the notice requirements to the Applicant it was noted that the application was not fully vetted and that certain changes would need to take place prior to completion of the application, and be it further

RESOLVED, that in consideration of the above noted information that the resolution adopted on January 4, 2016 as entitled above, is hereby rescinded, and be it further

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

THE CITY OF WHITE PLAINS

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

Pursuant to a Preliminary Decision, Order and Judgment by the Hon. Joan B. Lefkowitz in the *Matter of the Application of the French American School of New York against Mayor Thomas Roach and the Common Council of the City of White Plains*, entered on January 20, 2016, the Common Council has been directed to vote on the Application for Special Permit/Site Plan Approval filed by the French American School of New York in May 2014.

As you recall, the proposed resolution approving the Application for Special Permit/Site Plan Approval was tabled at the August 5, 2015 special meeting of the Common Council after the proposed ordinance to approve the Petition to Discontinue a Portion of Hathaway Lane filed in May 2014 failed to pass. In order to comply with the Decision, Order and Judgment of Judge Lefkowitz, the appropriate course of action at this time is to make a motion to un-table the proposed resolution on the Application for Special Permit/Site Plan approval prior to voting on said Resolution.

John G. Callahan
Corporation Counsel

Date: January 28, 2016
(for the Common Council Meeting
of February 1, 2016)

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RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS GRANTING: (1) PURSUANT TO SECTIONS 2, 4, 5, 6, 7 AND 8 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS ("ZONING ORDINANCE"), SPECIAL PERMIT/SITE PLAN APPROVAL FOR A "PRIVATE ELEMENTARY SCHOOL" AND "PRIVATE SECONDARY SCHOOL" TO BE OPERATED BY THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("FASNY") AT 400 RIDGEWAY, A SITE CONSISTING OF APPROXIMATELY 131 ACRES ON SBL 131.10-3-43.1 (aka 400 RIDGEWAY AND REFERRED TO HEREINAFTER AS "PARCEL A"), SBL 131.14-2-3 (aka GEDNEY ESPLANADE AND REFERRED TO HEREINAFTER AS "PARCEL B"), SBL 131.10-1-6 (aka 213-223 BRYANT AVENUE AND REFERRED TO HEREINAFTER AS "PARCEL C"), SBL 131.14-9-3 (aka 336 RIDGEWAY AND REFERRED TO HEREINAFTER AS "PARCEL D"), AND SBL 131.11-12-1 (aka 557 NORTH STREET or 565 NORTH STREET AND REFERRED TO HEREINAFTER AS THE "NORTH STREET PROPERTY" AND, AS MERGED WITH PARCEL D THE ("EXPANDED PARCEL D") ALL LOCATED IN THE R1-30 DISTRICT; (2) PURSUANT TO SECTIONS 4, 5, 7 AND 8 OF THE ZONING ORDINANCE, SITE PLAN APPROVAL FOR A "NURSERY SCHOOL" ACCESSORY TO THE "PRIVATE ELEMENTARY SCHOOL" AND "PRIVATE SECONDARY SCHOOL;" (3) PURSUANT TO SECTIONS 2, 4, 5, 6, 7 AND 8 OF THE ZONING ORDINANCE, SPECIAL PERMIT/SITE PLAN APPROVAL FOR TENNIS COURT STRUCTURES TO BE LOCATED ON PARCEL A IN THE SOUTHWESTERLY AREA OF THE FASNY PROPERTY; (4) APPROVALS FOR THE: (A) FINAL TRANSPORTATION MANAGEMENT PLAN, (B) FINAL SITE LANDSCAPING PLAN, (C) FINAL CONSERVANCY AREA MASTER PLAN, (D) FINAL CONSTRUCTION MANAGEMENT PLAN FOR THE FASNY SCHOOL PROJECT, AND (E) FINAL DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENT; AND (5) APPROVALS UNDER SECTION 4.4.25 OF THE ZONING ORDINANCE AND CHAPTERS 3.5 AND 7.5 OF THE MUNICIPAL CODE, ALL BEING SUBJECT TO THE TERMS, CONDITIONS AND REQUIREMENTS CONTAINED IN THIS RESOLUTION AND CONSISTENT WITH THE HATHAWAY LANE PARTIAL DISCONTINUANCE ORDINANCE, PREVIOUSLY ADOPTED BY THE COMMON COUNCIL ("ADOPTED DISCONTINUANCE ORDINANCE"), THE APPROVED ENVIRONMENTAL FINDINGS STATEMENT ADOPTED BY THE COMMON COUNCIL ON DECEMBER 19, 2013, AND THE STORMWATER POLLUTION PREVENTION PLAN APPROVED BY THE COMMISSIONER OF PUBLIC WORKS EFFECTIVE MAY 15, 2015 ("SWPPP") (TOGETHER THE "FINAL FASNY PROJECT.")

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PART I: BACKGROUND

WHEREAS, pursuant to Section 6.2 and 6.3 of the White Plains Zoning Ordinance ("Zoning Ordinance"), by letter from Michael D. Zarin, Esq., of the law firm of Zarin & Steinmetz, attorney for the French-American School of New York ("FASNY" or "Applicant"), addressed to the White Plains Board of Appeals, dated July 15, 2011, the French-American School of New York applied for special permit/site plan approval for a "private elementary school" and "private secondary school" special permit use ("Special Permit/Site Plan"), site plan approval for an accessory "nursery school" use (also referred to herein as "N/P/K") ("Site Plan"), and Special Permit/Site Plan approval for tennis and basketball structures, and a swimming pool ("FASNY Initial 2011 Application"); and

WHEREAS, pursuant to Section 6.3 of the Zoning Ordinance, an application for a special permit use "*shall include a 'site plan,' as well as a written statement describing the nature of the proposed 'use' and how it will serve to implement the purposes of [the] Ordinance*" (*See* Common Council Special Permit/Site Plan findings herein below); and

WHEREAS, at its August 1, 2011 meeting, the Common Council received a communication from the Commissioner of Planning noting that the Common Council had received a copy of the following application materials ("2011 Application Materials") submitted by FASNY to the Board of Appeals:

1. Submission Letter addressed to the White Plains Board of Appeals executed by Michael D.

Zarin, Esq., counsel to FASNY, dated July 15, 2011;

2. Application to the Board of Appeals, executed by Patrick Croze, dated May 19, 2011;

3. Building Permit Long Form, executed by Patrick Croze, dated May 19, 2011;

4. Full Environmental Assessment Form Part 1, executed by Graham Trelstad, AKRF, Inc., dated July 15, 2011;

5. Proposed Scoping Document, dated May 20, 2011;

6. Survey Review of Title and Easements affecting City of White Plains, prepared by John Meyer Consulting, PC, signed by Thomas M. Schmidt, L.S., dated July 15, 2011;

7. Stormwater Pollution Prevention Plan, dated May 20, 2011, prepared by John Meyer Consulting P. C., signed by Diego Villareale;

8. Survey of Property SU-1 and SU-2, prepared by John Meyer Consulting, PC, signed by Thomas Schmidt, licensed land surveyor, dated January 19, 2011;

9. Site Plan Drawings, sheets SP1 through SP 32, prepared by John Meyer Consulting, PC, signed by Diego Villareale, PE, dated February 15, 2011; and

10. Architectural Drawings, sheets A1 through A8, prepared by James Rogers, 3rd, dated July 15, 2011; and

WHEREAS, the FASNY owned property ("FASNY Property") with an address at 400 Ridgeway consists of four lots, Parcels A through D, currently improved with the facilities of the former Ridgeway Country Club, including a clubhouse, an 18-hole golf course, eight tennis courts, a swimming pool, and approximately 165 parking spaces spread over the southerly end of two parcels (Parcel A and Parcel D), which property has not been maintained or operated as a golf course since 2010; and

WHEREAS, the FASNY Property also includes one lot on the unimproved street Barbara Lane which is part of Parcel D but located on the opposite side of the NYS registered Wetland G-7, and not impacted by the FASNY Initial 2011 Application; and

WHEREAS, the FASNY Property is the combination of: (1) the former site of the Ridgeway Country Club fronting on Ridgeway which is identified as a "collector street" in the 1997 Comprehensive Plan, as amended, such portion of the Project site consisting of the four lots Parcel A, Parcel B, Parcel C and Parcel D, separated by minor neighborhood streets including Hathaway Lane, Gedney Esplanade and Heatherbloom Road, and by residential properties; (2) the legally nonconforming residential lot defined herein as the "North Street Property" with frontage on North Street, such lot being merged with Parcel D; and (3) a lot located on the paper

street Barbara Lane which is included in current Parcel D but separated from the majority of that Parcel by the paper street; and

WHEREAS, the proposed FASNY Initial 2011 Application involved developing a "private elementary school" and "private secondary school" and accessory "nursery school," with accessory structures and athletic fields to accommodate a projected enrollment of 1,200 students and 225 to 250 staff members, on Parcels A and D of the FASNY Property, including construction of several school buildings, totaling approximately 230,863 square feet of building area, with approximately 428 parking spaces; three playgrounds, six (6) tennis courts, four soccer fields, a six lane track, a basketball court, a baseball diamond, a softball diamond, a swimming pool; and, on Parcels B, C and D, land proposed to be maintained as a Conservancy consisting of approximately 84 acres to be established as indigenous plant meadows with trails, sitting areas and shelters; and

WHEREAS, the proposed FASNY Initial 2011 Application involved several related approval actions for the purpose of the environmental review:

1. Approval of a Special Permit/Site Plan for the development of a "private elementary school" and "private secondary school";

2. Site Plan approval for an accessory "nursery school", including new or relocated curb cuts on Ridgeway and Hathaway Lane;

3. Approval of a Special Permit/Site Plan for an accessory structure for tennis courts;

4. Approval of a Special Permit/Site Plan for an accessory structure for the dimensionally nonconforming swimming pool;

5. Approval of a Special Permit/Site Plan for an accessory structure for a basketball court;

6. Approval by the Commissioner of Public Works of the Stormwater Pollution Prevention Plan ("SWPPP");

7. Approval by the Westchester County Health Department of the proposed water supply and sanitary sewer systems;

8. All other necessary actions and approvals by other governments and agencies related to the implementation of the above actions;

9. Approval of a Transportation Management Plan (also referred to as "Traffic Management Plan");

10. Approval of a Conservancy Area Master Plan for the approximately 84 acre conservancy area;

11. Approval of a Site Landscaping Plan; and

12. Approval of a Construction Management Plan; and

WHEREAS, the FASNY Property is an environmentally sensitive site under Section 4.4.25 of the Zoning Ordinance and Chapter 3-5 of the Municipal Code of the City of White Plains ("Municipal Code"), and, at approximately 131 acres, is one of the largest open space properties in the City of White Plains in single ownership; and

WHEREAS, the FASNY Property is located in the Mamaroneck River Watershed, and has been identified in the Watershed Advisory Committee 4 (WAC-4) Management Plan, dated January 2001, to be part of a "wetland system on the north and south sides of Ridgeway Avenue in White Plains, including an over 24 acre NY State-designated Wetland No. G-7 north of Ridgeway Avenue and the wetland at Club Pointe residential complex south of Ridgeway Avenue," which the WAC-4 Plan identifies as of "extraordinary functional value to water quality in the subwatersheds of the Mamaroneck and Sheldrake rivers and Mamaroneck Harbor"; and

WHEREAS, According to Site Plan Sheet SP-2 "Overall Existing Conditions Plan and Environmentally Sensitive Features," the environmentally sensitive features identified on the FASNY Project site include: (a) the NYS delineated and registered Wetland G-7 and associated 100 foot buffer area; (b) the locally delineated and regulated wetlands and water courses, and their associated buffer areas on Parcel C and D; (c) steep slopes on Parcels A, B, C, and D, with only minor steep slope areas on Parcel A primarily created by golf hole bunker walls, slopes on Parcels B and C being primarily located at former bunkers or along the street embankments, and

natural slopes on Expanded Parcel D being located primarily within the NYS registered Wetland G-7 and its 100 foot buffer area; and (d) rock outcroppings located in small areas primarily on Expanded Parcel D within the NYS registered Wetland G-7 and its 100 foot buffer area; and

WHEREAS, in a communication, dated July 26, 2011, the Commissioner of Planning, recommended that the Common Council, pursuant to Section 6.2.3 of the Zoning Ordinance: (1) find that the FASNY Initial 2011 Application represents a matter of "substantial public importance" for the reasons listed in the Commissioner's communication; and (2) adopt a resolution reclaiming jurisdiction as approving agency for this Application; and

WHEREAS, pursuant to Section 6.2.3 of the Zoning Ordinance, the Common Council, by resolution adopted on August 1, 2011, reclaimed jurisdiction of the FASNY Initial 2011 Application from the Board of Appeals on a finding that the special permit use is of "substantial public importance"; and

WHEREAS, among the materials submitted as part of the FASNY Initial 2011 Application was a Long Form Environmental Assessment Form ("EAF") which identifies at Section B.25 other local, regional and State approvals required as part of the FASNY Initial 2011 Application; and

WHEREAS, since there are other agencies with jurisdiction over approvals required for the FASNY Initial 2011 Application, the Common Council is required by the NY State

Environmental Quality Review Act and regulations promulgated thereunder ("SEQR"), specifically regulations at NYCRR 617.6(b)(2) and (3) to notify such agencies of its intent to be Lead Agency for such environmental review, and give such agencies an opportunity to respond as to whether they would seek to be Lead Agency; and

WHEREAS, at its August 1, 2011 meeting, pursuant to said NYS SEQR regulations, the Common Council adopted a resolution declaring its intent to be Lead Agency for the environmental review of the FASNY Initial 2011 Application and authorized and directed the Environmental Officer to take such actions and distribute the appropriate notice as required pursuant to NY SEQR regulations; and

WHEREAS, the Environmental Officer in a communication to the Common Council, dated August 29, 2011, advised the Common Council that no response had been received from any involved agency requesting to act as Lead Agency for the environmental review of the FASNY Initial 2011 Application, and recommended that the Common Council: (a) designate itself to serve as the Lead Agency to conduct an environmental review of the FASNY Initial 2011 Application; (b) determine that the FASNY Initial 2011 Application is a Type I Action under SEQR regulations; (c) find that the Initial Project, when compared to the SEQR criteria of environmental significance listed in 6 NYCRR 617.7 of the SEQR regulations, may have significant adverse impacts on the environment; (d) determine that the Applicant prepare a Draft Environmental Impact Statement ("DEIS") to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; and (e) schedule a public scoping

meeting to receive public comments regarding the scope of issues to be addressed in the DEIS, such scoping meeting to be held October 3, 2011, in the Common Council Chambers, City Hall, 255 Main Street, White Plains, NY, immediately following the regularly scheduled Common Council meeting which commences at 7:30 p.m., and establish a period to receive written comments; and

WHEREAS, at its meeting of September 6, 2011, the Common Council, having received the communication from the Environmental Officer and having received no response from other involved agencies requesting to act as Lead Agency for the environmental review of the FASNY Initial 2011 Application, and the period to request to be Lead Agency having expired, adopted a resolution entitled:

"ENVIRONMENTAL RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS ("PROPOSED ACTION"); FINDING THE ACTION TO BE A TYPE I ACTION UNDER THE WHITE PLAINS ZONING ORDINANCE AND NY STATE ENVIRONMENTAL QUALITY REVIEW ACT REGULATIONS; FINDING THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT; DETERMINING AND DIRECTING THAT A DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS") BE PREPARED BY THE APPLICANT; DIRECTING THE CIRCULATION TO INVOLVED AGENCIES AND THE PUBLIC OF THE APPLICANT'S PROPOSED DRAFT SCOPING DOCUMENT, DATED MAY 20, 2011; AND SCHEDULING A PUBLIC SCOPING SESSION AFTER THE COMMON COUNCIL MEETING OF OCTOBER 3, 2011;" and

WHEREAS, the Common Council, in said resolution, established a ten (10) day period after the public scoping session to receive written comments; and

WHEREAS, after its October 3, 2011 regularly scheduled meeting, the Common Council held a duly noticed special meeting for a public scoping session regarding the Applicant's Draft Scoping Document, containing FASNY'S proposed scope of issues to be addressed in the DEIS, and, following the closure of the public scoping session, adopted a resolution to extend the time to receive written comments beyond the established ten (10) day comment period until 5:00 p.m., November 4, 2011; and

WHEREAS, at its meeting of October 3, 2011, the Common Council adopted an ordinance retaining the services of Steven M. Silverberg, Esq. as outside counsel ("Outside Counsel") to assist City staff and the Common Council in their environmental review of the FASNY Application under NYS SEQR regulations; and

WHEREAS, at its duly noticed special meeting of November 22, 2011, the Common Council considered the record of written comments on the draft Scoping Document from City staff, public comments presented at the public scoping session, and written comments submitted by the November 4, 2011 deadline, which draft Scoping Document was posted on the City's website; and

WHEREAS, at its meeting of December 5, 2011, the Common Council adopted the "French American School of New York Scoping Document," dated November 29, 2011, including modifications by the Common Council reflecting its review of the public scoping

record ("Final Scoping Document") which Final Scoping Document was posted on the City's website; and

WHEREAS, on April 13, 2012, FASNY submitted a preliminary DEIS, dated April 2012 ("FASNY Preliminary DEIS") for a completeness review by City staff and consultants; and

WHEREAS, FASNY was advised by City staff, after consultation with Outside Counsel, that the FASNY Preliminary DEIS was not complete under NYS SEQR regulations; and

WHEREAS, by communication, dated May 10, 2012, the attorney for FASNY, Mr. Michael Zarin, Esq., submitted a revised redlined copy of the FASNY Preliminary DEIS, dated May 9, 2012 ("FASNY Preliminary DEIS Revision No. 1"); and

WHEREAS, FASNY Preliminary DEIS Revision No. 1, which reflected responses to some but not all of City staff and Outside Counsel comments on the lack of completeness of the FASNY Preliminary DEIS submission was submitted to the Common Council for its review as Lead Agency; and

WHEREAS, in response to the FASNY Preliminary DEIS Revision No. 1., the Commissioner of Planning submitted to the Common Council a communication dated May 29, 2012, attaching a list entitled "FASNY PRELIMINARY DRAFT ENVIRONMENTAL

IMPACT STATEMENT COMPLETENESS REVIEW," which detailed the portions of the FASNY Preliminary DEIS Revision No. 1 that were not complete with respect to the adopted Scoping Document and/or were not adequate with regard to scope and content; and

WHEREAS, based on the above completeness review, the Environmental Officer, in a communication dated June 6, 2012, recommended that the Common Council: (1) determine that the FASNY Preliminary DEIS Revision No. 1, dated May 9, 2012, was not adequate for the reasons listed in the Planning Commissioner's "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW; and (2) request that FASNY address the inadequacies identified in the Planning Commissioner's completeness review; and

WHEREAS, at its June 11, 2012 meeting, the Common Council adopted an environmental resolution entitled:

"RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL (COMMON COUNCIL) ADOPTING ENVIRONMENTAL FINDINGS ISSUED UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, WHICH DETERMINES THAT THE REVISION NO. 1 PRELIMINARY DEIS, DATED MAY 9, 2012, SUBMITTED BY FASNY IS NOT COMPLETE AND NOT ADEQUATE FOR ACCEPTANCE BY THE COMMON COUNCIL FOR PURPOSES OF COMMENCING PUBLIC REVIEW, FOR THE REASONS LISTED IN THE "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," DATED MAY 29, 2012, ATTACHED HERETO, AND REQUESTING THAT THE APPLICANT ADDRESS THE DEFICIENCIES

IDENTIFIED IN THE COMPLETENESS REVIEW;" and

WHEREAS, FASNY further revised the FASNY Preliminary DEIS Revision No. 1 and on July 5, 2012, submitted Revision No. 2, dated July 2, 2012 ("FASNY Preliminary DEIS Revision 2" or "DEIS Revision 2"); and

WHEREAS, based on additional comments from City staff, DEIS Revision 2 was further revised and superseded by FASNY Preliminary DEIS Revision No. 3, dated July 9, 2012 ("FASNY Preliminary DEIS Revision 3" or "DEIS Revision 3"); and

WHEREAS, the Common Council discussed the completeness of FASNY Preliminary DEIS Revision 3 at its duly noticed special meeting held on July 30, 2012; and

WHEREAS, in a July 31, 2012 communication, the Commissioner of Planning stated that the City staff representing the Departments of Planning, Traffic, Public Safety, Public Works, Building and Law, and the Environmental Officer, and Outside Counsel Steven Silverberg found DEIS Revision 3 to be complete with respect to scope and content for purposes of commencing public review; and

WHEREAS, based on the recommendations of City staff, Outside Counsel, and the Environmental Officer, and based upon the Common Council's review of the revised FASNY Preliminary DEIS Revision 3; at its meeting of August 6, 2012, the Common Council adopted a

resolution entitled:

"RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ("FASNY DEIS") AS ADEQUATE WITH RESPECT TO ITS SCOPE AND CONTENT FOR THE PURPOSE OF COMMENCING PUBLIC REVIEW, AND SCHEDULING A PUBLIC HEARING AND TAKING SUCH OTHER ACTIONS AS ARE REQUIRED BY SEQR," which resolution:

(a) accepted the FASNY Preliminary DEIS Revision 3 as the "Final FASNY DEIS," being complete and adequate with respect to its scope and content for the purpose of commencing public review in accordance with 6 NYCRR 617. (3) and (4);

(b) authorized and directed the Environmental Officer to cause the Final FASNY DEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public Library located at 100 Martine Avenue, White Plains, NY in accordance with 6 NYCRR 12(b)(1),(3) through (6) and placing the Final FASNY DEIS on the City's website;

(c) directed the Environmental Officer to cause a Notice of Completion of the Final FASNY DEIS to be published in accordance with 6 NYCRR 617.12(a)(2)(iii);

(d) scheduled a public hearing regarding the Final FASNY DEIS to be held on September 19,

2012 at 7:00 p.m., in the Common Council Chambers, White Plains Municipal Building, 255 Main Street, White Plains, New York with adjournment to October 17, 2012 at the same time and location, for the purpose of receiving public comments on the Final FASNY DEIS in accordance with 6 NYCRR 617.9(a)(3) and (4) and 617.12(a) and (b); and

(e) scheduled a written comment period for 10 days following the close of the adjourned public hearing to 5:00 p.m. on October 29, 2012, for the purpose of receiving written comments regarding the Final FASNY DEIS in accordance with 6 NYCRR 617.9(4); and

WHEREAS, a copy of the Final FASNY DEIS was placed at the White Plains Public Library, in accordance with 6 NYCRR 617.12(b)(5) and on the City's website; and

WHEREAS, at its meeting of September 25, 2012, the Common Council further retained the services of TRC Engineering, Inc. ("TRC") to assist City staff and the Common Council in their environmental review of traffic, air quality, and noise issues in the FASNY Application under NYS SEQR regulations; and

WHEREAS, public hearings on the Final FASNY DEIS were held on September 19, 2012 and October 17, 2012, and further adjourned to and continued on November 13, 2012 for the purpose of receiving public comment; and

WHEREAS, the written comment period was extended to November 23, 2012; and

WHEREAS, the transcripts of the public hearing and the written comments were posted on the City's website; and

WHEREAS, based on the Final FASNY DEIS and comments thereon indicating that the FASNY Initial 2011 Application may have significant adverse impacts on the environment, pursuant to 6 NYCRR 617.9(5)(I), a final Environmental Impact Statement ("FEIS") was required to be prepared; and

WHEREAS, pursuant to 6 NYCRR 617.9(b)(8), an FEIS consists of the DEIS by incorporation or by reference, any necessary corrections or revisions to the DEIS, copies or a summary of substantive comments received during the public comment period on the DEIS indicating their source, and the Lead Agency's responses to substantive comments; and

WHEREAS, the Commissioners of Public Safety and Public Works, and the Deputy Commissioner of Parking for Transportation Engineering ("Transportation Management Review Commissioners"), Law Department Management Associate, and TRC, consultants for traffic, air quality and noise, and Outside Counsel Steven M. Silverberg, Esq. worked with representatives of FASNY to develop a draft Final Environmental Impact Statement, dated July 21, 2013 ("DFEIS") which was submitted to the Common Council on July 25, 2013, and which contained: (a) a description of three modified project options (such project options referred to herein jointly

as "FASNY Modified Proposed Projects" or "FASNY Project Modifications", and referred to individually as "MPP/Ridgeway," "MPP/North Street" and "MPP/Bryant Avenue"); (b) copies and summaries of substantive comments received on the Final FASNY DEIS and on the Modified Proposed Projects contained in the DFEIS and the source of the comments in DFEIS Volume 2; and (c) the proposed, draft Lead Agency responses to the Final FASNY DEIS and comments thereon, prepared by City staff, in consultation with TRC and Outside Counsel; and

WHEREAS, consistent with SEQR regulations at NYCRR 617.9(b)(8), Chapters 1 and 2 of the DFEIS contain the Modified Proposed Project developed by FASNY in response to substantive comments made during the public review and comment period on the Final FASNY DEIS; and

WHEREAS, the comments in Chapter 3 of the DFEIS represent the substantive comments of the Common Council as Lead Agency; and

WHEREAS, in Chapters 1 and 2 of the DFEIS, which FASNY exclusively prepared, FASNY provided additional description and analysis for three FASNY Modified Proposed Projects access options; and

WHEREAS, Chapters 1 and 2 of the DFEIS were each divided into parts as follows:

(a) Chapter 1.0 Modified Proposed Project;

(b) Chapter 1.1 Modified Proposed Project/Ridgeway;

(c) Chapter 1.2 Modified Proposed Project/North Street;

(d) Chapter 1.3 Modified Proposed Project/Bryant Avenue;

(e) Chapter 2.0 Environmental Analysis;

(f) Chapter 2.1 Environmental Analysis: Modified Proposed Project/Ridgeway;

(g) Chapter 2.2 Environmental Analysis: Modified Proposed Project/North Street; and

(h) Chapter 2.3 Environmental Analysis: Modified Proposed Project/Bryant Avenue; and

WHEREAS, the Final FASNY DEIS is included in the DFEIS by reference; and

WHEREAS, the Lead Agency's responses to comments on the Final FASNY DEIS and on the three FASNY Modified Proposed Projects, as drafted by City staff, in consultation with TRC and Outside Counsel, and reviewed and approved by the Common Council, are contained in Chapter 3, subchapters 3.1 through 3.21 of the DFEIS, and correspond to the topic category chapters included in the Final FASNY DEIS; and

WHEREAS, the FASNY Initial 2011 Application and Modified Proposed Project Ridgeway were shown in Chapter 3 of the DFEIS to have potential significant adverse impacts which cannot be mitigated to the maximum extent practicable; and

WHEREAS, the DFEIS also includes the following appendices:

(a) Appendix A: Traffic Management Plan (as proposed by FASNY);

(b) Appendix B: Habitat Restoration Report;

(c) Appendix C: Applicant's Memorandum on Zoning;

(d) Appendix D: Dam Modification Report;

(e) Appendix E: Traffic;

(f) Appendix F: Air Quality Idling Analysis;

(g) Appendix G: Zoning Use Table; and

(h) Appendix H: MPP/North Stormwater Analysis; and

WHEREAS, the MPP/North Street access alternative ("North Street Access"), described by FASNY in Chapters 1 and 2 of the DFEIS, includes as a component of that proposal the discontinuance of Hathaway Lane from Ridgeway to Gedney Esplanade; and

WHEREAS, Chapter 3 of the DFEIS, sets forth that such discontinuance of the stated portion of Hathaway Lane is subject to approval by the City under Section 152 of the Charter of the City of White Plains and requires an amendment of the City's Official Map under Section 29 of the NYS General City Law; and

WHEREAS, although not required by NY SEQR regulations, the DFEIS submitted to the Common Council as Lead Agency, on July 25, 2013, was posted on the City's website on August 2, 2013, to provide the public an opportunity to review the DFEIS; and

WHEREAS, the Common Council, as Lead Agency, reviewed the DFEIS, and, by a resolution adopted September 16, 2013, made modifications to the following responses to

substantive comments contained in Chapter 3 which had been prepared by City staff: (1) subchapter 3.4 Introduction, 3.4-2, 3.4-6, 3.4-14, and 3.4-17; (2) subchapter 3.11-Introduction, 3.11-2, 3.11-3, 3.11-7, 3.11-8, 3.11-18, 3.11-19, 3.11-21 through 3.11-23, 3.11-27, 3.11-30, 3.11-34, 3.11-38, 3.11-42, 3.11-52 through 54, 3.11-56, 3.11-57, 3.11-59 through 3.11-62, 3.11-68, 3.11-76, 3.11-87, 3.11-88, 3.11-97 through 3.11-99, 3.11-123, 3.11-131, 3.11-141; and (3) subchapter 3.12-1, 3.12-2, 3.12-3, 3.12-8; and

WHEREAS, the Common Council, as Lead Agency, also added to the DFEIS, as Appendix I, the "Technical Review" Memorandum from TRC, dated September 12, 2013, and posted on the City's website; and

WHEREAS, City staff recommended that the Common Council, as Lead Agency for the environmental review of the FASNY Application, having taken a hard look at the Final FASNY DEIS, the substantive comments on the Final FASNY DEIS, and the DFEIS should: (1) accept the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12; (2) accept the addition of Appendix I "Technical Review," prepared by TRC, to be complete, being adequate and accurate pursuant to SEQR regulations at 617.9(b)(8); and (2) determine the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12 and the addition of Appendix I, to be the final Environmental Impact Statement ("Final FASNY FEIS") required under SEQR regulations at 617.9(5); and

WHEREAS, at its September 16, 2013 meeting, the Common Council, as Lead Agency, adopted a resolution entitled:

"RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER, AND ACCESSORY STRUCTURES AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT ("FASNY FEIS") AS COMPLETE, FINDING IT TO BE ADEQUATE AND ACCURATE WITH RESPECT TO ITS SCOPE AND CONTENT, AND AUTHORIZING THE ENVIRONMENTAL OFFICER TO TAKE SUCH ACTIONS NECESSARY TO MAKE THE FASNY FEIS AVAILABLE TO THE PUBLIC AND DISTRIBUTE NOTICES ACCORDINGLY,"

and filed it with the White Plains City Clerk on September 24, 2013, (the FASNY FEIS referred to in the resolution being the Final FASNY FEIS); and

WHEREAS, the September 16, 2013 Resolution included the following resolved clauses:

1. "RESOLVED, that, based on the foregoing reasons and pursuant to SEQR regulations at 617.9(b)(8) and 617(b)(5), the Common Council, as Lead Agency, hereby recognizes and acknowledges the responses contained in Chapter 3 subchapters 3.1 through 3.21 of the Final FASNY FEIS as defined herein above to be the responses of the Common Council of the substantive comments received during the public comment period on the Final FASNY DEIS;

2. RESOLVED, that the Common Council hereby recognizes that Chapters 1 and 2 of the

DFEIS, including subchapters 1.0 through 1.3 and 2.0 through 2.3, provide FASNY's description and environmental analysis of its proposed modifications to the FASNY Initial 2011 Application described in the Final FASNY DEIS, which Project Modifications have been made by FASNY to address substantive comments on the Final FASNY DEIS;

3. RESOLVED, that the Common Council determines that, although the Modified Proposed Project and the three access options described and analyzed in Chapters 1 and 2 do not represent the Lead Agency responses to substantive comments, it is appropriate to include FASNY's description and environmental analysis of the Modified Proposed Project and access options in the Final FASNY FEIS;

4. RESOLVED, that the Common Council hereby accepts the Final FASNY FEIS as complete and finds that it is adequate and accurate, and responds to comments received regarding the Final FASNY DEIS;

5. RESOLVED, that the Common Council hereby accepts the Final FASNY FEIS, dated July 21, 2013, for consideration in making environmental findings;

6. RESOLVED, that the Common Council hereby authorizes and directs the Environmental Officer to cause the Final FASNY FEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public

Library located at 100 Martine Avenue, White Plains, NY in accordance with 6 NYCRR 12(b)(1)(3) through (6) and on the City's website;

7. RESOLVED, that the Environmental Officer is hereby authorized to distribute the Final FASNY FEIS as required by SEQR; and

8. RESOLVED, that the Environmental Officer is hereby authorized to distribute appropriate notices and make such filings as required by SEQR;" and

WHEREAS, Pursuant to SEQR regulations at NYCRR Part 617, the Common Council, as Lead Agency for the FASNY Application and the environmental review thereof, prior to making a decision on the FASNY Application, and after a reasonable period for public review and consideration of the Final Environmental Impact Statement of no less than 10 days (6 NCYRR Part 617.11(a)), must file a written findings statement and make a decision whether or not to approve the action, which is the subject of the environmental review; and

WHEREAS, the Transportation Management Review Commissioners, Law Department Management Associate, TRC, and Outside Counsel Steven M. Silverberg, Esq., prepared a draft Environmental Findings Statement ("Draft Environmental Findings Statement") for the Common Council's consideration; and

WHEREAS, several proposed actions were reviewed in the draft Environmental Findings

Statement, consisting of: (1) the Initial 2011 Application for a "private elementary school" and private secondary school" with accessory "nursery school;" tennis courts, basketball court, swimming pool, athletic fields and internal parking and roadways, dated July 15, 2011 and described in the Final FASNY DEIS; and (2) the three Modified Proposed Project access options, MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue described by the Applicant in Chapters 1 and 2 of the accepted Final FASNY FEIS; and

WHEREAS, pursuant to SEQR regulations, the proposed Draft Environmental Findings Statement did:

1. consider the relevant environmental impacts, facts and conclusions disclosed in the Final EIS;
2. weigh and balance relevant environmental impacts with social, economic and other considerations;
3. provide a rational basis for the agency's decision;
4. certify that the requirements of Part 617 have been met;
5. certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the MPP/North Street alternative is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable. [6 NYCRR 617.11(d)]; and

WHEREAS, the Draft Environmental Findings Statement includes the following Parts:

1. Part I contains a description of the FASNY Initial Application described in the Final FASNY DEIS, and the Project Modifications for each of the three Modified Proposed Project access options described in Chapter 1 subchapters 1.1-1.3 and Chapter 2 subchapters 2.1-2.3 of the FEIS;

2. Part II provides a summary and background of the review procedures and process;

3. Part III contains a statement of the environmental conditions, expected impacts, and findings; and

4. Part IV contains the Certification of Findings required by SEQR regulations; and

WHEREAS, as described in the draft Environmental Findings Statement, the Common Council did thoroughly review and consider the Environmental Record which serves as the basis for the Findings in the draft Environmental Findings Statement, including, but not limited to the following:

1. The FASNY Initial 2011 Application preliminary submission, dated July 15, 2011, for which the Common Council reclaimed jurisdiction from the Board of Appeals by resolution, dated August 1, 2011, pursuant to Zoning Ordinance Section 6.2.3 on a finding that the special permit use is of "substantial public importance";
2. The DEIS, accepted by the Common Council as complete for purposes of public review on

August 6, 2012;

3. The public hearing record from the DEIS public hearing held on September 19, 2012, adjourned to and continued on October 17, 2012, and further adjourned to and continued on November 13, 2012;

4. Written comments received on the DEIS through the end of the written comment period on November 30, 2012;

5. The DFEIS, with modifications by the Common Council through September 12, 2013;

6. Written comments on the DFEIS received through September 12, 2013, including the "Technical Review" Memorandum from TRC, dated September 12, 2013;

7. The Final FASNY FEIS accepted by the Common Council as adequate and accurate, pursuant to SEQR regulations at 6 NYCRR 617.9(b)(8) on September 16, 2013, and filed with the White Plains City Clerk on September 24, 2013; and

8. The proposed Draft Environmental Findings Statement submitted for the Common Council's consideration on December 12, 2013, including revisions recommended by City staff, and individual Council members; and

WHEREAS, at its meeting of December 19, 2013, after its detailed review of the draft

Environmental Findings Statement, the Common Council adopted the Draft Environmental Findings Statement as the "2013 FASNY Environmental Findings Statement" by a resolution entitled:

"FINDINGS STATEMENT ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101. ET SEQ. REGARDING THE APPLICATION SUBMITTED ON BEHALF OF THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("APPLICANT" or "FASNY") IN RELATION TO SPECIAL PERMIT AND SITE PLAN APPROVAL AND RELATED APPROVALS FOR A PRIVATE ELEMENTARY AND SECONDARY SCHOOL, AND AN ACCESSORY NURSERY SCHOOL, TO BE LOCATED ON THE PROPERTY OF THE FORMER RIDGEWAY COUNTRY CLUB, SUCH PROPERTY CONSISTING OF FOUR PARCELS (SECTION-BLOCK-LOTS SBL 131.14-9-3, SBL 131.14-2-3, SBL 131.10-1-6 and SBL 131.10-3-43) AND HAVING AN ADDRESS OF 400 RIDGEWAY, WHITE PLAINS ("APPLICATION")."

