



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

**PLEDGE TO THE FLAG:**

Hon. Beth Smayda

**ROLL CALL:**

City Clerk

**APPOINTMENTS:**

1. Communication from the Mayor in relation to the appointment of Tonya Wilson to the Youth Board to a term which will expire on December 31, 2016.

**LOCAL LAW:**

2. Communication from Commissioner of Building in relation to a proposed Local Law amending Title IX of the White Plains Municipal Code by adding a Section 9-6 to be titled, "Historic Preservation", and scheduling a public hearing for May 4, 2015.
3. Local Law Introductory No. 1 of 2015. 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 titled, "Historic Preservation."
4. Resolution of the Common Council of the City of White Plains scheduling a public hearing for May 4, 2015, in relation to a Local Law amending Title IX of the White Plains Municipal Code by adding Section 9-6 to the Municipal Code entitled "Historic Preservation."

**ADJOURNED**

**PUBLIC HEARINGS:**

5. Public Hearing in relation to the application submitted by Daniel J. Coughlan, Proprietor, on behalf of Coughlan, Inc., for a renewal of a Special Permit to operate a cabaret at The Coliseum located at 15 South Broadway.



15. Public Hearing in relation to a proposed amendments to the Zoning Ordinance with respect to Special Permit Uses in Non-Residential Districts, revising the definition of “Cabaret” and adding the definition of “Primary Cabaret” and “Accessory Cabaret”, and proposed amendment to the White Plains Municipal Code “Cabarets” by amending Article I of Chapter 4-4 in its entirety and amending Section 4-4-30 of Article II of Chapter 4-4.
16. Public Hearing in relation to an application submitted on behalf of St. Gregory the Enlightener Armenian Church for an amendment to a previously approved site plan to construct a one story, approximately 7,000 sq. ft, addition to the existing Church building which is proposed to house the Church Sunday School, and connected to the existing structure vial an enclosed walkway.
17. Communication from the City Clerk

**FIRST READING  
ORDINANCES:**

18. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings.
19. Ordinance authorizing the settlement of certain tax review proceedings.
20. Communication from Corporation Counsel in relation to the application of tw telecom of new york l.p. (“tw telecom”) for a ten (10) year non-exclusive franchise to develop a fiber optic telecommunications system in the City of White Plains.
21. Ordinance granting a non-exclusive franchise to tw telecom of new york l.p. to construct, erect, operate and maintain a fiber optic telecommunications system in the City of White Plains.
22. Communication from the City Clerk in relation to an agreement with New York State Thruway Authority for the Office of the City Clerk to offer E-ZPass for sale through the E-ZPass On-The-Go Retail Sales Program.
23. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into an agreement with the New York State Thruway Authority, known as the E-PZee Pass On-The-Go Retail Sales Agreement, to permit to sell E-ZPass Tags at the City Clerk’s Office.
24. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. W5447, Fluoride Tank Replacement FY 2014-2015.
25. Communication from Environmental Officer

26. Environmental Findings Resolution
27. Ordinance of the Common Council of the City of White Plains establishing Capital Project No. W5447 entitled, Fluoride Tank Replacement FY 2014-2015.
28. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. W5448, Fluoride Tank Replacement CAPS.
29. Communication from Environmental Officer
30. Environmental Findings Resolution
31. Ordinance of the Common Council of the City of White Plains establishing Capital Project No. W5448 entitled, Fluoride Tank Replacement CAPS.
32. Bond Ordinance dated April 6, 2015, authorizing the issuance of \$3,737,000 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 or reconstruction or addition to the water supply and distribution system for the City.
33. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. SW5445, Miscellaneous Sanitary Sewer Reconstruction FY 2014-2015.
34. Communication from Environmental Officer
35. Environmental Findings Resolution
36. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. SW5445 entitled, Miscellaneous Sanitary Sewer Reconstruction FY 2014-2015.
37. Bond Ordinance dated April 6, 2015, authorizing the issuance of \$505,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the reconstruction of the City Sanitary Sewer System.
38. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5446, City Hall Front Steps.
39. Communication from Environmental Officer
40. Environmental Findings Resolution
41. Ordinance of the Common Council of the City of White Plains establishing Capital Project No. C5446, City Hall Front Steps.
42. Bond Ordinance dated April 6, 2015, authorizing the issuance of \$252,000

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 and reconstruction of Class A Buildings for municipal use.

43. Communication from Commissioner of Public Works in relation to an Inter-municipal Agreement between the City and the Westchester County Department of Environmental Facilities, Westchester County Water District No. 1, for the County to use City of White Plains land and facilities for water treatment plants.
44. Communication from Environmental Officer
45. Environmental Findings Resolution
46. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into an Inter-municipal Agreement (“IMA”) with the County of Westchester (“County”), through the Westchester County Water District No. 1 (WWD#1), for the County to utilize City of White Plains land and facilities for two drinking water treatment plants to be operated by County personnel at the expense and benefit of WWD#1.
47. Communication from Commissioner of Public Works in relation to the renewal of an Inter-municipal Agreement between the City and the Westchester County Department of Environmental Facilities for the Organic Yard Waste Program.
48. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a renewal of a five (5) year Inter-municipal Agreement (“IMA”) with the County of Westchester for the Organic Yard Waste Transfer Program.
49. Communication from Commissioner of Public Works in relation to the closure of certain public streets and appropriate parking restrictions in relation to the City’s 2015 planned special events.
50. Ordinance of the Common Council of the City of White Plains authorizing the closure of certain portions of public streets and designating April 15, 2015 through April 18, 2015, May 3, 2015, May 20, 2015 through May 24, 2015, June 14, 2015, September 24, 2015 through September 27, 2015 and October 11, 2015 as the White Plains Downtown Rising Stars Sidewalk Sales Days; May 3, 2015, as Cinco De Mayo; April 18, 2015 as Sustain White Plains; May 25, 2015 as the Memorial Day Parade; June 14, 2015 as the Annual White Plains Downtown Criterium Bike Race and Vendor Expo highlighting lifestyle and leisure; June 13, 2015 as the Juneteenth Parade and Festival; June 17, 2015 as Get On Your May For Mental Health Yoga/Health Fair (rain date June 18, 2015; June 20, 2015, Youth Bureau Anniversary; July 29, 2015 as the Dancing Under the Stars/Car Show; August 4, 2015 as National Night Out on Crime; September 27, 2015 as Jazzfest; September 19, 2015 as Youth Bureau Wellness Week; October 11, 2015 as Oktoberfest; October 25, 2015 as the Halloween Trick & Treats Festival; December 12, 2015 through December 20, 2015 as Winterfest; and December 31, 2015 and January 1, 2016 as the White Plains New Year’s Eve Spectacular.

51. Communication from the Commissioner of Finance in relation to 2015-2016 Budget for the White Plains Downtown Business Improvement District and authorizing the preparation of an Assessment Roll.
52. Ordinance accepting the 2015-2016 Budget for the White Plains Downtown Business Improvement District and directing the preparation of an Assessment Roll based thereon.
53. Communication from Commissioner of Recreation and Parks in relation to a revocable license agreement between the City and 707/709 Westchester Avenue SPE LLC, and 925/1025 Westchester Avenue SPE LLC, for the use of parking lots in connection with the Independence Day Fireworks.
54. Ordinance authorizing the Mayor or his designee to enter into a revocable license agreement between the City and 707/709 Westchester Avenue SPE LLC, and 925/1025 Westchester Avenue SPE LLC, for the use of parking lots in connection with the Independence Day Fireworks Display Celebration.
55. Communication from Acting Commissioner of Planning in relation to an amendment to the Community Development Fund Budget by reprogramming funds from previous years.
56. Ordinance the Community Development Fund Budget by reprogramming funds from previous Community Development Program Years.
57. Communication from Acting Commissioner of Planning in relation to a Community Development Special Rehabilitation Loan not to exceed \$120,000 to the White Plains Housing Authority to upgrade the security system at 120 Lake Street.
58. Ordinance authorizing a Community Development Special Rehabilitation Loan not to exceed \$120,000 to the White Plains Housing Authority for upgrading the security system of the building located at 120 Lake Street.
59. Communication from Deputy Commissioner of Parking in relation to proposed amendments to the Traffic Ordinance.
60. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to deleting a "Two Hour Parking - Monday through Friday" Zone on both sides of Benedict Avenue; creating a "No Parking 10:00 AM to 11:00 AM Monday through Friday" Zone on both sides of Benedict Avenue; deleting a "One Hour Parking" Zone on the north side of McBride Avenue; creating a "Handicapped Parking Spaces - Streets (Metered Three Hour Maximum)" on the east side of Mamaroneck Avenue; and modifying a "No Parking" on the north side of Barker Avenue.

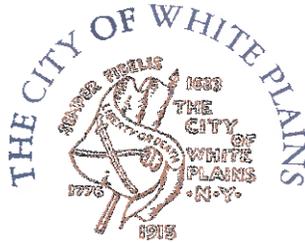
**RESOLUTIONS:**

- 61. Communication from Corporation Counsel in relation to a proposed amendment to the Zoning Ordinance of the City of White Plains amend Section 12.7 regarding the requirement for publication of notice of a public hearing and reducing the requirement from three (3) days to one (1) day for zoning amendments, special permit applications, variances, site plans involving an environmental sensitive site, appeals from the determinations from the Commissioner of Building, and other zoning related applications, and scheduling a public hearing for May 4, 2015.
  
- 62. Resolution of the Common Council of the City of White Plains scheduling a public hearing for May 4, 2015, in relation to the proposed amendment to Section 12.7 of the Zoning Ordinance of the City of White Plains with respect to reducing the requirement for publication of notice of a public hearing from at least three (3) days in the Official Newspaper to one (1) day.
  
- 63. Communication from the Budget Director in relation to the scheduling of a public hearing for May 4, 2015 on the Proposed Tax Budget of the City of White Plains for Fiscal Year 2015-2016.
  
- 64. Resolution of the Common Council of the City of White Plains in relation to setting a public hearing for Fiscal Year 2015-2016 Budget.
  
- 65. Communication from in relation to an application submitted on behalf of the Hindu Temple of Tri-State requesting an extension on a previously approved site plan for the construction of a two story, approximately 15,000 sq. ft Temple at 390 North Street.
  
- 66. Communications from Design Review Board
- 67. Acting Commissioner of Planning
- 68. Planning Board
- 69. Commissioner of Public Safety
- 70. Commissioner of Public Works
- 71. Deputy Commissioner, Traffic Division
- 72. Traffic Commission
- 73. Commissioner of Parking
- 74. Westchester County Planning Board
- 75. Environmental Officer
  
- 76. Environmental Findings Resolution
  
- 77. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Hindu Temple of Tristate (“Applicant”) for a one (1) year extension of a site plan to construct a two (2) story, approximately 15,000 sq. ft. Temple, on a property located at 390 North Street, which will include an entrance foyer, a community hall, dining area/kitchen/ a cleric’s apartment, a congregational store, restrooms, mechanical spaces and sanctuary and prayer space.

78. Communication from the Environmental Officer in relation to declaring intent to serve as Lead Agency for the environmental review of the proposed amendments to the Zoning Ordinance in relation to the development of property known as 60-96 Westchester Avenue on behalf of Saber White Plains LLC and Chauncey White Plains LLC.
79. Resolution of the White Plains Common Council declaring its intent to serve as Lead Agency for the environmental review of the proposed amendments to the Zoning Ordinance regarding the RM-0-35 and B-3 Districts and development of property known as 60 - 96 Westchester Avenue on behalf of Saber White Plains LLC and Chauncey White Plains LLC.
80. Communication from Personnel Director in relation to the approval of compensation for the Deputy Director and Business Assistant of the White Plains Housing Authority. In accordance with New York State Public Housing Authority Law.
81. Resolution of the Common Council of the City of White Plains for the approval of the compensation for certain positions of the White Plains Housing Authority.

**ITEM FOR INFORMATION:**

82. Communication from Commissioner of Building in relation to a request submitted on behalf of Vasken Demirjian, d/b/a Demirjian Salon, for a minor amendment to a previously approved site plan, to update their “branding” of the Salon name, replacing an awning and installing a mural with new graphics on Martine Avenue, at 10 City Place (Trump Tower at City Center).
83. Communication from Commissioner of Building in relation to a request submitted on behalf of LCOR 55 Bank Street LLC, for a minor amendment to a previously approved site plan, to make the second floor pool open to the outdoors.



**"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:**

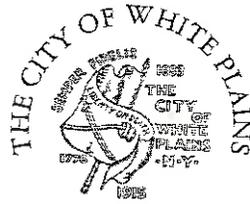
I am pleased to announce the appointment of Tonya Wilson as a member of the Youth Board to a term which will expire on December 31, 2016.

Sincerely,

Thomas M. Roach, Mayor

DATED: March 31, 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

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

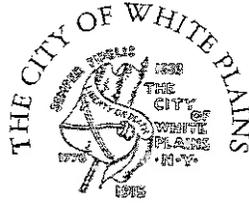
Submitted herewith, for your review and appropriate action including scheduling a public hearing, is a proposed local law amending Title IX of the White Plains Municipal Code regarding "historic preservation."

This law would establish a Historic Preservation Commission in the City of White Plains and empower the Commission to designate local landmarks and historic districts by means of a specifically enumerated process.

The purpose of this law is to protect and enhance the historic and architecturally significant buildings, structures, sites, monuments, streetscapes, and neighborhoods, which represent distinctive elements of the City's historic, architectural and cultural heritage; foster an understanding of and civic pride in the accomplishments of the past; protect and enhance the City's attractiveness, which supports and stimulates the local economy; and insure the harmonious, orderly, and efficient growth and development of the City.

In drafting this proposed local law, we reviewed the historic preservation laws in effect in a number of municipalities around New York State and spoke with municipal staff involved in the regular workings of such commissions in order to ascertain which aspects of those laws have been particularly successful, which have not, and why. In addition, the New York State Office of Historic Preservation ("OHP") model local ordinance and OHP staff were utilized as

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

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Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

resources during the drafting process.

Throughout the process our focus was to create a workable law that would guide the thoughtful actions of the Commission and provide a balance between the preservation of important elements of the City's past while not creating a burden on residential or commercial property owners now or in the future.

Respectfully submitted,

Damon A. Amadio P.E.  
Commissioner of Building

Dated: March 19, 2015 (for the April 6, 2015 Common Council Meeting)  
Related Documents: Local Law Introductory No.1 for 2015

LOCAL LAW INTRODUCTORY NO. 1 FOR 2015

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".

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

**Section 1. Section 9-6-1. Purpose.**

Pursuant to Article 5 §96-a, Article 5-G, Article 5-J and Article 5-K §119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historical Preservation Law; and §10 of the Municipal Home Rule Law, it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic, safety and general welfare of the public.

Inasmuch as the identity of a people is founded, in part, on its past and inasmuch as the City of White Plains has many significant historic, architectural and cultural resources, which constitute its heritage, this act is intended to:

Protect and enhance the historic and architecturally and culturally significant buildings, structures, sites, monuments, streetscapes and neighborhoods, which represent distinctive elements of the City's historic, architectural, and cultural heritage;

Foster understanding of and civic pride in the accomplishments of the past;

Protect and enhance the City's attractiveness, which supports and stimulates the local economy; and

Insure the harmonious, orderly, and efficient growth and development of the City.

**Section 9-6-2. Historic Preservation Commission.**

There is hereby established the White Plains Historic Preservation Commission (the "Commission").

- A. Membership and Appointments. The members of the Commission shall be appointed by the Mayor and approved by the Common Council, and shall consist of a total of five (5) regular members, including the chair, and one (1) alternate member.
- B. Qualifications.
1. All members shall be residents of the City of White Plains; and
  2. It is preferred that members have a background in archeology, architecture, arts, education, history, law, real estate, urban planning, or a related field; and
  3. All members shall have an interest in historic preservation and/or architecture.

- C. Terms. Commission members shall serve for a term of two years, with the exception of the initial appointments. Of the initial five members, the Chair and two other members shall be appointed to a two-year term and two members shall be appointed for an initial one-year term.
- D. Chair. The Chair of the Commission shall be designated by the Mayor and shall serve as Chair for no more than three consecutive terms.
- E. Alternate Member. The alternate member shall be appointed for a two-year term and shall attend all meetings. The Chair may designate an alternate member to substitute for a regular member who is absent or when such member is unable to participate because of a conflict of interest on an application or matter before the Commission. When so designated, the alternate member shall possess all the powers and responsibilities of a regular member of the Board. Such designation shall be entered into the minutes of each meeting at which such substitution is made.
- F. Vacancies. Vacancies occurring on the Commission other than by expiration of the term of office shall be filled by appointment of the Mayor for the unexpired portion of the term of the replaced member. Such appointment shall be made in accordance with the criteria established for original appointments.
- G. Removal. A member who has three (3) consecutive unexcused absences from Commission meetings may be removed by the Mayor.
- H. Duties and Powers.
1. Making recommendations to the Mayor and Common Council regarding:
    - a. New or amended local laws or other regulations that the Commission believes will further the goals of this local law;
    - b. Proposals for the acquisition of interests in real property; and
    - c. Proposed demolitions
  2. Preparing reports and recommendations in response to referrals or requests from the Common Council. Promulgating policies, procedures, or bylaws that may be necessary for the Commission to conduct its business, consistent with the scope and intent of this local law;
  3. Maintaining an inventory of designated historic landmarks or districts within the City;
  4. Conducting surveys and preparing maps, reports and recommendations regarding historic preservation policies, regulations and local law;
  5. Reviewing applications for alterations to or demolition of local landmarks or districts;
  6. Evaluating applications for certificates of appropriateness;
  7. Designating local landmarks or districts.

- I. Meetings. The Commission shall hold regular monthly meetings. Additional meetings may be held at any time, upon public notice.

### **Section 9-6-3. Designation of Local Landmarks or Historic Districts.**

- A. Recommendations for establishing a local landmark or historic district. Such recommendations may be initiated through maps and documentation prepared by either of the following:
  1. The Commission and its staff; or
  2. Petition by owners of property in fee simple wishing to establish a local landmark or historic district, which includes their property.
  
- B. Criteria.
  1. Individual Landmarks. The Commission may designate 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. Is a religious property deriving 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 designate 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.
    - b. Historic buildings, structures, and sites must possess identified historic or architectural merit of a degree warranting their preservation.
    - c. Districts may be geographic or thematic in nature.
  
- C. Decision Making Requirements.
  1. Public Notice. Notice of a proposed designation shall be sent by registered 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.

2. Public Hearing. The Commission shall hold a public hearing prior to rendering a decision on the proposed designation of an individual landmark or historic district. The Commission shall forward all proposed designations to the Common Council for review and action, as appropriate.
  3. Objection. If an objection is filed by the property owner of a proposed individual landmark or by a majority of contributing properties in a proposed historic district by the close of the public hearing, a super majority (four fifths) vote of the members of the Commission is required to recommend designation.
  4. Determination. Within 62 days after the close of the public hearing, the Commission shall render a determination on the proposed designation of an individual landmark or historic district, setting forth in writing the reasons for the decision.
  5. Referral and Final Designation. A resolution designating an individual landmark or historic district shall become final 60 days after referral to the Common Council unless by resolution of the Common Council an objection is filed with the Chair of the Commission.
- D. Stay on Alteration or Demolition. Once the Commission has issued notice of a proposed designation, no demolition or building permits shall be issued for the subject property by the Building Commissioner until the Commission has made its decision.
- E. Mapping of Individual Landmarks and Historic Districts. The Commission shall classify and designate on a map all individual and local landmarks and the boundaries of all local historic districts. The map shall identify all buildings, structures, and sites within each historic district as historic or non-historic.
- F. Recording. The boundaries of each historic district and local landmark designated henceforth shall be mapped by the Commissioner of Planning, and shall be filed, in graphic and written form, in the City Clerk's Office for public inspection. Upon final designation, the Commission shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the office of the Westchester County Clerk for recording.

#### **Section 9-6-4. Repair and Maintenance Required.**

- A. No owner or person with an interest in real property designated as an individual landmark or included in a historic district shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the Property Maintenance Code of New York State, Uniform Fire Prevention and Building Code and all other applicable local regulations.

- B. Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or property within a historic district that does not involve a change in design, building materials, color or outward appearance.

**Section 9-6-5. Classification of Actions Affecting Designated Local Landmarks or Districts.**

Any proposed exterior alteration, restoration, reconstruction, demolition, new construction, or relocation of a designated local landmark or property within a historic district, shall be reviewed and classified according to the action required. Upon the filing of an application, the Commissioner of Building shall classify it into one of the following categories:

- A. Exempt actions. Exempt actions do not require a Certificate of Appropriateness. All applications determined to be exempt shall be forwarded to the Commission for the record. Exempt actions must be classified as:

1. A threat to public health and safety. The repair of conditions determined by the Commissioner of Building to pose an immediate danger to life, health or property shall be limited to securing the property and eliminating risk to life and health; or
2. Ordinary maintenance and repair. Ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district, which does not involve a change in design, material, color, or outward appearance.

- B. Non-exempt actions.

1. Minor alterations. Minor alterations are actions for which the applicant may seek approval of an Administrative Certificate of Appropriateness from Historic Commission staff. These actions are listed in Section 9-6-6, below.
2. Major alterations, demolitions or relocations. All other proposed actions affecting designated local landmarks or historic districts not determined to be exempt actions or minor alterations, shall be classified as major alterations. All major alterations require a Certificate of Appropriateness from the Commission.

**Section 9-6-6. Administrative Certificate of Appropriateness for Alteration, Demolition, or New Construction Affecting Landmarks or Historic Districts.**

Certain minor exterior alterations, restorations and material changes that do not have a substantial adverse impact on the historic character of the landmark or district, and which conform to the Secretary of the Interior's Standards for Historic Preservation, may be approved on behalf of the

Commission and issued an Administrative Certificate of Appropriateness. Such approval shall be made by staff in consultation with the Chair of the Commission.

- A. Activities which may be eligible for an Administrative Certificate of Appropriateness are limited to the following:
1. Painting of exterior wooden or metal materials and previously painted masonry materials with colors that are pre-approved from time to time by the Commission;
  2. Replacement of existing roofing materials with roofing materials original to the structure as supported by documentation;
  3. Mechanical systems (such as, but not limited to HVAC, exterior vent pipes and exhaust systems);
  4. Installation of new mechanical systems when restricted to areas not visible from the public right of way and installed as to be reversible without resulting in damage to the historic structure;
  5. Replacement of existing mechanical systems or components provided that the replacement does not exceed the existing system in size by more than 10 percent and is not visible from the public right of way; or
  6. Awnings. Installation of new awning fabric, without signage, to be canvas or treated fabric on an existing awning frame.
- B. Approval. Approval of an Administrative Certificate of Appropriateness may be granted for a proposed project which City staff determines conforms to the activities listed above. An Administrative Certificate of Appropriateness shall be valid for 18 months from the date it is issued.
- C. Denial and Referral. If City staff determine that a proposed project does not conform to the activities listed above, the application shall be forwarded to the Commission for full review at the next available meeting.
- D. Extension. A one-time extension of an Administrative Certificate of Appropriateness may be granted by staff for an additional period of up to an additional 18 months, provided the parameters of the project have not changed from those approved in the original Administrative Certificate of Appropriateness and the previous approval has not lapsed.

**Section 9-6-7. Certificate of Appropriateness for Alteration, Demolition, or New Construction Affecting Landmarks or Historic Districts.**

- A. Permit required. No building permit shall be issued for proposed work classified as a non-exempt action as defined in Section 9-6-5 until a Certificate of Appropriateness has first been issued by the Historic Preservation Commission. The Certificate of Appropriateness shall be a prerequisite to obtaining any building permit that may be required by any other ordinance or code of the City.

B. Application. Prior to the commencement or any work requiring a Certificate of Appropriateness, the owner shall file a complete application for such a certificate with the Department of Building. The application shall contain:

1. Name, corporation, mailing address, email address, and telephone number of applicant;
2. Location and photographs of the subject property and all properties within 500 feet of the subject property's line;
3. Drawings of proposed changes, such as but not limited to elevation, perspective or scale drawings as appropriate;
4. Samples of proposed color or material to be used;
5. Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and
6. Any other information which the Commission may deem necessary in order to understand and visualize the proposed work.

C. Criteria.

1. Alteration or New Construction. The Commission's determination shall be based on the following:
  - a. Retention and minimal alteration of historic features; and
  - b. Compatibility. Any alteration of existing properties or new construction shall be compatible with the historic character of the structure and/or the surrounding historic district.

In applying the principle of compatibility, the proposed new construction or modification must be compatible with adjacent or visually related buildings or places in terms of:

- (i) The stated purposes of this title;
- (ii) The general design, character and appropriateness to the property of the proposed alteration or new construction with character being by form, proportion, structure, plan, style or material. General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials;

- (iii) The importance of historic, architectural or other features to the significance of the property;
- (iv) Height in relation to the setting;
- (v) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
- (vi) Texture, materials, and color and their relation to similar features of other properties in the neighborhood;
- (vii) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures;
- (viii) The relationship of the width of a building to the height of the front elevation;
- (ix) Fenestration pattern and porches;
- (x) Rhythm of spacing of buildings on streets: the relationship of a building to the open space between it and adjoining buildings;
- (xi) Roof shape; and
- (xii) Walls of enclosure. Continuity of appurtenances of a building or site, such as walls, wrought iron fences, evergreen landscape masses, and building facades.

2. Demolition or Relocation. A Certificate of Appropriateness for demolition or relocation shall only be approved if the Commission determines that the applicant has established a hardship by documenting each of the following:

- a. The landmark is in a serious state of disrepair, which is not due to the waste or neglect of the property owner;
- b. The alleged hardship is not self-created (a hardship is self-created when the applicant acquires the property subject to the restrictions from which the applicant seeks relief);
- c. The landmark is incapable of earning a reasonable return as demonstrated by competent financial evidence;
- d. The landmark cannot be adapted for any other use, whether by the current owner or by a purchaser, that could earn a reasonable return;
- e. The alleged hardship is unique and does not apply to other landmarks; and
- f. Efforts to find a purchaser interested in acquiring the property have failed.

A permit for demolition shall only be granted in connection with the approval of a site plan for a replacement project excluding surface parking lots.

#### D. Decision Making Requirements.

1. Public notice. Upon application for a Certificate of Appropriateness, a public notice of the proposal shall be posted by the owner or owner's representative and located on the property visible from a public street for a minimum of 10 days prior to the public hearing. This notice must remain in place until a decision to approve or deny the Certificate of Appropriateness has been made. The notice shall specify the proposed work, the time and place of the public hearing, and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front yard and any additional street frontage so that it will be plainly visible from the street.
  2. Public hearing. The Commission shall hold a duly noticed public hearing prior to rendering a decision on any application for a Certificate of Appropriateness.
  3. Determination.
    - a. The Commission shall render a determination on the proposed Certificate of Appropriateness within 62 days from the close of the public hearing.
    - b. All determinations of the Commission shall be in writing and shall state the reasons for approving, denying, or modifying any application.
    - c. The determination shall be filed within five (5) business days with the City Clerk, mailed to the applicant, and posted on the City's website.
- E. Term. Certificates of appropriateness shall be valid for 18 months after the issuance of the Certificate. A one-time extension of a Certificate of Appropriateness may be granted by Historic Commission staff for an additional period of up to an additional eighteen (18) months, provided the parameters of the project have not changed from those approved in the original Certificate of Appropriateness and the previous approval has not lapsed.

#### **Section 9-6-8. Disaster Recovery.**

In the event that designated historic resources are damaged during a declared disaster, the Commission shall coordinate with the New York State Office of Emergency Management (NYSOEM) and/or the Federal Emergency Management Agency to ensure that all environmental and other applicable laws and procedures are followed during the recovery period.

#### **Section 9-6-9. Enforcement.**

All work performed pursuant to a Certificate of Appropriateness issued under this Chapter shall conform to any requirements included therein. It shall be the duty of the Building Commissioner to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness or upon notification of such fact by the Historic Preservation Commission, the Building Commissioner shall issue a stop work order and all

work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

**Section 9-6-10. Violations and Penalties.**

- A. Any person who demolishes alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this Chapter shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Corporation Counsel. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.
- B. Failure to comply with any of the provisions of this Chapter shall be deemed a violation and the violator may be liable for a fine of not less than \$500.00 nor more than \$1,000 for each day the violation continues.

**Section 9-6-11. Reconsideration.**

Any person aggrieved by a decision of the Historic Preservation Commission relating to denial of a Certificate of Appropriateness may, within 30 days of the decision, file a written application with the Commission for review of the decision. Reviews shall be conducted based on the record that was before the Commission and additional evidence relating to the following:

- a. The cost of alterations or replacement according to strict application of the design criteria is prohibitive in comparison with the cost of a reasonably compatible alternative; or
- b. The replacement of an existing feature on a building is necessary for safety reasons.

**Section 9-6-12. Severability.**

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or if any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The City of White Plains hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

**§ 2. 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 MAY 4, 2015 IN RELATION TO 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 May 4, 2015 at 7:30 p.m. before the Common Council of the City of White Plains in the Common Council Chambers, Municipal Building, 255 Main Street, White Plains, New York, in relation to Introductory 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 said public hearing.

# WHITE PLAINS URBAN RENEWAL AGENCY

255 Main Street • White Plains • NY • 10601 • (914) 422-1300

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TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

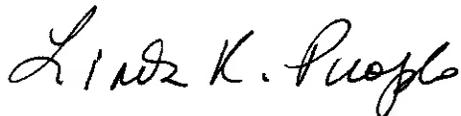
SUBJECT: RESOLUTION APPROVING THE THIRD AMENDMENT TO THE "CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY"), THE CITY OF WHITE PLAINS ("CITY") AND LCOR 55 BANK STREET LLC ("LCOR"), (THE "LCOR LDA"), APPROVED BY THE AGENCY ON MAY 23, 2007 AND BY THE COMMON COUNCIL ON JUNE 14, 2007, AMENDED BY THE AGENCY ON JULY 17, 2008 AND BY THE COMMON COUNCIL ON AUGUST 8, 2008, AND FURTHER AMENDED BY THE AGENCY ON AUGUST 13, 2014 AND BY THE COMMON COUNCIL ON SEPTEMBER 2, 2014.

DATE: March 31, 2015

At its meeting of March 18, 2015, the White Plains Urban Renewal Agency heard a presentation by LCOR, reviewed the LCOR proposed amendment and approved the Proposed Third LDA Amendment submitted by LCOR in Resolution 04-2015. White Plains Urban Renewal Agency Resolution 04-2015 approving the Proposed Third LDA Amendment is attached.

The White Plains Urban Renewal Agency recommends that the Common Council approve the Proposed Third LDA Amendment submitted by LCOR and attached, for your consideration, please find a proposed Common Council resolution approving the Proposed LCOR LDA Third Amendment.

Respectfully submitted,



Linda K. Puoplo  
Acting Executive Director

**WHITE PLAINS URBAN RENEWAL AGENCY**

**RESOLUTION 04-2015**

RESOLUTION AMENDING THE "CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY"), THE CITY OF WHITE PLAINS ("CITY") AND LCOR 55 BANK STREET LLC ("LCOR LDA"), APPROVED BY THE AGENCY ON MAY 23, 2007 AND, APPROVED BY THE COMMON COUNCIL OF THE CITY ON JUNE 14, 2007, AS AMENDED BY THE FIRST AMENDMENT, APPROVED BY THE AGENCY ON JULY 17, 2008 AND BY THE COMMON COUNCIL OF THE CITY ON AUGUST 8, 2008 ("FIRST LDA AMENDMENT")(TOGETHER WITH THE LCOR LDA AND THE FIRST LDA AMENDMENT "THE "FIRST AMENDED LDA") AND AS FURTHER AMENDED BY THE SECOND AMENDMENT APPROVED BY THE AGENCY ON AUGUST 13, 2014 AND, APPROVED BY THE COMMON COUNCIL ON SEPTEMBER 2, 2014 ("SECOND LDA AMENDMENT") (TOGETHER WITH THE LCOR LDA AND THE FIRST LDA AMENDMENT "THE "AMENDED LDA") TO FURTHER AMEND THE AMENDED LDA TO ALLOW THE SUBDIVISION OF THE PREMISES TO ACCOMMODATE THE PHASING OF THE PROPERTY AND TO APPROVE THE TRANSFER OF THE SUBDIVIDED PARCELS TO TWO SEPARATE OWNERS("THIRD LDA AMENDMENT").

A. The former Bank Street Municipal Parking Lot consisted of the following parcels of land:

1. Disposition Parcels 27, 28, 28A, and 29, located in the Central Renewal Project, NY R-37; and
2. The Bank Street Parcel identified as part of Section 125.82, Block 1, Lot 7, and formerly known as Ward 2, Block 25000, Parcel PA., ("Bank Street Parcel")

(No. 1 and 2 together, the "Bank Street Lot" or the "Property")

B. The Bank Street Lot had been operated as a municipal parking lot serving primarily business commuters working in area office buildings or commuting to New York City from the White Plains Metro North Station. Parking fees are at municipal parking rates.

C. A history of the Bank Street Lot and Amended LDA is provided in Agency Resolutions 10-2007, 11-2007, 12-2007, and Resolution 11-2008. These Resolutions are incorporated herein by reference. The defined terms in those resolutions have the same meaning in this Resolution.

D. As noted in the history of the Bank Street Lot contained in these resolutions, the regulations and controls of the Central Renewal Plan were extended with respect to certain as yet undeveloped or underdeveloped Central Renewal Project Disposition Parcels, including

Disposition Parcels 27, 28, 28A and 29, for a period of ten years after the July 6, 1999 expiration of the Central Renewal Plan. By Agency Resolution 6-2009, adopted April 1, 2009, the Central Renewal Plan was further amended for a period of ten years after the July 6, 2009 expiration.

E. The purpose of an urban renewal agency is to carry out a program of urban renewal pursuant to an adopted urban renewal plan, which plan, as defined in General Municipal Law Section 502.7 "shall conform to the comprehensive community plan for the development of the municipality as whole and which shall be consistent with local objectives." As noted in Agency Resolutions 11-2007, 12-2007, and 20-2007, and 11-2008, the 1997 Comprehensive Plan and 2006 Comprehensive Plan Update state the following strategies for the downtown, and the area in which the Bank Street Lot is located:

#### 1997 Plan Strategies:

- \* Promote development site(s) near the railroad station as prime location(s) for future development of primary office space or mixed use, where uses such as residential/office/retail/entertainment would interact with and take advantage of the railroad and other mass transportation facilities.

- \* Expand parking opportunities that serve railroad commuters, adjacent to and accessible to the railroad and TransCenter using funding from either Metro-North or public-private partnerships.

- \* The addition of mixed retail/residential or office/residential uses in the Core Area requires an innovative strategy that would include zoning incentives, conversions, and the adaptive reuse of obsolete non-residential structures.

- \* The development of the major remaining sites within the Core Area needs to be assessed in terms of providing a diversity of uses to ensure vitality and maximize the efficient use of available resources such as the area's excellent public transportation access.

- \* Pedestrian traffic should continue to be a consideration in the review of all development plans. The advanced technology of the City's Traffic Department should be continually assessed and upgraded if necessary to continue to be used to facilitate the development of such plans.

- \* The pedestrian experience should be enhanced by enlivening blank walls along the facade of Galleria, along Hamilton Avenue, and other locations where large buildings provide little visual interest. This is especially important along major pedestrian thoroughfares such as the streets that lead from the TransCenter to the downtown.

#### 2006 Update Strategies:

- \* Provide necessary financial incentives, zoning and regulatory changes, as may be appropriate, to encourage the construction of additional multi-family housing in downtown White Plains

servicing a variety of income groups for both rental and ownership and focusing on the needs of young professionals, seniors and others who would benefit from proximity to restaurants, shops, employment opportunities, cultural facilities and transportation. (1997 Comprehensive Plan)

\* Affordable housing should be developed for a broader range of incomes, and the term "affordable" should be replaced with the same terms used by the City for income groups shown above (referring to HUD established income categories). These income groups are defined by percentages of median income, which is a known number. These incomes should be adjusted annually according to U.S. Department of Housing and Urban Development issued incomes.

\* The goal should be to provide housing that is affordable to families at median income and below, with a diversity of income groups represented. The City should make every effort to maximize the number of units to help the greatest number of families, and, to the maximum extent practicable, construct affordable housing in or in proximity to the buildings generating the requirement for the affordable units.

\* The required percentage of affordable units in new multi-family projects is not identified by this Plan because market forces might change the acceptable number in the future. However, under current market conditions in the Core Area, the City should seek to increase that percentage, as supported by market conditions.

F. Consistent with the affordable housing strategies of the 2006 Comprehensive Plan Update, the LCOR LDA and the Amended LDA provide for LCOR to acquire the Bank Street Lot and develop a mixed use, mixed income project which would include up to 20% of the units affordable to families between 60% and 100% of median income, with incomes averaging no greater than 80% of median income.

G. Resolution 20-2007, which is incorporated herein by reference, provides a detailed description of the designation of LCOR by the Agency and Common Council, as qualified and eligible sponsor for the redevelopment of the Bank Street Lot and of the approval of the "Contract for Sale of Land for Private Redevelopment by and among the White Plains Urban Renewal Agency, City of White Plains and LCOR 55 Bank Street LLC," the LCOR LDA, on May 23, 2007.

H. Pursuant to Section 507( c ) and (d) of the General Municipal Law, "A Notice of Availability for Public Examination" of the identity of LCOR, a description of the proposed disposition, disposition price and summary of the LCOR LDA was published in the official newspaper of the City of White Plains

I. On June 4, 2007, the Common Council held a public hearing on the LCOR LDA approved by the Agency and, itself, approved the LCOR LDA on June 14, 2007.

J. On June 28, 2007, the Agency and the City conveyed the Bank Street Lot to LCOR 55 Bank Street LLC.

K. The LCOR LDA, at Section 101(b), provided for the method of payment of the purchase price of Twenty-One Million Five Hundred Thousand dollars (\$21,500,000.00) with a cash price of Fifteen Million Five Hundred Thousand (\$15,500,000.00) for the Bank Street Lot to be paid by LCOR in specified installment payments.

L. The first installment payment for the Bank Street Lot, in the amount of \$6,000,000, was made by LCOR 55 Bank Street LLC at closing, on June 28, 2007.

M. After LCOR failed to make the second installment payment of \$6,000,000.00 by June 30, 2008, on July 2, 2008, the Common Council and Agency held a special meeting at which LCOR, among other things, presented a series of proposed modifications to the LCOR LDA, which modifications included a modification to the installment payment schedule for the third and fourth installment payments set forth in Section 101(b) of the LCOR LDA, modifications to the Preliminary Plans which are incorporated in the LCOR LDA as Exhibit B, and modifications to the Project construction phasing set forth in the LCOR LDA.

N. Based on Agency staff and outside counsel review and modifications, the Agency adopted Resolution 11-2008 amending the LCOR LDA ("First LDA Amendment). The First LDA Amendment also amended the LCOR LDA Preliminary Plans with the "First LDA Modified Preliminary Plans."

O. Resolution 11-2008 replaced Preliminary Plans listed in Exhibit "B" of the LCOR LDA and dated June 4 and June 5, 2007, with the First LDA Modified Preliminary Plans dated July 14, 2008 which were approved by the Agency and made the following findings regarding such plans:

1. The proposed modifications to the approved Preliminary Plans incorporated in Exhibit "B" of the approved LCOR LDA constitute modifications of a major nature as described in Section 201(g)(ii) of the LCOR LDA.

2. The First LDA Modified Preliminary Plans revised the location and design of the residential, retail, parking and commuter parking elements of the approved Redevelopment, but do not change the essential components of the Redevelopment.

3. The proposed major modifications to the Preliminary Plans were consistent with the urban renewal plans applicable to the Project Area.