the ("2013 FASNY Environmental Findings Statement"); and

WHEREAS, in said resolution, the Common Council certified that it has complied with all the requirements of 6 NYCRR Part 617; and

WHEREAS, in said resolution, the Common Council authorized the Environmental Officer to distribute the 2013 FASNY Environmental Findings Statement and any and all appropriate notices and filings as required by SEQR; and

WHEREAS, the Environmental Officer did distribute all necessary notices and made all necessary filings regarding the 2013 FASNY Environmental Findings Statement; and

WHEREAS, based on its review of the environmental record, the Common Council found in Environmental Finding A-2.11 of the 2013 FASNY Environmental Findings Statement, that the FASNY Initial 2011 Application, after all reasonable mitigation measures, did not avoid or mitigate to the maximum extent practicable the significant adverse impacts of the Initial 2011 FASNY Application to traffic and neighborhood character; and

WHEREAS, based on its review of the environmental record, the Common Council further found in Environmental Finding A-2.11 of the 2013 FASNY Environmental Findings Statement, that, in addition to the FASNY Initial 2011 Application, the MPP/Ridgeway access alternative, after all reasonable mitigation measures did not avoid or mitigate to the maximum extent practicable the significant adverse impacts of the Initial FASNY Project to traffic and neighborhood character; and

WHEREAS, based on its review of the environmental record, the Common Council further found in Environmental Finding A-4.4 of the 2013 FASNY Environmental Findings Statement, that the MPP/Bryant Avenue access alternative did not provide enough information to assess its environmental impacts and would, if considered further, require a supplemental DEIS ("SDEIS"); and

WHEREAS, with respect to MPP/North Street, the third access alternative, as provided in Part IV "Certification of Findings" of the 2013 FASNY Environmental Findings Statement, and

as stated in the above referenced resolution adopting the 2013 FASNY Environmental Findings Statement, the Common Council determined that "consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Modified Proposed Project with access from North Street, as modified by these Environmental Findings, is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts are being avoided or minimized to the maximum extent practicable by incorporating as conditions to the Common Council's decision those mitigation measures that were identified herein"; and

WHEREAS, integral to the Modified Proposed Project with North Street Access, as detailed in the 2013 FASNY Environmental Findings Statement, is the discontinuance of a portion of Hathaway Lane from Ridgeway to either 57 Hathaway Lane or Gedney Esplanade; and

WHEREAS, Section 152 of the White Plains Charter provides that:

> *Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published for ten days in the official newspaper of the City of its intention to do so, and that all persons interested may be heard in reference thereto at a time stated in such notice. . .*

WHEREAS, at its meeting of February 3, 2014, the Common Council adopted an ordinance authorizing the Corporation Counsel to continue to retain the services of Steven M. Silverberg, Esq., and TRC Engineering, Inc., to assist the Common Council in its review of the

FASNY Special Permit/Site Plan Application; and

WHEREAS, on May 22, 2014, FASNY filed with the City Clerk a "Special Permit & Site Plan Approval Application Package" responding to the 2013 FASNY Environmental Findings Statement ("FASNY May 2014 Application"); and

WHEREAS, the FASNY May 2014 Application included the following documents submitted by FASNY, with a guide to the identity of the preparer:

Description	Preparer	Dated	Last Revised
1) Site Plan/Special Permit Application Narrative/Cover Letter	Z&S	5/21/2014	
2) Survey Review of Title and Easements	JMC	5/5/2014	
3) Transportation Management Plan	AKRF	5/21/2014	
4) Conservancy Area Master Plan	AKRF	5/21/2014	
5) Draft Declaration of Covenants, Restrictions and Easements for the Conservancy	Zarin & Steinmetz	5/7/2014	
6) Petition for Discontinuance of Street	Z&S	5/5/2014	
7) Stormwater Pollution Prevention Plan	JMC	5/5/2014	
8) Geotechnical Summary	CSA	5/5/2014	
9) Construction Management Plan	Turner	5/21/2014	
10) Environmental Analysis	AKRF	5/21/2014	

11) Coordinated Review Sustainability Checklist	AKRF	5/6/2014
12) Building MEP Calculation	Stantec	5/5/2014
13) Average Grade Calculations	JMC	5/21/2014

Survey of Property Drawings		
SU-1 Survey of Property		4/30/2014
SU-1A Survey of Property		4/30/2014
SU-2 Survey of Property		4/30/2014

Site Plan Drawings	JMC	
SP-1 Cover Sheet		5/19/2014
SP-2 Overall Existing Conditions Plan		5/19/2014
SP-3 Site Existing Conditions Plan (Area 1)		5/19/2014
SP-4 Site Existing Conditions Plan (Area 2)		5/19/2014
SP-5 Site Existing Conditions Plan (Area 3)		5/19/2014
SP-6 Site Existing Conditions Plan (Area 4)		5/19/2014
SP-7 Site Existing Conditions Plan (Area 5)		5/19/2014
SP-8 Site Demolition Plan (Area 1)		5/19/2014
SP-9 Site Demolition Plan (Area 2)		5/19/2014
SP-10 Site Demolition Plan (Area 3)		5/19/2014
SP-11 Site Demolition Plan (Area 4)		5/19/2014
SP-12 Site Demolition Plan (Area 5)		5/19/2014
SP-13 Overall Site Layout Plan		5/19/2014
SP-14 Site Layout Plan (Area 1)		5/19/2014
SP-15 Site Layout Plan (Area 2)		5/19/2014
SP-16 Site Layout Plan (Area 3)		5/19/2014
SP-17 Site Layout Plan (Area 4)		5/19/2014
SP-18 Site Layout Plan (Area 5)		5/19/2014
SP-19 Site Grading Plan (Area 1)		5/19/2014
SP-20 Site Grading Plan (Area 2)		5/19/2014
SP-21 Site Grading Plan (Area 3)		5/19/2014
SP-22 Site Grading Plan (Area 4)		5/19/2014
SP-23 Site Grading Plan (Area 5)		5/19/2014
SP-24 Site Utilities Plan (Area 1)		5/19/2014
SP-25 Site Utilities Plan (Area 2)		5/19/2014
SP-26 Site Utilities Plan (Area 3)		5/19/2014
SP-27 Site Utilities Plan (Area 4)		5/19/2014
SP-28 Site Utilities Plan (Area 5)		5/19/2014

SP-29 Site Sediment & Erosion Control Plan (Area 1)		5/19/2014
SP-30 Site Sediment & Erosion Control Plan (Area 2)		5/19/2014
SP-31 Site Sediment & Erosion Control Plan (Area 3)		5/19/2014
SP-32 Site Sediment & Erosion Control Plan (Area 4)		5/19/2014
SP-33 Site Sediment & Erosion Control Plan (Area 5)		5/19/2014
SP-34 Preliminary North Street Site Driveway Intersection Improvement Plan		5/19/2014
SP-35 Preliminary Bryant Avenue & North Street Intersection Improvement Plan		5/19/2014
SP-36 Fire Access/Garbage Truck Plan		5/19/2014
SP-37 Hathaway Lane Abandonment Plan		5/19/2014
SP-38 Road Profiles		5/19/2014
SP-39 Construction Details		5/19/2014
SP-40 Construction Details		5/19/2014
SP-41 Construction Details		5/19/2014
SP-42 Construction Details		5/19/2014
SP-43 Construction Details		5/19/2014
Site Landscaping Plans	Stantec	
LP-1 Site Landscaping Plan		5/19/2014
LP-2 Site Landscaping Plan		5/19/2014
LP-3 Site Landscaping Plan		5/19/2014
LP-4 Site Landscaping Plan		5/19/2014
LP-5 Site Landscaping Plan		5/19/2014
Architectural Drawings	Stantec	
A010U Upper School & Gymnasium Coordination Plan – Level 0		5/19/2014
A011U Upper School & Gymnasium Coordination Plan – Level 1		5/19/2014
A012U Upper School & Gymnasium Coordination Plan – Level 2		5/19/2014
A011M Middle School & Black Box Theater – Level 1, Level 2		5/19/2014
A011L Lower School Coordination Plan – Level 1 & Level 2		5/19/2014
A010P Performing Arts Coordination Plan –		5/19/2014

Level 0, Level 1	
A610U Upper School & Gymnasium – Exterior Elevations	5/19/2014
A610M Middle School & Black Box Theater – Exterior Elevations	5/19/2014
A610L Lower School – Exterior Elevations	5/19/2014
A610P Performing Arts Center – Exterior Elevations	5/19/2014
A800 N-12 Campus – Gross Building Area Schedules	5/19/2014

Site Lighting Plans	Stantec
E002 Electrical Site Plan	5/19/2014
Site Lighting Calculation	5/19/2014
Site Lighting Fixtures	5/19/2014

PREPARER KEY
John Meyer Consulting – JMC
Zarin & Steinmetz – Z&S
AKRF – AFRF
Carlin Simpson Associates – CSA
Turner Construction – Turner
Stantec – Stantec; and

WHEREAS, the Site Plan sheets SP-1 through SP-43, dated 5/19/2014, the Architectural drawings, dated 5/19/2014, and the Site Electrical Plans, dated 5/19/2014 are referred to herein by individual site plan sheet numbers and as the "Site Plan Sheets;" and

WHEREAS, at its meeting of June 2, 2014, the Common Council received a communication from John Callahan, Corporation Counsel, dated May 28, 2014, advising the Common Council of the need for public hearings regarding both: (1) the discontinuance of a

portion of Hathaway Lane pursuant to White Plains City Charter Section 152; (2) amendment to the City's Official Map pursuant to NY General City Law Section 29; and (3) submitting a resolution scheduling the public hearings for July 7, 2014; and

WHEREAS, at its meeting of June 2, 2014, the Common Council further received a communication from Damon Amadio, Commissioner of Building, dated May 22, 2014, transmitting the FASNY May 2014 Application and advising the Common Council of four (4) public hearings required for the instant Application, those being:

1. Public hearing on the discontinuance of a portion of Hathaway Lane pursuant to Section 152 of the City Charter (as noted herein above this also requires a public hearing pursuant to Section 29 of the NYS General City Law);

2. Public hearing on Special Permit for "private elementary school" and "private secondary school" at 400 Ridgeway;

3. Public hearing on a Special Permit for accessory tennis court and basketball court "structures"; and

4. Public hearing required because the former Ridgeway Country Club is an environmentally sensitive site; and

WHEREAS, at its meeting of June 2, 2014, the FASNY May 2014 Application was referred to the Departments of Law, Building, Public Works, Public Safety, the Parking Department Traffic Division, the Design Review Board, Planning Board, Conservation Board, the Westchester County Planning Board, the Westchester County Department of Public Works, and the White Plains School District; and

WHEREAS, the referral to the Planning Board was made: (1) under Sections 6 and 7 of the Zoning Ordinance for the Common Council, as approving agency, to receive comments from the Planning Board on the FASNY May 2014 Application; and (2) under NYS General City Law Section 29 which requires, among other things, that the legislative body must receive a report from the Planning Board prior to taking action on any amendment to the City's Official Map; and

WHEREAS, at said June 2, 2014 meeting, the Common Council adopted a resolution scheduling Concurrent Public Hearings for July 7, 2014 in relation to: (1) the proposed discontinuance of a portion of Hathaway Lane between Ridgeway and Gedney Esplanade pursuant to Section 152 of the White Plains Charter; and (2) the amendment of the Official Map of the City of White Plains pursuant to Section 29 of the General City Law; and

WHEREAS, at said June 2, 2014 meeting, the Common Council further scheduled

concurrent public hearings for July 7, 2014 in relation to the FASNY May 2014 Application for: (1) a Special Permit/Site Plan for a "private elementary school" and "private secondary school," at 400 Ridgeway; (2) on a site containing environmentally sensitive features as defined in Municipal Code Chapter 3-5 and Section 2 of the Zoning Ordinance; and (3) a Special Permit/Site Plan for accessory tennis court and basketball court structures thereon; and

WHEREAS, the concurrent public hearings regarding:

1. The proposed discontinuance of a portion of Hathaway Lane between Ridgeway and Gedney Esplanade pursuant to Section 152 of the White Plains Charter;

2. Official Map amendment pursuant to Section 29 of the General City Law;

3. Special Permit/Site Plan for a "private elementary school" and "private secondary school," at 400 Ridgeway;

4. A site containing environmentally sensitive features as defined by Municipal Code Chapter 3-5 and Sections 2 of the Zoning Ordinance; and

5. Special Permit/Site Plan for the accessory tennis court and basketball court structures on the site (together the "Concurrent Public Hearings");

were opened on July 7, 2014, public comments and comments from the Applicant were heard,

and the hearings were adjourned to August 4, 2014; and

WHEREAS, at its meeting of August 4, 2014, the Concurrent Public Hearings were again opened, comments were made by the public and the Applicant, and the Concurrent Public Hearings were again adjourned to September 8, 2014; and

WHEREAS, at the September 8, 2014 duly noticed special meeting of the Common Council, held at the White Plains High School, the Concurrent Public Hearings were again opened, comments were made by the public and the Applicant, and the Concurrent Public Hearings were again adjourned to September 10, 2014; and

WHEREAS, the Common Council, at the duly noticed special meeting held on September 8, 2014, received a written communication from the Chair of the Planning Board, dated August 25, 2014, a letter from Michael Zarin, Esq., attorney for FASNY transmitting a "Technical Memorandum – Hathaway Lane" prepared by AKRF and JMC, dated September 8, 2014, and a communication from the Design Review Board, dated July 3, 2014; and

WHEREAS, at the September 10, 2014 meeting of the Common Council, the Concurrent Public Hearings were again opened at White Plains High School, comments were made by the Applicant and the public, and the Concurrent Public Hearings were again adjourned to September 29, 2014; and

WHEREAS, at the September 29, 2014 duly noticed special meeting of the Common Council, the Concurrent Public Hearings were again opened with comments and questions from the Common Council and responses from the Applicant, and the Concurrent Public Hearings were further adjourned to October 28, 2014; and

WHEREAS, the Common Council, at the meeting held on September 29, 2014, received communications from the Conservation Board, dated July 21, 2014, a joint report to the Common Council, dated September 17, 2014, prepared by the Law Department Management Associate and incorporating the comments of the Commissioners of Public Safety, Building, and Public Works and the Management Associate ("Joint September Communication"), a communication from the Deputy Commissioner of Parking for Transportation Engineering, dated September 24, 2014, a communication from the Transportation Commission, dated September 24, 2014, and a Technical Review from TRC, dated September 24, 2014; and

WHEREAS, the Joint September Communication, dated September 17, 2014, the communication of TRC, the communication from the Deputy Commissioner of Parking for Transportation Engineering, Inc., and the communications from the Transportation Commission and the Conservation Board all found the FASNY May 2014 Application to be inconsistent with the 2013 FASNY Environmental Findings Statement; and

WHEREAS, on October 21, 2014, the Applicant filed with the City Clerk revisions to its

May 2014 "Special Permit & Site Plan Approval Application Package" with transmittal letter from Michael Zarin, Esq., dated October 20, 2014 ("Revised FASNY 2014 Application Material") consisting of the following documents:

Description	Preparer	Dated	Last Revised
1) Cover Letter	Z&S	10/20/2014	
2) Transportation Management Plan	AKRF	5/21/2014	10/20/2014
3) Conservancy Area Master Plan	AKRF	5/21/2014	10/20/2014
4) Construction Management Plan	Turner	5/21/2014	10/20/2014
5) Petition for Discontinuance of Street	Z&S	5/5/2014	10/20/2014
6) Draft Declaration of Covenants, Restrictions and Easements for the Conservancy	Zarin & Steinmetz	5/7/2014	10/20/2014
Site Plan Drawings	JMC		
SP-14 Site Layout Plan (Area 1)		5/19/2014	10/17/2014
SP-15 Site Layout Plan (Area 2)		5/19/2014	10/17/2014
SP-16 Site Layout Plan (Area 3)		5/19/2014	10/17/2014
SP-17 Site Layout Plan (Area 4)		5/19/2014	10/17/2014
SP-18 Site Layout Plan (Area 5)		5/19/2014	10/17/2014
Site Landscaping Plans	Stantec		
L101 Landscape Plan, Trees and Shrubs – Area 1		5/19/2014	10/20/2014
L102 Landscape Plan, Trees and Shrubs – Area 2		5/19/2014	10/20/2014
L103 Landscape Plan, Trees and Shrubs – Area 3		5/19/2014	10/20/2014
L104 Landscape Plan, Trees and Shrubs – Area 4		5/19/2014	10/20/2014
L105 Landscape Plan, Trees and Shrubs – Area 5		5/19/2014	10/20/2014

; and

WHEREAS, Site Plan Sheets SP-14 through SP-18, with revision dates of 10/17/2014, are referred to herein as "Revised Site Plan" or "Revised Site Plan Sheets" and Site Landscaping Plans L101 through L105, dated 10/20/2014 are referred to herein as "Revised Site Landscaping

Plan" or "Revised Landscaping Plan Sheets; and

WHEREAS, on October 27, 2014, FASNY submitted to the City a video simulation and a letter from the Army Corp of Engineers, such submission consisting of the following documents: (1) a cover letter from Michael Zarin, Esq., attorney for FASNY; (2) an electronic video simulation of the proposed FASNY Project, prepared by Stantec and dated October 27, 2014, which was posted on the City's website; and (3) a letter from the Army Corp of Engineers, undated; and

WHEREAS, at its duly noticed special meeting of October 28, 2014, the Common Council referred out the Revised FASNY 2014 Application Material to the same departments, boards, commissions and outside agencies as received the FASNY May 2014 Application; and

WHEREAS, further at its duly noticed special meeting of October 28, 2014, the Common Council opened the Concurrent Public Hearings, received comments, and adjourned the Concurrent Public Hearings to November 24, 2014; and

WHEREAS, on October 31, 2014, FASNY submitted additional copies of the AKRF "Technical Memorandum – Hathaway Lane" prepared by AKRF and JMC, dated September 8, 2014, as required by the Zoning Ordinance, and additional comments regarding the October 20, 2014 Revised FASNY 2014 Application; and

WHEREAS, at its duly noticed special meeting of November 24, 2014, the Common

Council received communications from the City Clerk transmitting two reports from the Law Department Management Associate, dated November 18 and 19, 2014, entitled respectively "Communication to the Common Council Regarding: The French-American School of New York A Revised Special Permit/Site Plan Application," including Parts A through F addressing: (A) Discontinuance of a Portion of Hathway Lane; (B) Consistency of Revised Petition with Environmental Findings; (C) Parking Space Determination; (D) Revised Transportation Management Plan Analysis; (E) Revised Conservancy Area Master Plan; and (F) Revised Construction Management Plan; and "Communication To The Common Council Regarding: The French American School of New York Revised Special Permit/Site Plan Application Section 6.5 and 7.5 Zoning Ordinance Analysis"; a communication from the City Clerk transmitting a report entitled "Technical Review" from TRC, dated November 19, 2014; a communication from the Deputy Commissioner of Parking for Transportation Engineering, dated November 19, 2014; a communication from the Commissioner of Public Safety, dated November 6, 2014, and a communication from the Commissioner of Public Works, dated December 1, 2014; and

WHEREAS, the adjourned Concurrent Public Hearings scheduled for the duly noticed special meeting of November 24, 2014, were opened and further adjourned to December 3, 2014; and

WHEREAS, at a duly noticed special meeting on December 3, 2014, the adjourned Concurrent Public Hearings were opened, comments and questions for the Applicant were received from the Common Council and responses provided by the Applicant, and the

Concurrent Public Hearings were closed with written comments to be accepted through 5:00 PM on December 18, 2014; and

WHEREAS, at its duly noticed special meeting of December 3, 2014, the Common Council received a communication from the Commissioner of Public Safety, dated December 3, 2014, responding to a communication from Denise and Joseph DeMarzo transmitting, among other things, a "Gedney Farm Fire Department Response Analysis" prepared by FIREPRO, Incorporated, dated December 1, 2014; and

WHEREAS, among the revisions included in the Revised FASNY 2014 Application Material were modifications to the Hathaway Lane discontinuance from Ridgeway to Gedney Esplanade, proposing, in the alternative, the discontinuance of a portion of Hathaway Lane from Ridgeway to a line on Hathaway Lane 50 feet south of the southern property line of the property at 57 Hathaway Lane, as shown on Exhibit A(1) of the revised discontinuance petition ("Revised Discontinuance Petition"); and

WHEREAS, further among the revisions included in the Revised FASNY 2014 Application Material were revisions made by FASNY in response to comments and questions from the Planning Board in its communication, dated August 25, 2014, with respect to the discontinuance of the portion of Hathaway Lane, including the following revisions:

1. FASNY revised the Hathaway Lane discontinuance to 50 feet south of the southern property

line of 57 Hathaway Lane thereby maintaining the northerly portion of Hathaway Lane with a modified cul-de-sac (such as a hammer head) as a public street along the frontage of this property;

2. FASNY proposed to maintain access between Ridgeway and Gedney Esplanade along an emergency access driveway, running from Ridgeway in a northerly direction along or on the easterly side of the discontinued Hathway Lane right-of-way and connecting with the remaining public portion of Hathaway Lane south of Gedney Esplanade and approximately across from the residence at 57 Hathaway Lane, as shown on Exhibit A(3) of this FASNY Special Permit/Site Plan Approval Resolution herein ("Emergency Access Driveway"), which would be open for emergency vehicles at all times and open to two-way public through traffic during all non-school days, including holidays, weekends and summer vacations; and

3. FASNY agreed to install signage and physical barriers, in consultation with and as approved by the Transportation Management Review Commissioners to restrict use of the roadway to only emergency vehicle use during school days, while preserving easy access to and through the site for emergency vehicles and maintaining comparable response times as determined by the Commissioner of Public Safety; and

WHEREAS, the Common Council, after review of Applicant's petition, and based on the environmental record and the adopted Environmental Findings Statement, adopted an ordinance

discontinuing the portion of Hathaway Lane from Ridgeway to a line 50 feet south of the southerly property boundary of 57 Hathaway Lane ("Adopted Discontinuance Ordinance"), shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and this FASNY Special Permit/Site Plan Approval Resolution herein (also referred to herein as "Approval Resolution"), which discontinuance was made subject to all of the terms, conditions and requirements set forth therein and the applicable terms, conditions and requirements (together referred to herein as "Conditions") incorporated in this FASNY Special Permit/Site Plan Approval Resolution herein, including, but not limited to, Conditions related to the following:

1. Providing for emergency vehicle access to and through the FASNY Project site at all times, including during all phases of construction;

2. Providing for two-way public through traffic from Ridgeway to Gedney Esplanade via the improved Emergency Access Driveway and the public portion of Hathaway Lane south of Gedney Esplanade after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations;

3. Requirement for a Hathaway Lane reconstruction bond for the cost of reconstruction of the portion of Hathaway Lane to be discontinued under the Adopted Discontinuance Ordinance ("Hathaway Lane Reconstruction Bond") to be drawn upon by the Commissioner of Public Works for the reconstruction of the discontinued portion of Hathaway Lane as a public street, if such discontinued portion of Hathaway Lane has not been replaced, within four (4) years

of the adoption of this FASNY Special Permit/Site Plan Approval Resolution, with an emergency access driveway designed and constructed to the satisfaction of the Commissioners of Public Works, Public Safety and the Deputy Commissioner of Parking for Transportation Engineering, to provide permanent emergency access to and through the FASNY Project site and public through traffic from the public portions of Hathaway Lane and Ridgeway during the time periods specified in the Adopted Discontinuance Ordinance, regardless of other emergency access to and through the property being available, or if construction on the FASNY Project site shall cease for a period of six (6) months, or if, in the absence of the emergency access driveway, emergency vehicle access and travel time to and through the FASNY Project site is determined by the Commissioner of Public Safety, by written notice to the Corporation Counsel, to adversely delay emergency response times; and

4. Requirement for an agreement between FASNY and the City of White Plains, in a form acceptable to the Corporation Counsel, regarding the amount and terms of the Hathaway Reconstruction Bond, which agreement shall incorporate the applicable Conditions of the Adopted Discontinuance Ordinance and shall also contain a provision for Hathaway Lane to revert to the City of White Plains for public use in the event the Hathaway Lane Reconstruction Bond is drawn upon; and

WHEREAS, by communication dated May 19, 2015, the Commissioner of Public Works notified the Common Council that the SWPPP had been approved; and

WHEREAS, the FASNY May 2014 Application Package revised by the Revised FASNY 2014 Application Material constitutes the "REVISED FASNY APPLICATION" and, as modified by the Conditions in Part II: Conditions of this Approval Resolution herein and consistent with the Environmental Findings Statement, the Adopted Discontinuance Ordinance and the Stormwater Pollution Prevention Plan approved by the Commissioner of Public Works effective May 15, 2015 ("Approved SWPPP") (together the "Approved Documents") constitutes the "FINAL FASNY PROJECT"; and

WHEREAS, the Common Council has reviewed and considered the REVISED FASNY APPLICATION against the following:

1. environmental record, including the 2013 FASNY Environmental Findings Statement; and

2. the public record, including both written and oral comments from the Applicant and the public, as well as from the various City departments, officers, agencies, commissions and boards, TRC, Outside Counsel, the White Plains Board of Education, and the Westchester County Planning Board;

3. the Adopted Discontinuance Ordinance;

4. the SWPPP approval communication dated May 19, 2015, from the Commissioner of Public Works;

5. the 1997 Comprehensive Plan, as amended through July 11, 2006;
6. the special permit and site plan standards and other applicable standards and regulations set forth in the Zoning Ordinance, including, but not limited to, Sections 2, 4.1.2, 4.4.1, 4.4.19, 4.4.20, 4.4.25, 5.1, 5.2, 5.3, 6.1, 6.2 and 6.2.3, 6.3, 6.5, 7.5, 7.6, 8.3, 8.5.2, 8.7.3, and 8.7.5 thereof; and
7. A communication from the White Plains Assessor to FASNY, dated March 23, 2015 regarding the merger of the FASNY Parcel D tax lot with the North Street Property.

NOW, THEREFORE, BE IT RESOLVED, that, the REVISED FASNY APPLICATION is for a single, integrated project, divided into two phases, Phase I and Phase II, and each phase has two components: Construction and School Use. "Phase I School Use," "Phase I Construction," "Phase II School Use," and "Phase II Construction" as used in this FASNY Special Permit/Site Plan Approval Resolution and consistent with the Approved Documents, are each defined herein below.

"Phase I School Use" is defined here, in this FASNY Special Permit/Site Plan Approval Resolution, as the use of the FASNY Middle and Upper Schools (grades 6 through 12) with a maximum permitted student enrollment in the first year of school use capped at 500 grade 6 through 12 students with up to 138 faculty/staff, increasing by up to 50 grade 6 through 12 students in each of Years 2 and 3 of school use, and by up to 25 grade 6 through 12 students in Year 4, for a total of up to 625 students in Year 4 and for the balance of Phase I, subject to

transportation (e.g. buses, cars, and car-pooling) for such student enrollment including faculty/staff, along with other vehicles coming to and departing the FASNY Project site not exceeding 530 combined vehicle trips in any AM or PM peak hour period, consistent with the Conditions of the FINAL FASNY PROJECT in this Approval Resolution herein.

"Phase I Construction" is defined here to include the construction and completion within four (4) years of the approval of this FASNY Special Permit/Site Plan Approval Resolution of all of the following:

1. All off-site improvements, unless otherwise specified in this Approval Resolution herein, as evidenced by the issuance of necessary certifications and approvals of the completion and use thereof;

2. The North Street Access roadway from North Street to the connecting roadways in the Campus Area and completion of all internal roadways and pathways necessary for access to and the use of the Middle and Upper Schools, including all approved landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for said landscaping;

3. The parking for the northerly Upper Parking Area, including the area for the 45 overflow parking spaces, and all approved landscaping as evidenced by the issuance of necessary

certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for said landscaping;

4. The Central Parking Area as modified by the Parking Waiver, including all approved landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for said landscaping;

5. The 9 parking spaces off Ridgeway and the 9 parking spaces on the former North Street Property, including all approved landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor and execution of any and all installation and maintenance agreements for said landscaping;

6. All Phase I work described in the revised Conservancy Area Master Plan, dated October 20, 2014 ("Revised Conservancy Area Master Plan") as modified by the Conditions in the in this Approval Resolution herein and consistent with the Approved Document ("Final Conservancy Area Master Plan"), and as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for all landscaping, including meadows;

7. Discontinuance of the portion of Hathaway Lane from Ridgeway running northerly to a line 50 feet south of the southern property line of 57 Hathaway Lane and conveyance of such

right-of-way to FASNY, including installation and maintenance of all approved lighting and landscaping, as evidenced by the issuance of necessary approvals and execution of all necessary agreements therefor, and execution of any and all installation and maintenance agreements for said landscaping and lighting;

8. The Emergency Access Driveway running from Ridgeway in a northerly direction along or on the easterly side of the Hathaway Lane right-of-way and connecting with the remaining public portion of Hathaway Lane south of Gedney Esplanade and approximately across from the residence at 57 Hathaway Lane, as shown on Exhibit A(3) of this Approval Resolution herein for emergency vehicle access to and through the Project site at all times, and two-way access by the public through the Campus on non-school days, as defined and described in this Approval Resolution herein, including all approved lighting and landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor and execution of any and all installation and maintenance agreements for said landscaping and lighting;

9. All other landscaping required under the Revised Site Landscaping Plan, as modified by the Conditions in this Approval Resolution herein and consistent with the Approved Documents ("Final Site Landscaping Plan") for Phase I, including, but not limited to, the landscaping in the buffer areas around or adjacent to abutting residential properties as evidenced by the issuance of necessary certifications of completion or use therefor and execution of any and all installation and agreements for maintenance of all said landscaping;

10. All FASNY Project site components necessary for the Phase I School Use of the FASNY Project, completion being as evidenced by the issuance by the Building Department of a temporary certificate of occupancy ("TCO") or permanent certificate of occupancy ("CO") for all buildings and structures to be occupied during Phase I School Use and certifications of completion, use and/or occupancy for each such FASNY Project site component necessary to such Phase I School Use, such certificate(s) of completion use or occupancy (temporary or permanent) to specify the terms of the Phase I School Use set forth in the definition herein above, and further including that such Phase I School Use is subject to transportation for such student enrollment, faculty/staff, and visitors, along with other vehicles coming to the Project, site not exceeding 530 combined vehicle trips in any AM or PM peak hour period. These components of Phase I Construction are described in the revised Transportation Management Plan dated October 20, 2014 ("Revised Transportation Management Plan") as modified by the Conditions in this Approval Resolution herein and consistent with the Approved Documents ("Final Transportation Management Plan"), and in the Revised Construction Management Plan, dated October 20, 2014 (the "Revised Construction Management Plan"), as modified by the Conditions in this Approval Resolution herein and consistent with the Approved Documents ("Final Construction Management Plan").

"Phase II School Use" is defined here as the use of the FASNY School for grades "nursery school" through grade 12. During Phase I School Use of the FASNY School, total

student enrollment shall be confirmed by the trip generation sensitivity analysis and review defined and described as the "Phase II Assessment" in this Approval Resolution herein below, to ensure that transportation for such student enrollment, faculty/staff, and visitors, along with other vehicles coming to the Project site will not exceed 530 combined vehicle trips in any AM or PM peak hour period. Total Phase II School Use student enrollment to be confirmed through the Phase II Assessment may not exceed 950 students, and N/P/K enrollment may not exceed 21% of total enrollment, with staffing not to exceed 223 faculty/staff full time equivalent. Phase II School Use is detailed in the applicable Conditions of this Approval Resolution herein and consistent with the Approved Documents, which Conditions must be incorporated in the Final Transportation Management Plan as a part of the FINAL FASNY PROJECT Conditions.

Phase II School Use further includes procedures as may be required by the FINAL FASNY PROJECT Conditions contained in this Approval Resolution herein and consistent with the Approved Documents and set forth in the Final Transportation Management Plan, which procedures may involve, but are not limited to, modifications to signal timing, signage, roadway improvements, and/or reduction in the student enrollment, as is necessary to maintain no more than 530 combined vehicle trips to and from the FASNY Project during AM and PM peak hour.

"Phase II Construction" is defined herein as completion of construction of the Phase II Construction components, with Phase II Construction not commencing until all of the requirements set forth for Phase I Construction and Phase I School Use are satisfied and the "Phase II Assessment" is completed. The "Phase II Assessment" is defined here as the procedure

for reviewing Phase I vehicular traffic to and from the FASNY Project site, to confirm that the student enrollment cap established for Phase II School Uses shall not exceed 530 combined vehicle trips in any AM or PM peak hour period. The Phase II Assessment procedure encompasses the following:

During Phase I School Use:

1. FASNY collects semi-annually Phase I School Use trip generation data;

2. FASNY conducts a trip generation sensitivity analysis based on at least two (2) consecutive years of semi-annual trip generation Phase I School Use data, with, no data being more than three (3) years old, and with a minimum enrollment of 475 Middle and Upper School students in each of the two (2) consecutive years covered by the sensitivity analysis;

3. The Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering review and evaluate the traffic sensitivity analysis, based on the above described two (2) consecutive years of Phase I School Use data prepared pursuant to the methodology specified in the applicable Conditions of this Approval Resolution and consistent with the Approved Documents, which Conditions are included in the Final Transportation Management Plan;

4. In consultation with FASNY, the Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering review the Phase I School Use data and FASNY trip generation sensitivity analysis conducted using the methodology described

in the applicable Conditions of this Approval Resolution herein including, but not limited to B.1.b(20), consistent with the Approved Documents, and incorporated in the Final Transportation Management Plan to confirm by how much FASNY enrollment can be expanded for Phase II School Use for grades N/P/K through 12 with no more than 21% of the total enrollment being N/P/K students, no more than 530 combined vehicle trips in any AM and PM peak hour, and up to a maximum enrollment of 950 students and 223 faculty/staff full time equivalent; and

5. The Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering submit written notice to the Corporation Counsel and City Clerk certifying: (1) that they have completed the Phase II Assessment; and (2) the maximum student enrollment number for Phase II School Use with no more than 530 vehicle trips in any AM or PM peak hour period, up to a maximum of 950 students, derived from the Phase II Assessment. The methodology for the trip generation sensitivity analysis is set forth in the Conditions in this Approval Resolution herein, consistent with the Approved Documents, and is required in said Conditions to be fully described in the Final Transportation Management Plan.