4. The proposed major modifications to the Preliminary Plans were consistent with the objectives and strategies of the City's 1997 Comprehensive Plan and 2006 Plan Update, including, particularly, the objective of developing more affordable housing in the Core Area.

5. The proposed major modifications to the Preliminary Plans are consistent with the scope, concept, uses, operations, bulk, massing and appearance of the proposed Redevelopment, demonstrating a positive reduction in overall mass and an increase in usable at-grade open space on the site.

6. Consistent with Section 201(g)(ii) of the approved LCOR LDA, the Agency has given priority to and expedited in every possible way its review of the proposed major modifications.

P. The amendments to the LCOR LDA approved in the First LDA Amendment are detailed in Agency Resolution 11-2008 incorporated herein by reference.

Q. The Agency submitted the First LDA Amendment to the Common Council for review and consideration after a duly noticed public hearing held on August 8, 2008.

R. After the duly noticed public hearing held on August 8, 2008, the Common Council adopted a resolution approving the First LDA Amendment, incorporating the First LDA Modified Preliminary Plans, which was recorded in the Office of the Clerk of the County of Westchester on August 26, 2008, in Control Number 482700428 (the LDA First Amendment and the LDA collectively referred to herein as the "First Amended LDA").

S. On November 2, 2009, the Common Council adopted a resolution granting site plan approval to a revised application for the Redevelopment which included a gross floor area of 537, 669 square feet, with 561 residential units, including 112 affordable units, and 5,941 square feet of retail space.

T. By Resolution 5-2013, adopted on May 30, 2013, the Agency adopted an amendment to the First Amended LDA relating to the time of payment of the third and fourth installment payments and the willingness of LCOR to potentially waive the obligations of the City and the Agency to remediate the Property should LCOR receive Brownfields Cleanup Funds for such remediation from the State of New York. This proposed amendment was referred to the Common Council and subsequently withdrawn on June 3, 2013.

U. Pursuant to the terms of the First Amended LDA, LCOR has made all installment payments due under the First Amended LDA and has, to date, complied with the terms and conditions of the First Amended LDA and neither the Agency nor the City has found LCOR to be in default of the First Amended LDA.

V. By letters submitted to the Agency on July 30, 2014 and August 6, 2014, LCOR requested the Agency and the Common Council to consider certain additional amendments to the First Amended LDA (the "Second LCOR Amendments") and to approve certain modified Preliminary Plans with various revision dates from March 11, 2014 to July 29, 2014, (the "Second LCOR Modified Preliminary Plans").

W. The Second LCOR Amendments and Second LCOR Modified Preliminary Plans were reviewed and modified by Agency staff and Agency Counsel. The modified LCOR Amendments ("Second LDA Amendment") and the modified Second LCOR Modified Preliminary Plans ("Second LDA Modified Preliminary Plans") were approved by the Agency in Resolution 8-2014 adopted on August 13, 2014 and has been recorded in the Office of the Westchester County Clerk.

X. After holding a public hearing upon due notice, the Common Council approved the Second LDA Amendment and granted site plan approval to a revised application for the Redevelopment on September 2, 2014.

Y. Subsequent to said site plan approval, LCOR determined that it needed to subdivide the Property, for the purpose of separately financing the two phases of the Redevelopment, into two parcels; the North Tower parcel consisting of the entire parking facility and the north residential tower and the at grade parking lot as well as most of the infrastructure servicing the two buildings and the South Tower parcel consisting primarily of the space occupied by the south residential towers including a portion of an amenity deck. Said subdivision was approved by the Planning Board of the City of White Plains by resolution on February 10, 2015.

Z. Further, LCOR entered into or will enter into joint venture agreements in connection with the Redevelopment of the Property. LCOR Holdings LLC and the California State Teachers Retirement System ("the LCOR Group"), the current beneficial owners of the Redeveloper (the California State Teachers Retirement System having succeeded to Lehman Brothers interest in the Redeveloper in 2012 through the bankruptcy court), are to retain a 10% interest in the North Tower Parcel and a 50% interest in the South Tower Parcel. The remaining interests will be held by PRISA LHC LLC and its affiliates (the "PRISA Group") as part of a joint venture agreement with the LCOR Group. LCOR Development Services LLC (part of the LCOR Group) will enter into a development services agreement to be the developer on behalf of the above-referenced owners of the Redevelopment.

AA. By letter dated March 5, 2015, LCOR requested the Agency and the Common Council to consider certain amendments to the Amended LDA after discussions with Agency Counsel and staff in order to:

1. Retroactively recognize and confirm that LCOR may subdivide (the "Subdivision") the Premises into two (2) separate and distinct parcels and tax lots, each with their own tax map identification, to facilitate the financing and construction of the Project in two phases which Subdivision has already been approved by the Planning Board by "Resolution adopted February 10, 2015 approving an Application made by LCOR 55 Bank Street, LLC, for Subdivision of the Property known as 55 Bank Street (SBL: 125.82-1-7.1), in accordance with the Requirements of the City Of White Plains Zoning Ordinance, Subdivision Regulations, and State Environmental Quality Review Act." The Subdivision created a so-called North Tower Parcel ("North Tower Parcel") and a so-called South Tower Parcel ("South Tower Parcel");

2. Permit LCOR to transfer and convey the North Tower Parcel to WP North Tower LLC (the "North Tower Owner") and the South Tower Parcel to WP South Tower LLC (the "South Tower Owner"), so that the North Tower Owner will construct Phase I on the North Tower Parcel and the South Tower Owner will construct Phase II on the South Tower Parcel. Phase I and Phase II are more specifically described in the Third Amendment;

3. Permit the North Tower Owner and the South Tower Owner to enjoy the benefits and assume the burdens under the LDA relative to the Phase I portion of the Project and the Phase II portion of the Project, respectively;

4. Have the City and the Agency recognize the separateness of the Phase I Project and the Phase II Project and, accordingly, among other things, agree that after commencement of the Phase I portion of the Project the undertakings related to the Phase II portion of the Project require, within thirty-six (36) months of the closing of the construction financing on Phase I, submission of an application for a Building Permit on the Phase II portion of the Project. The intent is that the obligations of LCOR under the LDA shall be assigned and delegated to the North Tower Owner with respect to the construction by the North Tower Owner of Phase I on the North Tower Parcel and to the South Tower Owner with respect to the construction by the South Tower Owner of Phase II on the South Tower Parcel;

5. Permit such other additional amendments to the LDA as set forth and contemplated under the Third Amendment;

**NOW, THEREFORE, BE IT RESOLVED THAT**

1. Based on its review of the record, analysis of the proposed Third LDA Amendment to the Amended LDA, comments and recommendations of Agency and City staff, and the independent review of the proposed Third LDA Amendment, the Agency hereby makes the following findings with respect to the proposed Third LDA Amendment:

a. There are no significant modifications to the approved amended site plan or the Preliminary Plans.

b. There is no change to the basic land use types and overall density of the Redevelopment.

c. The approved site plan remains consistent with the urban renewal plans applicable to the Project Area.

d. The approved site plan remains consistent with the objectives and strategies of the City's 1997 Comprehensive Plan and 2006 Plan Update, including, particularly, the objective of developing more affordable housing in the Core Area.

2. Based on its review of the record, analysis of the proposed Third LDA Amendment to the Amended LDA, comments and recommendations of Agency and City staff, and the independent review of the proposed Third LDA Amendment, the Agency hereby determines that the subdivision of the Premises will aid in the financing and construction of the

Redevelopment and will not change the nature of the previously approved project nor its timetable for redevelopment and retroactively approves the subdivision of the Premises.

3. Based on its review of the record, analysis of the proposed Third LDA Amendment to the Amended LDA, comments and recommendations of Agency and City staff, and the independent review of the proposed Third LDA Amendment, the Agency hereby determines that the transfer of the North Tower parcel to WP North Tower LLC (owned 10% by the LCOR Group and 90% by the PRISA Group) and the South Tower parcel to WP South Tower LLC (owned 50% by the LCOR Group and 50% by the PRISA Group) is hereby approved based upon WP North Tower LLC and WP South Tower LLC agreeing to assume the responsibilities and obligations of developing Phase I and Phase II of the Redevelopment, respectively.

4. Based on its review of the record, analysis of the proposed Third LDA Amendment to the LCOR LDA, comments and recommendations of Agency staff, and the independent review of the proposed amendments by Agency members, the Agency hereby further amends the Amended LDA by approval of the Third LDA Amendment attached hereto and made a part hereof as Exhibit A, which will provide among other matters that:

a. The schedule for the development shall remain effectively the same, WP North Tower LLC shall have 12 months from site plan approval and the closing of its construction financing to apply for a building permit for Phase I of the Redevelopment and WP South Tower LLC shall have 36 months to apply for a building permit for Phase II after the site plan approval and the closing of construction financing for WP North Tower LLC as provided in paragraph 3 of the Second LDA Amendment.

b. All parking obligations shall be enforced against the WP North Tower LLC since the parking facilities are all located on North Tower parcel.

c. All water and sewer charges shall be initially billed to and any liens for unpaid charges shall be levied upon the North Tower parcel since there will be only one water line into the Premises and the water meter shall be located on the North Tower parcel.

d. The easement required by condition 44 of the September 2, 2014 site plan approval for the Redevelopment shall be provided as stated in said condition subject to the approval of the Corporation Counsel and the Commissioner of Public Works of the City.

5. The Third LDA Amendment being described and approved herein, shall be subject to the following actions:

a. Publication of a notice in the official newspaper of the City of White Plains of a Notice of Availability for Public Examination of the Third LDA Amendment, and notice of public hearing before the Common Council.

b. A duly noticed public hearing before the Common Council of the City of White Plains.

c. Action by the Common Council to affirm its status as Lead Agency for the environmental review of the Redevelopment, and a finding that the Amended LDA as further amended by the Third LDA Amendment are consistent with prior environmental findings and will not have a significant adverse impact on the environment.

d. Approval by the Common Council of the Third LDA Amendment.

6. To enable the necessary actions to be taken, the Executive Director is hereby authorized and directed, pursuant to Section 507 (c) and (d) of the General Municipal Law, to request the Common Council to cause to be published in the official newspaper of the City of White Plains "A Notice of Availability for Public Examination" which notice shall include the notice of the availability for review of the Third LDA Amendment.

7. The Executive Director is further authorized and directed to request the Common Council to hold a duly noticed public hearing on the Third LDA Amendment not less than ten days after the publication of the notice described in Section 6 herein above.

8. The Corporation Counsel of the City and Counsel to the Agency is hereby authorized to make minor changes and conforming modifications to the Amended LDA, as amended by the Third LDA Amendment, which are necessary to conform the Amended LDA to the language and terms of the Third LDA Amendment. Such changes or modifications shall be indicated to the Agency and the Common Council in writing.

Dated: March 13, 2015

Adopted: March 18, 2015

March 5, 2015

BY HAND

Hon. Thomas M. Roach, Chair, and  
Members of the Urban Renewal Agency  
City of White Plains  
255 Main Street  
White Plains, New York 10601

Re: LCOR 55 Bank Street LLC  
Premises: 55 Bank Street, White Plains, New York

Dear Chairman Roach and Members of the Urban Renewal Agency:

On behalf of LCOR 55 Bank Street LLC ("LCOR"), in connection with commencing construction and enabling the financing of the development on an expedited basis, we respectfully submit this Application to further modify the "Contract for Sale of Land for Private Redevelopment of the Premises known as 55 Bank Street, by and between the White Plains Urban Renewal Agency ("Agency"), the City of White Plains ("City"), and LCOR 55 Bank Street LLC" ("LCOR") (the "LDA"), the "First Amendment to Contract for Sale of Land for Private Redevelopment" (the "First Amendment") and the "Second Amendment to Contract for Sale of Land for Private Redevelopment (the "Second Amendment") (the LDA, First Amendment and Second Amendment are sometimes collectively referred to as the "LDA").

The amendment requested herein (the "Third Amendment") is necessary to conform the LDA to the configuration of the Premises as recently subdivided by the Planning Board thereby creating two tax lots for financing and construction of the Project herein in two (2) Phases, which development has not been changed in any manner from that last approved by the Common Council, including but not limited to the Common Council having approved development of the Project in two (2) phases.<sup>1</sup>

As more particularly detailed in the enclosed letter from LCOR, dated February 12, 2015, LCOR Holdings LLC, PRISA LHC LLC (a privately owned REIT) and the California State Teachers' Retirement System, or affiliates thereof, are equity participants in the Project and in each of WP North Tower LLC, a Delaware limited liability company, which will own Phase I of the Project (the "North Tower Owner") and the South Tower Parcel to WP South Tower LLC, a Delaware limited liability company, which will own Phase I of the Project (the "South Tower Owner").

The Third Amendment, among other things, proposes to amend the LDA to:

1. Retroactively recognize and confirm that LCOR may subdivide (the "Subdivision") the Premises into two (2) separate and distinct parcels and tax lots, each with their own tax map identification, to facilitate the financing and construction of the Project in two phases which Subdivision has already been approved by the Planning Board by "Resolution adopted February 10, 2015 approving an Application made by LCOR 55 Bank Street, LLC, for Subdivision of the Property known as 55 Bank Street (SBL: 125.82-1-7.1), in accordance with the Requirements of the City Of White Plains Zoning Ordinance, Subdivision Regulations, and State Environmental Quality Review Act." The

Subdivision created a so-called North Tower Parcel ("North Tower Parcel") and a so-called South Tower Parcel ("South Tower Parcel");

2. Permit LCOR to transfer and convey the North Tower Parcel to North Tower Owner and the South Tower Parcel to South Tower Owner, so that the North Tower Owner will construct Phase I on the North Tower Parcel and the South Tower Owner will construct Phase II on the South Tower Parcel. Phase I and Phase II are more specifically described in the Third Amendment;

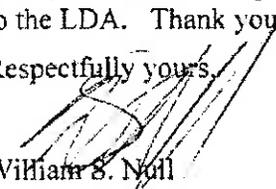
3. Permit the North Tower Owner and the South Tower Owner to enjoy the benefits and assume the burdens under the LDA relative to the Phase I portion of the Project and the Phase II portion of the Project, respectively;

4. Have the City and the Agency recognize the separateness of the Phase I Project and the Phase II Project and, accordingly, among other things, agree that after commencement of the Phase I portion of the Project the undertakings related to the Phase II portion of the Project require, within thirty-six (36) months of the closing of the construction financing on Phase I, submission of an application for a Building Permit on the Phase II portion of the Project. The intent is that the obligations of LCOR under the LDA shall be assigned and delegated to the North Tower Owner with respect to the construction by the North Tower Owner of Phase I on the North Tower Parcel and to the South Tower Owner with respect to the construction by the South Tower Owner of Phase II on the South Tower Parcel; and

5. Permit such other additional amendments to the LDA as set forth and contemplated under the Third Amendment (a copy of which is enclosed herewith).

We respectfully request that the LDA be amended as set forth in the enclosed Third Amendment and look forward to appearing before you to request your approval of these amendments to the LDA, as well as your recommendation to the Common Council regarding same. As you may know, a Public Hearing will be required before the Common Council to approve any amendments to the LDA. Thank you for your consideration.

Respectfully yours,

  
William S. Null

WSN:yp  
Enclosures

cc: John G. Callahan, Esq., Chief-of-Staff and Corporation Counsel; Arthur Gutekunst, Esq., Senior Assistant Corporation Counsel; Mr. James M. Driscoll; and Eon S. Nichols, Esq.

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<sup>1</sup> The August 8, 2014 transmittal letter to the Common Council requesting approval of revisions to the Project described the revised Project (which was subsequently approved by the Common Council) as set forth below:

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The development will include the following:

a. Two (2) rental apartment buildings each standing a total height of approximately 16 stories and approximately 178 feet, as compared to the previously approved 280 feet. The combined buildings will contain 561 dwelling units, consisting of 449 market rental units and 112 affordable rental units (i.e., 80% market and 20% affordable units).

b. A total of 570 parking spaces in a design that eliminates the previously approved 7-story parking garage by replacing it with below-grade and integrated parking levels within the buildings. As required by the LDA, these 570 parking spaces are intended to accommodate the joint-use of the residential, retail, and commuter-parking spaces. The commuter parking demand was 200 spaces with the ability to accommodate up to 300 spaces. In addition, the plans show that parking spaces for up to a 120 room hotel may be provided, if and when a future hotel may be constructed on the adjacent Premises (if such hotel parking is required to be provided on these Premises for the hotel, as the location for such parking has not yet been finalized between LCOR and RMAP Partners). Approval of the joint-use parking for these uses has been requested from the Common Council in accordance with Section 8.5.3 of the Zoning Ordinance, as previously approved, and the LDA and First Amendment are requested to be amended to conform to the revised plans, as noted herein.

c. Retail space of approximately 6,345 square feet with 21 parking spaces provided.

The development of the Premises will proceed in two phases:

1. The North Tower would be constructed in the first phase with 288 residential dwelling units (231 market-rate rental and 57 affordable rental units), together with 3,000 square feet of retail space and 381 parking spaces.

2. The South Tower will be constructed in the second phase with the remaining 273 residential dwelling units (218 market-rate rental and 55 affordable rental units), together with 3,345 square feet of retail space and 188 parking spaces.



**ENVIRONMENTAL OFFICER**

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601

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THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

March 30, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LCOR 55 BANK STREET LLC  
THIRD AMENDMENT TO THE CONTRACT FOR SALE OF LAND

The proposed Third Amendment to the "Contract for Sale of Land for Private Redevelopment By and Between the White Plains Urban Renewal Agency, the City of White Plains and LCOR 55 Bank Street LLC ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review regulations

Forwarded for the Common Council's consideration is an environmental findings resolution regarding the Proposed Action.

Respectfully submitted,

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE  
THIRD AMENDMENT TO THE "CONTRACT FOR SALE OF LAND FOR PRIVATE  
REDEVELOPMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL  
AGENCY, THE CITY OF WHITE PLAINS AND LCOR 55 BANK STREET LLC."

WHEREAS, the proposed Third Amendment to the "Contract for Sale of Land for Private Redevelopment By and Between the White Plains Urban Renewal Agency ("Agency"), the City of White Plains and LCOR 55 Bank Street LLC ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review ("SEQR") regulations; and

WHEREAS, at its June 14, 2007 meeting, the Common Council approved the "Contract for Sale of Land for Private Redevelopment by and Between the White Plains Urban Renewal Agency ("Agency"), the City of White Plains ("City") and LCOR 55 Bank Street LLC ("2007 LCOR LDA") regarding the redevelopment know as 55 Bank Street; and

WHEREAS, at its February 4, 2008 meeting, the Common Council granted site plan approval for redevelopment; and

WHEREAS, precedent to the above approvals, the Common Council adopted separate environmental findings under the N.Y. State Environmental Quality Review regulations (SEQR) on June 4, 2007 regarding the LCOR LDA ("2007 LDA SEQR Findings") and on February 4, 2008 regarding the site plan approval ("2008 Site Plan SEQR Findings"); and

WHEREAS, at its August 8, 2008 meeting, the Common Council adopted SEQR findings regarding the first amendment to the 2007 LCOR LDA ("2008 LDA First Amendment SEQR Findings") and approved the First amendment to the 2007 LDA ("2008 LDA First Amendment"); and

WHEREAS, at its November 2, 2009 meeting, the Common Council adopted SEQR findings regarding revised site plans that reflected the project changes in the 2008 LDA First Amendment ("2009 Site Plan SEQR Findings") and granted site plan approval ("2009 First Amendment Site Plan Approval"); and

WHEREAS, at its September 2, 2014 meeting, the Common Council adopted SEQR findings regarding the Second amendment to the LCOR LDA ("2014 LDA Second Amendment SEQR Findings") confirming that the proposed LDA Second Amendment represented a Type II Action under the NY State Environmental Quality Review regulations and approved the Second Amendment to the LCOR LDA ("2014 LDA Second Amendment"); and

WHEREAS, also at its September 2, 2014 meeting, the Common Council considered the amendment to site plan approval that conformed to the 2014 LDA Second Amendment to the LCOR LDA including the Second Modified Preliminary Plans ("2014 Site Plan Approval") and (a) reconfirmed itself to serve as the Lead Agency for the environmental review ; (b) reconfirmed the 2014 Site Plan Approval to be a Type I Action; (c) reconfirmed the 2008 Site Plan SEQR

Findings and 2009 Site Plan SEQR Findings; and (d) determined that the 2014 Site Plan Approval will not have a significant effect on the environment (“2014 Site Plan SEQR Findings”); and

WHEREAS, also at its September 2, 2014 meeting, following the adoption of the 2014 Site Plan SEQR Findings, the Common Council granted the amendment to the site plan approval (“2014 Site Plan Approval”); and

WHEREAS, subsequent to the 2014 Site Plan Approval, LCOR determined that it needed to subdivide the Property, for the purpose of separately financing the two phases of the redevelopment, into two parcels; the North Tower parcel consisting of the entire parking facility and the north residential tower and the at grade parking lot as well as most of the infrastructure servicing the two buildings and the South Tower parcel consisting primarily of the space occupied by the south residential towers including a portion of an amenity deck. Said subdivision was approved by the Planning Board of the City of White Plains by resolution on February 10, 2015; and

WHEREAS, LCOR has entered into or will enter into joint venture agreements in connection with the Redevelopment of the Property. LCOR Holdings LLC and the California State Teachers Retirement System (“the LCOR Group”), the current beneficial owners of the Redeveloper (the California State Teachers Retirement System having succeeded to Lehman Brothers interest in the Redeveloper in 2012 through the bankruptcy court), are to retain a 10% interest in the North Tower Parcel and a 50% interest in the South Tower Parcel. The remaining interests will be held by PRISA LHC LLC and its affiliates (the “PRISA Group”) as part of a joint venture agreement with the LCOR Group. LCOR Development Services LLC (part of the LCOR Group) will enter into a development services agreement to be the developer on behalf of the above-referenced owners of the Redevelopment; and

WHEREAS, by letter dated March 5, 2015, LCOR requested the Agency and the Common Council to consider a Proposed Third Amendment to the LCOR LDA, after discussions with Agency Counsel and staff in order to:

1. Retroactively recognize and confirm that LCOR may subdivide (the "Subdivision") the Premises into two (2) separate and distinct parcels and tax lots, each with their own tax map identification, to facilitate the financing and construction of the Project in two phases which Subdivision has already been approved by the Planning Board by "Resolution adopted February 10, 2015 approving an Application made by LCOR 55 Bank Street, LLC, for Subdivision of the Property known as 55 Bank Street (SBL: 125.82-1-7.1), in accordance with the Requirements of the City Of White Plains Zoning Ordinance, Subdivision Regulations, and State Environmental Quality Review Act." The Subdivision created a so-called North Tower Parcel ("North Tower Parcel") and a so-called South Tower Parcel ("South Tower Parcel");
2. Permit LCOR to transfer and convey the North Tower Parcel to WP North Tower LLC (the “North Tower Owner”) and the South Tower Parcel to WP South Tower LLC (the “South Tower Owner”), so that the North Tower Owner will construct Phase I on the North Tower Parcel and the South Tower Owner will construct Phase II on the South Tower Parcel.

Phase I and Phase II are more specifically described in the Third Amendment;

3. Permit the North Tower Owner and the South Tower Owner to enjoy the benefits and assume the burdens under the LDA relative to the Phase I portion of the Project and the Phase II portion of the Project, respectively;
4. Have the City and the Agency recognize the separateness of the Phase I Project and the Phase II Project and, accordingly, among other things, agree that after commencement of the Phase I portion of the Project the undertakings related to the Phase II portion of the Project require, within thirty-six (36) months of the closing of the construction financing on Phase I, submission of an application for a Building Permit on the Phase II portion of the Project. The intent is that the obligations of LCOR under the LDA shall be assigned and delegated to the North Tower Owner with respect to the construction by the North Tower Owner of Phase I on the North Tower Parcel and to the South Tower Owner with respect to the construction by the South Tower Owner of Phase II on the South Tower Parcel;
5. Permit such other additional amendments to the LDA as set forth and contemplated under the Third Amendment; and

WHEREAS, the White Plains Urban Renewal Agency approved the Third Amendment to the LCOR LDA by adoption of Agency Resolution 4-2015 at its meeting of March 18, 2015; and

WHEREAS, the principal elements of the Proposed Third Amendment to the LCOR LDA, would not change the approved site plan at all; would authorize the subdivision of the property to aid in financing of the project, make technical amendments to the Amended LDA accommodate the subdivision of the property and authorize the LCOR group to enter into a joint venture with the PRISA group in order to facilitate the financing and construction of the Redevelopment; and

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

WHEREAS, the Environmental Officer recommends that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review for the Proposed Action; (b) determine that the Proposed Action represents a Type II Action in that it does not represent any significant changes to the approved project or any circumstances that would require any amendment to the 2014 LDA Second Amendment SEQR Findings or the 2014 Site Plan SEQR Findings; and

WHEREAS, the Common Council has considered the Application, Proposed Action and reports contained in the communications from the various City departments, boards or commissions and involved agencies, and public comments, 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 reconfirms its status as the Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council determines that the Proposed Action represents a Type II Action in that it does not represent any significant changes to the approved project or any circumstances that would require any amendment to the 2014 LDA Second Amendment SEQR Findings or the 2014 Site Plan SEQR Findings; and be it further

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

RESOLUTION APPROVING THE THIRD AMENDMENT TO THE "CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY"), THE CITY OF WHITE PLAINS ("CITY") AND LCOR 55 BANK STREET LLC ("LCOR"), (THE "LCOR LDA"), APPROVED BY THE AGENCY ON MAY 23, 2007 AND BY THE COMMON COUNCIL ON JUNE 14, 2007, AMENDED BY THE AGENCY ON JULY 17, 2008 AND BY THE COMMON COUNCIL ON AUGUST 8, 2008, AND FURTHER AMENDED BY THE AGENCY ON AUGUST 13, 2014, AND BY THE COMMON COUNCIL ON SEPTEMBER 2, 2014.

WHEREAS, at its meeting of May 23, 2007, the Agency adopted Resolution 20-2007, approving the LCOR LDA and the Preliminary Plans incorporated therein as Exhibit "B"; and

WHEREAS, on June 4, 2007, the Common Council held a public hearing on the LCOR LDA approved by the Agency which it adjourned to June 14, 2007; and

WHEREAS, on June 14, 2007, after completion of the duly noticed public hearing, the Common Council, among other actions, approved the LCOR LDA, including the Preliminary Plans; and

WHEREAS, on June 28, 2007, the Agency, City and LCOR executed the LCOR LDA, and the Agency and City conveyed the Bank Street Lot to LCOR 55 Bank Street LLC; and

WHEREAS, the LCOR LDA provided for the development on the 55 Bank Street site of a project ("Redevelopment Project") consisting of the following principal elements:

- a. a rental apartment building, consisting of two towers over a parking structure, for a combined total height of 280 feet, and containing approximately 429 market rental units and 107 affordable rental units;
- b. the 107 affordable units (no less than 20% of total units) to be subsidized through a local property tax adjustments program enabled by New York State enabling legislation similar to the New York City §421-a "80/20" affordable housing program or by a PILOT agreement, the affordable units running for the lifetime of the Redevelopment Project;
- c. approximately 10,000 square feet of incidental retail; and

- d. a managed parking garage of approximately 618 parking spaces, and approximately 50 at-grade spaces, serving the following uses: residents, the hotel to be constructed on the adjacent Disposition Parcel 26, and incidental retail, with a minimum of 200 self-park and up to 300 peak stacked parking spaces (available for public, day-time, commuter parking at City published rates, and payment to the City of an annual fee of \$250,000, to increase over time as provided in the LCOR LDA); and

WHEREAS, pursuant to the requirements of the LCOR LDA, LCOR submitted to the City a site plan application for the Redevelopment Project; and

WHEREAS, after receiving comments and recommendations from City boards, commissions and agencies, and after completion of its environmental review of the Redevelopment Project site plans under NYS SEQRA, at its meeting of February 4, 2008, the Common Council granted site plan approval ("Site Plan Approval"); and

WHEREAS, the Site Plan Approval was consistent with the scope, concept, uses, operations, bulk, massing and appearance of the Redevelopment Project as approved in the Preliminary Plans incorporated in the LCOR LDA as Exhibit "B"; and

WHEREAS, on July 2, 2008, LCOR came to a special meeting of the Common Council and Agency to request consideration of certain amendments to the LCOR LDA. The proposed amendments were summarized on sheets distributed to the Common Council and Agency entitled "Proposed Amendments to Contract for Sale of Land for Private Redevelopment among White Plains Urban Renewal Agency and City of White Plains and LCOR 55 Bank Street LLC, dated June 28, 2007, ("LCOR Proposed Amendments"); and

WHEREAS, the LCOR Proposed Amendments involved modifications to the timing of the third and fourth installment payments, revisions to the Preliminary Plans, and changes to the construction phasing schedule related to obtaining construction financing for the Redevelopment Project; and

WHEREAS, the LCOR Proposed Amendments were reviewed and revised by Agency staff and outside legal counsel ("Revised Proposed Amendments"); and

WHEREAS, LCOR submitted to the Agency the modified Preliminary Plans ("Modified Preliminary Plans") referenced in the LCOR Proposed Amendments and the Revised Proposed Amendments; and

WHEREAS, Resolution 11-2008, containing the LCOR Proposed Amendments as modified by the Revised Proposed Amendments, was submitted by Agency staff to the

Agency for its consideration at its meeting of July 17, 2008; and

WHEREAS, at its meeting of July 17, 2008, the Agency heard a presentation by LCOR regarding the LCOR Proposed Amendments and the Modified Preliminary Plans; and

WHEREAS, the Agency reviewed and considered the LCOR Proposed Amendments as modified by the Revised Proposed Amendments, and, by adoption of Agency Resolution 11-2008, approved the Revised Proposed Amendments and the Modified Preliminary Plans (together the "Agency Approved LCOR LDA First Amendment"); and

WHEREAS, in Resolution 11-2008, the Agency made the following findings with respect to the Modified Preliminary Plans incorporated as Exhibit "B" in the Agency Approved LCOR LDA First Amendment:

The Modified Preliminary Plans:

- a. revise the location and design of the residential, retail, parking and commuter parking elements of the approved Redevelopment, but do not change the essential components of the Redevelopment, among other things, lowering the buildings by approximately 100 feet in height and eliminating the seven-story parking garage;
- c. are consistent with the urban renewal plans applicable to the Project Area;
- d. are consistent with the objectives and strategies of the City's 1997 Comprehensive Plan and 2006 Plan Update, including, particularly, the objective of developing more affordable housing in the Core Area; and
- e. are consistent with the scope, concept, uses, operations, bulk, massing and appearance of the proposed Redevelopment; and

WHEREAS, pursuant to Section 507 (c) and (d) of the General Municipal Law, and as requested by the Agency, the Common Council, at its meeting of July 24, 2008, scheduled a public hearing on the Agency Approved LCOR LDA First Amendment to be held on Monday, August 4, 2008, at 7:30 P.M. in the Common Council Chambers, City Hall, 255 Main Street, NY 10601, and directed the City Clerk to publish in the official newspaper of the City of White Plains a notice of the August 4, 2008, public hearing, and of the availability for public examination of the Agency Approved LCOR LDA First Amendment at the offices of the White Plains Urban Renewal Agency, City Hall Annex, 255 Main Street, NY 10601; and

WHEREAS, a duly noticed public hearing on the Agency Approved LCOR LDA First Amendment was held by the Common Council at its meeting of August 4, 2008; and

WHEREAS, the Common Council reviewed the Agency Approved LCOR LDA First Amendment, heard comments from LCOR and the public, and reviewed (1) proposed modifications to the LCOR LDA submitted by LCOR on July 2, 2008, (2) a legal opinion from Agency outside counsel Randolph Mayer, Esq., dated July 7, 2008, (3) a communication from Susan F. Habel, Executive Director of the Agency, dated July 29, 2008, and (4) Agency Resolution 11- 2008, dated July 14, 2008 and adopted by the Agency on July 17, 2008; and

WHEREAS, the Agency Approved LCOR LDA First Amendment provides modifications to the third and fourth installment payments, whereby the third and fourth installment payments are permitted to be made together, by no later than June 30, 2013, subject to the payment by LCOR of an inflation adjustment for each installment payment in an amount equal to the applicable installment payment multiplied by the inflation rate for the period from the date the installment payment was first due under the LCOR LDA to the date the installment payment is paid to the Agency, with the inflation rate calculated using the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers for the New York MSA; and

WHEREAS, the Agency Approved LCOR LDA First Amendment provided that the Redevelopment be broken into two financing and construction phases:

- a. Phase I included all of the commuter parking, approximately half of the Residential Units, with at least 54 affordable units, and associated residential parking, retail as approved in the site plan for Phase I, and the parking for that retail and for the proposed hotel on the adjacent Disposition Parcel 26; and
- b. Phase II consisted of the balance of the Residential Units and at least the other 53 affordable units, the balance of the retail, and any parking associated with these uses, and any additional Residential Units or Additional Market Rate Units, as defined in the Agency Approved LCOR LDA First Amendment, and as may be approved by the Common Council as part of the site plan amendment approval; and

WHEREAS, the Agency Approved LCOR LDA First Amendment further provided that, for each phase, LCOR must submit to the Agency and the City its application for a Building Permit or Building Permits, together with the required plans, drawings, specifications and related documents, and the proposed construction schedule with respect to that phase of the Redevelopment no later than twelve (12) months after two things have happened, (i) Site Plan Approval has been granted by the Common Council, and (ii) LCOR has obtained construction financing for that phase of the Redevelopment; and

WHEREAS, obtaining construction financing must be demonstrated by submitting to the Counsel to the Agency documents showing that the closing of the construction loan for that phase of the Redevelopment has occurred; and

WHEREAS, "Initial Occupancy" as defined in the LCOR LDA remained the same in the Agency Approved LCOR LDA First Amendment, except that commencement of Phase II was subject to construction financing and any Additional Market Rate Units, as defined in the Agency Approved LCOR LDA First Amendment and as the same may be approved by the Common Council as part of the site plan amendment approval, shall not be subject to the Abatement, as defined in the Agency Approved LCOR LDA First Amendment; and

WHEREAS, Preliminary Plans are required to be incorporated into a land disposition agreement approved under Article 15 or 15A of the General Municipal Law because Section 507.2.( c ) and (d) of the General Municipal Law requires that the "proposed use or reuse of the urban renewal area or of the applicable portion thereof" be disclosed; and

WHEREAS, Preliminary Plans typically include a site plan, elevations and typical floor plans; and

WHEREAS, Preliminary Plans are conceptual plans and do not constitute site plans under Section 7 of the City's Zoning Ordinance; and

WHEREAS, LCOR stated that the modifications shown on the Modified Preliminary Plans are necessary to enable the Redevelopment to be broken into two phases for financing and construction purposes; and

WHEREAS, the Modified Preliminary Plans were essentially massing and conceptual documents that demonstrated that the program of Residential Units in an "80/20" configuration, limited retail, parking for the residential and retail uses, up to 200 commuter parking spaces with up to 300 stacked commuter parking spaces, and the ability to provide parking for a future hotel, if built, on the adjacent parcel, as set forth by LCOR and already approved in the LCOR LDA could be achieved on the 55 Bank Street site in two phases as follows:

**Phase I**

- a. Commuter Parking: 200 spaces with stacked parking for up to 300 spaces.
- b. Phase I Retail: All or part of the approximately 7,500 sf of retail, and associated parking.

- c. Residential Units: Up to 50% of the "80/20" Residential Units including at least 54 affordable units, and associated parking.
- d. Hotel Parking: Parking spaces may be provided for a hotel on adjacent DP 26 parcel.

**Phase II**

- a. Residential Units: Balance of the "80/20" Residential Units, including balance of 53 affordable units, and associated parking.
- b. Phase II Retail Any retail not constructed in Phase I and associated parking.
- c. Additional Units: Additional Residential Units under "80/20" program or Additional Market Rate Units as determined in the Site Plan Approval and associated parking; and

WHEREAS, no office was proposed to be constructed in the Modified Preliminary Plans; and

WHEREAS, the "Preliminary Zoning Analysis" on Modified Sheet A-1 of the Modified Preliminary Plans was consistent with the zoning compliance analysis prepared and approved as part of the February 4, 2008 Site Plan Approval, with the following two changes:

- a. the "Preliminary Zoning Analysis" showed the elimination of the approved approximately 28,000 sf of office use; and
- b. the "Preliminary Zoning Analysis" increased the number of dwelling units up to a maximum of 600 units within the permitted Floor Area for the development site, which modifications are consistent with the language of the Agency Approved LCOR LDA First Amendment that permits consideration of Additional Market Rate Units or additional Residential Units in lieu of the previously approved office space; and

WHEREAS, to ensure that there is no confusion with respect to the dwelling unit count shown on the approved Preliminary Plans and Site Plan Approval, and the count shown on the "Preliminary Zoning Analysis" on Modified Sheet A-1 of the Modified Preliminary Plans, the Executive Director of the Agency recommended that a new footnote (13) be added to the "Preliminary Zoning Analysis" shown on Modified Sheet A-1 at "Residential" under the section "Summary of Uses" and at "Residential" under section "Min. Off-Street Parking (Central Parking Area)" to read as follows:

*13. Any Residential Units in excess of the approved 536 Residential Units, as defined in the LCOR LDA and LCOR LDA First Amendment, or any Additional Market Rate Units, as defined in the LCOR LDA First Amendment, shall be subject to the approval of the Common Council as part of the Site Plan Approval required under the LCOR LDA and LCOR LDA First Amendment; and*

WHEREAS, the Modified Preliminary Plans did not include or approve any exterior materials or design for the Redevelopment which shall be subject to separate review and approval by the Common Council under its site plan review, and by the Agency under the Agency Approved LCOR LDA First Amendment; and

WHEREAS, as part of its review and approval of the Agency Approved LCOR LDA First Amendment, the Agency made the following findings with respect to the Modified Preliminary Plans:

- (a) The proposed modifications to the approved Preliminary Plans incorporated in Exhibit "B" of the approved LCOR LDA constitute modifications of a major nature as described in Section 201(g)(ii) of the LCORLDA.
- (b) The Preliminary Plans revise the location and design of the residential, retail, parking and commuter parking elements of the approved Redevelopment, but do not change the essential components of the Redevelopment.
- (c) The proposed major modifications to the Preliminary Plans are consistent with the Urban Renewal Plans applicable to the Project Area.
- (d) The proposed major modifications to the Preliminary Plans are consistent with the objectives and strategies of the City's 1997 Comprehensive Plan and 2006 Plan Update, including, particularly, the objective of developing more affordable housing in the Core Area.
- (e) The proposed major modifications to the Preliminary Plans are consistent with the scope, concept, uses, operations, bulk, massing and appearance of the proposed Redevelopment Project, demonstrating a positive reduction in overall mass and an increase in usable at-grade open space on the site; and

- (f) Consistent with Section 201(g)(ii) of the approved LCOR LDA, the Agency has given priority to and expedited in every possible way its review of the proposed major modifications; and

WHEREAS, no action could be taken by LCOR to obtain a building permit for the Redevelopment Project until it has obtained site plan amendment approval from the Common Council, which site plan amendment approval is subject to SEQR as a Type I Action; and

WHEREAS, the Common Council reaffirmed itself as Lead Agency for the review of the LCOR Redevelopment Project at 55 Bank Street and determined that the approval by the Common Council of the Agency Approved LCOR LDA First Amendment, as amended by the Common Council, is a Type II Action under SEQR; and

WHEREAS, the Common Council found that it was necessary and appropriate to amend the LCOR LDA, approved by the Agency on May 23, 2007 and by the Common Council on June 14, 2007, by approving the LCOR LDA First Amendment; and