Phase II Construction may commence no earlier than the issuance of the certification by the Commissioner of Public Safety and Deputy Commissioner of Parking for Transportation Engineering required by the Phase II Assessment, as defined, and must be completed within four

(4) years of the issuance of any Building or Site Disturbance Permits issued in accordance with the Phase II Assessment and the Approved Documents. The Phase II Construction components, as defined herein below, which require completion of construction within said four (4) year period are:

1. The Lower School and all necessary parking and other Project site improvements as shown on the Revised Site Plans SP-14 through SP-18, as such Plans are modified by the Conditions of this Approval Resolution herein and consistent with the Approved Documents; and

2. All landscaping related to Phase II and to any Phase II disturbance areas, including, but not limited to, (1) within and around the southerly side of the Lower School Parking Area and; and (2) the area in the Central Lot described in the Conditions and approvals in this Approval Resolution herein as being subject to a waiver of parking improvements pursuant to Section 8.7.3 "Partial Waiver of Improvements" of the Zoning Ordinance, and any and all installation and maintenance agreements are executed, and be it further

RESOLVED, that the definitions of Phase I School Use, Phase I Construction, Phase II School Use and Phase II Construction, and Phase II Assessment, and the methodology for the trip generation sensitivity analysis as set forth in the applicable Conditions in this Approval Resolution herein including, but not limited to B.1.b(20), are consistent with the Approved Documents, and must be set forth and in the Final Transportation Management Plan; and be it further

Part II: Conditions

RESOLVED, that the Common Council hereby finds it necessary and appropriate to the implementation and enforcement of the City's environmental and land use standards and regulations with respect to the FASNY Project, that the REVISED FASNY APPLICATION be modified by the Conditions in Part II: Conditions, Sections A. through H. of this Approval Resolution herein and consistent with the Approved Documents, and the Common Council hereby adopts the Conditions set forth in Part II: Conditions, Section A. through H. herein below. Such Conditions modify, as applicable, each of the following components of the REVISED FASNY APPLICATION: (1) Revised Transportation Management Plan; (2) Revised Site Landscaping Plan; (3) Revised Conservancy Area Master Plan; (4) Revised Construction Management Plan; (5) revised Declaration of Covenants, Restrictions and Easement for the Conservancy ("Revised Declaration"); and (6) Revised Site Plan and Revised Site Plan Sheets, as designated; which Plans, together, when modified by all said applicable Conditions are defined herein above and referred to herein as the FINAL FASNY PROJECT incorporating the Final Transportation Management Plan, Final Site Landscaping Plan, Final Conservancy Area Master Plan, Final Construction Management Plan, Final Declaration of Covenants, Restrictions, and Easement for the Conservancy ("Final Declaration"), Final Site Plans and Final Site Plan Sheets; and be it further

RESOLVED, that the Conditions modifying the REVISED FASNY APPLICATION to constitute the FINAL FASNY PROJECT are presented in Part II: Conditions, Section A. through H, herein below according to the following topic areas and in the following order:

A. Traffic and Transportation Improvements Conditions – A.1 through A.19;

B. Transportation Management Plan Conditions– B.1 and B.2;

C. Site Landscaping and Site Landscaping Plan Conditions– C.1 through C.19;

D. Mobile and Stationary Air Quality Impact Conditions – D.1 through D. 4;

E. Construction Management Plan Conditions– E.1-1 through E.35;

F. Additional Public Works and Building Department Conditions– F.1 through F.9;

G. Conservancy and Conservancy Area Master Plan Conditions G.1 through G.15; and

H. Additional Site Plan Sheet Revisions Conditions H.1 through H.6; and be it further

Part II: Conditions:

A. Traffic and Transportation Improvements Conditions

RESOLVED that, the Conditions in this Section A are hereby incorporated into and made a part of the Final Transportation Management Plan and the Final Site Plan and Final Site Plan Sheets, as applicable, and a part of the FINAL FASNY PROJECT. Some of the Conditions in this Section A. contain elements already in the Revised Transportation Management Plan, Revised Site Plan, or Revised Site Plan Sheets, which are identified as (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1. The Section A: Traffic and Transportation Improvements Conditions include, among others:

   a. A busing ratio of a minimum of 50% for grades 1st through 12th , as necessary to maintain

a vehicle trip generation of no more than 530 trips in any AM or PM peak hour while seeking to achieve an even higher rate for such grades 1st through 12th (Currently Incorporated);

b. A percentage student distribution for bus ridership for grades 1 through 12, having an average of 10 students per bus Currently Incorporated);

c. A car-pool rate that maximizes car-pooling for grades 1st through 12th, and N/P/K students (Currently Incorporated);

d. Phase II School Use with stated percentage student population distribution of no more than 21% for Grades N/P/K (Currently Incorporated).

e. For Phase II School Use, the student enrollment confirmed based on the Phase II Assessment defined herein above, up to a maximum of 950 N/P/K through 12th grade students, plus associated faculty and staff up to 223 full time equivalent persons, while maintaining vehicle trips in the AM and PM peak hour not exceeding 530 trips; and

f. Regulation of faculty and staff arrival and departure times in both AM and PM hours, as necessary to maintain vehicle trips in the AM and PM peak hour not exceeding 530 trips.

2. Since providing access to the FASNY Project site from North Street under the North Street Access alternative is based upon the alignment of the current White Plains High School signalized driveway intersection with the new FASNY North Street Access driveway, FASNY acknowledges in the Revised Transportation Management Plan that it must obtain approval from the Westchester County Department of Public Works and, as necessary, from the NYS Department of Transportation ("NYSDOT"), and any other State or local officials or agencies from whom approval is required, for the creation of the new North Street Access intersection including construction of the new curb cut and access roadway onto the FASNY site, with all costs to be paid by FASNY (Currently Incorporated).

3. This Condition modifies the Revised Transportation Management Plan to provide for the approval of final construction drawings and specifications by the City of White Plains Department of Public Works and Public Safety, the Westchester County Department of Public Works and NYSDOT, according to their respective jurisdictions, for any and all FASNY Project related on and off-site traffic improvements, including, but not limited to, the North Street Access curb cut, access roadway, traffic improvements and signals, signal time adjustments, interim traffic management, security and safety, directing repair of any damage to the public street and utilities requiring such approvals, and proper site distance visibility at all on and off-site intersections. The traffic improvements listed herein below also require incorporation in the Final Transportation Management Plan. The required on and off-site traffic improvements which must be listed in the Final Traffic Management Plan include, but are not limited to:

a. Installation of a new adaptive signal at the new intersection of White Plains High School access to North Street and FASNY access to North Street, referred to in Environmental Finding J-28(a) (Currently Incorporated);

b. Installation on the FASNY access roadway near its intersection with North Street of trip detector(s) and camera(s) connected to the City's traffic control system to provide an up-to-date count of vehicles entering and exiting the site at all times (Currently Incorporated) *See* Condition B.1.d(8) for details);

c. All signals tied to the City's traffic control system (Currently Incorporated with final field locating of detectors and cameras to be subject to Transportation Management Review Commissioners' acceptance);

d. Full construction at the intersection of Bryant Avenue and North Street of a 100 foot long east bound left turn lane (Currently Incorporated) with approval of technical specifications and construction drawings by the Commissioner of Public Works, prior to issuance of any Department of Public Works permits;

e. Increase of the queue length for the north bound left turn lane at the North Street Access intersection to avoid vehicle backup on North Street of vehicles turning into the FASNY Project site, and modifications to Revised Plan Sheet SP-16 to so reflect, such additional queue length to be determined by the Deputy Commissioner of Parking for

Transportation Engineering based on the traffic operating conditions;

f. Review of the adequacy of the south bound left turn queue lengths into White Plains High School during operation of the Phase I School Use, with any recommendations for modification of such queue lengths to be made by the Deputy Commissioner of Parking for Transportation Engineering to the Common Council, as approving agency for the FASNY Project;

g. Pedestrian crosswalk improvements with the prohibition of right on red across the crosswalks (Currently Incorporated);

h. Signal phasing adjustments, as deemed necessary by the Deputy Commissioner of Parking for Transportation Engineering to maintain optimal coordination in the City's traffic control system which is operated and maintained by the Department of Parking, during all phases of the FASNY Project construction and use;

i. Installation of adaptive signals at the intersections of North Street and Bryant Avenue and North Street and Ridgeway (Currently Incorporated); and

j. As per the November 19, 2014 communication from the Deputy Commissioner of Parking for Transportation Engineering, the determination on the need for the installation of adaptive signals at the intersections of Mamaroneck Avenue with Ridgeway, Gedney

Esplanade, and Gedney Way shall be based on an evaluation by the Parking Department Traffic Division of traffic conditions on Mamaroneck Avenue following the first six months of Phase I School Use, or such later date as may be approved by the Deputy Commissioner of Parking for Transportation Engineering, being the person responsible for the management of the City's traffic control system.

4. This Condition modifies the Revised Site Plan to require that, before issuance of any construction permits for any of the internal roadways, the following technical modifications must be made to the Revised Site Plans, which must be incorporated as modifications to the appropriate Revised Site Plan Sheets:

    a. On the Campus, a yield sign is required for the connection between the westernmost parking lot and the westernmost circle;

    b. All yield sign locations on Campus must have yield stop line markings (triangles);

    c. The "Buses Only" signs must have an arrow at 45 degrees pointing to the right;

    d. The speed hump shown on the Revised Site Plan Sheet SP-15 is not permitted, as per the Commissioner of Public Safety. Any alternative traffic calming measure approved by the Commissioner of Public Safety must have signs both at the traffic calming measure and in advance for both directions. The approaches must also use the advance markings from the Manual of Uniform Traffic Control Devices ("MUTCD");

e. At the entrance to the Lower School drop off/pick up lane, either the roadway must be made wider or a short left turn pocket must be provided;

f. The marked crosswalks across the two legs of the Lower School drop off/pick up lanes must be signed with the crossing signs "E";

g. The raised crosswalk must have advance signing and marking and drainage systems provided as necessary;

h. There must be no curb stops in any areas. Curbs with low level landscaping or grass strips must be used to protect sidewalks;

i. The gravel parking areas on Expanded Parcel D in the Conservancy Area must have stop signs for the exit approach;

j. The exit gate near the North Street exit must be located before the crosswalk;

k. The drop off/pick up roadway for the High School must have an offset double yellow line;

l. For the northern end of the Emergency Access Driveway, the double yellow line must be extended to the remaining piece of Hathaway Lane and a dotted double yellow line must be provided to guide traffic into and out of that roadway;

m. The entrance points for the pedestrian/bicycle paths must be signed indicating the need for bicyclists to share the path and properly yield to pedestrians that are present;

n. All sidewalk crossing layouts shown on the Revised Site Plan and Revised Site Plan Sheets, whether on or off-site, must undergo final review of technical specifications and construction drawings by the Transportation Management Review Commissioners to ensure consistency with White Plains roadway construction standards. This includes the sidewalk crossings of (1) internal roadways, (2) within and between parking areas, and (3) across public streets, such as between Parcel A and the current D, Parcel A and B, Parcel B and C, and Parcels B or C and the current Parcel D; and

o. The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved parking spaces must be modified on the applicable Revised Site Plan Sheets to conform to modifications in the parking layout on the Revised Site Plan Sheets SP-14 through SP-16, and to comply with all Federal, NY State and local regulations and be subject to the approval of the Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering, according to their respective jurisdictions.

5. Consistent with Environmental Finding J-28, the access roadway from North Street to the Campus, runs to the north of both the NYS DEC wetland and buffer area and the City designated wetland and water course designated in this Approval Resolution herein as a "protective buffer area," under Zoning Ordinance Section 4.4.25.5.2.2 which "protective buffer area" must be so labeled on all applicable Final Site Plan Sheets, (buffer area Currently Incorporated but not appropriately labeled).

6. Implementation of a Campus traffic circulation and parking plan is based upon the size and traffic characteristics of the Phase I School Use and Phase II School Use, with the location of parking on the northerly side of Parcel A having been moved further from the residence at 57 Hathaway Lane as is shown on Revised Site Plan Sheet SP-14. This Condition modifies the Revised Traffic Management Plan to provide that after approval of the FINAL FASNY PROJECT in this Approval Resolution herein, maps of emergency vehicle access and site circulation reflecting the approved Final Site Plan Sheets must be reviewed by the Commissioner of Public Safety for consistency of the maps with said approved Final Site Plan Sheets, and when accepted as reflecting the approved Final Site Plan Sheets, such emergency access and emergency site circulation maps must be distributed to appropriate FASNY and Public Safety personnel.

7. No Building Permit or site disturbance permit shall be issued for Phase II Construction of the Phase II School Use until the Phase II Assessment.

8. Consistent with Environmental Finding J-20, any changes to signal timing at the Hutchinson River Parkway ramps at North Street must be approved by the NYSDOT, and any conditions of the NYSDOT, or the County of Westchester Department of Public Works with regard to North Street are herewith required by this FASNY Special Permit/Site Plan Approval Resolution, to be incorporated by reference in this Approval Resolution herein and in the Final Transportation Management Plan.

9. Consistent with Environmental Finding J-22, the REVISED FASNY APPLICATION, and Condition A.3.d, the North Street/Bryant Avenue intersection requires the construction on eastbound Bryant Avenue of a 100 foot left-turn lane. This Condition modifies the Revised Transportation Management Plan to provide that as part of this roadway improvement project, all related traffic signals must be tied to the City's traffic control system and all cost of the construction of the 100 foot left turn lane improvement and traffic signal improvements shall be paid by FASNY.

10. Revised Plan Sheets SP-14 and SP-15, and Exhibit A(3) hereof show an alignment of the Emergency Access Driveway from Ridgeway through the FASNY Project site which intersects with the northeast side of the public portion of Hathaway Lane approximately across from 57 Hathaway Lane. The Emergency Access Driveway and its intersection with Hathaway Lane approximately across from 57 Hathaway Lane has been reviewed by the Commissioners of Public Works and Public Safety and determined to afford proper turning radii and roadway widths for movements of all City Department of Public Works ("DPW") and Public Safety vehicles and full access for emergency vehicles on days when the FASNY School is in session and on all other days when full public access is permitted two-way through the FASNY Project site. Furthermore, the alignment and turning movements for vehicles entering the northerly portion of Hathaway Lane from the Emergency Access Driveway have been designed to minimize headlight impacts on the residence at 57 Hathaway Lane, consistent with the safety, functionality and visibility requirements for drivers of both passenger vehicles and emergency vehicles. However, Site Plan Sheet SP-36

"Fire Access/Garbage Truck Plan," dated May 19, 2014, and Site Plan Sheet SP-37 "Hathaway Lane Abandonment Plan," dated May 5, 2014, must be revised to conform to the revised Hathaway Lane discontinuance shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and attached hereto and made a part of this FASNY Special Permit/Site Plan Approval Resolution. No permits, other than demolition permits for existing buildings and structures, shall be issued for the FASNY Project until: (1) FASNY has provided to the Commissioners of Building, Public Works and Public Safety updated Site Plan Sheets SP-36 and SP-37; and (2) said Commissioners have accepted said modified Site Plan Sheets as correct with respect to alignment and turning movements for municipal and all emergency vehicles, and have confirmed same in writing to the Corporation Counsel.

11. Revised Site Plan Sheets SP-14 and SP-15, and any other Site Plan Sheets showing the Emergency Access Driveway, must be further modified to consistently show the final location for the gates across the Emergency Access Roadway. The final location, type, and installation specifications of the gates must also be described in modifications to Section 4.6 of the Revised Transportation Management Plan in a manner consistent with this Approval Resolution.

12. Revised Site Plan Sheets SP-14 and SP-15 must be modified, to show:

    a. the exact location and landscaping of the parking waiver spaces in the Central Parking Lot for which the Common Council agrees in this Approval Resolution herein, subject to this Condition and other applicable Conditions and consistent with the Approved

Documents, to waive construction, pursuant to the provisions of Section 8.7.3 of the Zoning Ordinance as follows:

(1) Waiver of construction of 55 parking spaces in the northern portion of the Central Parking Area for Phase I School Use until student enrollment for Phase I School Use reaches 500 student;

(2) Construction of 30 of the 55 parking spaces once the student enrollment for Phase I School Use reaches 500 students;

(3) Construction of the remaining 25 spaces before issuance of any temporary or permanent certificate of occupancy for Phase II School Use (defined herein below);

(4) Such waiver being subject to a written guarantee, satisfactory to the Corporation Counsel, insuring the improvement of such spaces within six (6) months of the date of written notice to the property owner by the Common Council stating that all or a portion of such spaces have been determined to be necessary and should be improved; and

(5) Such waiver being subject to all of the applicable Conditions contained in this Approval Resolution herein and consistent with the Approved Documents (together the "Parking Waiver"); and

b. show the landscaping adjacent to the northerly parking area on Parcel A proposed for 45 unimproved overflow parking spaces shall take place. This Condition further modifies the Revised Transportation Management Plan to require that, consistent with the information provided to the Common Council, FASNY identify when and by whom the 45 unimproved spaces will be used, and by whom the Parking Waiver spaces in the Central Parking Lot will be used when constructed. Modifications to the Revised SP-14 and SP-15 Site Plans Sheets must also reflect any changes required by the Approved SWPPP.

13. This Condition modifies Revised Site Plan Sheets SP-14 and SP-15 to indicate:

a. The location for depositing snow for the public street portion of Hathaway Lane from Gedney Esplanade to 50 feet south of the southern property line of the 57 Hathaway Lane property; and

b. A detail of the Emergency Access Driveway from Ridgeway to the connection to the public portion of Hathaway Lane, which shows that this roadway, as shown on Exhibit A(3) hereof, is a minimum width of 24 feet with a marked emergency vehicle lane for the full distance (These modifications do not require incorporation in Final Transportation Management Plan).

14. All Phase I Construction of the internal roadway improvements required for Phase I School Use must be completed prior to the issuance of any temporary or permanent Certificate of

Occupancy for the Phase I School Use of the Middle School and High School, except for the Parking Waiver spaces.

15. The Emergency Access Driveway alignment and all roadways within the FASNY School Site must fully comply with Section 503 of the New York State Fire Code (Does not require incorporation).

16. All on and off-site traffic improvements required by the Conditions in this Approval Resolution herein for the FINAL FASNY PROJECT must be undertaken at FASNY's sole cost and expense and the Final Transportation Management Plan must so state.

17. As per the Commissioner of Public Safety, in his communication dated November 6, 2014, "congestion that would be created by mixing through traffic on a realigned emergency access driveway between Ridgeway and 57 Hathaway Lane during school opening and dismissal hours and during after school campus events would create conflicts between the through traffic, school pick up and buses, event traffic and emergency vehicle access and circulation through the site. This conflict is not created if the emergency access driveway is closed to through traffic other than police and emergency vehicles during these periods." Therefore, this Condition modifies the Revised Transportation Management Plan to affirmatively state that the Emergency Access Driveway shall, in addition to providing emergency access at all times including before, during, and after construction, provide public access through the FASNY site, after construction is completed, after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends, holidays and summer vacations.

18. Upon approval of the FINAL FASNY PROJECT, FASNY must enter into an agreement for the construction of the waived parking spaces pursuant to Section 8.7.3 of the Zoning Ordinance. The written Parking Waiver agreement, satisfactory to the Corporation Counsel, must be attached to and incorporated in the Final Transportation Management Plan.

19. With the Parking Waiver in the Central Lot for Phase I School Use up to 500 students, the size of the parking lots shown on Revised Site Plan Sheets SP-14, SP-15 and SP-16 must be modified, and the list of parking spaces in the Revised Transportation Management Plan Table 5, must be modified in the Final Transportation Management Plan to read as follows:

Northerly Lot	80 spaces (built in Phase I Construction)
Central Lot	130 spaces (75 built in Phase I Construction, 30 spaces built when Middle/Upper School reaches 500, and 25 spaces built in Phase II Construction, all subject to terms of Parking Waiver)
Lower School Lot	90 spaces (built in Phase II Construction)
North Street Property	9 spaces (built in Phase I Construction)
Service Lot	9 spaces (built in Phase I Construction); and be it further

Part II: Conditions

B. Transportation Management Plan Conditions

RESOLVED that, the Conditions in this Section B are hereby incorporated into and made a part of the Final Transportation Management Plan and the Final Site Plan and Final Site Plan Sheets, as applicable, and, together, made a part of the FINAL FASNY PROJECT. Some of

these Conditions contain elements already in the Revised Transportation Management Plan, which are identified by (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1. Consistent with Environmental Finding J-24, the Revised Transportation Management Plan acknowledges that for Phase I School Use 750 students in Middle and Upper School was shown in the 2013 FASNY Environmental Findings Statement to not have any significant adverse impacts subject to total trip generation of all types of vehicles not exceeding 530 trips in any AM or PM peak hour period. However, the Phase I School Use grade 6-12 estimated enrollment in the Revised Transportation Management Plan, Table 1 "Intended Enrollment by Year and Grade at White Plains Campus," shows lower numbers for Phase I Years 1 through 6, and numbers more consistent with this Revised Transportation Plan Table have been incorporated in the definition of Phase I School Use in herein above. This Condition requires that the definitions of Phase I School Use and Phase I Construction, Phase II School Use and Phase II Construction, and Phase II Assessment be incorporated in the Final Transportation Management Plan. The following Conditions shall also be incorporated as part of the Final Transportation Management Plan. In the case of any conflict between the definitions of Phase I School Use, Phase I Construction, Phase II School Use, Phase II Construction, and Phase II Assessment, the applicable Conditions in this Section B. Transportation Management Plan Conditions, the definitions shall control:

a. As provided in the Environmental Findings Statement, any increases in attendance of 3%

or greater between upper, middle and lower schools which may cause the vehicle trip generation of FASNY to exceed the 530 vehicle trips in any AM or PM peak hour period, shall require a review of the trip generation data and trip distribution;

b. Consistent with the Environmental Findings Statement, the Revised Transportation Management Plan must be further modified to include the frequency of collection of information regarding each of the following items listed in the Revised Transportation Management Plan. This Condition modifies the information in the Revised Transportation Management Plan by adding whether the information is required to be provided to the City and the public on an annual or semi-annual basis:

(1) Student Attendance policies (annual);

(2) Faculty attendance policies and parking locations and requirements (annual);

(3) Requirements for parental compliance with School busing and driving policies (annual);

(4) Community of residence of students and whether busing is provided by home district, and for what grades (semi-annual);

(5) List of locations of bus drop-offs other than campus and how students reach campus (semi-annual);

(6) List of exceptions to bus ridership and number of students receiving exemption for each year (annual);

(7) Number and size of buses transporting students by grade (semi-annual);

(8) Number of students riding buses by grade (semi-annual);

(9) Number of student drivers authorized and any limitations thereto (semi-annual);

(10) Number of students carpooling and carpooling ratios by N/P/K, Lower and Upper School (semi-annual for the first three (3) years of Phase I School Use and Phase II School Use, then annual);

(11) Number of trips detected (for each direction - in and out) during AM and PM peak hours (semi-annual);

(12) As per Conditions A.1.a and A.1.b, the actual bus ridership levels (semi-annual);

(13) Report on car-pooling (semi-annual);

(14) Trip generation rate cap for any peak hour of no more than 530 trips (total of in and out) for all vehicle types (annual);

(15) Report of arrival and departure times of faculty and staff (semi-annual);

(16) Calculation of bus ridership and trip generation (semi-annual for first three (3)

years then annual);

(17) Plan for site circulation control and enforcement (semi-annual for the first three (3) years then annual);

(18) Method for preventing cut through traffic (annual);

(19) On-site Monitoring Procedures (annual);

(20) Trip Generation Monitoring Procedures and Enforcement (semi-annual). As noted in the definition and description of Phase II Assessment herein above, the Revised Transportation Management Plan must be further modified to incorporate the following trip generation sensitivity analysis methodology for the Phase II Assessment:

Real-time data collected by sensors to be installed at the FASNY entrance driveway shall be collected over a five (5) day period reflecting normal school use without any FASNY holidays or vacations, public school designated holidays or designated public holidays. Details on vehicle trips during the morning arrival and afternoon departure periods shall be provided in 15-minute increments from 7:00 AM to 9:30 AM and 2:00 PM to 6:00 PM. Potential future Phase II School Use traffic generation shall be modeled using the criteria included in the SEQRA Findings for Lower School students and described in the applicable Conditions herein, including, but not limited to Conditions A.1.a, A.1.b, and B.1.b(12), specifically the 21% utilization rate for grades N/P/K with 10 students per bus for

N/P/K students. For students in Grades 1 to 5 and any potential additional Upper School students in Phase II, actual trip generation criteria, including bus utilization and bus occupancy, and car-pooling from the semi-annual reports shall be used to model future trips from those grade levels. No permits for site disturbance and construction for Phase II Construction shall be issued until the Phase II Assessment is complete;

(21) Location and amount of parking for students, teachers, parent pick up and visitors, consistent with Condition A.19 (annual);

(22) Snow Storage Locations (as shown on approved plans);

(23) List of FASNY special events ("Special Events"), dates and timeframes (annual, on-line update);

(24) A Parking Management Plan for Special Events that locates parking as far as possible from adjoining residential properties on both Parcel A and D, with no Special Event parking permitted on Parcels B or C (annual);

c. No conveyance to FASNY of the discontinued portion of Hathaway Lane shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and A(1) of this Approval Resolution herein, shall take effect until all conditions of the Adopted Discontinuance Ordinance have been complied with including, but not limited to the Common Council

receiving a written confirmation from the City Clerk that FASNY has filed the Final Transportation Management Plan incorporating all applicable Conditions in Part II: Conditions, Sections A. and B. herein, as required by the Common Council approvals contained in Part IV: Determinations and Approvals in this Approval Resolution herein;

d. In addition to the other Conditions herein above which modify the Revised Transportation Management Plan, the following Conditions B.1.d(1) through (40) further modify the Revised Transportation Management Plan and, as applicable, the Revised Site Plan and Revised Site Plan Sheets, as part of the Final Transportation Management Plan, the Final Site Plan, and the Site Plan Sheets; to provide that:

(1) Section 3.4.3, entitled "Vehicle Trip Maximum," of the Revised Transportation Management Plan be modified to provide that the Deputy Commissioner of Parking for Transportation Engineering shall refer to the Common Council any pattern of high levels in trip generation during any AM or PM peak hour period (trips over 530 three (3) times a month over a three month period) not corrected within 90 days, for its review of the data and consideration of appropriate action. The Final Transportation Plan must provide that, if there is a pattern with or without proposed corrective actions, the Deputy Commissioner of Parking for Transportation Engineering shall be required to submit to the Common Council, along with the trip data, a report on the status of corrective measures taken by FASNY. During Phase I School Use, FASNY shall work with City staff to identify transportation options

that keep the trip generation number below 530 vehicles in the AM or PM peak hour. Any options not within the jurisdiction of the Deputy Commissioner of Parking for Transportation Engineering, and/or the Transportation Commission, shall require approval of the Common Council;

(2) Environmental Finding F-16 must be cited in the header in Section 3.4 thereof;

(3) Section 2.2 "Student Attendance Policy" of the Revised Transportation Plan must include reference to Section 3.1.1 "Policy" and 3.1.2 "Exemptions" which address mandatory busing enforcement and exemptions;

(4) The Deputy Commissioner of Parking for Transportation Engineering shall submit semi-annual reports to the Common Council of any changes to signal phasing approved by the Deputy Commissioner or any change to signage approved by the Transportation Commission;

(5) Sections 3.4.1.3 "Car-pooling", 3.4.2 "Trip Sensitivity", and 3.4.4 "Methodology for Assessment of Phase I Performance" of the Revised Transportation Management Plan shall affirmatively state that car-pooling data and trip generation reports will be provided as stated in B.1.b(10) herein above;

(6) The unannounced monitoring of FASNY cut-through traffic by a license plate

survey shall be conducted by FASNY twice a year and more frequently if monitoring shows noncompliance, by FASNY retaining a professional engineer acceptable to the Deputy Commissioner of Parking for Transportation Engineering and who has Professional Traffic Operations Engineer ("PTOE") certification;

(7) As per the November 19, 2014 communication from the Deputy Commissioner of Parking for Transportation Engineering, the Final Transportation Management Plan must require that the professional engineer conducting the cut-through traffic license plate survey and any other studies of cut-through traffic have Professional Traffic Operations Engineer ("PTOE") certification;

(8) This Condition requires that, consistent with Environmental Finding J-23, and essential to the effective transportation management and vehicle trip monitoring program, a trip detection system including trip detector sensors and video cameras that can measure and record the trip generation and bus usage of the FASNY School must be installed at the North Street Access with cameras at the access to the small lot off Ridgeway. As per Conditions A.3.b and A.3.c, the sensors shall be required to be placed at the entrance and exit points of the FASNY Project North Street Access to count the number of vehicles (primarily buses and cars) entering and exiting the FASNY Project site. The data will be aggregated in quarter hour intervals over the day to determine and measure the AM and PM peak hour traffic rates accessing and exiting the FASNY Project site. These sensors and cameras shall be required to be connected to the City's Central Traffic Control System, with

access to the information by the Department of Public Safety and to the Department of Parking so that there is convenient City access to the data. This Condition further modifies the Revised Transportation Management Plan to provide a detailed program for the trip detector sensor and video camera installation, location, maintenance, and review program, along with the methodology for Phase II Assessment included in applicable Conditions of this Approval Resolution herein, including, but not limited to B.1.b(20), for assessing the number of trips, separated by direction of travel into the FASNY Project site and direction of travel upon exiting the site, that are actually being generated. This data will enable FASNY and the City to assess both off-site and on-site traffic circulation, and queuing. This Condition further modifies the Revised Transportation Management Plan to provide that the type of trip detection equipment shall be subject to the approval of the Commissioner of Parking, the Deputy Commissioner of Parking for Transportation Engineering, and, with respect to the camera system, the Commissioner of Public Safety, all of whom have experience with detector and video camera traffic management systems;

(9) Consistent with Condition A.6, the Revised Transportation Management Plan Figure 3 "Campus Circulation Plan" must be modified to clearly indicate the entire route of the emergency access for each building and structure, and must identify the portion of the Emergency Access Driveway open to the public after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends,

holidays and summer vacations;

(10) The varying school beginning or dismissal times for different class levels must be listed in the Final Transportation Management Plan as one of the possible long-term corrective measures in Section 3.1.1;

(11) Although enforcement of noise regulations is provided for in the Revised Transportation Management Plan, the Revised Transportation Management Plan must be further modified to state that the requirements to limit potential noise disturbances apply to people both picking students up at school as well as to people parking, and the penalty of revoking parking privileges should address both situations and make clear that failure to comply with the FASNY School regulations in both situations may result in parking privileges being revoked;

(12) Consistent with Findings L-10 and L-11, to minimize noise from variable noise sources this Condition requires that those persons regularly driving to and from the FASNY Project site shall receive instructions directing them to respect the residents adjacent to the School by limiting use of devices which cause short duration noise events while they are on FASNY School property, including, but not limited to, car horns, beepers, radios, or digital and other electronic devices. Said Final Transportation Management Plan shall further require that FASNY provide signage at the entrance gate and in the parking areas stating that the parking lots and

queuing areas are "Quiet Zones." These "Quiet Zones" must be monitored and compliance must be maintained by FASNY;

(13) Section 7.2 of the Revised Transportation Management Plan must be modified to include the statement that "although public access through the FASNY Project site will be permitted after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends, holidays and summer vacations, including when camp is in session, all access for FASNY campers to the FASNY Project site shall be through North Street;"

(14) Section 7.3 includes the requirement that the FASNY Liaison phone number will be provided to the Commissioner of Public Safety and Deputy Commissioner of Parking for Traffic Engineering, and be posted on the FASNY website, and that the Liaison will coordinate with these departments. Similarly, as per the November 6, 2014 communication from the Commissioner of Public Safety, Sections 8.1 and 8.2 must be revised to include notification of the Department of Public Safety of the name and number of the FASNY Traffic/Transportation Liaison, and provide advance notice (at least 5 days in advance, as in condition B.1.d(39) herein) to the Deputy Commissioner of Parking for Transportation Engineering and the Commissioner of Public Safety of modifications to the Special Events schedule;

(15) Where buses on site are allowed to queue in queuing lanes along the bus

driveway around the Central Parking Lot for Phase I and along the Central Lot and Lower School for Phase II, as shown on Figure 3 "Campus Circulation Plan" in the Revised Transportation Management Plan, the bus queuing must be strictly monitored and enforced. To avoid blocking of vehicles, bus queuing areas running the length of queuing zones must be clearly painted on the driveway;

(16) Guidelines established in the 2013 FASNY Environmental Findings Statement and included in the Final Transportation Management Plan must be referenced as guidelines not requirements;

(17) The Deputy Commissioner of Parking for Transportation Engineering, in consultation with the Commissioner of Public Safety, shall retain the right to adjust the number of FASNY traffic monitors if they determine it to be necessary for traffic flow and/or safety reasons;

(18) If the bus utilization ratios are not being reached, including, but not limited to, when a school district stops or reduces bussing, FASNY's report to the City must explain how bussing levels will be achieved and trips remain at or below the 530 trip generation number. This Condition further modifies the Revised Transportation Management Plan to provide that, if a municipality eliminates bussing of private school students and FASNY hires a bus service for students from that municipality, the same obligations must be retained in the relevant contracts of the

students riding FASNY buses as required for students riding other school district buses;

(19) No buses shall be permitted to queue in the roundabout that is east of the Upper School lot. This must be clearly identified on Final Site Plan Sheets SP-14 and SP-15, and to all bus drivers, and must be strictly monitored and enforced by FASNY;

(20) A routing map must be provided for inclusion in the Final Transportation Management Plan that shows the route of buses in the PM peak hour to pick up students from multiple grade levels, such as Lower School (3:30 PM) and Upper School (3:40), at different locations on Campus;

(21) Although the City will have the ability to monitor vehicle trips and traffic counts on a real time basis, FASNY is required to provide breakdowns of the AM and PM peak hour counts on a weekly basis in its semi-annual report;

(22) The procedure for measuring car-pooling ratios must be included in the Final Transportation Management Plan;

(23) The Final Transportation Management Plan shall provide that the Level of Service analyses along North Street south of Ridgeway will be performed, including for the unsignalized roadways, if the 530 vehicle trip generation cap is

exceeded more than three (3) time a month for six (6) months for any AM or PM peak hour;

(24) FASNY has addressed possible operation of a Summer Camp on the FASNY Project site in Section 7.2 of the Revised Transportation Management Plan, projecting a maximum enrollment of 250 children and an estimated 374 vehicle trips. Since the Emergency Access Roadway will be open to through traffic during summer months, it is necessary for vehicular and pedestrian safety that the following information regarding the Summer Camp must be provided by FASNY, at least 30 days prior to the commencement of the Summer Camp to the Commissioner of Public Safety and Deputy Commissioner of Parking for Transportation Engineering: (1) location of pick-ups/drop-offs on dry days as well as on rainy days, according to which facilities and parking/drop-off areas will be utilized; (2) an estimate of how many campers and staff will be on the Campus (currently estimated in the Revised Transportation Management Plan as 250 campers and 40 staff) and; (3) the Summer Camp hours and duration. Although the Revised Transportation Management Plan does not anticipate any buses, if there is bussing to the Camp it will be subject to the same rules and regulations as are required for buses during the school year. The Conditions modifying the Revised Transportation Management Plan as part of the Final Transportation Management Plan must further provide that the same rules regarding the prohibition of traffic and drop off/pick up in the surrounding

neighborhood shall apply and be clearly stated as a requirement in both the Final Transportation Management Plan and in the Camp contracts. Said Final Transportation Management Plan must also provide that all Summer Camp traffic will be required to use the North Street Access and follow the same rules as apply to School related traffic during the FASNY school year. The current language in Section 7.2 of the Revised Transportation Management Plan provides that "Traffic circulation and parking for a summer camp will follow the same plan as regular operations of FASNY depending on which building or buildings are being used." This Condition further modifies the Revised Transportation Management Plan to indicate that public through-traffic to/from Gedney Esplanade and Ridgeway will be permitted during the Summer Camp period, and provide details on the number of Camp traffic monitors and the procedures for monitoring for both vehicles and camper movements on Campus across internal roadways including, but not limited to, crossing the Emergency Access Driveway which will be open to two-way public through traffic. This Condition further modifies Section 7.2 of the Revised Transportation Management Plan by requiring that copies of the Camp Agreement be provided to the Commissioner of Public Safety at least 30 days prior to the opening of the Camp for purposes of Public Safety planning;

(25) Since the number of peak hour trips permitted during Phase I School Use is the same as Phase II School Use, all off-site Phase I Construction roadway

improvements must be completed prior to the issuance of any permanent or temporary Certificate of Occupancy to commence Phase I School Use;

(26) Section 9.2 of the Revised Transportation Management Plan must be modified to obligate FASNY to identify those intersections that would be re-analyzed by a Level of Service analysis if additional off-site roadway mitigation measures are proposed by FASNY to address additional mitigation if vehicle trips exceed 530 trips in any three (3) AM or PM peak hour period within 30 days. Such intersection selection must be made in cooperation with the Deputy Commissioner of Parking for Transportation Engineering and the Commissioner of Public Safety, and the Common Council shall be notified of such intersection Level of Service analysis at least 10 days prior to the trip data collection;

(27) Since the Emergency Access Driveway will be open to the public for two-way through traffic during certain periods, it shall not be constructed of pervious material;

(28) A schedule for the opening and closing times of the Emergency Access Driveway gates for public access through the FASNY Project site, after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends, holidays and summer vacations, must be provided in the Final Transportation Management Plan. This Condition requires that such

information must be maintained up-to-date on FASNY's website and through postings at the access points. Information must be clearly provided before the turn on Hathaway Lane at Gedney Esplanade to avoid the public having to turn around on Hathaway Lane. All signage must be approved by the White Plains Transportation Commission and must meet all federal and State roadway signage requirements;

(29) At the beginning of each semester FASNY shall provide to the Deputy Commissioner of Parking for Transportation Engineering the number, by grade, of students with exceptions to bus riding, including information on the category of reason for such exception, such as sports or after school program;

(30) As per the communication from the Chair of the Planning Board, dated August 25, 2014, FASNY should work with the Bee Line system to improve public bus service;

(31) FASNY must maintain a list of the number of students who access the FASNY Project site by public transportation and walk from the bus stops on either Mamaroneck Avenue or North Street, and those who walk from homes in the immediate area. This information must be provided to the Deputy Commissioner of Parking for Transportation Engineering at the beginning of each academic year;

(32) The penalties described under the Enforcement section of the Revised Transportation Management Plan must be identified as annual, with consideration of the cumulative behavior of a student over time;

(33) For consistency with other Conditions, Section 5.1 of the Revised Transportation Management Plan is modified by this Condition to clearly state that the internal Emergency Access Driveway is two way for its entire length;

(34) The Revised Site Plan Sheet SP-15 must be modified to show the access point for the additional overflow parking on the Lower School athletic field and the layout of the parking spaces and drive aisles, since there is a stormwater management facility located under this ball field;

(35) Section 9.2 "Potential Future Off-Site Improvements," of the Revised Transportation Management Plan must be modified to indicate that improvements proposed along North Street or Mamaroneck Avenue, and at the intersection of the Hutchinson River Parkway require approval by Westchester County Department of Public Works and/or New York State Department of Transportation;

(36) As recommended by City staff in its review of the Revised Transportation Management Plan, a section must be provided in the Final Transportation

Management Plan to identify, as applicable, long-term (teacher, administrator, student driver) parking areas and higher turn-over (visitors, etc.) areas, with any non-standard parking spaces being identified for long-term parking only. This information can be provided by amending Figure 6 "Campus Parking Plan" of the Revised Transportation Management Plan;

(37) Consistent with, Environmental Finding J-2, and as referenced in Conditions A.1.a., A.1.b, B.1.b(12), the Revised Transportation Management Plan utilizes a conservative estimate of bus demand of one (1) bus per ten (10) students with the previously stated 50% bus utilization. While this ratio must be applied in estimating the bus trip generation, after data has been collected for actual Phase I School Use, the actual numbers must be assessed against the estimates;

(38) Consistent with Environmental Finding K-12, the Revised Transportation Management Plan must be modified to include the Conditions in Section D: Mobile and Stationary Air Quality Conditions related to mobile air quality impacts;

(39) Consistent with Environmental Finding L-11, the Revised Transportation Management Plan must be modified to provide that FASNY provide information on the estimated number of cars coming to Special Events and provide estimated vehicle counts expected to be at such events to the Deputy Commissioner of Parking for Transportation Engineering and Commissioner of Public Safety at least

5 days prior to such events;

(40) This Condition modifies the Revised Transportation Management Plan to mandate that if any of the unsignalized intersections along North Street south of the FASNY School access point deteriorate below level C for any turning movement in the FASNY AM or PM peak hour, FASNY shall be required to develop mitigation measures which may be subject to the approval of the Common Council and Westchester County Department of Public Works and/or NYSDOT; and

(41) This Condition modifies the Revised Transportation Management Plan to further mandate that all vehicles coming to FASNY Special Events, whether during or after regular school hours, or on non-school days including weekends, holidays and summer vacations must access the FASNY campus via the North Street Access, and may not access the campus via the Emergency Access Driveway at any time.