WHEREAS, the Common Council made the following findings with respect to the Modified Preliminary Plans incorporated in the Agency Approved LCOR LDA First Amendment:

- (a) The proposed modifications to the approved Preliminary Plans incorporated in Exhibit "B" of the approved LCOR LDA constitute modifications of a major nature as described in Section 201(g)(ii) of the LCOR LDA;
- (b) The Preliminary Plans revise the location and design of the residential, retail, parking and commuter parking elements of the approved Redevelopment, but do not change the essential components of the Redevelopment;
- (c) The proposed major modifications to the Preliminary Plans are consistent with the Urban Renewal Plans applicable to the Project Area;
- (d) The proposed major modifications to the Preliminary Plans are consistent with the objectives and strategies of the City's 1997 Comprehensive Plan and 2006 Plan Update, including, particularly, the objective of developing more affordable housing in the Core Area;
- (e) The proposed major modifications to the Preliminary Plans are consistent with the scope, concept, uses, operations, bulk, massing and appearance of the proposed Redevelopment, demonstrating a positive reduction in overall mass and an increase in usable at-grade open space on the site; and

- (f) Consistent with Section 201(g)(ii) of the approved LCOR LDA, the Agency gave priority to and expedited in every possible way its review of the proposed major modifications, and submitted the Agency Approved LCOR LDA First Amendment incorporating the Modified Preliminary Plans to the Common Council; and

WHEREAS, the Common Council authorized the amendment the LCOR LDA approved by the Agency on May 23, 2007 and by the Common Council on June 14, 2007, by adoption of an approval resolution of the LCOR LDA First Amendment; and

WHEREAS, the Common Council further found that it was necessary and appropriate to amend the "Preliminary Zoning Analysis" on Sheet A-1 of the Modified Preliminary Plans by adding a new footnote (13) to be added at "Residential" under the section "Summary of Uses" and at "Residential" under section "Min. Off-Street Parking (Central Parking Area)" to read as follows:

- 13. Any Residential Units in excess of the approved 536 Residential Units, as defined in the LCOR LDA and LCOR LDA First Amendment, or any Additional Market Rate Units, as defined in the LCOR LDA First Amendment, shall be subject to the approval of the Common Council as part of the Site Plan Approval required under the LCOR LDA and LCOR LDA First Amendment; and

WHEREAS, the Common Council further found and determined that the Modified Preliminary Plans be amended at "Building Section Sheet A-6" and "Building Elevations Sheet A-7" to include the following statement: "The 13 level parking garage shown on Preliminary Plan Sheets A-6 and A-7 is not approved as shown. Parking for the Project, including the 200 commuter parking spaces will be approved by the Common Council as part of the site plan approval process as such a parking structure had not been and would not be considered by the Common Council to be appropriate for this or any location in the City of White Plains"; and

WHEREAS, at its meeting of August 8, 2008, the Common Council approved the LCOR LDA First Amendment, subject to the terms and conditions contained in the approval resolution of same date; and

WHEREAS, pursuant to the terms of the approved LCOR LDA First Amendment ("LCOR Amended LDA") LCOR has made all the payments due under the LCOR Amended LDA and has, to date, complied with the terms and conditions of the LCOR Amended LDA and neither the Agency nor the City has found LCOR to be in default of the LCOR Amended

LDA; and

WHEREAS, by letters from William S. Null, Esq., dated July 30, 2014 and August 6, 2014, the attorney for LCOR, amendments were requested to the LCOR Amended LDA and to the Modified Preliminary Plans, as detailed on plans identified on "Exhibit B" enclosed therewith; and

WHEREAS, the principal elements of the proposed second amendments to the LCOR Amended LDA ("Proposed LCOR LDA Second Amendment") consisted of the following:

- a. Two (2) rental apartment buildings each standing a total height of approximately 16 stories and approximately 178 feet, as compared to the previously approved 280 feet. The combined buildings will contain 561 dwelling units, consisting of 449 market rental units and 112 affordable rental units (i.e., 80% market and 20% affordable units);
- b. A total of 570 parking spaces in a design that eliminates the previously approved 7-story parking garage by replacing it with below-grade and integrated parking levels within the buildings. As required by the LCOR Amended LDA, these 570 parking spaces are intended to accommodate the joint-use of the residential, retail and commuter-parking spaces. The parking shall include at least 200 and up to 300 commuter parking spaces. In addition, parking for an adjacent potential hotel use for up to a maximum of 120 sleeping rooms must be shown how it will be provided although the actual spaces need not be provided unless the hotel is constructed and the hotel's approved site plan includes providing such parking on this site with the Redeveloper's approval; and
- c. Retail space of approximately 6,345 square feet.

The development of the Premises was proposed to proceed in two phases:

- a. The North Tower would be constructed in the first phase with 288 residential dwelling units (231 market-rate rental units and 57 affordable rental units), together with 3,000 square feet of retail and 381 parking spaces.
- b. The South Tower would be constructed in the second phase with the remaining 273 residential dwelling units (218 market-rate rental units and 55 affordable rental units), together with 3,345 square feet of retail space and 188 parking spaces; and

WHEREAS, said letters also requested the Agency and the Common Council to consider certain additional amendments to the LCOR Amended LDA and to approve certain substitute plans as the Second Modified Preliminary Plans identified in Exhibit B of the proposed amendment; and

WHEREAS, the plans cited herein-above were formally received by the Common Council at a Special Meeting of the Common Council held on August 13, 2014; and

WHEREAS, the amendment of the LCOR LDA, as previously amended, by the Proposed LCOR LDA Second Amendment which includes the amendment of the Modified Preliminary Plans included as Exhibit B thereto, required approval by both the Agency and the Common Council; and

WHEREAS, the principal elements of the Proposed LCOR LDA Second Amendment, changed the basic form of the development from a high rise to a more moderate-rise, more contextual design, were consistent with the urban renewal plans applicable to the Project Area and with the objectives and strategies of the City's 1997 Comprehensive Plan and 2006 Plan Update, including particularly, the objective of more affordable housing in the Core Area and were consistent with the scope, concept, land uses, density and total bulk of the proposed Redevelopment, represented a positive reduction in building height and eliminated the visually intrusive 7-story parking structure that was part of the previously approved plan; and

WHEREAS, the Agency approved the LCOR LDA Second Amendment by adoption of Agency Resolution 8-2014 at its meeting of August 13, 2014, subject to the following:

- a. Publication of a notice in the official newspaper of the City of White Plains of a Notice of Availability for Public Examination of the Agency Approved LCOR LDA Second Amendment, and notice of public hearing thereon before the Common Council,
- b. A duly noticed public hearing being held before the Common Council,
- c. Action by the Common Council to affirm its status as Lead Agency for the environmental review of the Redevelopment Project, and
- d. Approval by the Common Council of the Agency Approved LCOR LDA Second Amendment incorporating the Modified Preliminary Plans as a new Exhibit "B"; and

WHEREAS, at its Special Meeting of August 13, 2014, the Common Council adopted a resolution entitled "RESOLUTION SCHEDULING A PUBLIC HEARING BEFORE THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ("COMMON COUNCIL") FOR

SEPTEMBER 2, 2014, AND AUTHORIZING PUBLICATION OF A NOTICE OF AVAILABILITY FOR PUBLIC REVIEW OF A PROPOSED SECOND AMENDMENT TO THE CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY"), THE CITY OF WHITE PLAINS ("CITY") AND LCOR 55 BANK STREET LLC (LCOR"), APPROVED BY THE AGENCY ON MAY 23, 2007, AND BY THE COMMON COUNCIL ON JUNE 4, 2007 AS PREVIOUSLY AMENDED AS AUTHORIZED BY THE AGENCY ON JULY 17, 2008, AND BY THE COMMON COUNCIL ON AUGUST 8, 2008"; and

WHEREAS, the Proposed LCOR LDA Second Amendment was made available at the offices of the Urban Renewal Agency from August 14, 2014 through September 2, 2014; and

WHEREAS, the Common Council, at its regularly scheduled September 2, 2014 meeting, conducted a duly noticed public hearing on the Proposed LCOR LDA Second Amendment; and

WHEREAS, the Common Council reconfirmed that the Proposed LCOR LDA Second Amendment, including the Second Modified Preliminary Plans represents a Type II Action under the NY State Environmental Quality Review Act and regulations promulgated thereunder and approved the Second Amendment to the LCOR LDA in resolutions adopted on September 2, 2014; and

WHEREAS, subsequent to said site plan approval which also approved on September 2, 2014, LCOR determined that it needed to subdivide the Property, for the purpose of separately financing the two phases of the Redevelopment, into two parcels; the North Tower parcel consisting of the entire parking facility and the north residential tower and the at grade parking lot as well as most of the infrastructure servicing the two buildings and the South Tower parcel consisting primarily of the space occupied by the south residential towers including a portion of an amenity deck. Said subdivision was approved by the Planning Board of the City of White Plains by resolution on February 10, 2015; and

WHEREAS, LCOR entered into or will enter into joint venture agreements in connection with the Redevelopment of the Property. LCOR Holdings LLC and the California State Teachers Retirement System ("the LCOR Group"), the current beneficial owners of the Redeveloper (the California State Teachers Retirement System having succeeded to Lehman Brothers interest in the Redeveloper in 2012 through the bankruptcy court), are to retain a 10% interest in the North Tower Parcel and a 50% interest in the South Tower Parcel. The remaining interests will be held by PRISA LHC LLC and its affiliates (the "PRISA Group") as part of a joint venture agreement with the LCOR Group. LCOR Development Services LLC (part of the LCOR Group) will enter into a development services agreement to be the developer on behalf of the above-referenced

owners of the Redevelopment and

WHEREAS, by letter dated March 5, 2015, LCOR requested the Agency and the Common Council to consider certain amendments to the Amended LDA after discussions with Agency Counsel and staff in order to:

1. Retroactively recognize and confirm that LCOR may subdivide (the "Subdivision") the Premises into two (2) separate and distinct parcels and tax lots, each with their own tax map identification, to facilitate the financing and construction of the Project in two phases which Subdivision has already been approved by the Planning Board by "Resolution adopted February 10, 2015 approving an Application made by LCOR 55 Bank Street, LLC, for Subdivision of the Property known as 55 Bank Street (SBL: 125.82-1-7.1), in accordance with the Requirements of the City Of White Plains Zoning Ordinance, Subdivision Regulations, and State Environmental Quality Review Act." The Subdivision created a so-called North Tower Parcel ("North Tower Parcel") and a so-called South Tower Parcel ("South Tower Parcel");
2. Permit LCOR to transfer and convey the North Tower Parcel to WP North Tower LLC (the "North Tower Owner") and the South Tower Parcel to WP South Tower LLC (the "South Tower Owner"), so that the North Tower Owner will construct Phase I on the North Tower Parcel and the South Tower Owner will construct Phase II on the South Tower Parcel. Phase I and Phase II are more specifically described in the Third Amendment;
3. Permit the North Tower Owner and the South Tower Owner to enjoy the benefits and assume the burdens under the LDA relative to the Phase I portion of the Project and the Phase II portion of the Project, respectively;
4. Have the City and the Agency recognize the separateness of the Phase I Project and the Phase II Project and, accordingly, among other things, agree that after commencement of the Phase I portion of the Project the undertakings related to the Phase II portion of the Project require, within thirty-six (36) months of the closing of the construction financing on Phase I, submission of an application for a Building Permit on the Phase II portion of the Project. The intent is that the obligations of LCOR under the LDA shall be assigned and delegated to the North Tower Owner with respect to the construction by the North Tower Owner of Phase I on the North Tower Parcel and to the South Tower Owner with respect to the construction by the South Tower Owner of Phase II on the South Tower Parcel;

5. Permit such other additional amendments to the LDA as set forth and contemplated under the Third Amendment;

WHEREAS, the principal elements of the Proposed LCOR LDA Third Amendment, would not change the approved site plan at all; would authorize the subdivision of the property to aid in financing of the project, make technical amendments to the Amended LDA accommodate the subdivision of the property and authorize the LCOR group to enter into a joint venture with the PRISA group in order to facilitate the financing and construction of the Redevelopment; and

WHEREAS, the Agency approved the LCOR LDA Third Amendment by adoption of Agency Resolution 4-2015 at its meeting of March 18, 2015, subject to the following:

a. Publication of a notice in the official newspaper of the City of White Plains of a Notice of Availability for Public Examination of the Third LDA Amendment, and notice of public hearing before the Common Council.

b. A duly noticed public hearing before the Common Council of the City of White Plains.

c. Action by the Common Council to affirm its status as Lead Agency for the environmental review of the Redevelopment, and a finding that the Amended LDA as further amended by the Third LDA Amendment are consistent with prior environmental findings and will not have a significant adverse impact on the environment.

d. Approval by the Common Council of the Third LDA Amendment; and

WHEREAS, at its Special Meeting of March 24, 2015, the Common Council adopted a resolution entitled "RESOLUTION SCHEDULING A PUBLIC HEARING BEFORE THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ("COMMON COUNCIL") FOR APRIL 6, 2015, AND AUTHORIZING PUBLICATION OF A NOTICE OF AVAILABILITY FOR PUBLIC REVIEW OF A PROPOSED THIRD AMENDMENT TO THE CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY"), THE CITY OF WHITE PLAINS ("CITY") AND LCOR 55 BANK STREET LLC (LCOR)", APPROVED BY THE AGENCY ON MAY 23, 2007, AND BY THE COMMON COUNCIL ON JUNE 4, 2007 AS FIRST AMENDED AS AUTHORIZED BY THE AGENCY ON JULY 17, 2008, AND BY THE COMMON COUNCIL ON AUGUST 8, 2008. AND AS SECOND AMENDED AS AUTHORIZED BY THE AGENCY ON AUGUST 13, 2014, AND BY THE COMMON COUNCIL ON SEPTEMBER 2, 2014"; and

WHEREAS, the Proposed LCOR LDA Second Amendment was made available at the offices of the Urban Renewal Agency from March 25, 2015 through April 6, 2015; and

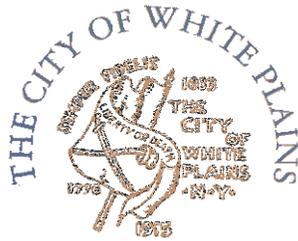
WHEREAS, the Common Council, at its regularly scheduled April 6, 2015 meeting, conducted a duly noticed public hearing on the Proposed LCOR LDA Third Amendment; and

WHEREAS, the Common Council reconfirmed that the Proposed LCOR LDA Third Amendment represents a Type II Action under the NY State Environmental Quality Review Act in a resolution adopted on April 6, 2015 now, therefore, be it

RESOLVED, that, based on its review of the record, analysis of the proposed LCOR LDA Third Amendment, and the independent review of the proposed LCOR LDA Third Amendment by Agency members, the Common Council hereby finds that the Third Amendment does not materially change the approved site plan; that the subdivision of the property does not materially change the project and consent to transfer of the property to the LCOR group and PRISA group joint venture in order to facilitate financing and construction of the property; and be it further

RESOLVED, that the Common Council hereby approves the Proposed LCOR LDA Third Amendment; and be it further

RESOLVED that the Common Council hereby authorizes the Mayor or his designee to execute said LCOR LDA Third Amendment and any other instrument necessary to implement the amendments authorized in said LCOR LDA Third Amendment in a form to be approved by the Corporation Counsel.



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

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Anne M. McPherson CMC  
City Clerk/Registrar

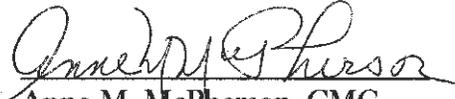
Teresa Torcelli  
Deputy Registrar

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

Attached is a communication submitted on behalf of St. Gregory the Enlightener Armenian Church in relation to an application for an amendment to a previously approved site plan to construct a one story, approximately 7,000 sq. ft, addition to the existing Church building which is proposed to house the Church Sunday School, and connected to the existing structure vial an enclosed walkway, and requesting an adjournment of the public hearing to May 4, 2015.

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

Sincerely,

  
Anne M. McPherson, CMC  
City Clerk

DATED: April 2, 2015

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# BLEAKLEY PLATT

NEW YORK CONNECTICUT

BLEAKLEY PLATT & SCHMIDT, LLP

ONE NORTH LEXINGTON AVENUE  
WHITE PLAINS, NEW YORK 10601

914.849.2700

FAX: 914.683.6956

BPSLAW.COM

JAMES W. GLATTHAAR  
914.297.6159  
JWGLATTHAAR@BPSLAW.COM

April 2, 2015

**VIA HAND DELIVERY**

Ms. Anne M. McPherson  
City Clerk  
Municipal Building  
255 Main Street  
White Plains, NY 10605

**Re: St. Gregory the Enlightener Armenian Church, 1131 North Street,  
White Plains, New York**

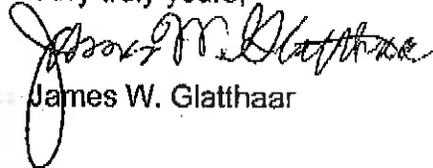
Dear Anne:

Our firm represents St. Gregory the Enlightener Armenian Church. In connection with the public hearing on St. Gregory's application for an amendment to its approved site plan, the Common Council is scheduled to conduct a public hearing on April 6, 2015.

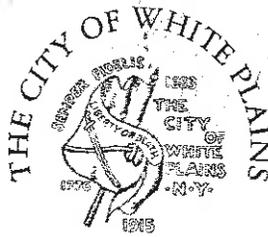
On behalf of St. Gregory's, we respectfully request that the hearing be adjourned to the May 4, 2015 Common Council meeting. We apologize if this causes any inconvenience.

Please contact me with any questions.

Very truly yours,



James W. Glatthaar



**DEPARTMENT OF LAW**

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

(914) 422-1241 • FAX (914) 422-1231

**JOHN G. CALLAHAN**  
Corporation Counsel

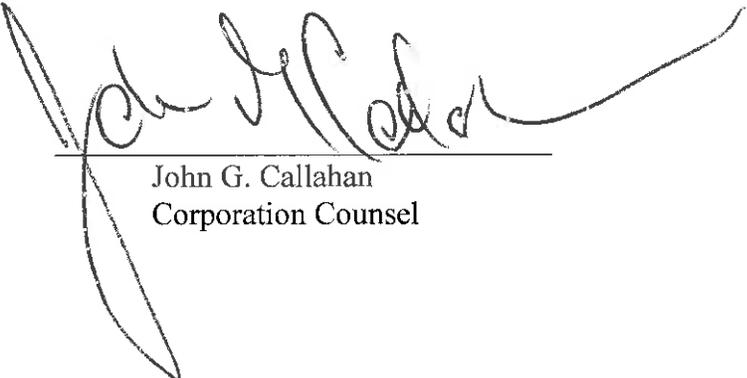
**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the properties located at 1 Water Street, 3 Barker Avenue, 81 Main Street, 520 Mamaroneck Avenue and 1230 Mamaroneck Avenue, White Plains, NY.

The Law Department has reviewed the proposed settlements with our Assessor, who recommends them. Based upon our review, it is my opinion that the settlements are appropriate and should be accepted. The locations of the properties involved, the reductions in assessed value, as well as the amounts to be refunded, are set forth in the accompanying ordinance.



---

John G. Callahan  
Corporation Counsel

Dated: March 30, 2015  
(For the Common Council Meeting  
of April 6, 2015)

**AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.**

WHEREAS, various petitioners have brought proceedings to review the assessed valuation of their premises; and

WHEREAS, the respective attorneys for the petitioners have offered and agreed to settle and discontinue said proceedings on condition that the assessed valuations of said properties be reduced and credits paid according to the following list in accord with the applicable tax rate for credits paid according to the following list in accord with the applicable tax rate for

**Mack-Cali WP Realty Associates, LLP  
a/k/a Cali WP Realty (1 Water Street)  
1 Water Street  
SBL: 125.66-2-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2007/08	\$ 290,000	\$ 210,000	\$ 80,000	\$ 11,354.40
2008/09	\$ 290,000	\$ 205,000	\$ 85,000	\$ 12,534.95
2009/10	\$ 290,000	\$ 185,000	\$ 105,000	\$ 16,491.30
2010/11	\$ 290,000	\$ 205,000	\$ 85,000	\$ 14,264.70
2011/12	\$ 290,000	\$ 222,500	\$ 67,500	\$ 11,887.43
2012/13	\$ 290,000	\$ 237,000	\$ 53,000	\$ 9,776.91
2013/14	\$ 290,000	\$ 225,000	\$ 65,000	\$ 12,463.10
2014/15	\$ 290,000	\$ 205,000	\$ 85,000	\$ 16,671.90
			<b>Total:</b>	<b>\$ 105,444.69</b>

**White Plains Realty (3 Barker Avenue)  
3 Barker Avenue  
SBL: 125.67-1-2.1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2007/08	\$ 422,150	\$ 300,000	\$ 122,150	\$ 17,336.75
2008/09	\$ 422,150	\$ 295,000	\$ 127,150	\$ 18,750.81
2009/10	\$ 422,150	\$ 280,000	\$ 142,150	\$ 22,326.08
2010/11	\$ 422,150	\$ 310,000	\$ 112,150	\$ 18,821.01
2011/12	\$ 422,150	\$ 320,000	\$ 102,150	\$ 17,989.64
2012/13	\$ 422,150	\$ 342,500	\$ 79,650	\$ 14,693.04
2013/14	\$ 422,150	\$ 350,000	\$ 72,150	\$ 13,834.04
2014/15	\$ 422,150	\$ 320,000	\$ 102,150	\$ 20,035.70
			<b>Total:</b>	<b><u>\$ 143,787.07</u></b>

**81 Main Realty LLC  
81 Main Street  
SBL: 125.74-4-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2010/11	\$ 775,000	\$ 740,000	\$ 35,000	\$ 5,873.70
2011/12	\$ 775,000	\$ 775,000	\$ 0	\$ 0.00
			<b>Total:</b>	<b><u>\$ 5,873.70</u></b>

**V & D Realty Inc.**  
**520 Mamaroneck Avenue**  
**SBL: 131.29-7-3**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2013/14	\$ 32,000	\$ 25,000	\$ 7,000	\$ 1,342.18
2014/15	\$ 32,000	\$ 25,000	\$ 7,000	\$ 1,372.98
			<b>Total:</b>	<b><u>\$ 2,715.16</u></b>

**261 Lincoln Realty, LLC**  
**1230 Mamaroneck Avenue**  
**SBL: 138.14-11-3**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2007/08	\$ 60,000	\$ 52,000	\$ 8,000	\$ 1,135.44
2008/09	\$ 60,000	\$ 54,000	\$ 6,000	\$ 884.82
2009/10	\$ 60,000	\$ 58,000	\$ 2,000	\$ 314.12
2010/11	\$ 60,000	\$ 60,000	\$ 0	\$ 0.00
2011/12	\$ 60,000	\$ 60,000	\$ 0	\$ 0.00
2012/13	\$ 60,000	\$ 60,000	\$ 0	\$ 0.00
2013/14	\$ 60,000	\$ 60,000	\$ 0	\$ 0.00
2014/15	\$ 60,000	\$ 60,000	\$ 0	\$ 0.00
			<b>Total:</b>	<b><u>\$ 2,334.38</u></b>

WHEREAS, the county and sewer taxes and the school taxes should be payable by the county and school separately if collected and if the settlement is approved by the Supreme Court.

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

Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and the same hereby is approved.

§2. The Commissioner of Finance, under the direction of the Corporation Counsel, be and is hereby authorized and directed to pay the amount of the refunds stated above, without interest to the petitioners or persons paying such tax or other levy in the manner provided by Section 726 of the Real Property Tax Law. All payments for current year taxes shall be payable from budget code A021- 01110 and all payments for prior year's taxes shall be payable from budget code A021 - 4.201. Payment of the refunds authorized herein with respect to any one of the aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

§3. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

§4. This ordinance shall take effect immediately.



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

(914) 422-1241 • FAX (914) 422-1231

**JOHN G. CALLAHAN**  
Corporation Counsel

**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

By letter dated March 31, 2015 addressed to the Mayor and copied to the Common Council, tw telecom of new york l.p. ("tw telecom") applied for a franchise to develop a fiber optic telecommunications system in White Plains. tw telecom has received a Certificate of Public Convenience and Necessity to operate as a common carrier from the New York State Public Service Commission.

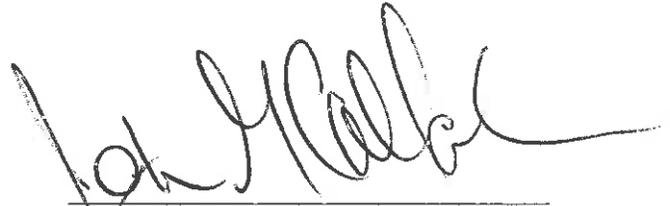
Both before and after receipt of the application in accordance with the City's Telecommunications Ordinance adopted on December 1, 1997 and the Federal Telecommunications Act of 1996, the Law Department conferred with representatives of tw telecom and the Department of Public Works with respect to the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

Under the terms of the proposed franchise agreement ("the Agreement"), tw telecom would be granted a ten (10) year non-exclusive franchise, with the option to renew the franchise for an additional term of ten (10) years. Although seeking a franchise agreement, tw telecom is presently planning to install only 180 feet of linear fiber optic cable to be placed within an inner duct in the City at this time. The proposed franchise agreement will provide for tw telecom to pay the City compensation based upon the amount of fiber optic cable and conduit installed as follow (i.e., \$.58 per linear feet for overhead wires; \$1.88 per linear feet for use of an inner duct in 4" diameter conduit and \$5.64 linear feet for 4" diameter conduit and such fees shall be increased every two years thereafter by an increment of five (5%) per period over the latest annual fee ) however, for any particular year, the minimum annual Franchise Fee, unless the calculation required above results in a payment greater than the Minimum Annual Fee set forth herein shall be \$500.00 for the year 2015; \$1,000 for the year 2016; \$1,500 for the year 2017; \$2,500 for the years 2018 and 2019; \$5,000 for the years 2020 and 2021 and \$7,500 for the years 2022-2024 and \$10,000 for all years thereafter except that said minimum fee shall be increased every two years thereafter by an increment of five

(5%) per period over the latest annual fee. In addition, either party may request renegotiation of the Agreement once, at any one time during the agreement, upon six(6) months notice to the other party based upon changes in technological, legal, regulatory or market conditions which have occurred since the execution of the Agreement. Level 3 Communications, Inc. will provide a written guaranty of the obligations of tw telecom, a wholly owned subsidiary.

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

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



---

John G. Callahan  
Corporation Counsel

Dated: April 1, 2015  
(for the April 6, 2015 meeting  
of the Common Council)

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO tw telecom of new york l.p. TO CONSTRUCT, ERECT, OPERATE AND MAINTAIN A FIBER OPTIC TELECOMMUNICATIONS SYSTEM IN THE CITY OF WHITE PLAINS.

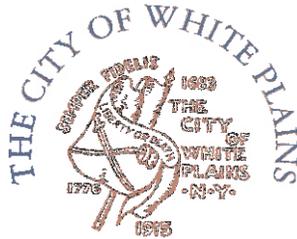
The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Common Council of the City of White Plains hereby grants to tw telecom of new york l.p., ("tw telecom"), which has received a Certificate of Public Convenience and Necessity to operate as a common carrier from the New York State Public Service Commission, a non-exclusive franchise to construct, erect, operate and maintain a fiber optic telecommunications system in the City of White Plains pursuant to the terms and conditions of an agreement entitled "Fiber Optic Telecommunications System Franchise Agreement between the City of White Plains and tw telecom of new york l.p." Said agreement shall provide for a franchise term of ten (10) years and one ten (10) year renewal at tw telecom's option. Based upon the proposed 180 feet of linear fiber optic cable to be installed within an inner duct in the City at this time, the agreement shall further provide that the City of White Plains receive compensation based upon the amount of fiber optic cable and conduit installed as follow (i.e.,\$.58 per linear feet for overhead wires; \$1.88 per linear feet for use of an inner duct in 4" diameter conduit and \$5.64 linear feet for 4" diameter conduit and such fees shall be increased every two years thereafter by an increment of five (5%) per period over the latest annual fee ) however, for any particular year, the minimum annual Franchise Fee, unless the calculation required above results in a payment greater than the Minimum Annual Fee set forth herein shall be \$500.00 for the year 2015; \$1,000 for the year 2016; \$1,500 for the year 2017; \$2,500 for the years 2018 and 2019; \$5,000 for the years 2020 and 2021 and \$7.500 for the

years 2022-2024 and \$10,000 for all years thereafter except that said minimum fee shall be increased every two years thereafter by an increment of five (5%) per period over the latest annual fee. In addition, either party may request renegotiation of the Agreement once, at any one time during the agreement, upon six(6) months notice to the other party based upon changes in technological, legal, regulatory or market conditions which have occurred since the execution of the Agreement. Level 3 Communications, Inc. will provide a written guaranty of the obligations of tw telecom of new york l.p. , a wholly owned subsidiary, in a form satisfactory to the Corporation Counsel.

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

§3. This ordinance shall take effect immediately.



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

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Anne M. McPherson CMC  
City Clerk/Registrar

Elizabeth Scardino  
Deputy Registrar

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

Submitted herewith, for your review and appropriate action, is an ordinance authorizing the City of White Plains to enter into an agreement with the New York State Thruway Authority to sell E-ZPass tags.

This legislation would authorize the City Clerk to sign the E-ZPass On-The-Go Retail Sales Program Application and authorize the Mayor to subsequently sign a Retail Sales Agreement with the New York State Thruway Authority to enable the sale of E-ZPass tags by the City of White Plains.

E-ZPass electronic bill payment is already used by thousands of New Yorkers on highways and bridges around the State. It is convenient and efficient, and reduces the wait time at toll plazas as well as helps air quality by reducing idling.

Offering E-ZPass for sales at local and easily accessible locations, such as City Hall, will encourage more people to purchase the tags and is a valuable service that the City can provide to those who live, work and visit White Plains. The service will be provided by the Clerk's Office, as they already see significant numbers of constituents and visitors as a result of the many other services they provide to the public on a regular basis.

Anne M. McPherson, CMC  
City Clerk

DATED: March 31, 2015

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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 THE NEW YORK STATE THRUWAY AUTHORITY, KNOWN AS THE E-ZPASS ON-THE-GO RETAIL SALES AGREEMENT, TO PERMIT THE CITY TO SELL E-PASS TAGS AT THE CITY CLERK'S OFFICE.

WHEREAS, the City of White Plains, through the White Plains City Clerk's Office, wishes to retail E-ZPass Tags through the New York State Thruway Authority's E-ZPass On-the-Go Program; and

WHEREAS, under the E-ZPass On-The-Go Retail Sales Agreement, the City of White Plains will purchase E-ZPass Tags for the cost of \$21.00 per Tag from the New York State Thruway Authority and sell the Tags at a cost of \$25.00 per Tag, allowing the City to keep \$4.00 per sale; and

WHEREAS, it is in the best interests of the City of White Plains to enter into an agreement with the New York State Thruway Authority to offer E-ZPass Tags for sale at the City Clerk's Office as a convenient and valuable service that the City can provide to those who live, work and visit White Plains; now, therefore

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

1. The Mayor or his designee is hereby authorized to enter into an agreement, known as the E-ZPass On-The-Go Retail Sales Agreement, with the New York State Thruway Authority,

to permit the City of White Plains, through the City Clerk's Office, to sell E-Z Pass Tags at a cost of \$25.00 per tag. The City of White Plains will purchase E-ZPass Tags for the cost of \$21.00 per Tag from the New York State Thruway Authority. Said agreement shall be in a form acceptable to the Corporation Counsel of the City of White Plains.

2. The White Plains City Clerk is authorized to complete and execute the E-ZPass On-The-Go Retail Sales Program Application on behalf of the City of White Plains.

3. 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 capital project for Fluoride Tank Replacement at the DPW Orchard Street Pump Station. This project is for the replacement of two underground tanks with above grade storage tanks in a secure, monitored leak containment room. Adequate storage will help ensure the continued fluoridation of the public water supply.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts to undertake the fluoride tank replacement. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. W5447, entitled "**Fluoride Tank Replacement FY 2014-2015**" as follows:

REVENUES

W5447-08810	Serial Bonds	<u>\$2,525,000</u>
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EXPENDITURES

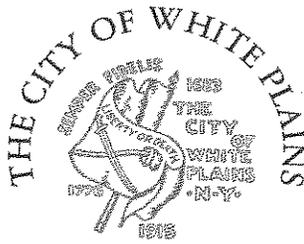
W5447-4.005	Finance and Auditing	\$ 25,000
W5447-8.681	Water System	<u>2,500,000</u>
		<u>\$2,525,000</u>

Finally, it is requested that the sale of \$2,525,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the Water Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

April 6, 2015



**ENVIRONMENTAL OFFICER**

70 Church Street, White Plains, New York 10601

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

E-Mail: [Planning@whiteplainsny.gov](mailto:Planning@whiteplainsny.gov)

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

March 31, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. W5447  
FLUORIDE TANK REPLACEMENT FY 2014-2015

Capital Project No. W5447, entitled "Fluoride Tank Replacement FY 2014-2015," ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves replacement of two underground tanks with above grade storage tanks in a secure, monitored leak containment room and will serve to correct structural problems at the Orchard Street Water Treatment and Filtration Plant.

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,

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Rod Johnson  
Environmental Officer

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ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. W5447, FLUORIDE TANK REPLACEMENT FY 2014-2015

WHEREAS, Capital Project No. W5447, entitled "Fluoride Tank Replacement FY 2014-2015," ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves replacement of two underground tanks with above grade storage tanks in a secure, monitored leak containment room and will serve to correct structural problems at the Orchard Street Water Treatment and Filtration Plant; 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 ESTABLISHING CAPITAL PROJECT NO. W5447 ENTITLED,  
“FLUORIDE TANK REPLACEMENT FY 2014-15.”**

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

Section 1. The Capital Projects Board has recommended a capital project for Fluoride Tank Replacement at the City’s Orchard Street Pump Station. This project is for the replacement of two underground tanks with above grade storage tanks in a secure, monitored leak containment room. Adequate storage will help ensure the continued fluoridation of the public water supply.

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

Section 3. In order to provide the necessary funding for the Commissioner of Public Works to effectuate the project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. W5447, entitled, “**Fluoride Tank Replacement FY 2014-15,**” as follows:

**REVENUES:**

W5447-08810	Serial Bonds	<u>\$2,525,000</u>
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**EXPENDITURES:**

W5447-4.005	Finance and Auditing	\$ 25,000
W5447-8.681	Water System	<u>2,500,000</u>
		<u>\$ 2,525,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$2,525,000, and to advance funds for this project from the Water Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.



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

**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:**

The Capital Projects Board has recommended a capital project for Fluoride Tank Replacement at the City's Central Avenue Pump Station (CAPS). This project is for the replacement of two 2,000 gallon underground tanks with one 1,000 gallon above grade storage tank in a secure, monitored leak containment building. Adequate storage will help ensure the continued fluoridation of the public water supply. Although the current tanks are some thirty years old, they are not immediately in need of replacement. However, Westchester County Water District No. 1 (WWD #1) requires some of the City's land at CAPS for the installation of a drinking water ultraviolet (UV) treatment plant. This new County facility will necessitate the relocation of our existing tanks. To that end, WWD #1 will contribute \$35,000 a year for ten years towards the cost of this project. To secure this payment, it will be necessary for the City to enter into an Inter-Municipal Agreement (IMA) with the County that includes these terms.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts to undertake the fluoride tank replacement. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. W5448, entitled "**Fluoride Tank Replacement CAPS**" as follows:

REVENUES

W5448-08810	Serial Bonds	<u>\$1,212,000</u>
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EXPENDITURES

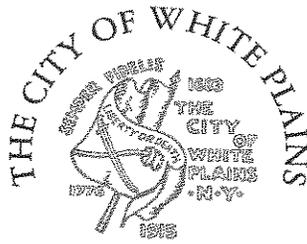
W5448-4.005	Finance and Auditing	\$ 12,000
W5448-8.681	Water System	<u>1,200,000</u>
		<u>\$1,212,000</u>

Finally, it is requested that the sale of \$1,212,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the Water Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

April 6, 2015



**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

April 1, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. W5448  
FLUORIDE TANK REPLACEMENT CAPS

Capital Project No. W5448, entitled "Fluoride Tank Replacement CAPS," ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves replacement of two underground tanks with one above grade storage tank in a secure, monitored leak containment building at the Central Avenue Pump Station ("CAPS"). This work is being undertaken with the proposed installation of the drinking water ultraviolet (UV) treatment plant by the Westchester County Water District No.1.

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,

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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. W5448, FLUORIDE TANK REPLACEMENT CAPS

WHEREAS, Capital Project No. W5448, entitled "Fluoride Tank Replacement CAPS" ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves replacement of two underground tanks with one above grade storage tank in a secure, monitored leak containment building at the Central Avenue Pump Station ("CAPS") and is being undertaken with the proposed installation of the drinking water ultraviolet (UV) treatment plant by the Westchester County Water District No.1; 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 ESTABLISHING CAPITAL PROJECT NO. W5448 ENTITLED, "FLUORIDE TANK REPLACEMENT CAPS."**

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

Section 1. The Capital Projects Board has recommended a capital project for Fluoride Tank Replacement at the City's Central Avenue Pump Station (CAPS) . This project is for the replacement of two 2,000 underground tanks with one 1,000 gallon above grade storage tank in a secure, monitored leak containment room. Adequate storage will help ensure the continued fluoridation of the public water supply. Although the current tanks are approximately thirty years old, they are not immediately in need of replacement. However, Westchester County Water District No. 1 (WWD #1) requires some of the City's land at CAPS for the installation of a drinking water ultraviolet (UV) treatment plant. This new County facility will necessitate the relocation of the City's existing tanks. To that end, WWD#1 will contribute \$35,000 a year for ten years towards the cost of the project. To secure this payment, it will be necessary for the City to enter into an Intermunicipal Agreement (IMA) with the County that includes these terms.

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

Section 3. In order to provide the necessary funding for the Commissioner of Public

Works to effectuate the project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. W5448, entitled, “**Fluoride Tank Replacement CAPS,**” as follows:

**REVENUES:**

W5448-08810	Serial Bonds	<u>\$1,212,000</u>
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**EXPENDITURES:**

W5447-4.005	Finance and Auditing	\$ 12,000
W5447-8.681	Water System	<u>1,200,000</u>
		<u>\$ 1,212,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$1,212,000, and to advance funds for this project from the Water Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED APRIL 6, 2015, AUTHORIZING THE ISSUANCE OF \$3,737,000 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, OR RECONSTRUCTION OR ADDITION TO THE WATER SUPPLY AND DISTRIBUTION SYSTEM FOR THE CITY.**

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the acquisition, construction, or reconstruction or addition to the water supply and distribution system for the City, including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$3,737,000, 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 \$3,737,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction, reconstruction or addition to the water supply and distribution system for the City (the "Project").

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$3,737,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of

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

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 1 of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

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

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

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

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

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

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

Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in

accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



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

**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:**

As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended the inclusion of miscellaneous sanitary sewer reconstruction in FY 2014/2015. The Department of Public Works (DPW) has identified sanitary sewer system deficiencies of a critical nature, involving pipe and manhole installation and/or rehabilitation. Plans and Specifications for such work have been developed by the DPW and publicly advertised. Contracts will be awarded subject to applicable competitive bidding laws of the State of New York and the City of White Plains.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various construction and engineering services contracts, as necessary, and further to direct the Budget Director to amend the Capital Projects fund by establishing Capital Project No. SW5445, entitled "**Miscellaneous Sanitary Sewer Reconstruction FY 2014/2015**," with a budget as follows:

REVENUES

SW5445-08810	Serial Bonds	<u>\$ 505,000</u>
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EXPENDITURES

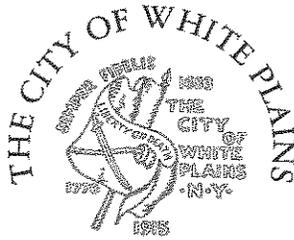
SW5445-4.005	Finance and Auditing	\$ 5,000
SW5445-8.206	Sanitary Sewer Reconstruction	<u>500,000</u>
		<u>\$ 505,000</u>

Finally, it is requested that the sale of \$505,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the Sewer Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

April 6, 2015



**ENVIRONMENTAL OFFICER**

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

March 25, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. SW5445  
MISCELLANEOUS SANITARY SEWER RECONSTRUCTION FY 2014/2015,

The proposed Capital Project No. SW5445, entitled Miscellaneous Sanitary Sewer Reconstruction FY 2014/2015, has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves the repair of municipal sanitary sewage facilities including pipe and manhole installation and/or rehabilitation.