2. As per the November 19, 2014 communication from the Deputy Commissioner of Parking for Transportation Engineering, the Applicant shall annually prepare, in consultation with City staff, an "Action Calendar" which lists actions to be taken by FASNY or the City in each month, related to the FINAL FASNY PROJECT, such as, by way of example, the following:

September:	Campus monitor observations Initial transportation meeting with City officials

	Further monitor observations Volume Data Collection
October	Campus monitor observations Draft Demand Management Report submission Further monitor observations License Plate Survey, Etc.

Part II: Conditions

C. Site Landscaping and Site Landscaping Plan Conditions

RESOLVED that, the Conditions in this Section C are hereby incorporated into and made a part of the Final Site Landscaping Plan the Final Site Plan, and the Final Site Plan Sheets, as applicable, and, together, made a part of the FINAL FASNY PROJECT. As noted by the reference (Currently Incorporated), some of these Conditions may contain elements already in the Revised Transportation Management Plan, which are identified and restated herein for purposes of clarity and continuity.

1. This Condition provides, and FASNY has agreed, that the tennis courts shall have a 100 foot buffer setback to abutting properties to the west, and Revised Site Plan Sheets SP-14 must be modified to reflect this setback.

2. This Condition provides, and FASNY has agreed, that the buffer between the property line of abutting properties and all FASNY buildings, structures, athletic fields, and parking areas shall be a minimum 75 foot landscaped buffer setback area, as shown on the Revised Site

Plan Sheets SP-14 through SP-18, regardless of whether a front, rear or side yard is involved, and regardless of the minimum setback requirement in the Zoning Ordinance being less for any such yard.

3. Environmental Finding A-3.9 provides that *"the landscaping required under the minimum requirements of Section 4.4.19 of the Zoning Ordinance does not adequately mitigate significant adverse impacts of the School uses and accessory uses on abutting neighbors..."* Section 4.1.2 of the Zoning Ordinance states that *"In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare."* Section 6.5 of the Zoning Ordinance states *"The approving agency may attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to applicable standards and requirements."* This Condition provides that additional landscaping, over and above that established as the minimum by the Zoning Ordinance, is required to mitigate certain adverse visual and light impacts. This Condition further provides that the Landscaping Plans Sheets L101 through L105 must be revised to show consistency with said Revised Site Plan Sheets SP-14 through SP-16, regarding the plantings to be removed and a final layout that references a listing of the type and size of plant species to be removed and planted, along with landscaping enhancements in the following areas: (1) in the 75 foot buffer area along the western border of the FASNY School and abutting single family residential properties; (2) along the westerly side of the northerly parking area; (3) within the

Central Parking Area; (4) along the rear of residential properties on Ridgeway; (5) along the southern side and within the Expanded Parcel D Lower School parking area; (6) around the property at 57 Hathaway Lane, and (7) along the rear property line of the abutting properties on Southdale Avenue. The Final Site Landscaping Plan must address how the site will be prepared for and impacted by construction as defined and described in the Municipal Code Chapter 7.5-28 as the "Pre-Construction Site Development Plan." All permits for any form of site disturbance must be consistent with the Approved SWPPP and Municipal Code Chapter 7.5 "Trees" consisting of the "Tree Preservation Guidelines" at Municipal Code Chapter 7.5 Article I, and "Protection, Preservation and Maintenance" at Municipal Code 7-5 Article II, (together referred to herein as "Municipal Code Chapter 7-5" or the "Tree Preservation Guidelines"). All provisions for the "Pre-Construction Site Development Plan" required by the Tree Preservation Guidelines are required by this Condition to be incorporated into the Final Site Landscaping Plan in accordance with this Approval Resolution herein.

4. This Condition modifies the Revised Site Landscaping Plan to include any updates to the FASNY Tree Inventory, required by the Tree Preservation Guidelines, covering species, location, installation, and maintenance of all landscaping on the property, as changes have occurred to landscaping on the Project site since the initial Tree Inventory was made in 2011.

5. Consistent with the Tree Preservation Guidelines at Municipal Code Chapter 7-5-28, no permits for site disturbance or construction in any area adjacent to the residential buffers along the western side of Parcel A, adjacent to 57 Hathaway Lane, along the southern

side of Expanded Parcel D, or along the portion of Expanded Parcel D abutting Southdale Avenue, other than permits for the demolition of existing buildings and structures, shall be issued until FASNY has filed with the City Clerk the Final Site Landscaping Plan. With the exception of the buffer areas listed in Condition C.3 herein above, the Revised Site Landscaping Plan must be modified to provide that the individual sub-plans for the individual disturbance areas designated in the SWPPP may be accepted separately by the Tree Preservation Committee before the issuance of permits for each area. The accepted plantings for the buffer areas must be planted at the earliest possible date consistent with the tree or plant's appropriate planting season.

6. As provided in this Condition, to ensure the proper level of screening is established, consistent with the intent of this Approval Resolution, there must be direct observation of the location of the proposed screening by walking the applicable sections of the Project site, and the Revised Site Landscaping Plan must be modified to provide that the Tree Preservation Committee shall retain and work with: (1) a certified landscape professional with expertise in the management of environmentally sensitive land, which certified landscape professional shall be funded by FASNY ("Certified Landscape Professional"); and (2) FASNY's landscape representative(s), to develop the Final Site Landscaping Plan, which meets, among other things, the requirements of the Tree Preservation Guidelines. The Revised Site Landscaping Plan is further modified by the following additional Conditions:

a. The Revised Site Landscaping Plan must be modified to provide details of all new buffer

landscaping to locate and maximize the screening of athletic fields, buildings, structures, and parking areas;

b. Consistent with the Tree Preservation Guidelines, the Revised Site Landscaping Plan must be further modified to provide for the maintenance of all new landscaping and the maintenance of all existing landscaping to be preserved, and the list of landscaping material must be updated (1) prior to issuance of a temporary or final Certificate of Occupancy for Phase I School Use and (2) upon an increase in student enrollment and grade range in Phase II School Use, to reflect the final planting locations and species;

c. Consistent with Environmental Findings A-3.9 and F-1, and pursuant to Municipal Code Section 7-5-28 of the Tree Preservation Guidelines, Part IV: Determinations and Approvals of this Approval Resolution makes "the issuance of permits for the development of the [FINAL FASNY PROJECT] subject to review and approval by the tree preservation committee of a pre-construction site development plan and on-site implementing procedures" (see Municipal Code Section 7-5-28(a) through (c)). In consultation with the Commissioner of Public Safety and the Certified Landscape Professional, this Condition further requires that funding for the Certified Landscape Professional, as well as a bond for the cost of the landscaping material and for installation during Phase I Construction, must be posted with the City prior to the issuance of any Phase I Construction permits for site disturbance or construction on or off-site; and for Phase II Construction before issuance of any Phase II Construction site disturbance and

construction permits on or off-site. In both cases, the value of the landscaping material and installation bond ("Landscaping Bond") shall be determined by the Commissioner of Public Works, following current Department of Public Works procedures;

d. Consistent with the recommendations of the Planning Board in its August 25, 2014 communication, and as is required by the Tree Preservation Guidelines and as a Condition of this Approval Resolution, the Revised Site Landscaping Plan must be modified to require that the existing trees and tree clusters be marked on site as to their status (preserve or remove), before any permits can be issued affecting any of the trees in any area of the site identified as an area to be disturbed. Markings of the trees shall be reflected on the Pre-Construction Site Development Plan required by the Tree Preservation Guidelines;

e. The following Conditions, where consistent with the Approved SWPPP and the Tree Preservation Guidelines shall be Conditions modifying the Revised Site Landscaping Plan:

(1) As noted in other Conditions herein, this Condition requires that the buffer areas along residential properties be planted before commencement of site disturbance, other than demolition of existing buildings or structures, and before commencement of each Phase I Construction and Phase II Construction, to shield residents from noise and visual impacts related to site disturbance and construction, and to allow time for the landscaping to grow before the FASNY School opens in Phase I School Use or

expands in Phase II School Use, unless determined infeasible by the Tree Preservation Committee due to timing of planting season(s), in which case such planting shall take place in the next planting season for such plant or tree species;

(2) In locations where topography, wind conditions or depth and design of a buffer limit the screening role provided by the landscape buffer, and where determined appropriate by the Tree Preservation Committee in consultation with the Certified Landscape Professional, this Condition provides that the vegetation may be planted on berms to increase the screening effect. As an alternative to the Planning Board proposal, this Condition further provides that the Tree Preservation Committee may accept buffers designed to have plant material with solid opaque branch structures, such as evergreens, designed to be placed in two or three staggered rows so as to provide a meaningful and continuous screening to accomplish the buffering effect in a reasonable period of time. The multiple rows of trees, such as evergreens of appropriate varieties, are especially important in areas which are open and exposed to wind conditions;

(3) Consistent with other Conditions herein, this Condition provides that additional planting must be provided around and within the Central Parking Area and Lower School Parking Area to divide these parking lots into smaller parking clusters, as is the typical parking arrangement for non-residential uses in the surrounding neighborhoods, as demonstrated in the November 18, 2014 and November 19, 2014

reports from the Law Department Management Associate;

(4) This Condition provides that the edge of the 75 foot buffer area adjacent to abutting residential properties along the western side of Parcel A must be staked in the field during Phase I Construction and the same for the residential properties along the south side of Parcel D during Phase II Construction;

(5) This Condition provides that the size and species of plants within the residential buffer areas shall undergo final review by the Tree Preservation Committee, in consultation with the Certified Landscape Professional and with FASNY's representative(s) for height and screening effectiveness;

(6) The Certified Landscape Professional shall review FASNY's proposed landscaping and existing site conditions plan, the Tree Preservation Guidelines, and the Approved SWPPP, and shall advise the Tree Preservation Committee of the adequacy of FASNY's proposed tree protection measures;

(7) As noted in the Common Council findings in this FASNY Special Permit/Site Plan Approval Resolution herein, the Sycamore trees on site and in the public right-of-way along the FASNY Project site are declared in the Determinations and Approvals of the Approval Resolution herein, for purposes of this Project, to be specimen trees pursuant to Municipal Code Section 7-5-23(j) of the Tree Preservation Guidelines,

and are an important part of the character of the neighborhood which must be protected. This Condition further provides that the status and protection of the Sycamore trees, as well as all other protected and specimen trees, must be addressed to the satisfaction of the Tree Preservation Committee. Modifications to the Revised Site Landscaping Plan and to the Revised Construction Management Plan, must provide that the preservation and protection of the Sycamore trees and other specimen and protected trees are a high priority and any construction or other activity in the vicinity of such trees, whether on FASNY Property or City right-of-way, shall be subject to compliance with the SWPPP and MS4 Permit, and the Tree Preservation Guidelines. This Condition further provides that, if any Sycamore trees shown to be retained within the site or the public right-of-way die, it shall be the responsibility of the Applicant, or its successors and assigns, to replace these trees, at FASNY's or its successor or assign's sole cost and expense with Bloodgood London Plane Trees of similar size as those currently required to be planted along the Bloomingdale Road right-of-way as part of the Venue Project Site Plan Approval granted by the Common Council on May 7, 2013; and

(8) This Condition provides that landscaping or fencing may be used to direct pedestrians on the site, and to discourage access from anywhere other than the designated FASNY access points. Fencing or dense vegetation or bio-swales may be used to discourage people from dropping off students on Ridgeway, Hathaway Lane, or Gedney Esplanade because these features would obstruct pedestrian access to the

school entrances.

7. To reduce their perceived scale and breakup the line of parking along the southerly side of the Expanded Parcel D Lower School parking area, this Condition provides that the Revised Site Landscaping Plan and Revised Site Plan Sheets SP-14 and SP-15 regarding the landscaping in the area of the Central Lot and the Lower School parking area must be expanded to improve screening of the parking spaces and enhance visual parking clusters in each. Such additional landscaping must be developed by FASNY and its field location accepted by the Tree Preservation Committee in consultation with the Certified Landscape Professional and FASNY's representative(s).

8. The Revised Site Landscaping Plan must be further modified by this Condition to provide that the landscaping in and around the 80 space northerly lot on Parcel A requires final review by the Tree Preservation Committee in consultation with the Certified Landscape Professional and FASNY's representative(s) regarding the field location, density and diversity of the proposed plantings shown on Landscaping Plan Sheet L-101.

9. This Condition modifies the Revised Site Landscaping Plan L101 through L105 to confirm whether they provide sufficient screening of light sources and headlights from adversely impacting residential uses. Lighting in parking areas and on internal roadways must also provide for the safety of those using such parking areas and internal roadways. This Condition further requires that final site lighting plans showing lighting fixture and

installation specifications and field location of the fixtures must be accepted by the Commissioners of Building and Public Safety, the Deputy Commissioner of Parking for Transportation Engineering and the Tree Preservation Committee, with written notice of such acceptance to the Corporation Counsel. In addition, with respect to other lighting impacts from the FASNY Project, to minimize impacts on the "dark sky" character of the area, this condition further requires that building windows be designed to minimize light emanating from school building classrooms, hallways and facilities.

10. This Condition further modifies the Revised Site Landscaping Plan to provide that particular care must be taken while excavating in the areas of specimen and protected trees on and adjacent to the FASNY Project site. The locating of tree plantings and the locating of roadway lighting fixtures must protect root zones of the new and existing trees, and the excavating for and locating of utilities must not adversely impact the long-term viability of either the landscaping or the utilities. This Condition requires that the critical root zone of the trees in a disturbance area must be delineated on the ground by a qualified arborist followed by installation of appropriate barriers to avoid affecting the long-term survivability of these specimen and protected trees. Furthermore, as per the December 1, 2014 communication from the Commissioner of Public Works, this Condition modifies the Revised Site Landscaping Plan to provide that the City shall not be held responsible for disturbance of any site features (i.e. asphalt areas, bushes, trees, etc.) should utility work be undertaken within an easement area, and the planting of trees, installation of lighting or other appurtenances over public and private utilities in the easement areas shall not be permitted. Therefore, all

easements must be delineated on all applicable Site Landscaping Plan Sheets, and all proposed landscaping must be shown to be outside any easement area.

11. This Condition requires that a qualified Arborist funded by FASNY, must review the tree protection protocols ("Protection Protocol(s)") prepared by FASNY for all specimen and protected trees, root zones and groundwater supply on the Project site where subject to disturbance impacts for the Tree Preservation Committee's final review and acceptance, and implementation by FASNY.

12. This Condition provides that the Revised Site Landscaping Plan must be modified to provide that the final determination of the species and size of all perimeter landscaping to be located within the 75 foot perimeter setback buffer areas along the rear and side yards of abutting residential uses must be agreed to by the Tree Preservation Committee, in consultation with the Certified Landscape Professional and in consultation with FASNY's designated representative(s). For Phase I Construction, such selected landscaping must be field located and, as noted herein above, be planted at the first available growing season appropriate for such landscaping for the western buffer area on Parcel A and buffering the property at 57 Hathaway Lane and for the buffering of the properties on the north side of Parcel D near Southdale and the construction of the North Street Access roadway, after issuance of the appropriate Building Permit or Site Disturbance therefor, other than the demolition of existing buildings and structures. No permits for site disturbance in any other designated disturbance area, other than permits for demolition of existing buildings or structures, shall

be granted until the Tree Preservation Committee and Commissioner of Public Safety have (1) accepted a Site Landscaping Plan sub-area plan for that SWPPP specified disturbance area, and (2) and a Landscaping Bond for all landscaping for Phase I Construction has been posted with the City by FASNY. For Phase II Construction, the landscaping for the southern side of Parcel D shall be planted according to the same requirements as for Phase I Construction in this Condition herein.

13. This Condition requires and the Final Site Landscaping Plan must provide that, prior to the issuance of any permit for site disturbance, other than demolition of existing buildings and structures, and prior to the issuance of permits for construction in a delineated disturbance area, the Pre-Construction Site Development Plan required by the Tree Preservation Guidelines for the construction and restoration phase for that individual disturbance area must be accepted by the Tree Preservation Committee in consultation with the Certified Landscape Professional and FASNY's representative, and must be consistent with the SWPPP Construction Phasing Plan for each disturbance area, including, but not limited to, the buffer landscaping areas on the western side of Parcel A, on the southern end of Expanded Parcel D Lower School, on Expanded Parcel D between the abutting properties on Southdale and the access roadway and bike trail, and adjacent to the property at 57 Hathaway Lane.

14. The Landscape Plans L101 through L105, submitted with the REVISED FASNY APPLICATION, must be revised to conform to the requirements of the Tree Preservation

Guidelines for a Tree Protection, Preservation and Reforestation Plan and Pre-Construction Site Development Plan and include the Tree Inventory and Integrated Site Plan required at Municipal Code Section 7-5-25 of the Tree Preservation Guidelines. The Tree Inventory for the Campus must be updated to ensure that it identifies protected and specimen trees or trees over specified caliper and groupings of trees deemed significant, and any grouping of twenty or more trees. This Condition further requires that designated City trees in the public right-of-way of the portion of Hathaway Lane to be discontinued must be replaced on the FASNY Property, as determined by the Commissioner of Public Works.

15. FASNY shall adhere to the requirements of the Tree Preservation Guidelines "Standards" as set forth at Chapter Section 7.5.26 of the Municipal Code.

16. FASNY shall adhere to the requirements of the Tree Preservation Guidelines "Review and Approval of Pre-Construction Site Development Plans and On-Site Implementation Procedures" at Chapter 7.5.28 of the Municipal Code.

17. Consistent with Environmental Finding H-4, this Condition requires that the Revised Site Landscaping Plan be further modified to provide that FASNY prepare a detailed plan for the watering and maintenance program, including landscaping installation and maintenance agreements for all landscaping within the Project site, in consultation with the Tree Preservation Committee and the Certified Landscape Professional.

18. This Condition provides that the final location of the North-South Bike/Pedestrian trail along

the westerly side of Parcel A and the new plantings along that western buffer shall be field located by FASNY in consultation with the Tree Preservation Committee, the City's Certified Landscape Professional and FASNY's designated representative(s). The trail shall be located to allow the maximum landscape screening for residences abutting the western side of Parcel A, the southern side of Parcel D, and the northern portion of Parcel D along the North Street Access roadway.

19. In accordance with the Part IV: Determinations and Approvals, the Commissioner of Public Safety and the Tree Preservation Committee shall be responsible for the final conformance review of the Final Site Landscaping Plan to ensure that all applicable approved Conditions have been incorporated.

Part II: Conditions

D. Mobile and Stationary Air Quality Conditions

RESOLVED that, the applicable Conditions in this Section D. are hereby incorporated into the Final Traffic Management Plan and made a part of the FINAL FASNY PROJECT.

1. Monitoring of bus idling must be strictly enforced. The 2013 FASNY Environmental Findings Statement and the Revised Transportation Management Plan in the REVISED FASNY APPLICATION both provide that FASNY shall pay the cost of all air quality monitoring. This Condition modifies the Revised Transportation Management Plan to require that air quality monitoring shall be triggered by any AM or PM peak hour vehicle trips exceeding 530 trips more than three times in any month.

2. If FASNY is required to conduct air quality monitoring as set forth in Condition D.1 herein above, and the monitoring reveals that if concentrations of CO, PM(10) and/or PM(2.5) exceed NAAQS' maximum predicted concentrations, or if it is demonstrated through any monitoring tests conducted by the City of White Plains or other governmental agency that concentrations of CO, PM(10) and/or PM(2.5) exceed NAAQS' maximum predicted concentrations, immediate corrective action, as determined by the Commissioner of Public Works and Deputy Commissioner of Parking for Transportation Engineering, must be immediately taken to bring the CO, PM(10) and PM(2.5) concentrations below NAAQS acceptable concentrations and DEC guidance, including, but not limited to, reducing vehicle trips.

3. The Department of Building shall be present at the testing of the noise levels of all construction equipment prior to their use on the FASNY Project site, and the Applicant or its successors and assigns shall provide annual certified noise level testing reports to the Commissioner of Building.

4. The buildings' boilers and chiller system are located in the buildings at the maximum practicable distance from abutting residential properties and shall be fully insulated. Sound attenuating systems shall be used to ensure that the requirements for a 55 dB sound level at the property line are met, in accordance with the City's Noise Ordinance; and be it

Part II: Conditions

E. Construction Management Plan Conditions

RESOLVED that the Conditions in this Section E. are hereby incorporated into and made a part of the Final Construction Management Plan and the Final Site Plan, as applicable, and, together, made a part of the FINAL FASNY PROJECT. Some of the Conditions in this Section E. contain elements already in the Revised Construction Management Plan, which are identified as (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1-1. To protect the surrounding neighborhoods from significant adverse site disturbance and construction impacts, this Condition requires that the Revised Construction Management Plan be modified, as necessary, to include the following information:

a. hours of operation of construction vehicles and construction work on the site, consistent with Chapter 3-4 "Noise Pollution" of the Municipal Code;

b. hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site;

c. length of time travel lanes can be encumbered without advanced approval by the Commissioner of Public Works;

d. procedures for sidewalk closings or pedestrian diversions to ensure the safety of

pedestrians, how such diversions will be announced, and when police presence is necessary for traffic direction;

e. controls on "fugitive dust";

f. 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 anti-tracking mats or pads located on the site and all drainage must have proper filtration of the wash-down water);

g. noise abatement;

h. pest control;

i. street cleaning schedule and distance;

j. site security both during construction hours and after hours; and

k. scheduling of periodic meetings with residents and City staff to coordinate FASNY Project construction and keep residents advised.

1-2. This Condition requires that FASNY take all appropriate steps to address any impacts to adjacent properties, including pre-disturbance surveys of properties abutting disturbance areas where chipping or blasting is proposed and location of all principal landscaping and fences along the perimeter buffer area to residential properties at the earliest possible

planting season date.

2. This Condition modifies the Revised Construction Management Plan to require the use of existing procedures approved by the Departments of Public Safety and Building for any rock chipping or pile driving, sheeting and shoring around any excavation area.

3. In developing the excavation and construction procedures, the Revised Construction Management Plan is modified by this Condition to require that FASNY hold informational meetings for residents abutting the FASNY Property or within 100 feet of each sub-phase of construction as illustrated on the construction phasing plans contained in the Approved SWPPP ("Construction Phasing Plans"), prior to the commencement of disturbance of each sub-phase, to ensure notice to these owners of the commencement of site disturbance and construction, and provide them with information on the nature of the construction to be undertaken in each sub-phase. This includes creating a photographic record of exterior structural conditions of individual residences in the designated construction impact area where chipping or blasting is proposed. For purposes of this Condition, the application of herbicides over the Conservancy Area, subject to the Conditions in G. Conservancy Area and Conservancy Area Master Plan Conditions shall be deemed a sub-phase of construction herein.

4. No Phase IB archaeological field test will be required.

5. The Revised Construction Management Plan is modified by this Condition to provide that the

Applicant shall submit a parking plan for construction workers that designates the FASNY Construction Manager as the responsible party to ensure that the proposed parking plan is enforced. This Condition further modifies Revised Construction Management to require (1) that FASNY ensure, through appropriate measures to be agreed upon between the City oversight departments and the Applicant, that the parking location requirements for construction workers are strictly enforced; and (2) that FASNY be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and shall provide clear consequences for the failure to follow these regulations.

6. This Condition modifies the Revised Construction Management Plan to prohibit staging or "waiting" by construction vehicles on any City street unless specifically accepted in advance in writing by the Commissioners of Public Works and Public Safety. This prohibition shall be strictly enforced.

7. As to the control of "fugitive dust," this Condition modifies the Revised Construction Management Plan to provide that FASNY develop a dust control plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.

8. Consistent with Condition E.1-1, this Condition modifies the Revised Construction Management Plan to provide that the hours of permitted construction or site disturbance work for both weekdays and weekends must be posted on the FASNY website for each construction phase and must be strictly enforced. Once accepted as in conformance with all

of the applicable Conditions in this Approval Resolution herein and consistent with the Approved Documents, a copy of the filed Final Construction Management Plan must be maintained in the on-site construction office and on the FASNY website, and must be available to the public for review upon request during posted hours for construction. Copies of the filed Final Construction Management Plan must also be maintained in the Departments of Planning, Building and Public Works, and shall be available to the public for review, during regular business hours at those locations, and a summary with all contact information must be posted on the FASNY website.

9. This Condition requires that, prior to the issuance of any permits for site disturbance or any construction permits, other than permits for the demolition of existing buildings or structures, FASNY and its construction management team, including principal contractors, must meet together with the Commissioners of Public Safety, Building and Public Works and the Deputy Commissioner of Parking for Transportation Engineering and the Environmental Officer (together the "Construction Management Review Staff") or their representatives, to review the project's filed Final Construction Management Plan to ensure that all responsible parties understand their responsibilities under that Plan. A meeting of the parties involved in the demolition of any existing buildings or structures must also be held with representatives of the Construction Management Review Staff or their representatives prior to the issuance of any demolition permit(s), to review the Project demolition work and ensure that all responsible parties understand their responsibilities with respect to the demolition process, and the Revised Construction Management Plan must be modified to reflect the requirements

for these meetings.

10. Due to the proximity of sensitive receptors, such as nearby residences, consistent with Condition E.1-1, this Condition requires that the Revised Construction Management Plan be modified to address both noise impacts and air quality impacts of construction equipment, including, but not limited to, the following Conditions:

    a. The internal combustion engine-powered construction equipment used in the construction of the Project shall be limited to late model (1998 or 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 are 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 upon a demonstration that it is not feasible or practicable to obtain the required equipment. 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;

    b. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emissions 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 phase of this FASNY Project warrants the additional cost on the part of the Project developer to insure reduced emissions during the construction phase;

c. 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;

d. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, and that is not a motor vehicle (as defined in the Vehicle and Traffic Law) or vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment; and

e. "Non-road engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicles 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.

11. This Condition modifies the Revised Construction Management Plan to provide that the Applicant shall be responsible to ensure that all public streets and/or public roadway

infrastructure which are damaged as a result of construction activities are repaired to City standards at FASNY's expense, funding for such repairs to be drawn from the Site Reconstruction Bond posted with the City, FASNY's Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.

12. This Condition further modifies the Revised Construction Management Plan to address the maintenance of the property during the pre-construction and construction phases and provide that both prior to the commencement of any site disturbance or construction, and after commencement of same, the Applicant or any successor or assign shall be required to maintain the property and ensure that the property is clean and free from hazardous conditions.

13. This Condition further modifies the Revised Construction Management Plan to provide that for all off-site roadway construction or alteration, the City of White Plains Standard Construction Details and Specifications shall be used and supersede any other details or specifications. For on-site roadways, including the Emergency Access Driveway, the construction plans and specifications shall be subject to the approval of the Commissioners of Building, Public Safety and Public Works.

14. This Condition modifies the Revised Construction Management Plan to require a construction waste management and recycling program which shall describe: (1) how waste materials and recyclables will be collected and removed from the site; and (2) how recycling of construction debris will be maximized.

15. Since the FASNY Project site disturbance area exceeds one acre, in addition to the SWPPP which must be included in the filed Final Construction Management Plan by reference, this Condition provides that FASNY must include a note on the appropriate Final Site Plan Sheets noting the applicable soil and erosion control regulations and shall comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, but not limited to NOI, SWPPP, and SPDES regulations and requirements.

16. The Revised Construction Management Plan is further modified by this Condition to provide that the designated City departments which are required to: (1) approve permits for and oversee site disturbance and construction on the FASNY Project site; (2) enforce the filed Final Construction Management Plan; and/or (3) issue permits therefor, must strictly adhere to the filed Final Construction Management Plan in all aspects and all phases of the construction of the FASNY Project.

17. As also specified under Section G. Conservancy Area Master Plan Conditions, for inclusion in the Conservancy Area Master Plan, this Condition modifies the Revised Construction Management Plan to provide that, with respect to the removal of invasive species and establishment of a native meadow habitat, within the City and NYS DEC designated wetlands and watercourses, only such methods and procedures as are authorized by NYS DEC for its regulated Wetland G-7 and buffer area are permitted to be used on any and all City designated wetlands and watercourses, along with their designated "protective buffer

areas," as defined in Section 2 and described in Section 4.4.25.5.2.2 of the Zoning Ordinance. This Condition further requires that, other than said provisions for the wetlands and watercourses, environmental features shall not be adversely impacted during the construction process or as a result of other human initiated actions. The wetlands and watercourses, along with their designated buffers, must be protected and a cash site restoration bond posted with the City ("Site Restoration Bond") must cover restoration of any site disturbance or construction within 25 feet of the designated buffer areas to avoid any erosion or soil sedimentation in any of these environmental features or their buffer areas. The amount of the cash bond shall be approved by the Commissioner of Public Works and the Corporation Counsel. Where erosion or soil sedimentation occurs and impacts an environmental resource, FASNY shall be required to expeditiously restore same, drawing from the Site Restoration Bond. If costs exceed the amount of the Site Restoration Bond, FASNY or its successors and assigns shall still be responsible for the full cost. Any impacts to the "protective buffer areas" during site disturbance and construction must be restored to a natural vegetative habit. The manner in which such wetlands and watercourses, and their respective buffers will be protected and the method for calculating the Site Restoration Bond amount must be incorporated in the Final Construction Management Plan for all of the FASNY Property, not just the Conservancy Area.

18. This Condition requires that, if blasting is necessary to remove any rock on the site, FASNY shall be required to obtain all necessary permits and follow all of the City's requirements for blasting required by the Departments of Building and Public Safety in the City's Blasting

Protocol. The City's approved Blasting Protocol must be incorporated in the Final Construction Management Plan.

19. This Condition modifies the Revised Construction Management Plan to require that, within sixty (60) days of the adoption of the FASNY Special Permit/Site Plan Approval Resolution, FASNY must provide the Commissioners of Building and Public Works, and the Corporation Counsel with an estimate and back-up material, for establishing the amount of the Site Restoration Bond. The cost of restoring damaged environmental features may be included in the overall Site Restoration Bond for the Project site.

20. This Condition modifies the Revised Construction Management Plan to provide that noise mitigation measures during site disturbance and construction shall be addressed and mitigation measures must be identified in modifications to the Revised Construction Management Plan along with requirements for strict oversight and enforcement by the Departments of Building, Public Safety and Public Works.

21. This Condition modifies the Revised Construction Management Plan to provide that requirements for noise mitigation during construction shall apply to construction workers as well as to equipment including, but not limited to: (1) parking and access to the FASNY Project site; and (2) hours of arrival and departure from the Project site. This Condition further modifies the Revised Construction Management Plan to require that all noise mitigation measures listed in the Final Transportation Management Plan for vehicles coming to and parking on the Project site during Phase I School Use or Phase II School Use shall also

be applicable to construction workers traveling to and parking on the site. A statement to this effect must be included in Section 1.1 "Statement of Purpose" as a modification to the Revised Construction Management Plan.

22. According to the REVISED FASNY APPLICATION, implementation of FASNY's Revised Construction Management Plan Site Logistics Plans requires in Month 1 of construction the closure of the portion of Hathaway Lane described in Exhibit A(1) of the Discontinuance Ordinance, which is also Exhibit A(1) of this FASNY Special Permit/Site Plan Approval Resolution. This Condition modifies the Revised Construction Management Plan to require that the route or routes open to emergency vehicles for access to and through the FASNY Project site be available at all times during all portions of Phase I Construction or Phase II Construction. The Revised Construction Management Plan is further modified by this Condition to provide that no site disturbance or construction permits may be issued, other than permits for the demolition of existing buildings or structures, until the Final Construction Management Plan has been filed with the City Clerk after final conformance review by the Construction Management Review Staff, to ensure that all applicable Conditions are incorporated therein, as provided in Part IV: Determinations and Approvals in this Approval Resolution herein.

23. The Revised Construction Management Plan is modified by this Condition to state that all construction staging, equipment and materials storage, and parking for construction workers shall be located outside the 75 foot buffer area from abutting residential properties with

screening to be provided by the installation of permanent field located landscaping where called for by the Final Site Landscaping Plan or, where landscaping is not called for, with a construction fence with fabric screening, or a combination of landscaping and fabric fence screening, as determined by the Tree Preservation Committee in consultation with the Certified Landscape Professional and a FASNY representative. Where fencing is shown on any of the Final Site Plan Sheets to be used for screening the decision on field location shall be made by the Commissioner of Building and the Environmental Officer.

24. The Revised Construction Management Plan is modified by this Condition to provide that any plant material damaged in either phase of the construction process shall be replaced by FASNY on an expedited basis by the next planting season, and that this requirement shall be strictly enforced. Furthermore, this Condition further modifies the Revised Construction Management Plan to provide that no trees shall be removed to accommodate construction worker or construction equipment parking, unless those trees are identified on an accepted individual subarea site disturbance landscaping plan for removal for construction of that particular disturbance area of the FASNY Project and so incorporated in the applicable sub-area landscaping plan.

25. This Condition modifies the Revised Construction Management Plan to include a map of the White Plains area clearly showing public routes for construction workers and construction related vehicles, including material and equipment delivery trucks, to travel to and from the Project site, excluding all streets identified in the City's 1997 Comprehensive Plan as local "minor streets." Delivery trucks and construction equipment to the FASNY Site may only

travel on "collector streets" and "arterial streets" as shown in the 1997 Comprehensive Plan, as amended, and approved on such routing map by the Transportation Management Review Commissioners. Until the North Street Access is opened, access to the FASNY Project site shall be exclusively from arterial roadways like Mamaroneck Avenue, Bryant Avenue and North Street to the collector street Ridgeway, with access to the FASNY Project site at the discontinued portion of Hathaway Lane at the current intersection of Ridgeway with Hathaway Lane. All of the routing map(s) must be accepted by the Transportation Management Review Commissioners before any staging is done on the site and any permits for site disturbance, including for demolition of existing buildings and structures, or permits for construction are issued. The routing map(s) must be strictly adhered to and contracts and agreements with construction companies must include copies of the routing map(s), and list penalties for construction workers or companies failing to observe the specified routes. The routing map(s) must be included in material provided by FASNY to all construction workers and construction equipment companies and their drivers, who must sign that they have received and will comply with the routes. The prohibition of construction worker and construction related vehicles on any neighborhood streets must be strictly enforced.

26. This Condition provides that Delivery trucks and/or other construction equipment engines will not be permitted to remain idling during loading, unloading or other inactive times, and the Revised Construction Management Plan is herewith modified by this Condition to require that the idling restrictions be enforced by on-site project staff, and fines issued for non-compliance.

27. This Condition requires that, during the period of any construction or construction staging related activities along Ridgeway and/or North Street, at FASNY's sole cost and expense, a public safety person shall be assigned to act as a crossing guard during the morning and afternoon school bus operations at affected roadway intersections when and where determined necessary by the Commissioner of Public Safety, with the Revised Construction Management Plan modified to reflect this Condition.

28. This Condition modifies the Revised Construction Management Plan to provide that regulations and controls over disturbance, moving, and disposal of hazardous materials will be directly overseen by the Commissioners of Building and Public Works according to their respective jurisdictions, and pursuant to local, NY State and federal regulations.

29. As per the December 1, 2014 communication from the Commissioner of Public Works, the FINAL FASNY PROJECT must be subject to and in conformance with any and all Conditions in the Approved SWPPP.

30. As per a communication from the Commissioner of Public Works dated May 19, 2015, the SWPPP for the FASNY Project was approved by the Commissioner of Public Works effective May 15, 2015. The SWPPP Limit of Disturbance per NYS law is five (5) acres or such other area size as is approved. FASNY submitted as part of its SWPPP, and the Commissioner of Public Works has approved a SWPPP Construction Phasing Plan which indicates the areas of disturbance and their sizes as approved by the Commissioner of Public Works. The approved Construction Phasing Plan embodied in the SWPPP shall be the

blueprint for the series of construction activities delineated in the filed Final Construction Management Plan.

31. Whereas the Final Construction Management Plan must incorporate the entire SWPPP by reference, it must further incorporate directly the SWPPP Construction Phase Plan sheets showing the size, location and area of each site disturbance area, along with the timeframe for and sequence of each area to be disturbed.

32. The Revised Construction Management Plan must be further modified to incorporate each of the Conditions set forth herein below:

    a. Section 1.2 must be modified to include the statement: "No existing trees or shrubs required or proposed for Phase II Construction removal shall be removed in Phase I Construction";

    b. Section 3.11 must be modified to require that emergency lighting be provided on site for the safety of public safety personnel and for entry access to the site;

    c. Section 3.6 "Storm Water Pollution Prevention Plan" must be modified to include Environmental Finding C-7 in the header and include the following language: "the Approved SWPPP contains an updated sediment and erosion control plan with improvements to be utilized during construction in a manner that would ensure compliance with the NYS DEC General Permit which sediment and erosion control plan is incorporated in this Final Construction Management Plan." The Commissioner

of Public Works must verify that the proposed permanent improvements and the interim improvements to be utilized during construction have been designed in accordance with the requirements of the NYSDEC SPDES General Permit GP-0-1-0—1, and with the City of White Plains and New York State Stormwater Management Design Manual;"

d. As per the December 1, 2014 communication from the Commissioner of Public Works, to ensure the proper maintenance of any stormwater management measures used on the site, the Revised Construction Management Plan must be modified to provide that the owner: (1) establish an escrow account in an amount determined by the Commissioner of Public Works; and (2) execute a standard DPW stormwater maintenance agreement with the City, which must be executed no later than six (6) months after issuance of a T.C.O., which shall be so conditioned by this requirement. These documents must be completed in accordance with the City's Local Law requirements and coordinated with the Corporation Counsel upon Common Council approval this Approval Resolution. Required access easements to the City for post construction maintenance inspection must be recorded on the appropriate plans and must remain in effect with any transfer of the property. This requirement and the amount of the escrow account shall be included in Section 3.6 of the Final Construction Management Plan;

e. Section 3.4 must be modified to require that during site disturbance and construction any roadway or sidewalk impact or diversion must be reviewed and accepted by the

Commissioners of Public Works, Public Safety and Deputy Commissioner of Parking for Transportation Engineering;

f. It is essential that the public streets of White Plains be kept clean and free of mud and hazardous conditions. Section 3.7 must be modified to provide that the frequency and distance of street cleaning in the area of the access to the FASNY Project site shall be subject to the determination of the Commissioner of Public Works;

g. Section 3.9 which addresses noise control and mitigation must be modified to include the following language modified from Environmental Finding N-6 of the December 19, 2014 Environmental Findings Statement: "Due to the location of the FASNY Project within a low density residential area with little ambient noise during evening hours, potential significant adverse noise impacts could occur from deliveries to the Site. Therefore, deliveries will be limited to only the hours that construction is permitted under Chapter 3-4 "Noise Pollution" of the Municipal Code." This language shall also be included in Appendix A of the Final Construction Management Plan;

h. Section 3.10 must be modified to include clear and enforceable language with regard to pest control before, during, and after site disturbance and construction;

i. As per the Commissioner of Building, Section 3.11 addressing site security must be modified at subsection 3.11.a. to permit construction fences to be up to 8 feet in height with interwoven fabric or of solid construction, and to require a construction

trailer to be located near the construction site main entrance a minimum of 75 feet from any residential property line;

j. Section 3.12 must be modified to provide that monitoring of ultra-low sulfur diesel fuel usage shall be done by an independent monitoring company approved by the Commissioner of Public Works and, as provided by the Commissioner of Building, all fuel delivery receipts for construction vehicles shall be submitted to the Building Department to verify compliance;

k. Section 3.14 must be modified to provide that the Construction Phase Environmental Health and Safety Plan ("CHASP") must be reviewed by the Commissioner of Public Works and accepted as part of the Final Construction Management Plan and not submitted for review as part of Building Permit Application;

l. The Construction Traffic Management Plan included in Section 3.15 must be modified to state that it is subject to all of the applicable Conditions of the Approved Documents and this Approval Resolution herein;

m. The Site Logistics Plans for Phase IA Upper School of the REVISED FASNY APPLICATION shows access to the FASNY Project site for construction vehicles being moved to North Street in Months 14-24. The Revised Construction Management Plan must be modified to be consistent with the Approved SWPPP's Construction Phasing Plan, to reflect that the opening of the North Street Access roadway occur in approximately the 31st week of construction, subject to seasonal

weather conditions, and that the proposed signal modifications determined necessary by the Deputy Commissioner of Parking for Transportation Engineering must be made at the time of the shift in access and periodically adjusted during the construction phase as required by the Deputy Commissioner of Parking for Transportation Engineering;

n. All Site Logistic Plans must be reviewed to make certain that no soil stockpiles, tradesman parking or staging areas are shown as located over or adversely impacting any tree root systems. Any such encroachments must be removed. The Final Construction Management Plan cannot be filed with the City Clerk if any such conditions are shown on any site logistic plans;

o. All Site Logistic Plans shall require revision to conform with the Final Construction Management Plan;

p. The Site Logistics Plans in the Revised Construction Management Plan for Phase IA Months 1 through 14 of the REVISED FASNY APPLICATION must be modified to indicate in a note that "all construction worker parking, equipment storage or material storage must be located at least 75 feet from any residential property and that this separation standard also applies to the parking lot at the corner of Ridgeway and Hathaway";

q. The Site Logistics Plans must be modified to conform to the Approved SWPPP to indicate the route of emergency access to and through the FASNY Project site in all

phases of construction to be consistent with the Conditions herein for the modification of the Revised Construction Management Plan. The Final Construction Management Plan and the Final Transportation Management Plan must provide for how this emergency access will be maintained before, throughout and after the construction period;

r. The Site Logistics Plans must be further modified to conform to the Approved SWPPP and the location, size and sequencing of areas of disturbance as approved by the Commissioner of Public Works in the SWPPP, subject to any comments or requirements of the New York State Department of Environmental Conservation (NYSDEC). There must be full conformance between the SWPPP, the Tree Preservation Guidelines, and the Final Construction Management Plan which incorporates the modified Site Logistics Plans;

s. Section 3.16 addressing restoration of the site and landscaping of disturbed areas, must state that: "Site restoration and stabilization must occur as provided for in the SWPPP and same must be strictly enforced." The Final Construction Management Plan must include the site disturbance areas and sequence of areas to be disturbed, as provided in the Approved SWPPP. As noted herein, the Final Construction Management Plan must incorporate the SWPPP by reference, including the site stabilization and restoration language, and must address procedures for the posting and use of the Site Restoration Bond. Furthermore, in addition to the Site Restoration Bond and the requirements of the SWPPP, the Revised Construction Management

Plan at Section 3.16 must be modified in the Final Construction Management Plan to include the following language: If construction is to cease or be delayed for any period of 6 months or more, the City may draw on the Site Restoration Plan for the restoration of each disturbed area. The Site Restoration Bond shall be prepared in consultation with the Tree Preservation Committee and the Certified Landscape Professional, and shall conform to the Final Site Landscaping Plan and the Approved SWPPP"; and

t. The Revised Construction Management Plan must be modified to provide that any expansions of tradesman and equipment parking areas on-site will require approval of the Common Council where such parking area expansion would encroach into the 75 foot minimum setback from residential properties. Minor field adjustments to parking areas may be accepted by the Tree Preservation Committee, subject to such modifications conforming to the Approved SWPPP. Approval of off-site "satellite parking" under Section 8.5.2 of the Zoning Ordinance applies only to required parking spaces and therefore does not apply to temporary off-site construction worker parking. To ensure proper oversight of the location and use of any off-site construction worker parking during the Phase I Construction and Phase II Construction periods, off-site parking areas for construction workers shall require approval by the Transportation Commission. Off-site parking of equipment or equipment delivery vehicles is not permitted as the storage of such equipment is not permitted in the residential districts.

33. Consistent with Environmental Finding M-1, this Condition requires that the following actions are necessary for FASNY to take in order to avoid impacts from the disturbance of contaminated soil on the site. Any soil disturbance is subject to FASNY's full compliance with the Approved SWPPP and MS4 Permit, as well as being subject to the requirements of this FASNY Special Permit/Site Plan Approval Resolution herein. The Revised Construction Management Plans must be modified to require that FASNY:

a. Classify all soils as soils to "remain in place" and soils "to be removed" during construction;

b. Manage disturbance of known contaminated soil and provide for a contingency plan to address other sources or areas of contamination, if any, encountered during construction activities, and ensure that all procedures involving disturbance of soil on the FASNY Project site are documented in a CHASP approved by the Commissioner of Public Works, and made a part of the Final Construction Management Plan;

c. Ensure that all work involving disturbance of contaminated soils is under the supervision of licensed professionals with oversight by appropriately designated City staff and/or consultants, which requirement must be included in the Final Construction Management Plan;

d. Provide in the CHASP and the Final Construction Management Plan that FASNY

shall have responsibility for all work and costs associated with the preparation and implementation of the CHASP, including sampling and monitoring, and cost of supervision by licensed professionals;

e. As per the December 1, 2014 communication from the Commissioner of Public Works, this Condition modifies the Revised Construction Management Plan to provide that: (1) all fill brought to the site must first be tested not to exceed the Soil Cleanup Objective (SCO) numbers for any listed contaminants as shown on Table 375-6.8(b) of the NYSDEC classification requirements for "Restricted-Residential" fill as defined by the NYSDEC Division of Environmental Remediation's Brownfield and Superfund Regulation 6 NYCRR Part 375, latest edition; (2) a licensed NYS professional engineer must evaluate the testing results and classify the soil accordingly; (3) the documents must be presented to the Department of Public Works prior to acceptance; and (4) upon acceptance, a chain of custody established, among other requirements; and

f. This Condition modifies the Revised Construction Management Plan to require that FASNY must ensure full compliance with all local, State and Federal requirements for health and safety when disturbing any soil on the site.

34. Consistent with Environmental Finding M-2, to address potential significant adverse impacts from hazardous building materials, such as lead-based paint, asbestos, and PCB- or mercury-

containing materials exposed and/or disturbed during the full or partial demolition of existing on-site facilities including interior and exterior renovations, or during new construction and prior to the full or partial demolition of any structure or renovations thereto, certain safety procedures are required. Consistent with and in addition to all of the other applicable Conditions contained in the Approved Documents and this Approval Resolution herein, this Condition requires the following additional Conditions to address impacts from hazardous building materials which must be documented in modifications to the Revised Construction Management Plan:

a. Any application for a demolition permit and/or the Final Construction Management Plan must provide that prior to the issuance of any permits for demolition, site disturbance, or construction, a hazardous materials survey, including sampling for asbestos containing materials, must be completed and submitted to the Commissioner of Building for review;

b. Procedures for the removal, management, abatement, and disposal of hazardous building materials must be included in modifications to the Revised Construction Management Plan;

c. Procedures for the removal, management, abatement, and disposal of hazardous building materials to be undertaken in full compliance with all local, State and Federal regulations must be included in modifications to the Revised Construction Management Plan;

d. The Revised Construction Management Plan must be modified to provide that FASNY shall have responsibility for all work and costs associated with the removal, management, abatement, and disposal of hazardous building materials and the cost of supervision by licensed professionals;

e. If the City does not have adequate licensed staffing to ensure full oversight of the removal, management, abatement, and disposal of hazardous building materials, FASNY shall fund, up to an amount not to exceed $100,000, the cost of necessary licensed professional(s) to assist the Department of Building in such oversight and this must be provided in modifications to the Revised Construction Management Plan;

f. If it is necessary to store building material containing hazardous materials on-site for any period of time, FASNY shall ensure that the location and method of storage has been approved by the Commissioners of Building and Public Works, and is monitored daily by a licensed professional under the oversight of the appropriately designated City staff. This procedure must be documented in modifications to the Revised Construction Management Plan; and

g. All the procedures listed hereinabove must be fully implemented and strictly enforced by the Construction Management Review Staff.

35. Consistent with Environmental Finding M-3, as a Condition of this Approval Resolution herein the following language must be added to the Final Construction Management Plan: "If not already fully mitigated, in order to mitigate potential significant adverse impacts from any hazardous materials in the debris pile currently located on Expanded Parcel D in proximity to the wetland buffer boundaries of the NYS registered G-7 wetland, the debris must be removed and transported off-site for disposal at a location licensed to receive such materials. The procedure for the removal, transport and disposal of this debris must be approved by the Commissioners of Building and Public Works and be detailed in the Final Construction Management Plan. This shall include, but not be limited to, environmental monitoring of the material during loading, and inspection for evidence of contamination of the area underlying the debris pile. If contamination is observed, additional sampling must be undertaken by FASNY of the underlying area, appropriate regulatory agencies and City staff notified, and approved remedial action taken. To the extent any of this debris is located within the NYS registered wetland or its 100 foot buffer area, FASNY must comply with any additional regulations for removal and disposal of such material required by NYS DEC."

Part II: Conditions

F. Additional Public Works and Building Department Condition

RESOLVED that, the Conditions in this Section F. are hereby incorporated into and made a part of the FINAL FASNY PROJECT.

1. As per the December 1, 2014 communication from the Commissioner of Public Works, based on a note located on Site Plan Sheet SP-1, the existing base map was created from information taken from Westchester County Department of Information Technology Graphics Information Systems (GIS). The Applicant must confirm to the Commissioner of Public Works the existing topography elevations in all critical areas of the site which will be disturbed during construction, with a site specific topography survey by a NYS licensed land surveyor.

2. As per the December 1, 2014 communication from the Commissioner of Public Works, the Applicant has submitted proposed water consumption and sanitary flow volumes, which must be certified by a NYS licensed professional engineer as current, and reflective of all changes to the FASNY Project. The Applicant agreed that their MEP Engineer of Record (EOR) for the building's mechanical systems will submit more detailed design calculations which include taking into consideration the existing and proposed slope of the respective piping systems as well as the "half-full" volume capacities, to arrive at the proposed necessary size of the service lines. The EOR is the Applicant's NYS licensed design professional responsible for ensuring the FASNY Project's service lines are adequate for its intended inhabitants and uses, utilizing the New York State Plumbing Code. The calculations must be signed and sealed. The results of this analysis will provide the information pertaining to the upgrades as determined by DPW to the municipal water and sanitary sewer systems, in addition to the previously identified modifications included in the DEIS, that the Applicant would be required to undertake at their expense.

3. As per the December 1, 2014 communication from the Commissioner of Public Works, information regarding the sanitary sewer investigation is required in order for DPW to determine the upgrades to the municipal systems required to be undertaken at the Applicant's expense. The actual municipal infrastructure upgrades cannot be finalized until the Commissioner of Public Works has accepted a final Project Utility Plan, at which time the Department of Public Work's comments will be refined upon receiving additional investigative results for evaluation. All service revisions must be shown on the revised utility plans. These utility plans must also include the building configuration elements of the FASNY Project approved by the Common Council. In general, significant portions of current municipal sanitary sewer mains must be abandoned and rerouted with larger diameter pipes. This Condition provides that the discontinuance of the portion of Hathaway Lane and its conveyance to FASNY shall not take effect, until the Project Utility Plans are found to be complete and accepted by the Commissioner of Public Works.

4. As per the December 1, 2014 communication from the Commissioner of Public Works, the Applicant acknowledges that a master water meter concept must be utilized for the site. The Department of Public Works will require the property owner to provide a contract for maintenance of the new and existing private fire hydrants by an outside firm. The individual water meters that may use municipal water for the existing and/or proposed irrigation systems must be converted to private sub-meters, and the water consumption readings routed through the master water meter. Detailed plans must be provided demonstrating this

configuration.

5. As per the December 1, 2014 communication from the Commissioner of Public Works, it has been determined that solid waste and recycling would be collected by a private carter. Prior to the issuance of any Building Permit or site disturbance permits, FASNY must submit to the Commissioner of Public Works a letter stating that a private carter will be utilized, and provide a Department of Public Works Solid Waste Management Plan form, including details of the container storage area. The information on the Solid Waste Management Plan must reflect all the final revisions to the FASNY Project.

6. The building design and operational elements to promote an energy efficient design and meet the standards for LEED © (Leadership in Energy Efficient Design) Certification have been described by the Applicant to include, but not be limited to:

    a. Preferential parking for fuel efficient hybrid or alternate fuel vehicles, bicycle rack(s), and high efficiency HVAC system;
    b. Water efficient plumbing fixtures;
    c. Exterior and interior lighting management controls;
    d. Construction waste management and recycling; and
    e. Mandatory recycling.

7. The Applicant shall retain a LEED certified architect or engineer to review the plans and specifications for the FASNY Project, and oversee the construction of the Project. The LEED certified architect or engineer shall provide a report to the Common Council, prior to

issuance of a temporary or final Certificate of Occupancy for each Phase, describing how the design and operation of the building(s) meets the requirements for at least a LEED Certification.

8. In addition to the requirements for establishing LEED Certification level, FASNY is responsible for full compliance with the requirements of the City of White Plains for stormwater management, and is required to submit a Solid Waste Management Plan for the entire site which demonstrates how FASNY will comply with refuse and recycling requirements of the City.

9. The architectural plans for both the Middle and Upper School kitchen and the Lower School kitchen shall be revised to show the provision of grease filters incorporated into any and all kitchen exhaust systems with grease traps in the sanitary sewer line; and be it further

Part II: Conditions

G. Conservancy Area and Conservancy Area Master Plan Conditions:

RESOLVED that, the Conditions in this Section G. are hereby incorporated into and made a part of the Final Conservancy Area Master Plan, as applicable, and made a part of the FINAL FASNY PROJECT. Where any of these Conditions may contain elements already in the Revised Conservancy Area Master Plan, they are identified as (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1. Although the Revised Conservancy Area Master Plan submitted with the REVISED FASNY APPLICATION addresses most Conservancy Area issues, it does not incorporate all of the applicable Conditions in Section G. of this Approval Resolution herein below.

2. FASNY states that implementation of the Revised Conservancy Area Master Plan would be in two stages. Stage 1 would be completed simultaneous with receipt of the first certificate of occupancy for Phase I School Use. This Condition provides that the Commissioner of Building shall not issue any permanent or temporary Certificate of Occupancy for any portion of the FASNY School Use until, among other Conditions in this Section G., the Conditions a. through i. listed below have been completed in the Conservancy Area to the satisfaction of the Commissioner of Public Safety and the Tree Preservation Committee and written notice thereof has been submitted to the Commissioner of Building:

    a. Creating the two (2) small parking lots;

    b. Enhanced maintenance and security;

    c. Entry features and signage;

    d. Outdoor classrooms;

    e. Maintenance of existing golf cart paths as walking trails with additional mowed paths within the Conservancy;

    f. Removal of invasive species in accordance with the Final Conservancy Area Master Plan and applicable portions of the Final Construction Management Plan,

such areas of removal through herbicides, such as the application of Rodeo, to be shown as an overlay on the Construction Phasing Plans for Phase I Construction and Phase II Construction;

g. Introduction of native meadow species in the former fairways and greens, which native habitat meadow areas are intended for educational and passive recreational use;

h. Hiring a Conservancy "steward" to coordinate restoration of the habitat areas in alignment with FASNY's educational mission (All Currently Incorporated); and

i. Filing of the Final Declaration establishing the Conservancy to the benefit of the City, in a form approved by the Corporation Counsel.

3. This Condition provides that FASNY must coordinate the Stage 1 Implementation with the Construction Management Review Staff prior to the issuance of any permits, except for demolition and abatement, to ensure that all work is coordinated and meets the requirements of both the Final Construction Management Plan, and the Final Conservancy Area Master Plan.

4. Stage II of the Conservation Area Master Plan shall include the following:

   a. Habitat restoration;

   b. Wetland restoration;

c. Stream restoration;

d. Propagation greenhouse;

e. Community garden;

f. Seating areas;

g. Shade structures and storage sheds;

h. Observation deck and floating pier; and

i. Woodland boardwalk and outlook.

FASNY states in its Revised Conservancy Area Master Plan that these Phase II School Use Conservancy Area items will only be undertaken as funding is available (Currently Incorporated). This Condition modifies the Revised Conservancy Area Master Plan to provide that, when FASNY proposes to undertake any work in any of these areas: (1) it must first contact the Commissioners of Building and Public Works to obtain any required permits, and must notify the Common Council in writing and the community through its website of the time frames for such work and the number of workers and type of work to be involved; (2) all access to the site for any such work must be exclusively through the North Street Access point and any parking for construction workers and/or equipment which must be within approved parking areas on the FASNY Project site; and (3) prior to commencement of work in any area affecting the NYS registered Wetland G-7, FASNY must obtain and present to the Commissioners of Building and Public Works all required permits and approvals from NYS Department of Environmental Conservation. For any site disturbance near or affecting the locally designated wetlands or their 100 feet of "protected buffer area" on Parcels C and D, FASNY must obtain permits from the Commissioner of Public Works pursuant to Chapter

3-5 of the Municipal Code, and the Revised Conservancy Area Master Plan must be modified to require same. Any Stage 2 work must also be reviewed by the Construction Management Review Staff in terms of compliance with the Final Construction Management Plan.

5. FASNY states in the Revised Conservancy Area Master Plan that it reserves the right, in its reasonable discretion, provided it is consistent with its approvals, to modify certain items in the Revised Conservancy Area Master Plan for health or safety reasons and/or to fulfill the Revised Conservancy Area Master Plan objectives (Currently Incorporated). However, this Condition provides that any proposed changes to the Revised Conservancy Area Master Plan must be submitted to the City's Corporation Counsel to determine whether the changes are minor modifications or require review by either the City staff designated in this Approval Resolution, or require review by the Common Council.

6. This Condition requires that the Revised Conservancy Area Master Plan and applicable Revised Site Plan Sheets be modified to show final boundaries of the approximately 84 acre area of the Conservancy as modified by this Approval Resolution herein. The final size of such Conservancy Area shall be established by a survey to be included in the Final Declaration.

7. The Revised Conservancy Area Master Plan provides additional information in Attachments A and B regarding FASNY's proposed approach to the removal of the golf course invasive species and the establishment of a meadow habitat on the approximately 84 acre Conservancy Area, including a protocol for the application, storage and handling of the

herbicide Rodeo which is the herbicide intended for use on the property. An application procedure manual, describing the method and procedures (i.e. protocol) for the application, storage and handling of the NYS DEC regulated herbicide Rodeo, entitled "Native Meadows A Guide to Their Installation, Development, Management, & Benefits," and prepared by Larry Weaner Landscape Associates, dated May 2014, along with back up material is incorporated in the Revised Conservancy Area Master Plan (Currently Incorporated). The Revised Conservancy Area Master Plan Attachment B notes that the use of the herbicide Rodeo will "comply with all applicable standards, codes, laws, rules, and regulations; including, but not limited to, those promulgated by OSHA, MSHA, and the New York State Department of Environmental Conservation." Attachment B further states that NYS DEC requires the issuance of a Freshwater Wetlands Permit for the application of NYS DEC regulated herbicides within the 100 feet of a New York State regulated wetland. Attachment B further sets forth the procedures under the mandatory Neighbor Notification Law. Such notification is required to be sent to all properties within 150 feet of the site of the proposed application, unless there is an intervening public street, in which case notification is not required (Currently Incorporated). The handling, application and storage of this herbicide material is also subject to certain requirements of the SWPPP, including the protocol for the Material Safety Data Sheets. Although the use and storage of the herbicide Rodeo is regulated by NYS DEC, not at the local level, and although this herbicide is approved for use on residential properties and in residential areas, consistent with the other Conditions of this FASNY Special Permit/Site Plan Approval Resolution herein, and consistent with FASNY's goals and objectives for the Conservancy Area, this Condition requires that the Revised

Conservancy Area Master Plan be modified, to include the following requirements with respect to the herbicide protocol, and FASNY has agreed to such requirements:

a. Due to the layout of the FASNY Property in four (4) parcels with local streets running around and through the Project site, the Neighborhood Notice shall be provided to all properties within 150 feet regardless of being separated by a public street;

b. As stated in Environmental Finding N-4, *the Construction Management Plan must contain a detailed protocol for the storage and application of the chemical herbicide that demonstrates to appropriately designated City staff and/or consultants that it will not have an adverse impact on groundwater, stormwater, soil in situ or soil that may be carried off-site by ground or stormwater.* Thus the protocol must provide for compliance with all regulations and best management practices. Therefore, within 60 days of the passage of this Approval Resolution herein, FASNY must submit to the Commissioner of Public Works, who is responsible for the approval of the SWPPP and the MS4 Permit, the final Construction Phasing Plan(s) for Phase I Construction, modified to include for Phase I Construction, an overlay of the area(s) subject to the two applications of the herbicide to remove invasive species; and FASNY must further submit a Herbicide Management Plan, to be made part of the Final Conservancy Area Master Plan and the Final Construction Management Plan, which Herbicide Management Plan shall include, but not be limited to:

(1) Name, address and contact information for the licensed Herbicide applicator(s) and NYS DEC license numbers, at this time indicated by FASNY to be Weeds, Inc., license #4962;

(2) Description of Herbicide Application Protocol;

(3) General outline of herbicide application schedule;

(4) consistent with the SWPPP, requirement that a copy of all Material Safety Data Sheets be filed with the Commissioner of Public Works;

(5) provide that in case of any accidental release, notification will include the Commissioner of Public Works;

(6) Description of storage location and procedures, which must address all NYS DEC requirements; and

(7) In order to ensure that the City receives notification of the application of the herbicide Rodeo on the portions of the Project site shown on the final Construction Phasing Plan(s) overlays, copies of the Neighborhood Notice, and any other notices or reports submitted by FASNY to NYS DEC, shall be provided to the Commissioner of Public Works with a copy to the Corporation Counsel; and

c. This Condition requires that, pursuant to Section 4.4.25.5.2.2 of the Zoning Ordinance, the City designated wetlands and water course areas, and the two contiguous 50 foot "protective buffer areas" around the wetlands and water courses located on Parcels C and D and designated as wetlands under Chapter 3-5 of the Municipal Code and Section 4.4.25 of the Zoning Ordinance, shall be treated in the same manner as is approved by NYS DEC in a NYS DEC Freshwater Wetlands Permit, for the wetland and 100 foot buffer area designated by NYS DEC as Wetland G-7; and

d. This Condition requires that FASNY shall establish a critical root zone protection area on FASNY Property adjacent to and immediately abutting the private properties directly abutting the Conservancy Area, which critical root zone protection areas shall be excluded from the broad application of herbicides to exclude from herbicide treatment the root zones of private plantings on the directly abutting private properties along the FASNY Property line and to exclude from herbicide treatment, as appropriate, landscape screening located on the FASNY Property along such private property lines. The critical root zone protection areas shall also be delineated around all specimen and protected trees and such other plantings as is deemed necessary and appropriate by the Tree Preservation Committee, in consultation with the Certified Landscape Professional and FASNY's representative(s).

8. This Condition requires that Section 4.4 of the Revised Conservancy Area Master Plan

addressing "*Develop Amenities for the Site for Publicly Accessible Open Space*" be modified to provide more detail on the amenities accessible to the public, including, but not limited to: (1) eight foot paved east-west and north-south bike/pedestrian paths with mowed margins; and (2) mowed paths for pedestrians only. The method of year round maintenance and snow removal is addressed in Section 9.4 of the Revised Conservancy Area Master Plan (Currently Incorporated). However, Figure 2 in Section 4.4 must be updated when the final field located plan for the Conservancy trailway system is laid out and confirmed by the Tree Preservation Committee.

9. Consistent with Finding C-1 in the 2013 FASNY Environmental Findings Statement which states: "*Due to the size of the site and the several areas of construction thereon, the environmentally sensitive nature of the site, and the critical nexus between storm water management and location and design of project buildings, athletic fields and structures, internal roadways and parking areas, any Revised Proposed SWPPP must be extensive, inclusive and detailed,*" the Approved SWPPP is extensive, inclusive and detailed. The requirements of the SWPPP are incorporated by reference in this FASNY Special Permit/Site Plan Approval Resolution herein and shall be incorporated by reference in the Final Conservancy Area Master Plan, as well as, as previously stated, by reference in the Final Construction Management Plan. Where there is any conflict between the SWPPP and the Final Conservancy Area Master Plan, the SWPPP shall control.

10. As part of its REVISED FASNY APPLICATION, FASNY submitted a Revised Declaration

of Covenants, Restrictions and Easements for the Conservancy Area, dated October 20, 2014. This document must be further modified at Section 11. Additional Areas subsection (a), to read, in part: "... Declarant hereby grants the City of White Plains the right to purchase the Conservancy from the Declarant or its successors and assigns for one dollar ($1.00)", such Final Declaration to be in a form approved by the Corporation Counsel.

11. Section 7.2 of the Revised Conservancy Area Master Plan addresses uses of the Conservancy Area by the public. All public uses must be listed in an unambiguous manner in the Conservancy Area Master Plan and in FASNY's website, and the Final Conservancy Area Master Plan shall so provide.

12. Section 7.3 of the Revised Conservancy Area Master Plan addresses Conservancy Area security, which Section 7.3 must be accepted by the Commissioner of Public Safety and, once accepted, be incorporated into the Final Conservancy Area Master Plan.

13. This Condition requires that Section 9.3 of the Revised Conservancy Area Master Plan be modified to provide that an animal control service be under contract to the FASNY School and that this service will be called if and when any animal in the Conservancy Area displays abnormal behavior.

14. Since the City of White Plains Fire Department will be the first responders, this Condition requires that Section 9.5 of the Revised Conservancy Area Master Plan include the procedures to be used by FASNY to maintain the property, and any perimeter mowing or other mowing schedule or locations must be agreed to by the Commissioner of Public Safety.

15. This Condition requires that FASNY take all appropriate actions to ensure that the existing pond aerator pumps are maintained or replaced in order to minimize algae blooms.

Part II: Conditions

H. Additional Site Plan Sheet Revisions Conditions:

RESOLVED that, the Conditions in this Section H are hereby incorporated into and made a part of the FINAL FASNY PROJECT.

1. All Site Plan Sheets must be revised to conform to the Approved SWPPP.

2. The 45 parking spaces proposed on grass for overflow parking use during Special Events, and the landscaping of same, must be shown consistently on all Final Site Plan Sheets.

3. The distance from the southern property line of 57 Hathaway Lane to the FASNY roadway needs to be shown on SP-14.

4. The design of the Emergency Access Driveway connection to the public portion of Hathaway Lane needs to be shown consistently on the Final Site Plan and the Final Site Landscaping Plan.

5. Trees to be removed need to be identified consistently on all Final Site Plan Sheets and Final

Site Landscaping Plan Sheets.

6. Wetland and buffer area limits must be shown on all Final Site Plan Sheets and all Final Site Landscaping Plan Sheets.

Part III: Common Council Findings Regarding Compliance with White Plains Zoning, Environmental and Other Land Use Regulations

RESOLVED, that the Common Council hereby adopts the following findings with regard to the compliance of the FINAL FASNY PROJECT, incorporating all of the Conditions in Part II: Conditions herein above and consistent with the Approved Documents, with White Plains zoning, environmental and land use regulations. The FINAL FASNY PROJECT is reviewed against the following sections of the Zoning Ordinance: Section 2 (Definitions), 4.1.2 (Minimum Requirements), 4.4.1 (Lot for Every Building), 4.4.19 (Landscaping, Screening and Buffer Area). 4.4.20 (Exterior Lighting), 4.4.25 (Environmentally Sensitive Sites or Features) and 4.4.25.5 (Individual Standards for Environmentally Sensitive Features, subsection 4.4.25.5.2.2), 5.1 and 5.2 (Schedule of Use Regulations), 5.3 (Schedule of Dimensional Regulations), 6.1 (Regulations), 6.2.3 (Approving Agency), 6.3 (Application), 6.5 (General Standards for Special Use Permits), 7.5 (Site Plan), 7.6 (Expiration), 8.3 (Schedule of Parking Requirements), 8.5.2 (Satellite Parking), 8.7.3 (Partial Waiver of Improvements), and 8.7.5 (Landscaping); and to the following Chapters of the White Plains Municipal Code: Chapter 3.5 "Environmentally Sensitive Sites and Features" and Chapter 7.5 "Trees".

Use Standards of Sections 5.1 and 5.2

1. The Common Council finds that the proposed Conservancy Area is not a separate use but a part of the "private secondary school" and "private elementary school" special permit use to which FASNY is permitting controlled public access. The Common Council further finds that approval of the FINAL FASNY PROJECT will: (1) maintain the consistency of FASNY Project land uses with the Zoning Ordinance; (2) ensure the use of the Conservancy Area for educational purposes; (3) ensure public pedestrian and bicycle access to and through the Conservancy Area and the North-South Bicycle-Pedestrian Pathway Public Access Area, as the same is defined in the Revised Declaration; (4) ensure the proper maintenance and safety of the Conservancy Area and the North-South Bicycle-Pedestrian Pathway Public Access Area; and (5) accept FASNY's proposal to enter into the Final Declaration with a non-profit land trust or conservation organization, with the City of White Plains being a beneficiary of such Final Declaration and having the right to acquire the area covered by the Final Declaration for one dollar ($1.00) in the event the School use is discontinued. The Common Council further finds that such approved Final Declaration is subject to approval as to form by the Common Council herein and with the Final Declaration subject to approval as to form by the Corporation Counsel prior to its execution by the Mayor or his designee.

2. Based on the definitions of "Minor Accessory Building" and "Main Building" in Section 2 of the Zoning Ordinance, FASNY submitted a request to the Assessor to merge the North Street

Property with Parcel D, creating an expanded Parcel D ("Expanded Parcel D"). The Assessor has submitted a communication dated March 23, 2015, stating that lot SBL 131.11-12-1, referred to herein as the North Street Property is merged with the existing lot SBL 131.14-9-3, referred to herein as Parcel D, creating the new Section-Block-Lot number 131.10-3-43.11 referred to herein as the Expanded Parcel D. The Common Council finds that the completed merger of the North Street Property with Parcel D by FASNY is appropriate to maintain the consistency of FASNY land uses with the Zoning Ordinance.

3. To maintain consistency of land uses on the Project site with the Zoning Ordinance, the Common Council finds that the merger of Parcel A and the Expanded Parcel D after the discontinuance of the portion of Hathaway Lane is appropriate and, with such merger, the building and accessory garage on the former North Street Property will conform to the Zoning Ordinance "use" standards as "Minor Accessory Buildings" on the merged lot.

4. To further maintain the consistency of land uses on the Project site with the Zoning Ordinance, the Common Council finds that it is necessary and appropriate that parking for the Upper and Middle Schools be permitted to be located, as shown on the Revised Site Plan Sheets SP-14 and SP-15, as same are further modified by the Conditions of the FINAL FASNY PROJECT, within the designated parking areas on Parcel A and the Expanded Parcel D, subject to the Common Council granting approval in this Approval Resolution herein for the Phase I School Use parking on Expanded Parcel D as satellite parking pursuant to Section 8.5.2 of the Ordinance for such period of time as Parcel A and the Expanded Parcel D are not merged.