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

It is recommended that the Common Council, (a) declare itself to be the Lead Agency for the environmental review of the Proposed Action; and (b) find the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings.

Respectfully submitted,

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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. SW5445  
MISCELLANEOUS SANITARY SEWER RECONSTRUCTION FY 2014/2015

WHEREAS, the proposed Capital Project No.SW5445, entitled Miscellaneous Sanitary Sewer Reconstruction FY 2014/2015 ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the repair of municipal sanitary sewage facilities including pipe and manhole installation; and

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

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; now, therefore, be it

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

RESOLVED, that the Common Council hereby determines that the Proposed Action is a Type II Action and that no additional SEQR review or finding is necessary.

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**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. SW5445 ENTITLED, "MISCELLANEOUS SANITARY SEWER RECONSTRUCTION FY 2014/2015."**

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended the inclusion of miscellaneous sanitary sewer reconstruction in FY 2014/2015. The Department of Public Works (DPW) has identified sanitary sewer system deficiencies of a critical nature, involving pipe and manhole installation and/or rehabilitation. Plans and specifications for such work have been developed by DPW and publicly advertised. Contracts will be awarded subject to applicable competitive bidding laws of the State of New York and the City of White Plains.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. SW5445, entitled, "**Miscellaneous Sanitary Sewer Reconstruction FY 2014/2015,**" with a budget as follows:

**REVENUES:**

SW5445-08810	Serial Bonds	<u>\$ 505,000</u>
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**EXPENDITURES:**

SW5445-4.005	Finance and Auditing	\$ 5,000
SW5445-8.206	Sanitary Sewer Reconstruction	<u>500,000</u>
		<u>\$ 505,000</u>

Section 4. . The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$505,000 and to advance funds for this project from the Sewer Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED APRIL 6, 2015, AUTHORIZING THE  
ISSUANCE OF \$505,000 AGGREGATE PRINCIPAL AMOUNT SERIAL  
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF  
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS  
OF THE RECONSTRUCTION OF THE CITY SANITARY SEWER  
SYSTEM.**

**WHEREAS**, the Common Council of the City of White Plains (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of the City sanitary sewer system, 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 \$505,000, 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 \$505,000, pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of the City sanitary sewer system (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 \$505,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of

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

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 4 of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

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

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

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

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

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

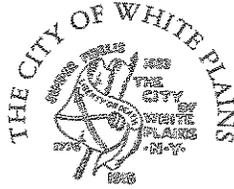
Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the

Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in

accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



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

**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:**

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended the including of rehabilitation work to the City's Municipal Building (City Hall). Specifically, the building's granite front entrance steps must be rehabilitated to prevent an unsafe or inoperative condition. This entails the removal and resetting of certain steps and landings, combined with re-grouting so as to seal the storage room below from the elements. Repair and/or replacement of the existing railings and handrails will also be undertaken.

This project concerns the design and construction and the production of bid-ready documents. The Commissioner of Public Works has estimated the City's cost of this effort to be \$250,000. A combination of in-house DPW engineers and consulting architects will perform the design work.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts as necessary and further to direct the Budget Director to amend the Capital Projects fund by establishing Capital Project No. C5446, entitled "**City Hall Front Steps**" with a budget as follows:

REVENUES

C5446-08810	Serial Bonds	<u>\$252,500</u>
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EXPENSES

C5446-4.005	Finance and Audit	\$ 2,500
C5446-8.106	Major Additions/Improvements	<u>250,000</u>
		<u>\$252,500</u>

Finally, it is requested that the sale of \$252,500 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

April 6, 2015



**ENVIRONMENTAL OFFICER**

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

March 25, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5446  
CITY HALL FRONT STEPS

The proposed Capital Project No. C5446, entitled "City Hall Front Steps," has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves repairs and maintenance for the City's Municipal Building (City Hall), specifically, the building's granite front entrance steps, railings and handrails.

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

It is recommended that the Common Council, (a) declare itself to be the Lead Agency for the environmental review of the Proposed Action; and (b) find the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings.

Respectfully submitted,

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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. C5446, CITY HALL FRONT STEPS

WHEREAS, the proposed Capital Project No. C5446, entitled "City Hall Front Stepsm," ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves repairs and maintenance to the City's Municipal Building (City Hall), specifically, the building's granite front entrance steps, railings and handrails; and

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

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; now, therefore, be it

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

RESOLVED, that the Common Council hereby determines that the Proposed Action is a Type II Action and that no additional SEQR review or finding is necessary.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ESTABLISHING CAPITAL PROJECT NO. C5446 ENTITLED, "CITY HALL FRONT STEPS."**

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

Section 1. As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended the inclusion of rehabilitation work to the City's Municipal Building (City Hall). Specifically, the building's front steps must be rehabilitated by the removal and resetting of certain steps and landings, combined with re-grouting so as to seal the storage room below from the elements. Repair and/or replacement of the existing railings and handrails will also be undertaken. This project concerns the design and construction and the production of bid-ready documents. The Commissioner of Public Works has estimated the City's cost of this effort to be \$250,000. A combination of in-house Department of Public Works engineers and consulting architects will perform the design work.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to undertake the aforementioned rehabilitation work. Said contract(s) shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for the City to effectuate the project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5446, entitled, "**City Hall Front Steps**," as follows:

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**REVENUES:**

C5446-08810	Serial Bonds	<u>\$252,500</u>
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**EXPENDITURES:**

C5446-4.005	Finance and Auditing	\$ 2,500
C5446-8.106	Major Additions/Improvements	<u>250,000</u>
		<u>\$252,500</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$252,500 and to advance funds for this project from the General Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED APRIL 6, 2015, AUTHORIZING THE  
ISSUANCE OF \$252,500 AGGREGATE PRINCIPAL AMOUNT SERIAL  
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF  
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS  
OF THE ACQUISITION AND RECONSTRUCTION OF CLASS A  
BUILDINGS FOR MUNICIPAL USE.**

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 acquisition and reconstruction of Class A buildings for municipal use, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$252,500, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the "Project");

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of White Plains, in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$252,500, pursuant to the Local Finance Law, in order to finance the costs of the acquisition and reconstruction of Class A buildings for municipal use (the "Project").

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$252,500, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of

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

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of "Class A" construction as that term is defined in the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

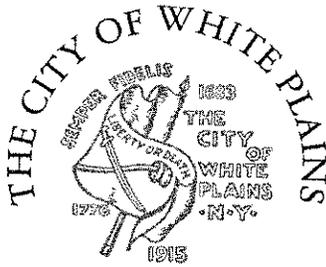
Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond ordinance by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on

behalf of the City, the commitment authorized by the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

**RICHARD G. HOPE**  
1<sup>ST</sup> DEPUTY COMMISSIONER

**BRIAN M. MURPHY**  
2<sup>ND</sup> DEPUTY COMMISSIONER

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

The City of White Plains is one member of Westchester County Water District No. 1, which is comprised of the territorial limits of the Cities of Yonkers, Mount Vernon, White Plains and the Village of Scarsdale; together, "WWD #1" was established by the County in 1964 for the purpose of facilitating delivery of "raw" drinking water to said member municipalities.

The Federal Government has determined that Westchester County, through WWD #1, is responsible for the implementation of the U.S. Safe Drinking Water Act ("SDWA"), 42 U.S.C., section 300f, et seq., (and the "LT2") so that the member municipalities can provide their customers with drinking water that is treated for Cryptosporidium.

To comply with these regulations, the Westchester County Department of Environmental Facilities, (DEF) conducted a search of potential properties to site a drinking water treatment facility. They determined that the construction of two (2) smaller plants, each located on City of White Plains property, is in the best interests of WWD #1. Both of our two (2) water treatment plants are directly affected, in that a County Ultraviolet (UV) facility would be placed at each location and operated by County personnel at the expense and benefit of the District.

In order for the County to utilize City land and facilities, we must enter in to an Inter-Municipal Agreement (IMA), subject to the approval of the White Plains Corporation Counsel.

The District will lease City property for a period of twenty (20) years, with an option for an additional twenty (20). The City's Department of Public Works' Engineering and Water Bureaus must continue to cooperate and assist the County DEF throughout the design, construction and operational phases.

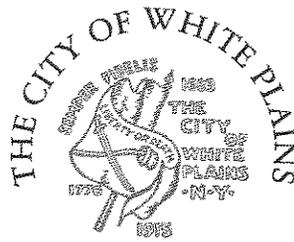
Submitted for your deliberation, is an ordinance authorizing the Mayor, or his designee, to execute the IMA and to direct the Commissioner of Public Works to complete the IMA requirements of the Westchester County D.E.F, regarding their UV facilities and LT2 compliance.

Respectfully submitted,

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

Dated: April 6, 2015

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**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

March 31, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY REGARDING  
THE INSTALLATION OF ULTRAVIOLET TREATMENT FACILITIES WITHIN THE  
CITY OF WHITE PLAINS WATER TREATMENT PLANTS.

The proposed Inter-municipal Agreement with Westchester County regarding the installation of ultraviolet treatment facilities within the City of White Plains water treatment plants ("IMA") ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The City of White Plains is one member of Westchester County Water District No. 1, which is comprised of the territorial limits of the Cities of Yonkers, Mount Vernon, White Plains and the Village of Scarsdale; together, "WWD #1". In order to comply with Safe Drinking Water Act standards, the Westchester County Department of Environmental Facilities proposes to design, construct and operate ultraviolet treatment facilities within the two existing City of White Plains water treatment plants at Cross Street/Central Avenue and Orchard Street.

In order for the County to utilize City land and facilities, the City we must enter in to an Inter-Municipal Agreement (IMA), subject to the approval of the White Plains Corporation Counsel.

This project represents a Type II Action under SEQR regulations in that it involves (a) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and (b) the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities. Type II actions are determined under SEQR regulations not to have a significant effect on the environment.

It is recommended that the Common Council (a) designate itself to be the Lead Agency for the environmental review of the Proposed Action; and (b) find the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings.

Respectfully submitted,

Rod Johnson  
Environmental Officer

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ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN  
INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR THE INSTALLATION  
OF ULTRAVIOLET TREATMENT FACILITIES WITHIN THE CITY OF WHITE PLAINS  
WATER TREATMENT PLANTS.

WHEREAS, the proposed Inter-municipal Agreement with Westchester County regarding the installation of ultraviolet treatment facilities within the City of White Plains water treatment plants ("IMA") ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the City of White Plains is one member of Westchester County Water District No. 1, which is comprised of the territorial limits of the Cities of Yonkers, Mount Vernon, White Plains and the Village of Scarsdale; and

WHEREAS, in order to comply with the Safe Drinking Water Act standards, the Westchester County Department of Environmental Facilities, proposes to design, construct and operate ultraviolet treatment facilities within the two existing City of White Plains water treatment plants at Cross Street/Central Avenue and Orchard Street; and

WHEREAS, in order for the County to utilize City land and facilities, the City we must enter into an Inter-Municipal Agreement (IMA), subject to the approval of the White Plains Corporation Counsel; and

WHEREAS, the Proposed Action represents a Type II Action under SEQR regulations in that it involves (a) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and (b) the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, designate 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; 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.

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN INTERMUNICIPAL AGREEMENT ("IMA") WITH THE COUNTY OF WESTCHESTER ("COUNTY"), THROUGH THE WESTCHESTER COUNTY WATER DISTRICT NO. 1 (WWD#1), FOR THE COUNTY TO UTILIZE CITY OF WHITE PLAINS LAND AND FACILITIES FOR TWO DRINKING WATER TREATMENT PLANTS TO BE OPERATED BY COUNTY PERSONNEL AT THE EXPENSE AND BENEFIT OF WWD#1.

WHEREAS, the City of White Plains is one member of Westchester County Water District No. 1 ("WWD#1"), which is comprised of the territorial limits of the Cities of Yonkers, Mount Vernon, and White Plains and the Village of Scarsdale, was established by the County of Westchester in 1964 for the purpose of facilitating delivery of "raw" drinking water to said member municipalities; and

WHEREAS, the Federal Government has determined that Westchester County through WWD#1, is responsible for the implementation of the U.S. Safe Drinking Act ("SDWA"), 42 U.S.C. Section 300f, et seq., (and the "LT2") so that the member municipalities can provide their customers with drinking water that is treated for Cryptosporidium; and

WHEREAS, to comply with these regulations, the Westchester County Department of Environmental Facilities (DEF) conducted a search of potential properties to site a drinking water treatment facility; and

WHEREAS, the DEF determined that the construction of two (2) smaller plants, each located on City of White Plains property, is in the best interests of WWD#1; both of the City's two

water treatment plants are directly affected, in that a County Ultraviolet (UV) facility would be placed at each location and operated by County personnel at the expense and benefit of the WWD#1; and

WHEREAS, in order for the County to utilize City of White Plains land and facilities, the City of White Plains must enter into an Intermunicipal Agreement (IMA) with the County, through the WWD#1, subject to the approval of the White Plains Corporation Counsel; and

WHEREAS, in accordance with the IMA, the WWD#1 will lease City of White Plains property for a period of twenty years, with an option for an additional twenty years; and

WHEREAS, the City's Department of Public Works' Engineering and Water Bureaus must continue to cooperate and assist the County DEF throughout the design, construction and operational phases; and

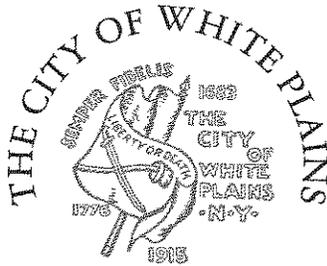
WHEREAS, it is in the best interests of the City of White Plains to execute an IMA with the County for the County to fulfill its responsibilities for water treatment under the U.S. Safe Drinking Water Act; now, therefore

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

Section 1. The Mayor or his designee is hereby authorized to execute an intermunicipal agreement (IMA) on behalf of the City of White Plains with the County of Westchester, through the Westchester County Water District No. 1 (WWD#1), to permit the County to utilize City of White Plains lands and facilities, for the construction of two County Ultraviolet (UV) water treatment facilities, placed at the City's two (2) water treatment plants, and operated by County personnel at the expense and benefit of the WWD#1. The WWD#1 will lease City property for a period of twenty years, with an option for an additional twenty years. The City's Department of Public Works' Engineering and Water Bureaus will continue to cooperate and assist the County Department of Environmental Facilities (DEF) throughout the design, construction and operational phases.

Section 2. The Mayor hereby further directs the Commissioner of Public Works to complete the IMA requirements of DEF regarding its UV facilities and LT2 compliance. The subject IMA shall be in a form acceptable to the White Plains Corporation Counsel.

Section 3. This ordinance shall take effect immediately.



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

**RICHARD G. HOPE**  
1<sup>ST</sup> DEPUTY COMMISSIONER

**BRIAN M. MURPHY**  
2<sup>ND</sup> DEPUTY COMMISSIONER

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

Although the City of White Plains Department of Public Works operates a composting facility (the Gedney Way Recycling Yard) to process wood waste, the Westchester County Department of Environmental Facilities' organic waste hauling contract has proven to be an operational asset.

To retain the services of the County's private contractor and continue receiving a County financial incentive for each ton disposed, we must renew the Inter-Municipal Agreement (IMA), subject to the approval of the White Plains Corporation Counsel.

Submitted for your deliberation, is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to complete the IMA requirements of the Westchester County D.E.F, regarding their Organic Yard Waste Transfer Program.

Respectfully submitted,

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

Dated: April 6, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A RENEWAL OF A FIVE (5) YEAR INTERMUNICIPAL AGREEMENT (“IMA”) WITH THE COUNTY OF WESTCHESTER FOR THE ORGANIC YARD WASTE TRANSFER PROGRAM.

WHEREAS, the County of Westchester initiated a program to assist municipalities with the removal and disposal of organic yard waste; and

WHEREAS, the aforementioned program initially was made available in 2003 and the term of the original intermunicipal agreement (IMA) entered into between the County and the City expired in early 2013; and

WHEREAS, this program is still being offered to the participating municipalities at a discounted rate, which discount is predicated on the tipping fee paid by the municipality to the Resource Recovery Facility, as that rate may be adjusted from time to time; and

WHEREAS, although the City of White Plains Department of Public Works operates a composting facility (Gedney Way Recycling Yard) to process wood waste, the Westchester County Department of Environmental Facilities’ organic waste hauling contract has proven to be an operational asset; and

WHEREAS, to retain the services of the County’s private contractor and continue receiving a County financial incentive for each ton disposed, the City must renew the IMA; and

WHEREAS, it is in the best interest of the City to continue this program and to enter into the IMA and to continue to participate in the organic yard waste transfer program.

NOW, THEREFORE,

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

Section 1. The Mayor, or his designee, be and the same, is hereby authorized to execute the renewal of a five (5) year intermunicipal agreement for the Organic Yard Waste Transfer Program with the County of Westchester on behalf of the City and to complete and execute all necessary documentation to complete this process. The term of the agreement shall commence April 1, 2013 and terminate March 31, 2018.

Section 2. The aforementioned intermunicipal agreement shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect April 1, 2013.



## 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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1<sup>ST</sup> DEPUTY COMMISSIONER

**BRIAN M. MURPHY**  
2<sup>ND</sup> DEPUTY COMMISSIONER

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

With the exception of the Downtown Criterium Bike Race, the Yoga/Health Fair, National Night Out on Crime and the International Jazz & Food Festival, the White Plains Business Improvement District (BID) is sponsoring a series of events in Downtown White Plains in the coming year including:

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#### **Rising Stars Sidewalk Sales**

Description: These sales are held on the sidewalk in front of participating BID retailers during business hours on:

April 15-18, 2015

May 3, 2015

May 20-24, 2015

June 14, 2015

September 24-27, 2015

October 11, 2015

#### **Sustain White Plains Celebration - April 18, 2015**

Time: 7 a.m. – 8 p.m. (Including set up and breakdown)

Description: Culmination of Earth Week in White Plains. Green exhibits, music and entertainment.

Additional: Outdoor cooking of food.

Street to be closed: Court Street between Martine and Main Street

#### **Cinco de Mayo - Sunday, May 3, 2015**

Time: 7 a.m.- 10 p.m. (Including set up and breakdown)

Description: A celebration of Cinco de Mayo including Mexican food, Latin music, band, DJ,

Additional: Outdoor cooking and the selling of alcohol.

Street to be closed: Mamaroneck Ave. from East Post Road to Maple Ave.

#### **Memorial Day Parade – Monday, May 25, 2015**

Description: March from Church Street and Main Street to White Plains Rural Cemetery.

Time: 10 a.m. – 1 p.m.

Location: Library Plaza to White Plains Rural Cemetery

**Juneteenth Parade – Saturday, June 13, 2015**

Time: Parade begins at 11am. Parade Route closure: 9am – 3pm, Festival begins at Noon: Court St. Closure: 7am - to 8pm.

Description: Parade to be followed by Festival: Entertainment on Showmobile, food cultural vendors and children's activities.

Streets to be closed: Mamaroneck Ave from Dekalb Ave to Main, Main St from MLK Blvd to N. Broadway. Festival: Court Street between Main and Quarropas Street.