5. Based upon Common Council findings 1 through 4 herein above, the Common Council finds that the "private elementary school" and "private secondary school" special permit use, accessory "nursery school" use, and accessory tennis court special permit use in the FINAL FASNY PROJECT, are all consistent with Section 5.1 Schedule of "Use" Regulations and Section 5.2 List of "Use Regulations of the Zoning Ordinance.

Dimensional Standards of Section 5.3

6. The Common Council finds that all of the buildings proposed by FASNY to be located on Parcels A and D, as shown on the Revised Site Plan Sheets SP-14 and SP-15, and included in the FINAL FASNY PROJECT, have less than the maximum building coverage and floor area ratios for main and accessory buildings and structures for Parcel A and the Expanded Parcel D, both in combination and individually, as shown in Section 5.3 of the Zoning Ordinance. There are no "Main Buildings" on Parcels B or C. There are no "Minor Accessory Buildings" on Parcel C. However, the Common Council finds that the "Minor Accessory Building" shown in the garden in Parcel B on Revised Site Plan Sheet SP-14 is not in conformance with Section 5.3 of the Zoning Ordinance as it would be an accessory building without a principal building, and must, therefore be removed as part of from Final Site Plan Sheet SP-14 and removed as part of FINAL FASNY PROJECT.

7. All "Main Buildings" and "Minor Accessory Buildings" shown on the Revised Site Plans Sheets SP-14 and SP-15 meet the maximum height requirements for the R1-30 District.

8. Consistent with Zoning Ordinance Sections 4.1.2 and 6.5, the Common Council finds that the setbacks shown on the Revised Site Plan Sheets SP-14, SP-15 and SP-16, meet or exceed the applicable requirements of the Zoning Ordinance regarding setbacks, including during construction, which provide that, with the exception of the tennis courts, the distance between the property line of abutting properties and all buildings, structures, athletic fields, and parking areas shall be a minimum of 75 feet, regardless of whether a front, rear or side yard is involved, and regardless of the minimum setback requirements for the R1-30 zoning district in the Zoning Ordinance being less for any such yard. The Common Council finds the 75 foot minimum setback for all buildings and structures, athletic fields and parking areas is necessary "*for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare*" (Zoning Ordinance Section 4.1.2) and to "*insure initial and continual conformance to all applicable standards and requirements*" of the Zoning Ordinance (6.5).

9. The Common Council finds, that the applicable Conditions in this FASNY Special Permit/Site Plan Approval Resolution herein regarding tennis court setbacks, including, but not limited to, Condition C.1, provide that the distance between the property line of abutting residential properties and the tennis court structures on Parcel A shall be at a 100 foot setback. The Common Council finds that it is necessary and appropriate to maintain a 100 foot minimum setback for the tennis courts from abutting residential properties to the west.

10. Based on Common Council findings 6 through 9 herein above, the Common Council finds

that the four individual lots (Parcel A, Parcel B, Parcel C and Expanded Parcel D) on the FASNY Project Site meet or exceed the Section 5.3 Dimensional Standards of the Zoning Ordinance for minimum lot area requirements for frontage, depth, minimum required yard dimensions and yard setbacks for the R1-30 Zoning District in which the four (4) lots are located.

Special Permit Section 6.1 General Provisions

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

11. Pursuant to Section 6.1 General Provisions of the Zoning Ordinance, the "private elementary school" and "private secondary school" special permit use and the special permit accessory tennis courts are "*permitted 'use's*" in the R1-30 District, "*subject to the satisfaction of the conditions and standards set forth in this Section [6] in addition to all other requirements of this Ordinance,*" and, consistent with Sections 4.1.2 and 6.5 of the Zoning Ordinance, as further stated in Section 6.1, the "private elementary school" and "private secondary school" special permit use and the special permit accessory tennis courts in the FINAL FASNY PROJECT "*possess[es] characteristics of such unique and special form*" that such Special Permit application for a "private elementary school" and "private secondary school" with accessory "nursery school", and special permit structures (tennis courts) "*must be*

considered as an individual case." The Common Council further finds that, to address the unique and special form of this "private elementary school" and "private secondary school" special permit use and special permit tennis court structures, and the parking areas and athletic fields therefor, in certain instances it is necessary and appropriate that applicable Conditions of this Approval Resolution exceed the minimum requirements of the Zoning Ordinance, as provided in Sections 4.1.2, 6.1 and 6.5 of the Zoning Ordinance.

Special Permit Section 6.2 and Section 6.2.3

12. Pursuant to Section 6.2 and 6.2.3 of the Zoning Ordinance, the White Plains Board of Appeals is the Special Permit/Site Plan approval agency for "private elementary school" and "private secondary school" special permit uses and accessory tennis court special permit uses. However, Section 6.2.3 of the Zoning Ordinance provides the following:

    Notwithstanding the foregoing provisions of Section 6.2 or any other provision of this Ordinance, the Common Council may, by adoption of a resolution, reclaim jurisdiction as approving agency for any special permit "use" upon the finding, in the Common Council's absolute discretion, that such special permit "use" is of substantial public importance,

    and, as stated in the WHEREAS clauses herein above, the Common Council, pursuant to Section 6.2.3 of the Zoning Ordinance, adopted such determination of "substantial public importance" by resolution adopted August 1, 2011 and reclaimed jurisdiction as approving agency of the Initial FASNY Application which Initial FASNY Application, as revised by FASNY to date, is the Application defined as the REVISED FASNY APPLICATION, and as modified by the Conditions in the Approved Documents and in this Approval Resolution

herein is the FINAL FASNY PROJECT.

Special Permit Section 6.3 Application

> **A special permit application** ***"shall include a "site plan," as well as a written statement describing the nature of the proposed "use" and how it will serve to implement the purposes of [the] Ordinance"*****;**

13. The Common Council finds the requirement at Section 6.3 of the Zoning Ordinance, that an application for a special permit use must include a site plan, and the requirement at Section 6.5 of the Zoning Ordinance that it must comply with the standards of Section 7.5 of the Zoning Ordinance, to be necessary and appropriate "*for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare*" (Section 4.1.2 of the Zoning Ordinance) and to "*insure initial and continual conformance to all applicable standards and requirements*" (Section 6.5 of the Zoning Ordinance). The Common Council further finds that the FINAL FASNY PROJECT satisfies the requirement of Section 6.3 of the Zoning Ordinance.

Special Permit Section 6.5 Standards

All special permit "uses" shall comply with the following standards [6.5.1 through 6.5.4] in addition to the "site plan" standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.

[and]

Zoning Regulations Section 4.1.2 "Minimum Requirements"

"[i]n interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare."

14. The Common Council finds that, pursuant to Sections 4.1.2 and 6.5 of the Zoning Ordinance, it is essential that the FINAL FASNY PROJECT incorporate all Conditions in the Approved Documents and this Approval Resolution herein, such Conditions being necessary *"to insure initial and continual conformance to all applicable standards and requirements, and for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare"* of the residents of the City of White Plains and the neighborhoods surrounding the proposed French-American School of New York. *See also* the Common Council findings under Zoning Ordinance Sections 6.1 and 6.3 hereinabove, the individual General Standards for special permits at Section 6.5 (6.5.1 through 6.5.4) herein below, and the Standards for Site Plans at 7.5 also herein below.

Special Permit Section 6.5.1

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

15. The Common Council finds that, although the four principal parcels on the FASNY Property are not contiguous, the FASNY Project site represents one of the largest areas in common ownership in the City of White Plains, and has a distinctive open space and environmental character.

16. The Common Council finds that the Condition modifying the REVISED FASNY APPLICATION by designating as "protective buffer area" the two contiguous 50 foot buffer areas around the locally designated wetlands and water courses on Parcels C is necessary for conformance of the FINAL FASNY PROJECT with Section 4.4.25.5.2.2 of the Zoning Ordinance. The Common Council further finds that it is necessary and appropriate that the FINAL FASNY PROJECT, including, but not limited to, Conditions E.17 and G.7.d, provides for the use of a herbicide and/or pesticide within any City designated wetland, water course or associated buffer areas only if such use is authorized by NYS DEC in any DEC Freshwater Wetlands Permit for use on its NYS DEC regulated Wetland G-7 or its 100 foot buffer area.

17. The Common Council finds that, as shown on Site Plan Sheet SP-2, there are no NY State or locally regulated wetlands or water courses or their associated buffer areas on Parcels A and B.

18. The Common Council finds that, according to the Approved SWPPP, outside the NYS designated G-7 Wetland and 100 foot buffer area, the thresholds for disturbance of steep slopes or rock outcroppings set forth in Chapter 3-5 of the Municipal Code are not exceeded.

19. The Common Council finds that in the FINAL FASNY PROJECT all new buildings, structures and athletic fields are located on Parcel A or on the southern portion of Expanded Parcel D outside the limits of any wetlands and buffer areas and do not conflict with the *"appropriate and orderly development of the area in which* [the FASNY Project] *is located."*

20. The Common Council finds that where there are any discrepancies between the Approved SWPPP and the FINAL FASNY PROJECT, the SWPPP controls.

21. The Common Council finds that it is necessary for *"the appropriate and orderly development of the area in which [the FASNY Project] is located,* and necessary for the protection of the *"public health, safety and welfare"*, and consistent with the requirements of Environmental Finding N-4 from the 2013 FASNY Environmental Findings Statement that, as modified by the applicable Conditions of this Approval Resolution herein, including, but not limited to, Condition G.7, the FINAL FASNY PROJECT requires a protocol in the Final Conservancy Area Master Plan and the Final Construction Management Plan for the implementation of the meadow restoration program using herbicides, such as Rodeo.

22. The Common Council finds that, consistent with the City's environmentally sensitive sites regulations in the Zoning Ordinance at Section 4.4.25 and at Chapter 3-5 of the Municipal Code, and to protect environmentally sensitive features and their established buffer areas, it is necessary and appropriate that FASNY has located the principal FASNY School facilities, including buildings, tennis court structures, athletic fields and parking areas on Parcel A and

the lower portion of Expanded Parcel D, which areas do not contain, or are outside of the applicable buffer areas of environmentally sensitive features on the overall FASNY Property.

23. The Common Council finds that the FINAL FASNY PROJECT, modified by Conditions including, but not limited to, C.1 through C.19, E.1-1 through E.35, and G.1 through G.15, complies with the requirements of the City's environmental regulations in the Municipal Code at Chapter 3-5 and 7-5.

24. As detailed in the Conditions of the Final Transportation Management Plan herein and in the Approved Documents, the Common Council finds that the number of students defined in this Approval Resolution herein for Phase I School Use *"will be in harmony with the appropriate and orderly development of the area in which it is located,"* so long as the combined vehicle trips to and from the Project site in any AM or PM peak hour do not exceed 530 trips.

25. The Common Council finds the Phase II Construction and Phase II School Use as defined in Part I: Background hereof to be *"in harmony with the appropriate and orderly development of the area in which it is located,"* based on the Conditions in the FINAL FASNY PROJECT including the requirement for the Phase II Assessment and no more than 530 vehicle trips in the AM or PM peak hour periods.

26. The Common Council finds that, the FINAL FASNY PROJECT sets forth the use of the FASNY Project site and the nature of the operations involved therein which are consistent

with the surrounding residential area which includes several private and public schools, and is consistent with the 1997 Comprehensive Plan, as amended by the July 11, 2006 amendments.

27. With respect to access to the site from local streets, the Common Council finds that based on the findings contained in the 2013 FASNY Environmental Findings Statement neither the FASNY Initial 2011 Application nor the MPP/Ridgeway access alternative, both of which provided such access, is being considered as part of the REVISED FASNY APPLICATION or FINAL FASNY PROJECT.

28. With respect to access to the FASNY Project site being exclusively from North Street (except for 9 parking spaces for security/maintenance vehicles and except for deliveries from Ridgeway and small Conservancy Area parking lots), at a new intersection aligned with the White Plains High School access point, the Common Council finds that the FINAL FASNY PROJECT, modified by Conditions herein, including, but not limited to, A.2, A.3, B.1.d(13), B.1.d(24),B.1.d(39), E.23, E.27, and G.3, is consistent with the character and use of North Street and Bryant Avenue as arterial streets, and the protection of the character of local neighborhood streets which will not provide access to the FASNY School. The Common Council further finds that the conditions maintaining two-way through traffic through the FASNY Project site from Ridgeway to the public portion of Hathaway Lane south of Gedney Esplanade after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations, is, as stated in the Approved Discontinuance Ordinance, "appropriate to protect the public interest" and will further

protect the character of the local neighborhood streets.

29. As per the December 1, 2014 communication from the Commissioner of Public Works, the Common Council finds that it is necessary and appropriate for the Commissioner of Public Works to have the authority to make minor modifications in size and/or scope of the public easements that exist and are proposed in the FASNY Project's property, provided such changes do not alter the purpose and intent of these findings and approvals.

30. The Common Council finds that, consistent with Common Council findings #28 and #70, and consistent with protecting neighborhood streets and the character of the surrounding neighborhood, the FINAL FASNY PROJECT provides that access from North Street must be for all vehicles coming to or departing from the FASNY School during the use of the school and school events, with the exception of the limited number of vehicles authorized to access the Project site from Ridgeway.

31. Consistent with the Environmental Findings Statement, the Common Council finds that the full operation of the North Street Access in accordance with the Approved SWPPP, as required by the applicable Conditions of the FINAL FASNY PROJECT, is necessary to protect the character of the surrounding neighborhood and maintain the proper functioning of City streets.

32. With respect to the Final Site Landscaping Plan included in the FINAL FASNY PROJECT,

as per Section 6.5.1 of the Zoning Ordinance, the Common Council finds that "*location and size* [of the FASNY Project, the] "*nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to* [the FASNY Phase I School Use and Phase II School Use], *and the location of the site with respect to "streets" giving access to it,* [being exclusively from North Street except for solid waste collection and nine (9) parking spaces off of Ridgeway], an arterial street, *are such that the* [FASNY Project] *will be in harmony with the appropriate and orderly development of the area in which it is located.*"

33. Based upon Common Council findings #15 through #32, and the FINAL FASNY PROJECT, including, but not limited to, Conditions A.1 through A.19, and B.1 and B.2, the Common Council further finds that the FASNY Project satisfies the standard at Section 6.5.1 of the Zoning Ordinance in that "*the nature and intensity of the operations involved in* [the FASNY Project] *or conducted in connection with it, the size of site in relation to and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.*"

Special Permit Section 6.5.2

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

34. *See* Common Council findings #3, #4, #6, #7, and #8 which address dimensional standards of

the Zoning Ordinance.

35. Consistent with the Environmental Findings Statement, and based on Common Council findings #3,#4, #6, #7, and #8 herein above, the Common Council finds that, to satisfy the requirements of Section 6.5.2 and "*not hinder or discourage the appropriate development and 'use' of adjacent land and 'buildings'*," the Final Site Landscaping Plan requires that the location, the nature and extent of existing and proposed landscaping on certain portions of the FASNY School site, as shown on the Landscaping Plan Sheets L101 through L105, be further modified to incorporate said applicable Conditions regarding such field location of landscaping, consistent with the Final Site Landscaping Plans as part of the FINAL FASNY PROJECT.

Special Permit Section 6.5.3

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

36. The Common Council finds that noise from the FASNY Project will be primarily from: (1) construction and construction vehicle traffic; (2) vehicles arriving, waiting or leaving the school, including buses and passenger cars; (3) car radios and musical devices; and (4) athletic events both during school hours and after school hours. There will also be some noise generated by stationary sources.

37. The Common Council finds that mitigation of noise from mobile sources is addressed in Conditions including, but not limited to, Conditions B.1.d(11), B.1.d(12) and B.1.d(39), C.6.e(1), D.3, E.10, E.20, E.21, and E.32.g. The Conditions for mitigating noise are detailed in the applicable Conditions in the Final Transportation Management Plan and the Final Construction Management Plan.

38. The Common Council finds that the noise mitigation measures in the Final Transportation Management Plan and the Final Construction Management Plan, including the conditions contained in this FASNY Special Permit/Site Plan Approval Resolution, are such that the FASNY Phase I School Use and Phase II School Use will not be more objectionable to nearby properties by reason of noise than would be permitted uses not requiring a special permit, such as public schools and houses of worship with permitted accessory "nursery schools" day care centers, and/or "recreation facilities."

39. *[See also* Common Council finding # 28]

40. The FASNY traffic analysis shows that during the AM and PM peak hour, traffic on North Street south of Ridgeway will increase as a result of the FASNY Project related traffic on North Street. However, with respect to this FASNY Special Permit/Site Plan Approval Resolution, the Common Council finds that the FINAL FASNY PROJECT as modified by Conditions including, but not limited to, A.1.a-f, B.1.b(20), B.1.d(1), B.1.d(26), addresses

actions related to reducing the number of students in relation to vehicle trips to avoid exceeding 530 trips during any AM or PM peak hour.

41. Consistent with the Environmental Findings Statement, the Common Council finds that, with respect to traffic impacts from the FASNY Phase I School Use and Phase II School Use on public streets not directly accessing or abutting the FASNY Project site, the FINAL FASNY PROJECT, with access from North Street, avoids or minimizes negative traffic effects on such streets.

42. The Common Council finds that, as provided by Conditions of this FASNY Special Permit/Site Plan Approval Resolution, all FASNY School related traffic from events during non-school hours shall be required to enter and depart the Project site only from the North Street Access.

43. The Common Council finds that the closure of the portion of Hathaway Lane shown in Exhibit A(1) hereof, and the installation of gates at Ridgeway and at the access point of the Emergency Access Driveway to the public street portion of Hathaway Lane, as described in the applicable Conditions herein could potentially increase neighborhood traffic on minor streets such as portions of Gedney Esplanade, Hotel Drive, Murchison Place, and Seymour Lane to the west of Hathaway Lane which traffic is traveling to Ridgeway, and which traffic had previously accessed Ridgeway from Hathaway Lane. However, the Common Council finds that this has been addressed in the applicable Conditions of the FINAL FASNY PROJECT, including Conditions included in the Approved Documents and including, but not

limited to, Conditions A.2, A.3.j, B.1.d(6), B.1.d(7), B.1.d(24), B.1.d(28) and E.22, in this FASNY Special Permit/Site Plan Approval Resolution herein.

44. The Common Council finds it is necessary and appropriate that the Revised Transportation Management Plan is modified in the FINAL FASNY PROJECT to incorporate, as stated in the applicable Conditions contained in the Approval Documents and in this FASNY Special Permit/Site Plan Approval Resolution herein, which, consistent with the Final Site Plan Sheets SP-14 and SP-15 of the FINAL FASNY PROJECT, the description of the electronic and mechanical procedures under which the gates at Ridgeway and accessing the public portion of Hathaway Lane are opened and closed, and where signage will be provided of the dates when the Emergency Access Driveway is accessible to public through traffic.

45. According to the TRC Technical Review of the DFEIS, dated September 12, 2013, and the Environmental Findings Statement, the potential changes in traffic volumes along local streets such as Gedney Esplanade, Hotel Drive and Murchison Place, and along other local streets accessing arterial or collector streets such as Mamaroneck Avenue, Ridgeway or North Street, due to the discontinuance of the portion of Hathaway Lane shown in Exhibit A(1) hereof, will not significantly adversely change the Level of Service/Capacity on these minor street roadways and, therefore, not require roadway improvements. The Common Council finds that no such minor street roadway modifications are identified or proposed in the FINAL FASNY PROJECT Conditions.

46. The Common Council finds that the alternatives to the full closure of Hathaway Lane presented in the Planning Board communication dated August 25, 2014, create additional potential traffic impacts, or are not feasible due to cost and/or physical site conditions.

47. [*See also* Common Council finding #32]

48. With regard to mobile air quality impacts, the Common Council finds that, as set forth in the FINAL FASNY PROJECT Conditions including, but not limited to, Condition D-2 and E.6, to provide that fumes will not be more objectionable to nearby properties than permitted principal uses, and to protect the public health, safety and welfare, it is appropriate that said Conditions regulating air quality be incorporated in the Final Transportation Management Plan and in the Final Construction Management Plan which are part of the FINAL FASNY PROJECT.

49. The Common Council finds that, with respect to stationary sources of air quality impacts, the Condition D.4 herein, provides necessary and appropriate controls to ensure that adverse impacts from stationary air sources and noise will not be more objectionable to nearby properties than permitted principal uses.

50. The Common Council finds that it is necessary and appropriate, and Conditions E-10, E.26, and E.32.j so provide, that the Final Construction Management Plan shall impose limits on the use, and enforcement of regulations regarding all types of fuels, including idling time by construction vehicles. The Common Council further finds that it is necessary and appropriate

that the Final Construction Management Plan requires the enforcement of these requirements by FASNY, its Construction Manager, and its construction team which will be overseen, as provided in Construction Management Plans approved by City approval agencies, by the Departments of Building and Public Works.

51. Based on Common Council findings #36 through #50 herein above, the Common Council finds that, the FINAL FASNY PROJECT incorporating Conditions regarding noise, traffic, fumes, and vibrations and other characteristics of the FASNY Project satisfies the requirements of Section 6.5.3 of the Zoning Ordinance and "*will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.*"

Special Permit Section 6.5.4.

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

52. The Common Council finds that the number of parking spaces required by user group, as set forth in Table 5 "Parking Supply" and Table 6 "Parking Demand" of the Revised Transportation Management Plan, is reasonable subject to the modifications set forth in applicable Conditions in the FINAL FASNY PROJECT in this Approval Resolution herein.

53. With respect to the number of parking spaces proposed to be provided for Phase I School Use

and Phase II School Use, the Common Council finds that the Applicant is requesting a Parking Waiver for Phase I School Use pursuant to Section 8.7.3 of the Zoning Ordinance. Section 8.7.3 of the Zoning Ordinance requires, among other things, that the approving agency "*determines, in connection with its review of such "site plan," that less than the required number of "parking" or "loading spaces" will satisfy the intent of this Ordinance because of variations in the probable time of maximum use by joint users, use of attendant parking or for any other reason...*" The Common Council finds that it is not possible to accurately establish "*variations in the probable time of maximum use by joint users*" for teachers and administrators. Subject to the Conditions contained in this Approval Resolution herein related to the Parking Waiver in the Central Parking Area, including, but not limited to, Conditions A.12, A.18 and C.7, the Common Council further finds that such parking areas are of reasonable size subject to all such parking areas being properly landscaped to break down the size of parking clusters, as provided for in the Conditions in the FINAL FASNY PROJECT, including, but not limited to condition C.7.

54. With the Parking Waiver in the Central Lot for Phase I Construction, the Common Council finds that the size of parking lots shown on Revised Site Plan Sheets SP-14, SP-15 and SP-16 is modified by the applicable Conditions herein to reflect the Parking Waiver.

55. The Common Council finds that reducing the size and changing the configuration of the northerly, Central, and Lower School parking areas, as FASNY has done in the REVISED FASNY APPLICATION, helps reduce the visual impact of these parking areas. However,

further modifying the Revised Site Plan Sheets SP-14 through SP-16 and L101 through L105, to provide additional landscaping to create clustering of the parking spaces in all parking areas, and using field locating of plantings, including, but not limited to, Condition C.7, insures that the parking areas will be *"properly located and suitably screened from adjoining residential "uses,""* and will be consistent with other schools, houses of worship and non-residential not-for-profit uses in the neighborhood. The Common Council further finds that the requirement for such additional landscaping and field locating of plantings has been included in the Conditions herein as modifications in the FINAL FASNY PROJECT, including, but not limited to, Conditions C.3, C.6.a, C.7, C.8, C.9, and C.12.

56. The Common Council finds that, in addition to compliance with the Conditions herein and in the Adopted Discontinuance Ordinance, the parking areas must address all of the requirements of the Approved SWPPP, and, in the case of a conflict, the SWPPP shall control.

57. The Common Council finds that it is essential that the FASNY Project address all of the standards set forth in Section 8.7.5 of the Zoning Ordinance with regard to landscaping of parking lots and Section 4.4.19 regarding landscaping, screening and buffer areas. However, as noted in this Approval Resolution herein above, and based on Sections 4.1.2, 6.1 and 6.5 of the Zoning Ordinance, the Common Council finds that it is necessary and appropriate that the FINAL FASNY PROJECT herein, in certain instances, such as with respect to the 75 foot setback buffers from abutting residential properties, include requirements exceeding the

minimum requirements of Section 4.4.19 and 8.7.5 to provide additional "*conditions and safeguards*" to "*insure initial and continued conformance to all applicable standards and requirements*" of the Zoning Ordinance, and to protect and preserve the character of the surrounding residential properties and the surrounding neighborhood.

58. The Common Council finds that it is necessary and appropriate, that the Commissioner of Public Safety confirm that final maps for emergency vehicle circulation on and through the Project site conform to the site emergency access plans and entrance and exit drives previously found by the Department of Public Safety to comply with NY State Fire Code, which plans, as approved, achieve maximum convenience and safety on, thru, entering and exiting the Project site during all phases of construction and use of the FASNY School.

59. Based on Common Council findings #52 through #58, the Common Council further finds that the location and number of parking spaces to be provided on the FASNY Project as modified by the applicable Conditions of the FINAL FASNY PROJECT, satisfy the requirements of Section 6.5.4 of the Zoning Ordinance, in that such parking areas: (1) are designed to avoid large areas of parking; (2) as agreed to by FASNY and reflected in the Revised Site Plan Sheets SP-14 through SP-16, are all a minimum of 75 feet from any residential lot lines; and (3) are landscaped to create smaller clusters and reduce lighting, noise and air quality impacts, such that the "*'parking lots' will be of adequate size for the particular special permit 'use,' properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.*"

Site Plan Standards: Section 7.5

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

60. The Common Council finds that the FINAL FASNY PROJECT complies with both the spirit as well as the letter of the Zoning Ordinance including, specifically, Sections 4.1.2, 6.1 and 6.5 and 7.5 of the Ordinance.

The approving agency shall specifically take into account the following:

Site Plan Section 7.5.1

Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan." Variances granted by the Board of Appeals need not be regarded by the approving agency as satisfying the requirement of conformity with this Ordinance for purposes of this review and approval. The approving agency shall review any such variances and may deny approval or require modifications pursuant to Section 7.5, above, in the event it finds any such variances produce or permit an unsatisfactory condition or arrangement in the "site plan" before it.

61. As noted in Common Council finding #27 herein above, the FINAL FASNY PROJECT is consistent with the goals of the Comprehensive Plan and no variances are required.

62. Although the discontinuance of the portion of Hathaway Lane from Ridgeway to 50 feet south of the southern property line at 57 Hathaway Lane is not a zoning action, the Common Council finds that such discontinuance is consistent with the standards at Section 7.5 of the

Zoning Ordinance.

63. The Common Council finds that, based on Common Council findings #1 through #59 herein above for Sections 2, 4, 5 and 6 of the Zoning Ordinance, the FINAL FASNY PROJECT is consistent with the environmental and land use standards and regulations of the Zoning Ordinance.

Site Section 7.5.2

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

Site Plan Section 7.5.2.1

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

64. The Common Council finds that, consistent with the Environmental Findings Statement, discontinuing the portion of Hathaway Lane shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and Exhibit A(1) of this Approval Resolution provides an alternative unlike other alternatives that have been considered which were reviewed in the environmental review process and rejected as having unmitigatable significant adverse impacts.

65. The Common Council finds that the Revised Transportation Management Plan addresses many issues identified in the 2013 FASNY Environmental Findings Statement and in

communications from City staff and consultants and the public. However, the Common Council further finds that to achieve "*safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site,* it is necessary that the Revised Transportation Management Plan be modified to incorporate in the Final Transportation Management Plan, as part of the FINAL FASNY PROJECT, all of the applicable Conditions set forth in the Approved Documents and this Approval Resolution herein, regarding traffic and transportation, including, but not limited to, Conditions A.1 through A.19, B.1 and B.2.

66. The Common Council finds that the Conditions for the discontinuance of the portion of Hathaway Lane shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and in Exhibit A(1) of this Approval Resolution herein, and which Conditions are contained in the FINAL FASNY PROJECT are required to satisfy the standards of Section 7.5.2 and 7.5.2.1 of the Zoning Ordinance related to traffic impacts to existing streets.

67. Consistent with Section 7.5.2.1 of the Zoning Ordinance, the Common Council finds the full implementation and strict enforcement of a detailed Final Transportation Management Plan to guide and regulate the traffic and transportation to, from, through and related to the FASNY Project Site to be necessary.

68. Based on Common Council findings #60 through #67 herein above, the Common Council finds that the FINAL FASNY PROJECT satisfies the Zoning Ordinance standard at Section at 7.5.2.1 and achieves "[s]*afe, adequate and convenient vehicular and pedestrian traffic*

circulation both within and without the site," while minimizing impacts on local streets.

Site Plan Section 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.***

69. The Common Council finds that, as provided in Conditions in the Final Transportation Management Plan, since North Street is a County Road, the access to North Street from the FASNY Project site, opposite the White Plains High School, shall require approval of the Westchester County Department of Public Works and White Plains Commissioner of Public Works, and, as necessary, the NYS Department of Transportation.

70. The Common Council finds that, the applicable Conditions in this Approval Resolution herein, provide that after completion of the North Street Access roadway, no school related vehicles shall enter or exit the Project site from any other exit/entrance point, other than those exceptions identified in the applicable Conditions, including, but not limited to, B.1.d(13), B.1.d(24), and B.1.d(39), which minor number of exceptions will directly access the Campus from Ridgeway.

71. The Common Council finds that to satisfy Zoning Ordinance Standard 7.5.2.2, the Revised Site Plan Sheets SP-14, SP-15, and SP-16 have been modified by Conditions in the FINAL

FASNY PROJECT to reflect the final "*number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.*"

Site Plan Section 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.

72. The Common Council finds it is necessary and appropriate that the FINAL FASNY PROJECT, including, but not limited to, Condition A.3, requires that the Transportation Management Review Commissioners, and the Westchester County Department of Public Works, and NYSDOT in the case of North Street, have approval over the final construction drawings and technical specifications, according to their respective jurisdictions, with respect to, among others, the exit and entry points either to or through the Project site at: (1) Ridgeway and the former Hathaway Lane; (2) the access of the FASNY Emergency Access Driveway to the public portion of Hathaway Lane south of Gedney Esplanade; (3) the access point at North Street; and (4) interior roadways and intersections. Such Conditions provide that this requirement shall be incorporated in the Final Transportation Management Plan.

Site Plan Section 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.

73. The Common Council finds that although Section 8 of the Zoning Ordinance does not establish a specific parking requirement for "private elementary school" and "private secondary school" or accessory tennis court special permit uses. Based on findings #52 through #59, such parking as is proposed to be provided, is adequate for the proposed special permit uses. The parking requirement for "nursery school" uses of 1 space per 1,000 square feet of "nursery school" area is satisfied by this Project [*See*-Common Council findings #52 through #59 under Special Permit Section 6.5.4. herein above.]

Site Plan Section 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.

74. The Common Council finds that it is necessary and appropriate that the interconnection between parking areas and the internal roadway and bike/pedestrian trailway system achieve the maximum safety, efficiency, and convenience of the following: (1) the parking areas and site circulation; (2) the interconnected parking; (3) school bus access routes and pickup/drop-off areas; (4) passenger vehicles pickup/drop-off areas; (5), emergency access routes through the Project site; (6) emergency access routes on the Project site; (7) public transit through the Project site during non-school days; and (8) pedestrian walkways throughout the Project site. The Common Council further finds that such interconnections are achieved through the Conditions in the FINAL FASNY PROJECT, including, but not limited to, Conditions A.4.n,

A.10, A.12 and C.9.

Site Plan Section 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.***

75. The Common Council finds that Section 8 of the Zoning Ordinance does not establish a specific requirement for loading spaces for either "private elementary school" and "private secondary schools," accessory "nursery schools," or accessory tennis courts. The Common Council further finds that the loading area shown on Revised Site Plan Sheet SP-14 satisfies the intent of the Zoning Ordinance for location, arrangement and adequacy of loading spaces for the FASNY School.

Site Plan Section 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.***

76. The Common Council finds that the patterns of vehicular and pedestrian circulation both within the boundaries of the FASNY Project and in relation to adjoining streets and sidewalks are appropriate as shown on the Revised Site Plans SP-14 through SP-16 as modified by the applicable Conditions contained in this FASNY Special Permit/Site Plan Approval Resolution and in the Approved Documents, and it is necessary and appropriate that the final technical specification and construction drawings, are subject to final review

and approval by the Commissioners of Public Safety and Public Works and the Deputy Commissioner of Parking for Transportation Engineering, according to their respective jurisdictions.

Site Plan Section 7.5.2.8

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

77. The Common Council finds that, as described in the applicable Conditions of this Approval Resolution herein, specifically Condition A.4.o, all facilities for the physically handicapped must be consistent with all Federal and NY State rules and regulations, with final acceptance of all facilities for the physically handicapped by the Commissioner of Public Safety and/or the Deputy Commissioner of Parking for Transportation Engineering, according to their respective jurisdictions, consistent with the FINAL FASNY PROJECT.

Site Plan Section 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.***

78. The Common Council finds that this requirement has been addressed. [*See* Conditions #56 through #58 under Special Permit Section 6.5.4 herein above].

Site Plan Section 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.

79. The Common Council finds that it is necessary and appropriate that the FINAL FASNY PROJECT Condition A.15 requires the Emergency Access Driveway alignment and all roadways within the FASNY Project site, including any subsequent changes thereto, to fully comply with Section 503 of the New York State Fire Code.

Site Plan Section 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:

Site Plan Section 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 concealed 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.

80. Consistent with Common Council finding #35 herein above, the Common Council finds that Final Site Landscape Plan Sheets L101, L102 and L103 which are modified by the applicable Conditions herein show "*the location, height and materials of walls, fences, hedges and*

plantings" [and] *"insure harmony with adjacent development, screen 'parking lots' and 'loading spaces.'"*

81. The Common Council further finds that the Final Site Landscaping Plan provides that the landscaping must, at minimum meet, and where determined necessary by the Common Council, exceed the requirements of Sections 4.4.16, 4.4.19 and 8.7.5 of the Zoning Ordinance to protect the public health, safety and welfare, ensure harmony with adjacent development, and protect the continued enjoyment of their properties by surrounding residents, such Conditions being part of the FINAL FASNY PROJECT, including Conditions C.1 through C.19. In particular, the Common Council finds that:

    a. As per Section 4.4.19.1, *"All portions of 'lots' subject to special permit review under Section 6 of this Ordinance or 'site plan' review under Section 7 of this Ordinance which are not used for locations for 'buildings,' 'structures,' 'parking lots,' 'loading spaces,' sidewalks or similar purposes, shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees and shrubbery, in accordance with specifications approved as part of the 'site plan.'"*

    b. As per the Conditions herein, and as agreed to by FASNY, the Final Site Landscaping Plan shall exceed the minimum landscape buffer screening requirement provided in Section 4.4.19.2, of "*at least 10 feet in width along any 'lot line' abutting a 'lot' in a residential district*" by providing field located landscaping within the 75 foot

landscaped buffer area, and the Final Site Landscaping Plan shall so indicate.

c. As per Section 4.4.19.3 and Section 8.7.5.5 *"all required landscaping shall be properly trimmed and maintained in good condition at all times"*, and *"all landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the 'structure' or 'use' which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next, immediately following, growing season."*

d. As per Section 8.7.5, all FASNY parking lots and loading spaces *"shall be . . . screened and landscaped with appropriate trees, shrubs, ground cover and other plant materials* [and/or bio-swales] *to assure the establishment of a safe, convenient and attractive facility;"* and

e. As per Section 8.7.5.4, *"The selection, amount and location of all landscaping materials shall be subject to approval by the agency approving the 'site plan' based upon consideration of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems, including plant care, snow plowing and leaf removal."*

82. The Common Council finds that, consistent with the Tree Preservation Guidelines, it is necessary and appropriate that the Tree Preservation Committee, with the additional expertise of the Certified Landscape Professional and the Commissioner of Public Safety, after

approval of the FINAL FASNY PROJECT in this Approval Resolution herein and prior to filing of a Final Site Landscaping Plan undertake a final conformance review of the Final Landscaping Plan submitted by FASNY, to ensure that all applicable Conditions, including, but not limited to, Conditions related to the Tree Preservation Guidelines and the implementation thereof, which are made a part of the FINAL FASNY PROJECT, have been incorporated in the Final Site Landscaping Plan.

Site Plan Section 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.

83. The Common Council finds that the Conditions including, but not limited to, Conditions E.1-1.e, E.7, E.15, and E.32.c, provide that the Revised Construction Management Plan be modified to incorporate as a part of the FINAL FASNY PROJECT all of the applicable Conditions which provide necessary and appropriate controls for *"the prevention of dust and erosion, both during and after construction."*

84. The Common Council finds that the limitation on the size of disturbance areas, as shown in the Approved SWPPP, and the requirements of the SWPPP for planting each area after it has been disturbed, provide further protection against dust and erosion. The Common Council further finds that such site disturbance and restoration measures, and the other requirements of the Approved SWPPP are also required by Conditions in the FINAL FASNY PROJECT.

to be incorporated in the Final Construction Management Plan, and where any inconsistencies arise, the SWPPP shall control.

85. The Common Council finds that the Final Construction Management Plan, amended to incorporate all of the applicable site disturbance and construction Conditions herein must, upon approval of the FINAL FASNY PROJECT in this Approval Resolution herein, be submitted to the Construction Management Review Staff for final conformance review, to ensure that all applicable approved Conditions are incorporated in the Final Construction Management Plan.

Site Plan Section 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.***

86. Regarding wetlands and environmentally sensitive features on the FASNY Project site, *see* Special Permit Section 6.5.1, Common Council findings #15 through #23 herein.

87. Regarding unique wildlife habitats, the Common Council finds that there have been no endangered species identified on the FASNY Project site.

88. With regard to historic buildings or structures, the Common Council finds that there are several locally significant buildings in the area of the former Ridgeway Golf Course and the neighborhood which represent a visual asset to the City. The Common Council further finds

that with the Conditions in the FINAL FASNY PROJECT, sufficient field located landscaping is provided to prevent FASNY buildings and structures from having an adverse visual impact on the Woman's Club, Westchester Hills Golf Club, the former Ridgeway School House, and the visual character of the Gedney area neighborhood.

89. Regarding protected and specimen trees defined in Municipal Code Section 7-5-23 of the Tree Preservation Guidelines, the Common Council finds that the Revised Site Landscaping Plan Sheets L101 through L105, are required by Condition C.6.e(7) to be modified in the Final Site Landscaping Plan to show the location and disposition of protected and specimen trees on the Campus. The Common Council further finds that it is necessary and appropriate that the Common Council, as approving agency, declare, pursuant to Section 7-5-23(j) of the Municipal Code and the Tree Preservation Guidelines that the Sycamore trees on the FASNY Campus and in the public right of way along Gedney Esplanade are specimen trees.

90. The Common Council finds that the FINAL FASNY PROJECT has limited impacts to the views onto and over the Project site by limiting buildings to Parcel A and the lower portion of the Expanded Parcel D, providing landscaping along the access roadway from North Street, permitting no "Minor Accessory Buildings" on Parcels B and C, and only permitting "Minor Accessory Buildings" or structures within the Conservancy Area on Expanded Parcel D.

Site Plan Section 7.5.3.4

The conformity of exterior lighting to the requirements of Section 4.4.20 of this

Ordinance.

91. The Common Council finds that the applicable Final Site Landscaping Plan Conditions herein, including but not limited to, Conditions C.2, C.6.a, C.9 and F.7, are necessary to address Section 4.4.20 of the Zoning Ordinance which requires that *"all exterior lighting accessory to multi-family or non-residential 'uses,' including the lighting of signs, shall be of such type and location and have such shading as will prevent the source of light from being seen from any adjoining 'streets' and residential properties and which will prevent objectionable glare observable from such 'streets' or properties."*

92. With respect to other lighting impacts from the FASNY Project, the Common Council finds that it is necessary and appropriate that Condition C.9 requires that FASNY minimize light emanating from school building classrooms, hallways and facilities to minimize effects on the dark sky character of the site and the neighborhood.

Site Plan Section 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.

93. With respect to stationary sources of noise impacts, the Common Council finds with the implementation of Condition D.4 herein, noise from stationary sources will not be more objectionable to nearby properties than permitted principal uses.

Site Plan Section 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.***

94. The Common Council finds that, with the implementation of the FINAL FASNY PROJECT, and with the requirements of the Approved SWPPP, the requirements of this standard are met.

Site Plan Section 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.***

95. The Common Council finds that, with the implementation of the FINAL FASNY PROJECT, *access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping"* meet the requirements of Section 4.4.21 of the Zoning Ordinance.

Site Plan Section 7.5.4

> ***A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood. On report and recommendation of the Design Review Board, the approving agency shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk dimensions, materials and location on the site and, in relation to development on adjoining***

properties, the natural terrain and vegetation.

96. Based on the report and recommendations from the Design Review Board, in its communication dated July 3, 2014, and further based upon its own review of the architectural features of the proposed Project shown in Site Plan Sheets, the Common Council finds that the FASNY Project satisfies the standard at Section 7.5.4 of the Zoning Ordinance and represents a "*quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent 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.*

Site Plan Section 7.6

> ***Unless other provisions are specifically set forth by the approving agency in connection with its approval of a "site plan," such approval shall expire if substantial construction is not completed within 1 year of approval, or if all required improvements are not completed within 3 years of approval or if the construction or "use" shall cease for more than 6 months in any 12 month period.***

97. The Common Council finds that Section 7.6 of the Zoning Ordinance permits an approving agency to set forth an expiration date for a site plan approval other than that specified in Section 7.6. However, the Common Council further finds that, for the approving agency to modify the site plan expiration time frames set forth in Section 7.6, it is necessary and appropriate that the approving agency provide the specific terms of such modified approval expiration in the approval resolution. The Common Council further finds that the specific

terms provided in Part IV: Determinations and Approvals in this Approval Resolution herein for the expiration of the Site Plan Approval for the FINAL FASNY PROJECT are necessary and appropriate to the Conditions of this Site Plan Approval herein; and be it further

PART IV: Determinations and Approvals

RESOLVED, that: (1) based upon full implementation and enforcement of the FINAL FASNY PROJECT consisting of, as defined herein above, the REVISED FASNY APPLICATION as modified by the Conditions in Part II: Conditions, Section A. through H. of this FASNY Special Permit/Site Plan Approval Resolution which are consistent with the terms conditions, and requirements of the Approved Documents; and (2) based further upon the Common Council findings #1 through #97 in Part III: Common Council Findings of this Approval Resolution herein, regarding the conformance of the FINAL FASNY PROJECT with the environmental and land use standards and regulations of the City of White Plains, the Common Council hereby determines that:

1. The FINAL FASNY PROJECT conforms to and is consistent with the environmental record and the Environmental Findings set forth in the Environmental Findings Statement;

2. The FINAL FASNY PROJECT meets or exceeds the standards and satisfies the regulations of the Zoning Ordinance, and Chapters 3.5 and 7.5 of the Municipal Code;

3. The Common Council hereby approves the FINAL FASNY PROJECT including:

a. Special Permit/Site Plan approval for the "private elementary school" and "private secondary school" as the same is defined in the Zoning Ordinance and described in this Approval Resolution herein, subject to all of the applicable Conditions in this Approval Resolution herein which are consistent with the Approved Documents;

b. Site Plan approval for the accessory "nursery school" as the same is defined in the Zoning Ordinance and described in this Approval Resolution herein, subject to all of the applicable Conditions contained in this Approval Resolution herein which are consistent with the Approved Documents;

c. Special Permit/Site Plan approval for the accessory tennis court "structures" and the 100 foot setback buffer area between the abutting residential properties to the west of the tennis court "structures" and the tennis court "structures," subject to all of the applicable Conditions contained in this Approval Resolution herein which are consistent with the Approved Documents;

d. Approval, pursuant to Section 8.7.3 of the Zoning Ordinance, of the Parking Waiver, subject to all of the applicable Conditions contained in this Approval Resolution which are consistent with the Approved Documents;

e. Approval of the development of the FINAL FASNY PROJECT on an environmentally sensitive site, pursuant to Section 4.4.25 of the Zoning Ordinance and Section 3-5 of the Municipal Code, subject to all of the applicable Conditions contained in this Approval Resolution which are consistent with the Approved Documents;

f. Approval, pursuant to Sections 2 and 4.4.25.5.2.2 of the Zoning Ordinance, of the establishment of two contiguous 50 foot "protective buffer areas" around each of the White Plains designated and regulated wetlands and watercourses located on Parcels C and Expanded Parcel D, permitting only the methods and procedures for the elimination of invasive species on these City designated wetlands and watercourses and their respective "protective buffer areas" on Parcels C and Expanded Parcel D as is authorized by NYS DEC in any Freshwater Wetlands Permit issued by NYS DEC for its regulated Wetland G-7 and/or the Wetland G-7 100 foot wetland buffer area, including, if so authorized by NYS DEC, the application of herbicides, to enable the conversion of the City designated and regulated wetlands and watercourses and their two contiguous "protective buffer areas," from their existing conditions to an indigenous species meadowland;

g. Approval of satellite parking for the Middle and Upper School on Expanded Parcel D pursuant to and subject to the requirements of Section 8.5.2 of the Zoning Ordinance, unless and until Parcel A and the Expanded Parcel D tax lots are officially merged on

the tax rolls and tax maps of the City of White Plains, subject to the applicable Conditions contained in this Approval Resolution which are consistent with the Approved Documents;

h. Designation of the Sycamore trees on the FASNY Property as specimen trees as defined in the Municipal Code Chapter 7-5 "Trees," with such specimen trees and protected trees, as defined in said Chapter 7-5-23, to be protected as provided in such Municipal Code Chapter 7-5, with any Sycamore trees or other specimen or protected trees which must be removed due to health conditions or location within an area subject to development to be addressed as provided in the Municipal Code Chapter 7-5;

i. Approval of the Final Transportation Management Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Transportation Management Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Transportation Management Review Commissioners that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Transportation Management Plan document with the City Clerk, such Final Transportation Management Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City's website;

j. Approval of the Final Site Landscaping Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents, including Municipal Code Section 7-5-28 in conformance with which the Common Council herewith makes issuance of permits for the development of the Project site subject to review and approval by the Tree Preservation Committee of a Pre-Construction Site Development Plan and on-site implementing procedures, with such Pre-Construction Site Development Plan and on-site implementing procedures being incorporated in the Final Site Landscaping Plan. Upon adoption of this Approval Resolution, FASNY must compile the Final Site Landscaping Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Tree Preservation Committee and Commissioner of Public Safety that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Site Landscaping Plan document with the City Clerk, such Final Site Landscaping Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City's website;

k. Approval of the Final Conservancy Area Master Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Conservancy Area Master Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Transportation Management Review Commissioners that all applicable approved Conditions have been

incorporated by FASNY therein. After filing the Final Conservancy Area Master Plan document with the City Clerk, such Final Conservancy Area Master Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City's website;

l. Approval of the Final Construction Management Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Construction Management Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Tree Preservation Committee and Commissioner of Public Safety that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Construction Management Plan document with the City Clerk, such Final Construction Management Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on City's website;

m. Approval of the Final Site Plan and Final Site Plan Sheets incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Site Plan and Final Site Plan Sheets document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Commissioner of Building that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Construction Management

Plan document with the City Clerk, such Final Construction Management Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City's website; and

n. Approval of the Final Declaration incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Document, subject to its final approval as to form by the Corporation Counsel.

4. The following time limits for the expiration of Site Plan Approval under Section 7.6 of the Zoning Ordinance:

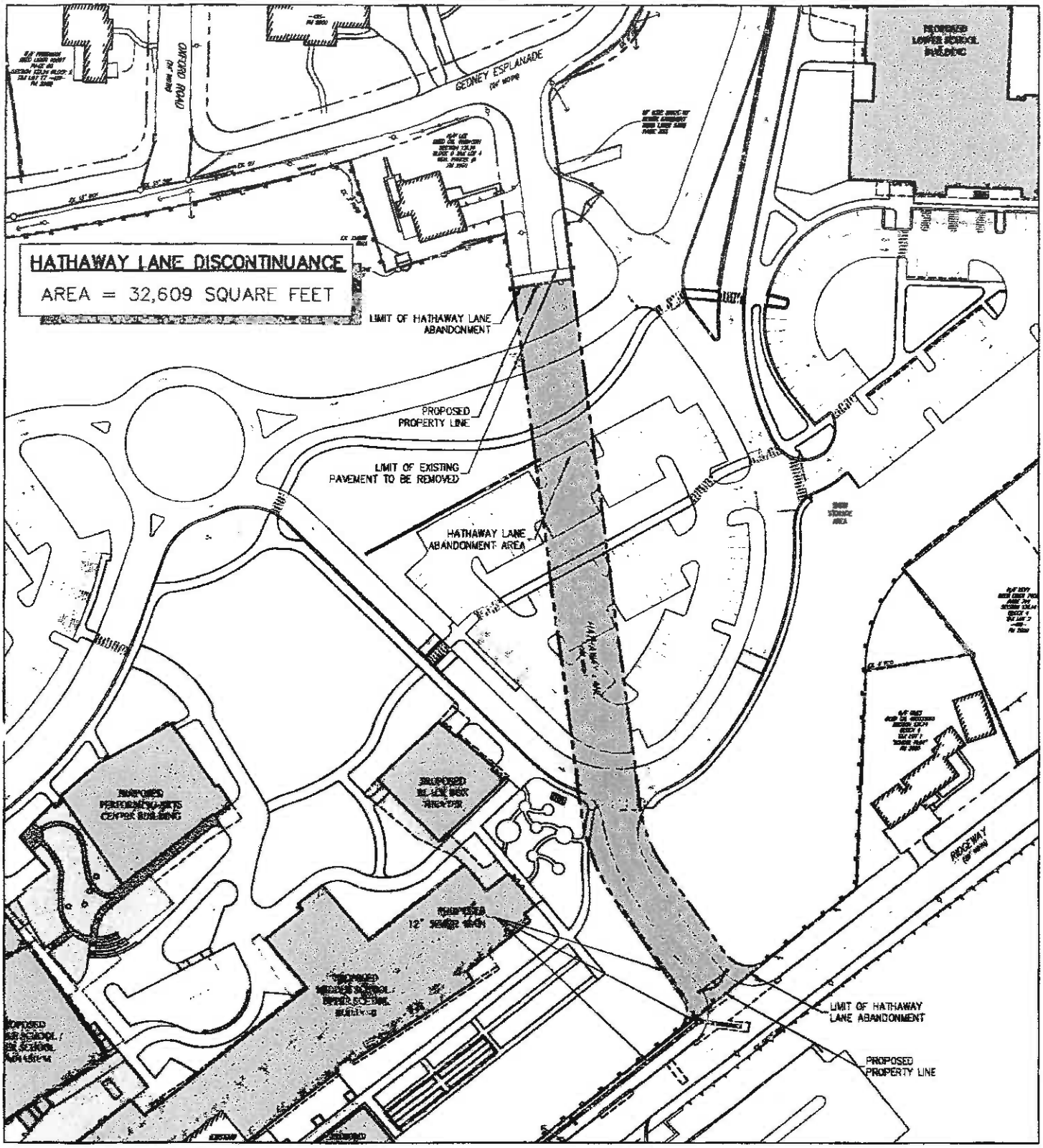
a. Site Plan Approval for Phase I and Phase II of the FASNY Project shall commence on the date of the approval of this FASNY Special Permit/Site Plan Approval Resolution herein;

b. Site Plan Approval for Phase I shall expire in four years (4) from the adoption of this resolution, if Phase I Construction of the FASNY Project is not completed within said four year period;

c. Site Plan Approval for Phase II shall expire if Phase II Construction of the FASNY Project is not completed within four (4) years of the certification of the Phase II Assessment, as defined in this Approval Resolution herein, by the Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering.

Phase I Construction and Phase II Construction being defined in the definitions of Phase I and Phase II contained in "Part 1: Background" of this Approval Resolution herein.

All such approvals being for both Phases I and II of the FINAL FASNY PROJECT, as such phases are defined in Part I: Background, herein.



FRENCH-AMERICAN SCHOOL OF NEW YORK

400 RIDGEWAY — CITY OF WHITE PLAINS, NEW YORK

HATHAWAY LANE DISCONTINUANCE AREA

EXHIBIT A(1)

DATE: 03/30/2015 — JMC PROJECT: 10170

EXHIBIT: 1 — SCALE: 1" = 120'

JMC
SITE DEVELOPMENT CONSULTANTS
120 BEDFORD ROAD • ARMONK, NY 10504
voice 914.273.5225 • fax 914.273.2102
www.jmcpllc.com

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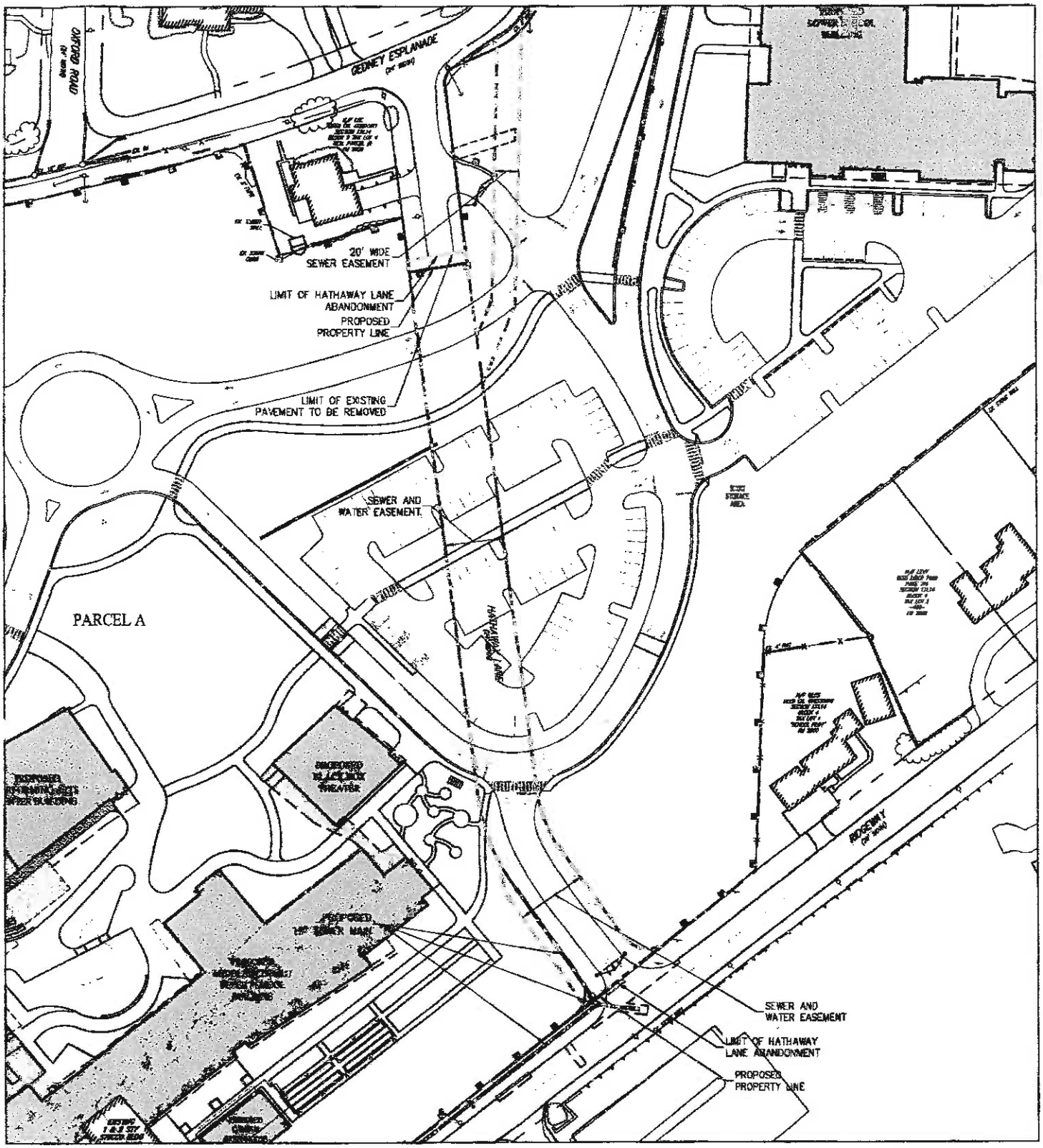
10170–HATHAWAY.dwg; HATHAWAY 8X11 (2).tab



FRENCH-AMERICAN SCHOOL OF NEW YORK

400 RIDGEWAY — CITY OF WHITE PLAINS, NEW YORK

HATHAWAY LANE EASEMENT AREA

EXHIBIT A(2)

DATE: 03/30/2015 — JMC PROJECT: 10170

EXHIBIT: 2 — SCALE: 1" = 120'

JMC
SITE DEVELOPMENT CONSULTANTS
120 BEDFORD ROAD • ARMONK, NY 10504
voice 914.273.5225 • fax 914.273.2102
www.jmcpllc.com

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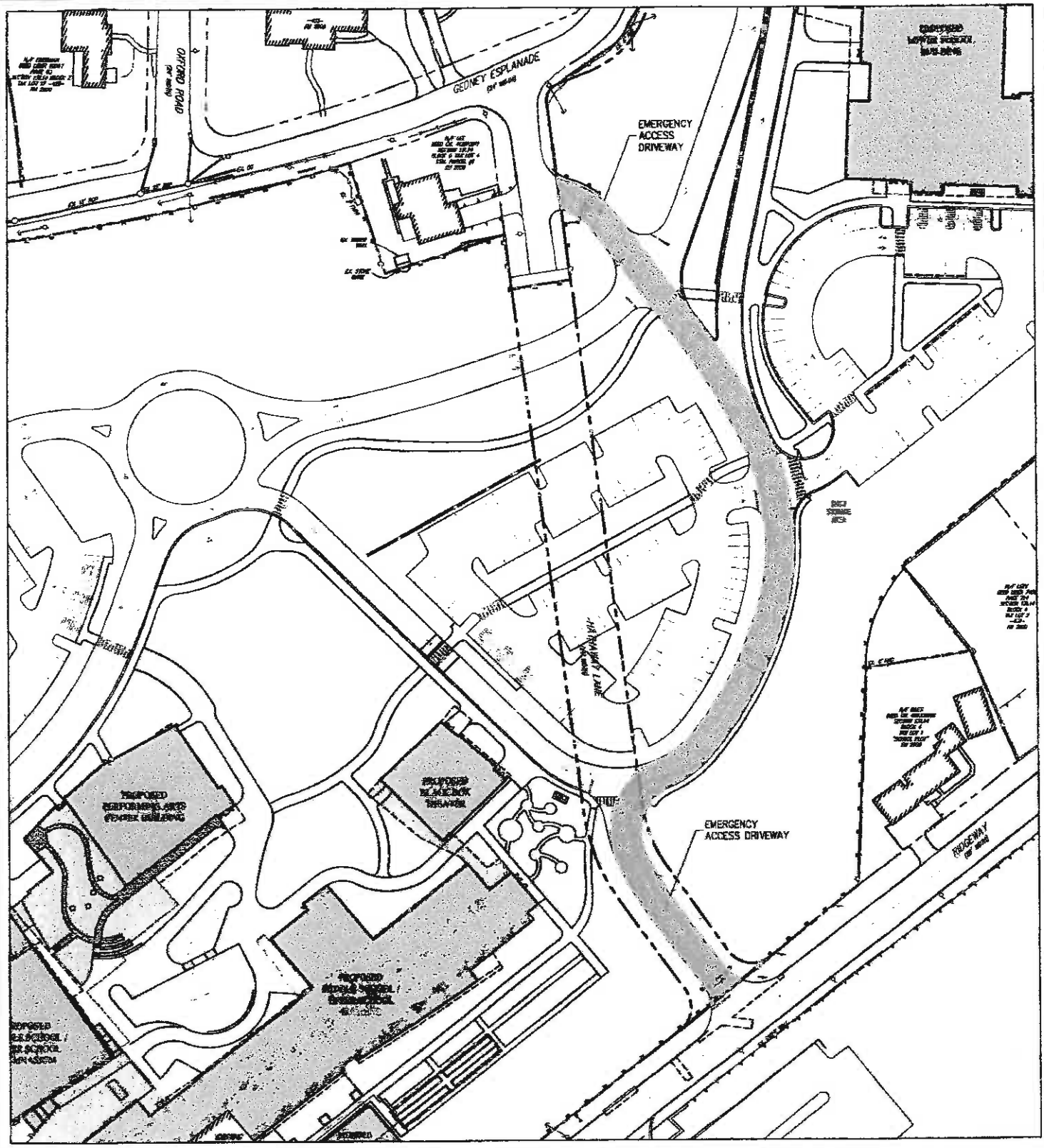
10170-HATHAWAY-EASEMENT.dwg; 8.5X11.tab



FRENCH-AMERICAN SCHOOL OF NEW YORK

400 RIDGEWAY — CITY OF WHITE PLAINS, NEW YORK

HATHAWAY LANE EMERGENCY ACCESS DRIVEWAY

EXHIBIT A(3)

DATE: 04/01/2015 — JMC PROJECT: 10170

EXHIBIT: 3 — SCALE: 1" = 120'

JMC
SITE DEVELOPMENT CONSULTANTS
120 BEDFORD ROAD • ARMONK, NY 10504
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10170–HATHAWAY.dwg; HATHAWAY 8X11 (3).tab

THOMAS M. ROACH
MAYOR

THE CITY OF WHITE PLAINS

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

Dear Mayor and Council Members:

Submitted, herewith, for your review and appropriate action pursuant to Sections 7 and 6.7.31 of the Zoning Ordinance of the City of White Plains, is a request by Norden Lofts, LLC for Special Permit/Site Plan approval of a project at 121 Westmoreland Avenue, designated as Section 130.25, Block 3, Lot 1 and located in the LI-M Zoning District.

The proposed project consist of the adaptive reuse and redevelopment of the existing 48,000 square foot Industrial Building for Residential Apartments in the recently rezoned district which is intended to encourage the transformation of the area from Industrial to Residential. The applicant proposes to redevelop the premises by providing 65 residential apartments and redesigning the parking area.

Referrals may be made at this time to appropriate City departments and boards, and for the scheduling of the required public hearing.

Respectfully submitted,

Kevin M. Hodapp, P.E.
Deputy Commissioner of Building

Dated: January 20, 2016
(For the February 1, 2016 Common Council Meeting)
Documents Submitted: Cover letter, including list of drawings, prepared by Mr. William Null of Cuddy & Feder,LLP dated January 15, 2016; a Short Form Building Application dated January 15, 2016; and a Short Environmental Assessment form dated January 15, 2016

CUDDY & FEDER LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

January 15, 2016

RECEIVED JAN 20 2016

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

RE: Norden Lofts, LLC: Redevelopment of 121 Westmoreland Avenue (the "Site")

Dear Mayor Roach and Members of the Common Council,

On behalf of the Norden Lofts, LLC (the "Applicant"), we respectfully submit an Application for Site Plan Approval in connection with the adaptive reuse and redevelopment of the existing 48,000 square foot industrial building situated at 121 Westmoreland Avenue (the "Site"), which is classified in the LI-M District, as recently rezoned by the Common Council to encourage the transformation of the area from industrial to residential.

The Site fronts on Westmoreland Avenue, comprises 34,041 square feet of property classified in the LI-M District and abuts the Metro-North railroad right-of-way to the northwest. This exciting Application constitutes the first project to take advantage of the benefits of this new zoning classification by seeking to adaptively re-use an existing industrial building located about one-half mile walking distance to the White Plains' train station and within a convenient distance of the Central Business District (CBD).

The Applicant proposes to adaptively redevelop the existing Site and building (designed to accommodate 480 occupants) with 65 residential apartments:

1. Two-thirds of the apartments, or 42 units will be studios;
2. Eighteen (18) apartments will be one bedroom units; and
3. Five (5) apartments will be two bedroom units.

The existing Site has 64 parking spaces, 8 of which are handicapped parking spaces. The proposed redevelopment will provide 80 parking spaces, of which 4 will be handicapped parking spaces and 26 will be stacked parking spaces (i.e., 13 stackers). The stackers are similar to the type of units in place at private residences and other locations (See, enclosed documentation regarding stackers).

The stackers would be utilized on this Site in a manner similar to tandem parking spaces, so that a tenant of the same unit would rent and control both vehicle spaces in the stacker.

The development of the Site fully conforms to the requirements of the Zoning Ordinance. We respectfully submit that the Common Council has jurisdiction to approve "stackers" as a method to address parking requirements, as it has done so in the past and it is appropriate in this instance where residents will have assigned spaces.

In furtherance of this Application, we respectfully are enclosing thirty-six (36) sets of the following documents:

1. A Building Permit Application;
2. The plans detailed on the annexed Schedule A;
3. A Short Environmental Assessment Form in compliance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations set forth therein at 8 N.Y.C.R.R. Part 617 (collectively "SEQRA");
4. A Traffic Analysis, dated November 13, 2015, prepared by Brian E. Dempsey, P.E. of TRC Engineers, Inc., which concludes that the parking provided is more than adequate to address the needs of the residents, given the Site's proximity to the train station and the downtown, particularly given that two-thirds of the units will be studio apartments;
5. A Stormwater Summary letter prepared by Catizone Engineering, dated January 14, 2016;
6. A Solid Waste Management Plan and Solid Waste Routing Plan;
7. A report providing Sanitary Drain and Domestic Water Calculations, prepared by Khachaturian Engineering Associates, Inc. (KEA Engineers); and
8. Car stacker system technical information provided by Harding Steel, Inc.

In addition, we enclose a check in the amount of $1,830.00, representing the Application Fee.

We look forward to appearing before the Common Council to discuss this important first Application to redevelop this industrial area in downtown White Plains. Thank you for your consideration.

Respectfully yours,

William S. Null (yp)

William S. Null

WSN:yp
Enclosures

Cc: John G. Callahan, Esq., Chief-of-Staff and Corporation Counsel; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Mr. Sam Kaller; Mr. Philip Fruchter; Mr. Pietro Catizone, P.E.; and Mr. Brian E. Dempsey, P.E.

NORDEN LOFTS, LLC
LIST OF DRAWINGS

1. Plans prepared by Papp Architects, P.C., entitled "Proposed Multi-Family Residential Loft Conversion, 121 Westmoreland Ave, White Plains, Westchester County, New York," dated January 14, 2016 (unless otherwise noted) consisting of the following numbered and titled sheets:

    a. (SD-001) Development Data
    b. (SD-101) Site Layout Plan
    c. (SD-102) Site Lighting Plan
    d. (SD-103) Photometric Lighting Plan
    e. (SD-104) Site Landscaping Plan
    f. (SD-403) Floor Plans and Elevations
    g. (SD-501) Details

2. Civil Engineering drawings prepared by Catizone Engineering Inc., entitled "Proposed Multi-Family Residential Loft Conversion, 121 Westmoreland Ave, White Plains, Westchester County, New York," dated January 14, 2016 (unless otherwise noted)[1] consisting of the following numbered and titled sheets:

    a. (SD-105) Grading and Utilities Plan
    b. (SD-106) Erosion and Sediment Control Plan
    c. (SD-401) Driveway Profiles
    d. (SD-402) Not Used
    e. (SD-502) Site Details
    f. (SD-503) Site Details
    g. (SD-504) City of White Plains Standard Site Details
    h. (SD-505) City of White Plains Standard Site Details
    i. (SD-506) City of White Plains Standard Site Details

3. Site Survey (SV-101), dated December 10, 2013, prepared by Link Land Surveyors, P.C., entitled "ALTA/ACSM Land Title Survey of Property Situate in the City of White Plains, Westchester County, New York."

[1] A SWPPP will be separately submitted to the City's Department of Public Works with a copy to the City Clerk's Office for the record herein. If additional copies are needed, please advise and we will forward them promptly.

THOMAS M. ROACH
MAYOR

THE CITY OF WHITE PLAINS

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7.2 Substantial Amendments of the White Plains Zoning Ordinance, is a petition dated January 19, 2016 to amend a site plan application previously approved by Common Council resolution. Kite Realty Group, owner of the subject property requests permission for redevelopment and improvements at the City Center. In general, the improvements include:

1. Upgrading the pedestrian plaza on the east side of City Center with a new fountain, additional planting, seating, lighting and a stage.

2.. Implementing a valet along Mamaroneck Avenue in conjunction with pavement, curbing and sidewalk modifications.

.3. Modifying the Mamaroneck Avenue entrance to the City Center by installing escalators from a renovated and redesigned lobby area up to the second floor.

.4. Revising and updating certain exterior signage on the City Center.

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

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

DATED: January 28, 2016
(for the February 1, 2016 Common Council Meeting)

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

DOCUMENTS SUBMITTED: A cover letter from Zarin & Steinmetz dated January 15, 2016; a Short Form Building application dated January 19, 2016; a Short Environmental Assessment form dated January 15, 2016 and the City Center Plaza Redevelopment drawing list for Consultants JMC, Ratio Architects and a sign package as enumerated in the cover letter

ZARIN &
STEINMETZ

David J. Cooper
Jody T. Cross ●
Marsha Rubin Goldstein
Jeremy E. Kozin
Helen Collier Mauch ▲
Matthew R. Pisciotta
Daniel M. Richmond
Brad K. Schwartz
Lisa F. Smith ●
David S. Steinmetz ■
Krista E. Yacovone
Michael D. Zarin

■ Also admitted in D.C.
● Also admitted in CT
▲ Also admitted in NJ

January 15, 2016

Bldg, Tohe
JAN 20 2016
Planning

By Email

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

Re: Kite Realty Group – White Plains City Center
Submission of Application Materials

Dear Mayor Roach and Members of the Common Council:

As you know, we represent Kite Realty Group ("Kite") with regard to the City Center. We are pleased to submit for review by the appropriate City officials and agencies a variety of materials in connection with Kite's redevelopment and improvement of this important shopping center in White Plains.

Kite is proposing a number of changes to City Center to improve its vibrancy, functionality and overall aesthetic appearance. The improvements include:

- Upgrading the pedestrian plaza and courtyard on the east side of the City Center with a new fountain, additional plantings, seating, lighting and a stage
- Implementing a valet in conjunction with pavement, curbing and sidewalk modifications along Mamaroneck Avenue to provide benefits and improved parking and circulation to patrons of the City Center and surrounding retail and restaurants
- Modifying the Mamaroneck Avenue entrance to the City Center by installing escalators from a renovated and redesigned lobby area up to the

Tel: (914) 682-7800
Fax: (914) 683-5490

81 Main Street, Suite 415
White Plains, New York 10601

www.zarin-steinmetz.com

second floor
- Revising and updating certain exterior signage on the City Center

Each of these various project components is designed to improve the appearance of the City Center, and to make the overall experience for visitors and patrons far better.

Our Development Team hereby submits an Environmental Assessment Form, applicable filing fees, and the requisite number of copies of plans and drawings. These include:

Plans prepared by JMC Site Development Consultants:

SP-1 "Cover Sheet", #1 01-15-2016
SP-2 "Site Existing Conditions Map", #1 01/15/2016
SP-3 "Site Demolition Plan", #1 01/15/2016
SP-4 "Site Layout Plan", #1 01/15/2016
SP-5 "Site Grading Plan", #1 01/15/2016
SP-6 "Site Utilities Plan", #1 01/15/2016
SP-7 "Site Landscape & Lighting Plan", #1 01/15/2016
SP-8 "Site Erosion and Sediment Control Plan", #1 01/15/2016
SP-9 "Construction Details", #1 01/15/2016
SP-10 "Site Construction Details", #1 01/15/2016
SP-11 "Site Construction Details", #1 01/15/2016
V-1 "Valet Parking Plan", #1 01/15/2016
V-2 "Valet Construction Detail Plan", #1 01/15/2016

RATIO Architects, Inc. -- Perspective Figures:

P-1 3D Rendering, last revised 01/15/2016
P-2 3D Rendering, last revised 01/15/2016
P-3 3D Rendering, last revised 01/15/2016
P-4 3D Rendering, last revised 01/15/2016
P-5 3D Rendering, last revised 01/15/2016
P-6 3D Rendering, last revised 01/15/2016

RATIO Architects, Inc. – Various Architectural Drawings separately identified.

We look forward to the Common Council placing this matter on its February 1, 2016 agenda and referring the various plans and materials to City Staff, as well as to the Planning Board, Urban Renewal Agency, Traffic Committee, Design Review Board and any other agency with jurisdiction over an aspect of this project. That will facilitate the commencement of Site Plan review. Kite looks forward to continuing to work cooperatively with the City of White Plains to make the vision of this project a reality.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

ZARIN & STEINMETZ

By:_____
David S. Steinmetz

DSS:me
Enclosures by Hand
cc: *via Email w/o enclosures*
Mark Jenkins, SVP, Kite Realty
James Ryan, JMC
Anthony Nester, JMC
Ratio Architects, Inc.

THOMAS M. ROACH
MAYOR

THE CITY OF WHITE PLAINS

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

Dear Mayor and Council Members:

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.4 of the White Plains Zoning Ordinance, is an application for site plan approval. The applicant, Post Maple 77, LLC, is proposing the redevelopment of the property bounded by Maple Avenue, West Post Road, Rathbun Avenue and the White Plains Nissan property with a mixed-use development of retail and fitness uses, restaurant uses, twelve (12) townhouse multi-family dwelling units and a parking garage.

The Site Plain is contingent upon Common Council approval to rezone the Rathbun Avenue lots from B-2 to B-3 and to amend the Official Maple of the City to discontinue and close Brady Place as a public street.

Referrals may be made at this time to appropriate City departments and boards and for scheduling of the required public hearing.

Kevin M. Hodapp, P.E.
Deputy Commissioner of Building

Dated: January 20, 2016
(for the February 1, 2016 Common Council meeting)
Submitted: Cover letter by Mr. Mark Weingarten of DeBello Donnellan Weingarten Wise & Wiederkehr, LLP dated January 20, 2016.
Previously Submitted Documents: Short Form Building Permit Application dated November 19, 2015; Full Environmental Assessment form dated November 15, 2015; and project drawings comprised of Site Plans prepared by AKPF Engineering, P.C. dated November 12, 2015; Landscape plans prepared by IQ Landscape Arch, dated November 12, 2015 and Architectural plans prepared BLT Architects dated November 12, 2015 all plans fully enumerated in the cover sheet dated January 20, 2016

DELBELLO DONNELLAN WEINGARTEN WISE & WIEDERKEHR, LLP

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

COUNSELLORS AT LAW

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

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

January 20, 2016

RECEIVED
To John C. Law
JAN 20 2016
Bldg. Planning
OFFICE OF THE CITY CLERK
WHITE PLAINS

By Hand Delivery

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

Re: Application for Site Plan Approval for "Boulevard" (Property located on West Post Road and Maple Avenue, White Plains.)

Dear Mayor Roach and Members of the Common Council:

As you know, this firm represents Post Maple 77, LLC (the "Applicant"), a related company of Grid Properties, Inc., in connection with its petition and related applications to permit the redevelopment of property located near the intersection of West Post Road and Maple Avenue on the southwesterly edge of the City with a mixed-use development of approximately 220,000 leasable square feet of retail and fitness uses, restaurant uses, twelve (12) "townhome" multi-family dwelling units, and an approximately 720-space parking garage to serve all uses (the "Project"). As the Council may remember, on November 19, 2015, the Applicant submitted a petition requesting certain amendments to the City's Zoning Map and the Official City Map to facilitate the Project. On behalf of the Applicant, and pursuant to Section 7.4 of the Zoning Ordinance of the City of White Plains (the "Zoning Ordinance"), we now respectfully submit this letter and supporting materials for site plan approval of the Project.

The Applicant

The Applicant is a related entity of Grid Properties, Inc. ("Grid"). Grid is a developer, owner and operator of real estate assets including two critically acclaimed retail developments: Harlem USA, a 285,000 square foot, six-level retail and entertainment complex located at 125th Street and Frederick Douglass Boulevard in Manhattan, and DC USA, the largest retail development in the District of Columbia. Grid's diverse experience includes housing, hotels, research laboratories, educational facilities and large-scale mixed-use projects, and its development

team brings unparalleled experience and multi-disciplinary capabilities to the development of pedestrian and transit-oriented retail destinations.

The Property

The property which is the subject of this application is located near the intersection of West Post Road and Maple Avenue, on the southwesterly edge of the City. It consists of approximately 4.2 acres and is comprised the following tax lots which are proposed to be administratively consolidated into a single tax lot: Section 130.34, Block 5, Lots 1 through 6, 8 and 9; Section 130.34, Block 6, Lots 6, 7, and 8, and Section 130.34, Block 5, Lot 7 (the "Development Site").[1]

The Development Site is bordered on the north and south by West Post Road and Maple Avenue respectively. It extends from Rathbun Avenue on the west for approximately 700 feet in an easterly direction toward South Lexington Avenue. It is bisected by Brady Place, a mapped but not currently open City street. The Development Site was formerly occupied by car dealerships and small residential structures. It has recently been cleared, but is still generally covered with impervious surfaces.

All of the lots which make up the Development Site are located in the B-3 Intermediate Business District of the City (the "B-3 District") with the exception of 3 lots located on Rathbun Avenue which are identified on the tax map of the City as Section 130.34, Block 6, Lots 6, 7, and 8 (the "Rathbun Avenue Lots"). The Rathbun Avenue Lots are currently located in the B-2 Neighborhood Business District (the "B-2 District") of the City, but the Applicant has requested that the Common Council rezone the Rathbun Avenue Lots to B-3 District to facilitate the proposed Project.

The Application for Site Plan Approval

The Applicant is seeking site plan approval from the Common Council to permit the redevelopment of the Development Site. As shown on the previously submitted site plan drawings, the Applicant proposes to transform the vacant underutilized Development Site located at the southern gateway to the City into a vibrant, mixed-use development containing approximately 220,000 leasable square feet of retail and fitness ("health club") uses, restaurants, twelve (12) "townhome" style multi-family dwelling units, and an approximately 720 space parking structure to serve all uses.

As currently proposed the Development Site will be redeveloped with several main components. The larger portion of the commercial development, which is intended to be three (3) levels, is proposed to be located along West Post Road from Brady Place to the Development Site's eastern boundary (the "Main Retail Building"). Street level stores in the Main Retail Building will

[1] A reapportionment of Section 130.34, Block 5, Lots 4, 5, and 6 into two (2) new lots was approved by the City Assessor in July, 2015, but the new designations will not be effective until the final 2016 assessment roll is filed on March 1, 2016. The new lots will be Lot 4.1 and Lot 5.1. The Applicant has agreed with the current owner of the property designated as Section 130.34, Block 5, Lot 7 to exchange new Lot 5.1 for Lot 7; as such, Lot 5.1 is not part of the Development Site.

have direct access from West Post Road and second level stores will be accessed from the roof of a three (3) story parking structure to be located between the Main Retail Building on West Post Road and the residential units on Maple Avenue. The third floor of the Main Retail Building will be set back from the building perimeter to create terraced spaces, and will feature fitness uses.

The residential component of the Project, consisting of twelve (12) residential units stacked on two floors (the "Residential Component"), will be located along Maple Avenue facing the existing residential community to the southeast of the Development Site. The residential units are intended to be one-bedroom units containing approximately 660 square feet each. Access to the residential units will be from street level at Maple Avenue.

The western portion of the Development Site located along Rathbun Avenue is intended to contain additional retail development in a three (3) story structure (the "Rathbun Retail Building" and collectively with the Main Retail Building, the "Retail Buildings").

The 720 space parking structure, which will serve all uses at the Development Site will be developed in the central portion of the Development Site, and will be screened on all sides by the retail and residential uses. The roof level of the structure will be at the same elevation as the second story of the Retail Buildings. Access to the parking structure will be from West Post Road, Rathbun Avenue, and Maple Avenue. Loading spaces for the Project will be provided below grade under the Rathbun Retail Building, and will be accessed from Maple Avenue. The loading area is physically separated from the parking structure with no opportunity for cars to enter the loading area or for delivery vehicles to enter the parking area.

The Retail Buildings are intended to be development in a manner consistent with other high quality retail developments around the City. The building façade of the Main Retail building will be a contemporary design consisting of a mix of glass and metal storefronts, combined with masonry panels. The Rathbun Retail Building has been designed with the use of more masonry and "punched" openings to set it off from the more contemporary design of the Main Retail Building.

The Residential Component of the Project along Maple Avenue has been designed to be architecturally distinct. The residential units have been designed as traditional townhouses with brick facades, gabled rooflines and chimney accents. Arched windows and doors on the three residential entrances will add further distinction to the façade.

Three main landscaping and pedestrian environments are proposed to be created as part of the Project; along West Post Road and Rathbun Avenue, the streetscape will consist of a new sidewalk with scored concrete paving and a stamped brick paver edge and granite curbing. The sidewalk will feature new street trees along the exterior of the sidewalk, as well as new light fixtures. Along Maple Avenue, a more residential scale landscaping program with anew sidewalk is proposed. Portions of the Development Site at the east and west portions of Male Avenue will feature ornamental trees, sweeps of native perennials and grasses, and native groundcover. The façade of the Residential Component will be planted with shrubs and foundation plantings which will match the character of the surrounding residential neighborhood while creating a sense of a "front yard". The third landscape area will be within the pedestrian areas interior to the Project,

including pedestrian walkways and the roof of the parking garage. These areas will feature sidewalks with decorative pavers and street trees in planters. Benches and contemporary-styled pedestrian lighting will be installed around the interior perimeter of the buildings to encourage pedestrian activity. Street lights will also be installed along the interior of the roof deck to ensure safe parking conditions.

Related Actions

"Health Clubs" are not permitted in the B-2 District. In order to accommodate the proposed health club use, as well as the building design of the Project, the Applicant has petitioned the Common Council to rezone the Rathbun Avenue Lots from B-2 District to B-3 District, consistent with the remainder of the Development Site and the established zoning of the portion of the West Post Road corridor in which the Development Site is located.

In addition, in its petition to the Common Council, the Applicant has also requested that the City: 1) amend the Official Map of the City to discontinue and close Brady Place as a public street[2]; and 2) relinquish, extinguish or otherwise terminate easements in favor of the City for public water and/or sewer line and appurtenances in the bed of the former street, if any.[3]

The proposed Health Club use also requires a special permit from the Planning Board. An application for special permit approval will be made to the Planning Board in due course.

Required Submissions

In support of the application and in accordance with the City's requirements, the following materials were submitted with the Applicant's Petition on November 19, 2015:[4]

1. Site plans for the Project consisting of the following sheets:

Drawing Number	Title	Prepared By	Dated/ Last Revised
G-000	Cover Sheet, Drawing List	BLT Architects	11/12/2015
C-100	Existing Conditions Plan	AKRF Engineering, PC	11/12/2015
C-201	Site Geometry Plan	AKRF Engineering, PC	11/12/2015

[2] As stated above, the Development Site is bisected by Brady Place which is shown on the City's Official Map although it is not currently usable as a public through street. The continued existence and physical re-opening of Brady Place does not serve any public transportation or land use planning purpose, and the would have an adverse impact on the design of the Project and the redevelopment potential of the Development Site. Accordingly, the Applicant has requested that Brady Place be discontinued by the City. Upon discontinuance, title to the bed of the former street would be vested in the Applicant, and the bed of the former street can be made an integral part of the Development Site.

[3] As stated in its Petition to the Common Council, the Applicant will provide suitable replacement for these utilities acceptable to the City's Department of Public Works elsewhere on the Development Site, if required by the City.

[4] Due to the voluminous nature of the drawings which were previously submitted, we have not enclosed the same drawings with this letter; however, we are happy to provide additional plan sets upon request.

C-202	Site Geometry Plan, Tile 1	AKRF Engineering, PC	11/12/2015
C-203	Site Geometry Plan, Tile 2	AKRF Engineering, PC	11/12/2015
C-301	Paving, Grading, and Drainage Plan	AKRF Engineering, PC	11/12/2015
C-302	Paving, Grading, and Drainage, Plan Tile 1	AKRF Engineering, PC	11/12/2015
C-303	Paving, Grading, and Drainage Plan, Tile 2	AKRF Engineering, PC	11/12/2015
L-201	Landscape Site Plan	IQ Landscape Architects, PC	11/12/2015
L-202	Landscape Site Plan Enlargements	IQ Landscape Architects, PC	11/12/2015
L-203	Landscape Details Precedent Images	IQ Landscape Architects, PC	11/12/2015
A-001	Lot Area Plan	BLT Architects	11/12/2015
A-002	Building Coverage Yards Plan	BLT Architects	11/12/2015
A-003	Average Level Plan	BLT Architects	11/12/2015
A-004	Pedestrian and Vehicular Access Plan	BLT Architects	11/12/2015
A-005	Pedestrian Connection Plan	BLT Architects	11/12/2015
A-006	Valet Parking Plan	BLT Architects	11/12/2015
A-111	Street Level Plan +216'	BLT Architects	11/12/2015
A-112	Street Level Plan +226'	BLT Architects	11/12/2015
A-113	Street Level Plan +236'	BLT Architects	11/12/2015
A-114	Ground Level Plan +247.5'	BLT Architects	11/12/2015
A-115	Upper Level Plan +262.5'	BLT Architects	11/12/2015
A-116	Roof Plan	BLT Architects	11/12/2015
A-117	Residential Floor Plan	BLT Architects	11/12/2015
A-201	Building Elevations	BLT Architects	11/12/2015

2. Full Environmental Assessment Form dated November 15, 2015, together with related "Part 3 Technical Memorandum" prepared by AKRF, Inc., and dated November 18, 2015, with appendices, including a traffic impact study prepared by Maser Consulting (on the attached Compact Disc)[5];

3. Completed short building permit application, dated November 19, 2015 (two copies submitted directly to the Commissioner of Building with associated application fees); and

4. A check payable to the City of White Plains, in the amounts of $1,200.00 representing the site plan application fee for the Residential Component; and

5. A check payable to the City of White Plains in the amount of $30,366.00, representing the site plan application fee for all other components of the Project.[6]

[5] Printed copies of the appendices will be provided upon request.
[6] This fee includes the fee for the special permit application to be made to the Planning Board in due course for the Health Club use.

Conclusion

We respectfully request that this matter be placed on the next available agenda of the Common Council for purposes of commencing review of the site plan, and for referral to all City boards, departments and agencies. We look forward to working with the City on this very exciting and important "gateway" project.

Thank you for your consideration.

Very truly yours,

MARK P. WEINGARTEN

cc: John Callahan, Esq., Corporation Counsel and Chief of Staff
Damon Amadio, Commissioner of Building (with site plan/special permit application fee)
Christopher Gomez, AICP, Commissioner of Planning
Anne M. McPherson, City Clerk
Drew Greenwald
Scott Auster
Jim Tuman
Peter J. Wise, Esq.
Nina Peek, AICP
Peter Feroe, AICP

THOMAS M. ROACH
MAYOR

THE CITY OF WHITE PLAINS

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

Dear Mayor and Council Members:

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.4 of the White Plains Zoning Ordinance, is an application for site plan approval. The applicant, Esplanade White Plains Venture Partnership, is proposing to re-purpose the buildings located at 95 South Broadway and 4 Lyon Place to Residential Multi-Family from its current Assisted Living Facility Use.

Esplanade Partners understands that this application for site plan approval is contingent upon the Council approving the applicant's petition for a Zoning text amendment.

Referrals may be made at this time to appropriate City departments and boards and for scheduling of the required public hearing.

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 20, 2016
(for the February 1, 2016 Common Council meeting)

Documents Submitted: Cover letter by Zarin & Steinmetz dated January 15, 2016.

Previously Submitted Documents: Preliminary Site Development Plan drawing by Sullivan Architecture dated October 20, 2015; and Parking and Traffic Study prepared by JMC dated October 20, 2015.

THOMAS M. ROACH
MAYOR

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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AND MEMBERS OF THE COMMON COUNCIL OF THE
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Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 20, 2016
(for the February 1, 2016 Common Council meeting)

Documents Submitted: Cover letter by Zarin & Steinmetz dated January 15, 2016.

Previously Submitted Documents: Preliminary Site Development Plan drawing by Sullivan Architecture dated October 20, 2015; and Parking and Traffic Study prepared by JMC dated October 20, 2015.

ZARIN &
STEINMETZ

David J. Cooper
Jody T. Cross ●
Marsha Rubin Goldstein
Jeremy E. Kozin
Helen Collier Mauch ▲
Matthew R. Pisciotta
Daniel M. Richmond
Brad K. Schwartz
Lisa F. Smith ●
David S. Steinmetz ■
Krista E. Yacovone
Michael D. Zarin

■ Also admitted in D.C.
● Also admitted in CT
▲ Also admitted in NJ

January 15, 2016

JAN 20 2016
OFFICE OF CITY CLERK

By Email

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

Re: ***The Esplanade – 95 South Broadway and 4 Lyon Place***
Application for Site Plan Approval
***Section 125.84, Block 4, Lot 8 and Section* 125.84, Block 5, Lot 2**
(the "Property")

Dear Mayor Roach and Members of the Common Council:

As you know, we represent Esplanade of White Plains Venture Partnership ("Esplanade Partners" or the "Applicant"), with respect to the re-purposing of the Esplanade, consisting of the buildings currently located at 95 South Broadway and 4 Lyon Place in White Plains (the "City"). We write in advance of the Common Council's February 1, 2016 meeting to submit our Application for Site Plan Approval pursuant to Section 7.1 of the White Plains Zoning Ordinance (the "Application"), and to submit additional information regarding the Project.

The Applicant understands that the processing of this Application is contingent on the Council approving the Applicant's Petition for a Zoning Text Amendment (the "Text Amendment") at the February 1, 2016 meeting. Should no formal action be taken, the Applicant asks that this Site Plan Application be held in abeyance until such time as the Text Amendment is adopted.

As the Council is aware, the Applicant is proposing to adaptively re-use what, in Esplanade Partners' opinion, are outdated and underutilized buildings to create a rental

Tel: (914) 682-7800
Fax: (914) 683-5490

81 Main Street, Suite 415
White Plains, New York 10601

www.zarin-steinmetz.com

development with amenities rivaling those of buildings in Manhattan. We have already shared with you some of the conceptual designs for this new and exciting development. In further support of the Application, the Applicant has previously provided the following additional materials:

- Preliminary Site Development Plan drawing set, prepared by Sullivan Architecture, last revised October 20, 2015; and

- Parking and Traffic Study, prepared by JMC Site Development Consultants, dated October 20, 2015

We look forward to appearing before the Council to make an in-depth presentation regarding the Project, and to respond to any questions the Council may have. We will also be prepared to share with the Council the various measures the Esplanade has taken to address the transition of its senior citizen residents. We remain confident that these measures will demonstrate the concern and sensitivity that Esplanade Partners has with regard to this situation.

Please let us know if you have any questions.

Respectfully submitted,

ZARIN & STEINMETZ

By: _____
David S. Steinmetz
Matthew R. Pisciotta

DSS:me
Enclosures

John Callahan, Esq., Corporation Counsel
Mr. Alan Schechter
Mr. Brian Flanagan
Mr. John Sullivan
Richard Pearson, PE
Mr. Joseph P. Modafferi

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:

I am pleased to submit the City's Capital Improvement Program for Fiscal Year 2016-2022 and the succeeding five years as approved by the Capital Projects Board.

The Capital Improvement Program is a planning document that sets forth the City's capital fiscal plan to ensure than municipal infrastructure and facilities serve the needs of the people and are adequate, appropriate and maintained in good condition. The Capital Improvement Program is not an adopted capital budget for the City, but by Charter, this planning document is used by the Budget Director and the Mayor and Common Council in developing the City's operating budget.. Each capital project to be undertaken by the City must be approved individually and have a budget established by the Common Council before work begins.

The Capital Improvement Program for fiscal year 2016-2017 recommends total expenditures of $29.6 million to fund various capital projects and rolling stock purchases. Of this $29.6 million, $26.2 million is being recommended for capital improvements; $3.1 million for the purchase of rolling stock; and $0.3 million for debt issuance costs.

I extend my sincere thanks to the members of the Capital Projects Board for their efforts in developing the new plan which sets forth the future capital initiatives recommended for the City.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

February 1, 2016

DEPARTMENT OF FINANCE
MUNICIPAL BUILDING – 255 MAIN STREET – WHITE PLAINS. NEW YORK 10601

TEL: (914) 422-1235 – Fax: (914) 422-1273

THOMAS M. ROACH
MAYOR

MICHAEL A. GENITO
COMMISSIONER OF FINANCE
CAROL ENDRES
DEPUTY COMMISSIONER

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

Submitted herewith is the unaudited interim financial report for the six months ended December 31. 2015

Michael A. Genito
Commissioner of Finance

Dated: January 21. 2016
(For the Common Council meeting of February 1. 2016)

DEPARTMENT OF BUDGET

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

TEL: (914) 422-1364 – Fax: (914) 422-1440

THOMAS M. ROACH
MAYOR

MICHAEL A. GENITO
BUDGET DIRECTOR

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

Submitted herewith is the Capital Improvement Program Status Report for the six months ended December 31. 2015.

Michael A. Genito
Budget Director

Dated: January 20. 2016
(For the Common Council meeting of February 1. 2016)

THOMAS M. ROACH
MAYOR

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Dear mayor and Council Members:

Submitted, herewith, for your review and appropriate action pursuant to Section 6.6.5 of the Zoning Ordinance, is a request for a three (3) year renewal of an existing Special Permit to maintain Accessory Parking for the White Plains Medical Center, at 2-6 Oakwood Avenue. The parking lot is at the southwest corner of Maple and Oakwood Avenues and is located in an R2-2.5 Zoning District. This lot was originally approved by the Zoning Board of Appeals.

The Common Council granted a three (3) year extension in March 2013, which shall expire March 7, 2016.

The Zoning Ordinance of the City of White Plains authorizes the Commissioner of Building to renew the Special Permit within forty-five days after the request is received by the Common Council. If the Common Council does not object in writing to approval, the renewal will be for a period of three (3) years and all previous conditions of approval will be incorporated.

It should be noted that this department visited the site and the applicant is conforming to the requirements of the December 1, 2003 Common Council resolution.

Respectfully submitted,

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 20, 2016
(For the February 1, 2016 Common Council Meeting)
SUBMISSION: Cover letter prepared by Mr. William Null of Cuddy & Feder dated December 7, 2015, a Short Form Building Application dated January 7, 2016, and a Short Environmental Assessment form dated December 7, 2015

CUDDY & FEDER LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

December 7, 2015

BY HAND
Mr. Damon Amadio, Commissioner
Building Department
City of White Plains
70 Church Street
White Plains, New York 10601

Re: Premises: 2-6 Oakwood Avenue, White Plains, New York
(Ward 3, Block 34, Lots 1, 2, 3 & 39A)

Dear Commissioner Amadio:

On behalf of White Plains Medical Centre Associates, the owners of the above-referenced Premises, we respectfully request the renewal of an existing Special Permit/Site Plan for this "Accessory Parking Adjoining Business or Industrial Districts," pursuant to Sections 6.2.1.9 and 7.7.1 of the Zoning Ordinance of the City of White Plains. If a request to extend it was not filed prior thereto, the Special Permit for these Premises otherwise would expire on March 7, 2016 (as noted in the enclosed copy of a July 9, 2013 letter from you). The existing Special Permit is requested to be extended for another three (3) year term. An existing medical office building operated at 170 Maple Avenue uses this parking lot and its continued use is essential to the operation of those offices.

In further support of this application, we respectfully enclose an Application for a Building Permit, a check for $250.00, a Short Environmental Assessment Form (EAF) in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively "SEQRA"), and the above-referenced documents.

RECEIVED

Thank you for your consideration in this matter.

Respectfully yours,

CITY OF WHITE PLAINS
DEPT OF BUILDING

William S. Null

WSN:yp
Enclosures

Cc: Mr. Larry Newman, Barhite & Holzinger; and Ms. Susan Fox, President and Chief Executive Officer, White Plains Hospital

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. Hodges, P.E.
Deputy Commissioner

July 9, 2013

White Plains Medical Associates
Att: Dr. Bruce Gordon, MD
170 Maple Avenue
White Plains, New York

Re: Special Use Permit
2-6 Oakwood Avenue

Dear Dr. Gordon:

The Common Council of the City of White Plains received your request for renewal of the Special Permit for the existing Neighborhood & Employee Parking Lot at the above address, at its meeting of March 4, 2013.

Since no written objection has been made by the Common Council, and pursuant to Section 6.6.5 of the White Plains Zoning Ordinance, a Special Permit for operation of a "Neighborhood & Employee Parking Lot" for seventy-five (75) cars is hereby issued, subject to the requirements of Section 6 of the Zoning Ordinance as well as the following conditions:

1. Parking lot shall be maintained in existing condition and parking spaces designated by lines.

2. Area between parking lot and street, including sidewalk, shall be maintained and kept clean of debris.

3. Parking lot shall only be used by employees of applicant, visiting doctors, and tenants of medical center building.

4. Admission to lot shall be controlled by electronic gate at all times.

RECEIVED
CITY OF WHITE PLAINS
DEPT OF BUILDING

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

5. Permit may be renewed every three years from date hereof providing all conditions have been met and there are no violations.

An annual inspection of the lot will be made by this Department to insure compliance with all appropriate conditions of approval.

This Special Permit shall expire on March 7, 2016. Your application for renewal shall be submitted to the Department of Building no less than sixty (60) days prior to such date.

If you have any questions concerning this matter, please contact the Department of Building at 422-1287.

Very truly yours,

Damon A. Amadio
Commissioner of Building

DAA:ps

RECEIVED

CITY OF WHITE PLAINS
DEPT OF BUILDING

CITY OF WHITE PLAINS

DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471
http://www.cityofwhiteplains.com/

Reset Form | Print Form

1 APPLICATION TYPE:
- ☐ MULTI-FAMILY DWELLINGS & COMMERCIAL CONSTRUCTION
- ☐ RESIDENTIAL *(ONE & TWO FAMILY DWELLINGS)*

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

☐ Legalization SCAN FEE: _____

- ☐ Building *(no volume added)*
- ☐ HVAC
- ☐ Plumbing
- ☐ Grading /Excavation
- ☐ Kitchen Exhaust
- ☐ Sign, Awning,Canopy & Bunting
- ☐ Demolition / Scaffold
- ☐ Boiler
- ☐ Fire Alarm
- ☐ Vertical Transportation
- ☐ Updated & Substitute C.O.
- ☐ Mechanical / Generator
- ☐ Low Voltage Permit
- ☐ Hoisting
- ☐ Temporary Structures
- ☐ Fire Suppression
- ☐ Electrical

CON ED #: _____

3 Application #: 2016-0012B2D6 Date Filed: 1/7/16 Reviewed by: MN Ins: –

Estimated Cost of Work: _____ (including labor, material & fixtures) Fee Amount: 250 Receipt #: 2016-80855

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

Site Address: 2-6 Oakwood Avenue SBL: 3-34-1,2,3 & 39A Zone: R2-2.5 Set Back: _____

Unit # : _____ Floor # : _____ Sq Ft : _____ Present Use & Occupancy: Parking Facility

Sprinkler: _____ Construction Type : _____ Proposed Use & Occupancy: Parking Facility

Work Description: Three (3) year extension for existing Special Permit/Site Plan. – Reference 2010BLDGA00555

4 Applicant: Barhite & Holzinger Address: 71 Pondfield Road, Bronxville, NY 10708

Contact: Larry Newman CELL: _____ PHONE: 914-337-1312 FAX: 914-793-3364

EMAIL: lnewman@barhiteandholzinger.com

RECEIVED

5 Contractor: _____ Address: _____

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

EMAIL: _____

CITY OF WHITE PLAINS DEPT OF BUILDING

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

6 Engineer or Architect: _____ Address: _____

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

EMAIL: _____

7 Owner or Tenant: _____ Address: _____

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

EMAIL: _____

8 STATE OF NEW YORK }

COUNTY OF WESTCHESTER }

AFFIDAVIT OF OWNERSHIP

BUILDING SHORT FORM 01/14

I, William S. Null, Esq. being duly sworn, deposes and says: that White Plains Medical Centre Associates

(PRINT NAME) (OWNER, AGENT, BUILDER, CONTRACTOR) (PRINT NAME OWNER)

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

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

Applicant Sworn Before Me This 7th **Day of** December **20** 15

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

RENA REGINA NOTARY PUBLIC
Notary Public, State of New York
No. 01RE6165642
Qualified in Westchester County
Commission Expires May 14, 20 15

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

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

Signature of Property Owner Date Print Name & Title.

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

10 **HOLD HARMLESS (If applicable)**

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

To: Commissioner of Building **Subject:** Building Permit Application#

Site Address: _____ **SBL:** _____

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

Applicant /Permitee Name: _____ **Signature:** _____ **Date:** _____

Witness Name: _____ **Signature:** _____ **Date:** _____

11 **PERMIT REQUIREMENT AGREEMENT:**

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

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

RECEIVED

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

CITY OF WHITE PLAINS
DEPT OF BUILDING

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

White Plains Medical Centre Associates

Name of Action or Project:
2-6 Oakwood Avenue

Project Location (describe, and attach a location map):
2-6 Oakwood Avenue, White Plains, New York

Brief Description of Proposed Action:
Renewal of an existing Special Permit/Site Plan requesting a three(3) year extension.

Name of Applicant or Sponsor:	Telephone: 914-337-1312
Barhite & Holzinger on behalf of White Plains Medical Centre Associates	E-Mail: lnewman@barhiteandholzinger.com

Address:
71 Pondfield Avenue

City/PO:	State:	Zip Code:
Bronxville	New York	10708

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? N/A acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

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4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☑	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: Parking area, only.	☑	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: Parking area, only.	☑	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☑ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

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	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: William S. Null, Attorney for the Applicant Date: December 7, 2015

Signature:

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DEPT OF BUILDING

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

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CITY OF WHITE PLAINS
DEPT OF BUILDING

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

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CITY OF WHITE PLAINS
DEPT OF BUILDING

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

Dear Mayor and Council Members:

Submitted, herewith, for your review and appropriate action pursuant to Section 6.6.5 of the Zoning Ordinance, is a request for a three (3) year renewal of an existing Special Permit to maintain Accessory Parking at 434-440 Mamaroneck Avenue designated as Section 130.36, Block 7, Lot 4 and located in a BR-1 Zoning District.

The Zoning Ordinance of the City of White Plains authorizes the Commissioner of Building to renew the Special Permit within forty-five days after the request is received by the Common Council. If the Common Council does not object in writing to approval, the renewal will be for a period of three (3) years and all previous conditions of approval will be incorporated.

It should be noted that this department visited the site and the applicant is conforming to the requirements of the Common Council resolution.

Respectfully submitted,

Kevin M. Hodapp
Deputy Commissioner of Building

Dated: January 20, 2016
(For the February 1, 2016 Common Council Meeting)

SUBMISSION: Cover letter prepared by Mr. William Null of Cuddy & Feder dated January 11, 2016, a Short Form Building Application dated January 20, 2016, and a Short Environmental Assessment form dated January 11, 2016

CUDDY & FEDER LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

January 11, 2016

BY HAND
Mr. Damon Amadio, Commissioner
Building Department
City of White Plains
70 Church Street
White Plains, New York 10601

Re: Premises: 442-452 Mamaroneck Avenue, White Plains, New York
(Ward 3, Block 45, Portion of Lot 8; Section 13036, Block 7, Lot 4)

Dear Commissioner Amadio:

On behalf of 432 Mamaroneck Co. LLC, the owners of the above-referenced Premises, we respectfully request the renewal of an existing Special Permit/Site Plan for this "Accessory Parking Adjoining Business or Industrial Districts," pursuant to Sections 6.2.1.9 and 7.7.1 of the Zoning Ordinance of the City of White Plains. The Special Permit for these Premises is requested to be renewed with no change to the existing improvements proposed. For your convenience, we enclose one copy of a survey prepared by Vanasse Hangen Brustlin, Inc. entitled, "CVS Mamaroneck Avenue, White Plains, New York, As-Built Survey," dated December 14, 2005, the original and thirty-five (35) copies of the application, short Environmental Assessment Form, and copies of our application cover letter.

The existing Special Permit has been regularly renewed by the City of White Plains over the past many years and is requested to be extended for another three (3) year term. An existing CVS/ pharmacy and Citibank banking facility currently share the use of the parking lot on Mamaroneck Avenue.

In support of this application, we respectfully enclose an Application for a Building Permit, a check for $100.00, a Short Environmental Assessment Form (EAF) in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively "SEQRA"), and the above-referenced as-built survey.

Thank you for your consideration in this matter.

Respectfully yours,

William S. Null

WSN:yp
Enclosures
cc: Kamran Moattar, Esq.; Mr. Gary Sedorak; Matt Butts; and Kristine L. Donabedian, Esq.

CITY OF WHITE PLAINS

DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471
http://www.cityofwhiteplains.com/

Reset Form

Print Form

1 APPLICATION TYPE:

- [x] MULTI-FAMILY DWELLINGS & COMMERCIAL CONSTRUCTION
- [ ] RESIDENTIAL *(ONE & TWO FAMILY DWELLINGS)*

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

- [ ] Legalization
- SCAN FEE: _____

- [x] Building *(no volume added)*
- [ ] HVAC
- [ ] Plumbing
- [ ] Grading /Excavation
- [ ] Kitchen Exhaust
- [ ] Sign, Awning,Canopy & Bunting
- [ ] Demolition / Scaffold
- [ ] Boiler
- [ ] Fire Alarm
- [ ] Vertical Transportation
- [ ] Updated & Substitute C.O.
- [ ] Mechanical / Generator
- [ ] Low Voltage Permit
- [ ] Hoisting
- [ ] Temporary Structures
- [ ] Fire Suppression
- [ ] Electrical
- CON ED #: _____

3

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

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

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

Site Address: 442-452 Mamaroneck Avenue SBL: 3-45-8 & 12 Zone: BR1 Set Back: _____

Unit # : _____ Floor # : _____ Sq Ft : _____ Present Use & Occupancy: Parking Lot

Sprinkler: _____ Construction Type : _____ Proposed Use & Occupancy: Parking Lot

Work Description: Special Permit for existing parking lot

4

Applicant: 432 Mamaroneck Co., LLC Address: c/o Benenson Realty Company, 708 Third Avenue, New York, NY 10017

Contact: Gary Sedorak CELL: _____ PHONE: 212-867-0990 FAX: _____

EMAIL: _____

5

Contractor: _____ Address: _____

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

EMAIL: _____

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

6

Engineer or Architect: _____ Address: _____

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

EMAIL: _____

7

Owner or Tenant: 432 Mamaroneck Co., LLC Address: c/o Benenson Realty Company, 708 Third Avenue, New York, NY 10017

Contact: Gary Sedorak CELL: _____ PHONE: 212-867-0990 FAX: _____

EMAIL: _____

8 STATE OF NEW YORK }

COUNTY OF WESTCHESTER }

AFFIDAVIT OF OWNERSHIP

BUILDING SHORT FORM 01/14

I, William S. Null, Attorney for the Applicant being duly sworn, deposes and says: that 432 Mamaroneck Co. LLC

(PRINT NAME) (OWNER, AGENT, BUILDER, CONTRACTOR) (PRINT NAME OWNER)

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

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

Applicant Sworn Before Me This 11 Day of January 20 16

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

REGINA REGINA
Notary Public, State of New York
No. 01RE6165642
Qualified in Westchester County
Commission Expires May 14, 20 17

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

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

Signature of Property Owner Date Print Name & Title.

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

10 **HOLD HARMLESS (If applicable)**

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

To: Commissioner of Building **Subject:** Building Permit Application# _____

Site Address: _____ **SBL:** _____

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

Applicant /Permitee Name: _____ **Signature:** _____ **Date:** _____

Witness Name: _____ **Signature:** _____ **Date:** _____

11 **PERMIT REQUIREMENT AGREEMENT:**

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

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

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

12 **MUST BE COMPLETED FOR ALL PLUMBING APPLICATIONS:**

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

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

THE FOLLOWING IS A LIST OF WORK TO BE DONE:

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

OTHER WORK: _____

_____

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

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

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

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

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

New Residential Building Substainability Suggestions:

HAVE YOU CONSIDERED.....

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

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

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
442-452 Mamaroneck Avenue

Project Location (describe, and attach a location map):
442-452 Mamaroneck Avenue/Westchester County-Westerly side of Mamaroneck Avenue, northerly of its intersection with Bloomingdale Road.

Brief Description of Proposed Action:
Renewal of Special Use Permit for parking lot, no new work proposed.

Name of Applicant or Sponsor: 432 Mamaroneck Co. LLC c/o Benenson Realty Company	Telephone: 212-867-0990
	E-Mail:

Address:
708 Third Avenue

City/PO:	State:	Zip Code:
New York	New York	10017

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action? N/A acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	✓	☐
b. Consistent with the adopted comprehensive plan?	☐	✓	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	✓	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	✓	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	✓
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	✓
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	✓	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Parking Lot - none needed.	✓	☐
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	✓	☐
b. Is the proposed action located in an archeological sensitive area?	✓	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	✓	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	✓	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☑ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	✓	☐
16. Is the project site located in the 100 year flood plain?	✓	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	✓	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	✓	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: William S. Null, Attorney for the Applicant Date: January 11, 2016

Signature:

PRINT FORM