**(Bid) White Plains Lifestyle and Leisure Expo - Sunday, June 14, 2015**

Time: 7 a.m. – 3:30 p.m. (Including set up and breakdown) Event will run from 10 a.m. – 2 p.m.

Description: Vendor expo highlighting lifestyle and leisure goods and activities coinciding with the Downtown Criterium bike race.

Additional: Activity and health demos, outdoor cooking of food and music.

Street to be closed: Court Street between Martine and Main Street.

**2<sup>nd</sup> Annual White Plains Downtown Criterium Bike Race and Vendor Expo – Highlighting Lifestyle and Leisure - , June 14, 2015**

Time: 4:30 a.m.- 3:30 p.m.

Description: A series of Bike Races for 5 different race categories attracting over 200 racers from 9 states. All proceeds will benefit the Westchester County Affiliate of the National Council on Alcoholism and Drug Dependence, Inc.

Streets to be closed: Court Street from Main Street to Martine Ave., Mamaroneck Ave. from Martine Ave. to Quarropas St., Martine Ave. from Quarropas St. to Martine Ave., Dr. Martin Luther King Blvd. from Quarropas St. to Martine Ave., and Martine Ave. from Dr. Martin Luther King Blvd. to Mamaroneck Ave., Mitchell Place will be two-way during the event.

**“Get On Your Mat for Mental Health” Yoga/Health Fair - Wednesday, June 17, 2015**

**Rain Date: Thursday, June 18, 2015**

Time: Following the International Market, 4 p.m. – 11 p.m.

Description: Modeled after the Yoga Event that takes place in Times Square on Summer Solstice, this is an event to raise awareness of mental needs in the community and to encourage activities which improve mental health and wellness. Every yoga studio in Westchester County is invited to partner with this event and is expected to draw between 500-750 residents/participants. Vendors providing informational materials, and pre-wrapped snacks will be set up on Court Street.

Streets to be closed: Court Street between Main Street and Martine Avenue.

**Youth Bureau Anniversary – June 20, 2015**

Time: Noon – 5 p.m., including set up and breakdown.

Description: Block Party style event to celebrate the Youth Bureau's 45<sup>th</sup> Anniversary.

Streets to be closed: Amherst Place between Main Street and Franklin Avenue.

**Dancing Under the Stars / Car Show - Wednesday, July 29, 2015**

Time: 4 p.m. – 11 p.m., including set up and breakdown.

Description: Car show, showmobile, concert, classic car show.

Streets to be closed: Court Street

**National Night Out on Crime - Tuesday, August 4, 2015**

Time: 12:30 p.m. – 11 p.m.

Description: An annual event hosted by the City.

Streets to be closed: Three lanes of South Lexington Avenue between Martine Avenue and Quarropas Street will be closed to vehicular traffic from the early afternoon until 11 p.m.

**JazzFest - Sunday, September 27, 2015**

Time: 6 a.m. – 7:30 p.m. (including setup and breakdown)

Description: Jazz music, food and fun.

Additional: Outdoor cooking of food.

Street to be closed: Mamaroneck Avenue between Main Street & Martine.

**Youth Bureau Wellness Week – Saturday, September 19, 2015**

Time: 9 a.m. – 6 p.m.

Description: Entertainment on Showmobile, various wellness vendors, Zumba, fitness centers

Streets to be closed: Court Street between Main and Martine Avenue

**Oktoberfest – Sunday, October 11, 2015**

Time: 6 a.m. – 10:30 p.m. (including setup and breakdown)

Description: A German festival featuring German food, culture and music

Additional: Outdoor cooking of food and selling of alcohol.

Streets to be closed: Mamaroneck Avenue between Maple Avenue and East Post Road.

**Halloween Trick & Treats Festival - Sunday, October 25, 2015**

Time: 7 a.m. – 9 p.m., including set up and break down.

Description: A Fall Halloween celebration with showmobile, stage performances vendors, inflatables and parade.

Streets to be closed: Court Street between Main and Martine.

**Winterfest - Friday, December 11 through Sunday, December 20, 2015**

Time: Streets will be closed beginning the evening of Friday 12/11/15 for set up through Sunday evening, 12/20/2015 for break down.

Hours of event:

- Wed – Thursday 11 a.m. – 7 p.m.
- Friday – Saturday 11 a.m. – 8 p.m.
- Sunday – 11 a.m. – 3 p.m.

Description: Winterfest offers a holiday experience featuring a mix of Artisan vendors who will present traditional foods, as well as arts and crafts. On weekends there will be programmed entertainment.

Streets to be Closed: Court Street between Martine and Main Streets.

**White Plains New Year's Eve Spectacular - Thursday, December 31, 2015**

Time: 2 p.m. – 2 a.m., including set up and break down.

The event itself will run from 10 p.m. – 12:30 a.m.

Description: New Year's Eve celebration, featuring music, entertainment and fireworks.

Streets to be closed: Mamaroneck Avenue from Main Street to Martine Avenue; Main Street from Dr. Martin Luther King Blvd. To North Broadway; Dr. Martin Luther King Blvd. from Quarropas Street to Main Street; Court Street from Martine Avenue to Main Street, and Martine Avenue from Mamaroneck Avenue to South Lexington Avenue.

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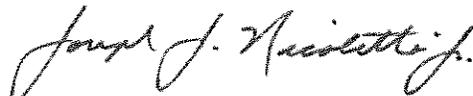
The sponsoring agency will secure insurance for each event.

The BID will secure insurance for their respective events and will notify the local businesses affected by the street closures. We ask that the Common Council waive all the deposits and permit fees for the Department of Public Works, Building Department and Public Safety Department.

The Department of Public Works has no objection to the concept of these affairs if offered in good taste and with proper consideration given to the convenience and safety of pedestrians, shoppers and the general public. This Department has conferred with the Departments of Parking and Public Safety and offers the following comments:

- I. The extended use of sidewalk areas, as proposed for retail sales purposes, will significantly increase the level of cleanup efforts required of the City. Although these additional cleanup services are most practically performed by the DPW, this should not relieve the individual merchants and property owners of their responsibilities to remove, as often as necessary, litter which accumulates around individual vending and display sites on the sidewalks. Permit fees and charges are requested to be waived for these events. The event sponsor will supply DPW with the appropriate policies.
- II. It is advised that no more than 40% of the width of any sidewalk be permitted to be occupied by merchandise or equipment and in any event, unobstructed passage of not less than six (6) feet in width be maintained at all times. In addition, no motor vehicles of any kind should be operated or parked on any sidewalk.
- III. No food shall be cooked on the public sidewalk, and the sale of any food shall be limited to food store owners within the area covered by this permit. Except where noted.
- IV. Although the Common Council routinely waives the permit fees and deposits for sidewalk fairs, the applicant must comply with the remaining Municipal Code provisions (such as insurance) which govern the use of public rights-of-way. Upon satisfactory compliance, a single applicant, such as the White Plains Business Improvement District, can be issued a blanket permit with which they can then orchestrate the sidewalk sale with the individual store owners. The Department of Public Works is expecting to then be supplied with a list of participating businesses.

Respectfully submitted,



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

Dated: April 6, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CLOSURE OF CERTAIN PORTIONS OF PUBLIC STREETS AND DESIGNATING APRIL 15, 2015 THROUGH APRIL 18, 2015, MAY 3, 2015, MAY 20, 2015 THROUGH MAY 24, 2015, JUNE 14, 2015, SEPTEMBER 24, 2015 THROUGH SEPTEMBER 27, 2015, AND OCTOBER 11, 2015, AS THE WHITE PLAINS DOWNTOWN "RISING STARS SIDEWALK SALES" DAYS; MAY 3, 2015, AS "CINCO DE MAYO;" APRIL 18, 2015 AS "SUSTAIN WHITE PLAINS"; MAY 25, 2015 AS THE MEMORIAL DAY PARADE; JUNE 14, 2015 AS "THE ANNUAL WHITE PLAINS DOWNTOWN CRITERIUM BIKE RACE AND VENDOR EXPO- HIGHLIGHTING LIFESTYLE AND LEISURE ; JUNE 13, 2015 AS THE JUNETEENTH PARADE AND FESTIVAL; JUNE 17, 2015, AS "GET ON YOUR MAT FOR MENTAL HEALTH "YOGA/ HEALTH FAIR (RAINDATE JUNE 18, 2015); JUNE 20, 2015, YOUTH BUREAU ANNIVERSARY; JULY 29, 2015, AS THE "DANCING UNDER THE STARS/CAR SHOW;" AUGUST 4, 2015 AS NATIONAL NIGHT OUT ON CRIME; SEPTEMBER 27, 2015, AS JAZZFEST;" SEPTEMBER 19, 2015, AS YOUTH BUREAU WELLNESS WEEK; OCTOBER 11, 2015, AS "OKTOBERFEST;" OCTOBER 25, 2015, AS THE "HALLOWEEN TRICK & TREATS FESTIVAL;" DECEMBER 12, 2015 THROUGH DECEMBER 20, 2015 AS "WINTERFEST;" AND DECEMBER 31, 2015 AND JANUARY 1, 2016, AS THE "WHITE PLAINS NEW YEAR'S EVE SPECTACULAR."

WHEREAS, the City of White Plains has received a number of requests for permission to hold the following events:

(1) "Rising Star Sidewalk Sales," sponsored by the White Plains Business Improvement District (BID), within BID boundaries, to be held on the sidewalk portions of the public rights-of-way in front of participating BID retailers during business hours on Wednesday, April 15, 2015 through Saturday, April 18, 2015; Sunday, May 3, 2015; Wednesday, May 20, 2015 through Sunday, May 24, 2015; Sunday, June 14, 2015; Thursday, September 24, 2015 through Sunday, September 27, 2015, and October 11, 2015; and

(2) “Sustain White Plains ,” sponsored by the BID, on Saturday, April 18, 2015 from 7 a.m. to 8 p.m.(including set up and breakdown), an informational event with vendors displaying and providing information about Earth Day and how to sustain the environment, Green exhibits, music and entertainment, at Court Street between Martine Avenue and Main Street; and

(3) “Cinco de Mayo,” sponsored by the BID, on Sunday, May 3, 2015, from 7:00 a.m to 10:00 p.m., a celebration of Cinco de Mayo, including Mexican food, Latin music, DJ, with outdoor cooking and the selling of alcohol, on Mamaroneck Avenue from East Post Road to Maple Avenue; and

(4) “Memorial Day Parade,” on Monday, May 25, 2015, from 10:00 a.m. to 1:00 p.m., a march from Library Plaza to White Plains Rural Cemetery, at Church Street and Main Street to the White Plains Rural Cemetery; and

(5) “The Annual White Plains Downtown Criterium Bike Race and Vendor Expo, Highlighting White Plains Lifestyle and Leisure ,” featuring a series of bike races for five different race categories attracting over 200 racers from nine states, with all proceeds to benefit the Westchester County Affiliate of the National Council on Alcoholism and Drug Dependence, Inc., and a vender expo, highlighting lifestyle and leisure goods and activities, and activity and health demos, and outdoor cooking of food and music, coinciding with the bike race, on Sunday, June 14, 2015, starting at 4:30 a.m. through 3:30 p.m., on Court Street from Main Street to Martine Avenue; Mamaroneck Avenue from Martine Avenue to Quarropas Street; Martine Avenue from Quarropas

Street to Martine Avenue; Dr. Martin Luther King, Jr. Blvd from Quarropas Street to Martine Avenue; and Martine Avenue from Dr. Martin Luther King, Jr. Blvd to Mamaroneck Avenue; and Mitchell Place will be a two-way street during the event; and

(6) Juneteenth Parade and Festival, on Saturday, June 13, 2015, from 9 a.m. to 4 p.m.(parade), festival begins at noon; Court Street to be closed from 7 a.m. to 8 p.m.; parade to be followed by Festival Entertainment on Showmobile, food cultural vendors and children's activities; streets to be closed: Mamaroneck Avenue from Dekalb Avenue to Main Street, Main Street from Dr. Martin Luther King, Jr. Boulevard to North Broadway (parade); Court Street between Main Street and Quarropas Street (festival); and

(7) "Get on Your Mat for Mental Health" Yoga/Health Fair, on Wednesday June 17, 2015 (rain date, June 18, 2015), from 4:00 p.m. to 11 p.m., modeled after the Yoga Event that takes place in Times Square on Summer Solstice, this is an event to raise awareness of mental needs in the community and to encourage activities which improve mental health and awareness, on Court Street between Main Street and Martine Avenue; and

(8) "Youth Bureau Anniversary," on Saturday, June 20, 2015, from noon-5:00 p.m., including set up and breakdown, block style event to celebrate the Youth Bureau's 45<sup>th</sup> anniversary, on Amherst Place between Main Street and Franklin Avenue; and

(9) "Dancing under the Stars/Car Show," on Wednesday, July 29, 2015, from 4:00

p.m. to 11 p.m., including set up and breakdown, showmobile, concert, classic car show, on Court Street; and

(10) “National Night Out on Crime”, on Tuesday, August 4, 2015, on three lanes of South Lexington Avenue between Martine Avenue and Quarropas Street, from approximately noon until 11p.m.; and

(11) “JazzFest,” on Sunday, September 27, 2015, from 7 a.m. to 7:30 p.m., including setup and breakdown, with jazz music, food and fun with outdoor cooking, on Mamaroneck Avenue between Main Street and Martine Avenue; and

(12) Youth Bureau Wellness Week, on Saturday, September 19, 2015, from 9 a.m. to 6 p.m., including set up and breakdown, featuring entertainment on a Showmobile, various wellness vendors, Zumba, fitness centers, on Court Street between Main Street and Martine Avenue; and

(13) “Oktoberfest,” sponsored by the BID, on Sunday, October 11, 2015, from 6 a.m. to 11:30 p.m., including set up and breakdown, which is a German festival featuring German food, culture and music with outdoor cooking and selling of alcohol, on Mamaroneck Avenue between Maple Avenue and East Post Road; and

(14) “Halloween Trick & Treats Festival,” on Sunday, October 25, 2015, from 7:00

a.m. to 9:00 p.m., including setup and breakdown, which is a Fall Halloween celebration with showmobile, stage performance vendors, inflatables and parade, on Court Street between Main Street and Martine Avenue; and

(15) “Winterfest,” on Friday, December 11, 2015 through Sunday, December 20, 2015, including setup and breakdown, as follows: streets will be closed beginning the evening of Friday, December 11, 2015 for setup through Sunday, December 20, 2015 for breakdown, on Court Street between Martine Avenue and Main Street; Wednesday, December 16, 2015 to Thursday, December 17, 2015, from 11:00 a.m. to 7:00 p.m., Friday, December 18, 2015 to Saturday, December 19, 2015, from 11:00 a.m. to 8:00 p.m., and Sunday, 11:00 a.m. to 3:00 p.m., with breakdown Sunday evening; Winterfest offers a holiday experience featuring a mix of Artisan vendors who will present traditional foods, as well as arts and crafts, and on weekends, programmed entertainment;

(16) “White Plains New Year’s Eve Spectacular,” sponsored by the BID, starting on Thursday, December 31, 2015 at 2 p.m. through 2 a.m. on January 1, 2016, a New Year’s Eve celebration, featuring music, entertainment and fireworks, on Mamaroneck Avenue from Main Street to Martine Avenue; Main Street from Dr. Martin Luther King, Jr. Blvd to North Broadway; Dr. Martin Luther King, Jr. Blvd, from Quarropas Street to Main Street; Court Street from Martine Avenue to Main Street; and Martine Avenue from Mamaroneck Avenue to South Lexington Avenue; and

WHEREAS, the BID has indicated that it will apply to the Commissioner of Public Works for a sidewalk obstruction permit for its respective events; and

WHEREAS, the City is desirous of granting permission for the requests for the aforementioned events; now, therefore,

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

Section 1. The following portion(s) of public streets shall be closed for the purposes as set forth herein:

(1) "Rising Star Sidewalk Sales," sponsored by the White Plains Business Improvement District (BID), within BID boundaries, to be held on the sidewalk portions of the public rights-of-way in front of participating BID retailers during business hours on Wednesday, April 15, 2015 through Saturday, April 18, 2015; Sunday, May 3, 2015; Wednesday, May 20, 2015 through Sunday, May 24, 2015; Saturday, June 14, 2015; Saturday, June 14, 2015; Thursday, September 24, 2015 through Saturday, September 27, 2015, and Saturday, October 11, 2015; and

(2) "Sustain White Plains," sponsored by the BID, on Saturday, April 18, 2015 from 7 a.m. to 8 p.m. (including set up and breakdown), an informational event with vendors displaying and providing information about Earth Day and how to sustain the environment, Green exhibits,

music and entertainment, on Mamaroneck Avenue from Main Street to Martine Avenue; and

(3) “Cinco de Mayo,” sponsored by the BID, on Sunday, May 3, 2015, from 7:00 a.m. to 10:00 p.m., a celebration of Cinco de Mayo, including Mexican food, Latin music, DJ, with outdoor cooking and the selling of alcohol, on Mamaroneck Avenue from East Post Road to Maple Avenue; and

(4) “Memorial Day Parade,” on Monday, May 25, 2015, from 10:00 a.m. to 1:00 p.m., a march from Library Plaza to White Plains Rural Cemetery, at Church Street and Main Street to the White Plains Rural Cemetery; and

(5) “The Annual White Plains Downtown Criterium Bike Race and Vendor Expo, Highlighting White Plains Lifestyle and Leisure,” featuring a series of bike races for five different race categories attracting over 200 racers from nine states, with all proceeds to benefit the Westchester County Affiliate of the National Council on Alcoholism and Drug Dependence, Inc., and vendor expo, highlighting lifestyle and leisure goods and activities, and activity and health demos, and outdoor cooking of food and music, coinciding with the bike race on Sunday, June 14, 2015, starting at 4:30 a.m. through 3:30 p.m., on Court Street from Main Street to Martine Avenue; Mamaroneck Avenue from Martine Avenue to Quarropas Street; Martine Avenue from Quarropas Street to Martine Avenue; Dr. Martin Luther King, Jr. Blvd from Quarropas Street to Martine Avenue; and Martine Avenue from Dr. Martin Luther King, Jr. Blvd to Mamaroneck Avenue; and Mitchell Place will be a two-way street during the event; and

(6) Juneteenth Parade and Festival, on Saturday, June 13, 2015, from 9 a.m. to 4 p.m.(parade), festival begins at noon; Court Street to be closed from 7:00 a.m. to 8:00 p.m.; parade to be followed by Festival Entertainment on Showmobile, food cultural vendors and children's activities; streets to be closed: Mamaroneck Avenue from Dekalb Avenue to Main Street; Main Street from Dr. Martin Luther King, Jr. Boulevard to North Broadway (parade); Court Street between Main Street and Martine Avenue (festival); and

(7) "Get on Your Mat for Mental Health" Yoga/Health Fair, on Wednesday June 17, 2015 (rain date, June 18, 2015), from 4:00 p.m. to 11 p.m., modeled after the Yoga Event that takes place in Times Square on Summer Solstice, this is an event to raise awareness of mental needs in the community and to encourage activities which improve mental health and awareness, on Court Street between Main Street and Martine Avenue; and

(8) "Youth Bureau Anniversary," on Saturday, June 20, 2015, from noon-5:00 p.m., including set up and breakdown, block stsytle event to celebrate the Youth Bureau's 45<sup>th</sup> anniversary, on Amherst Place between Main Street and Franklin Avenue; and

(9) "Dancing under the Stars/Car Show," on Wednesday, July 29, 2015, from 4:00 p.m. to 11:00 p.m., including set up and breakdown, showmobile, concert, classic car show, on Court Street.

(10) “National Night Out on Crime”, on Tuesday, August 4, 2015, on three lanes of South Lexington Avenue between Martine Avenue and Quarropas Street, from approximately noon until 11:00 p.m.; and

(11) “JazzFest,” on Sunday, September 27, 2015, from 7:00 a.m. to 7:30 p.m., including setup and breakdown, with jazz music, food and fun with outdoor cooking, on Mamaroneck Avenue between Main Street and Martine Avenue; and

(12) Youth Bureau Wellness Week, on Saturday, September 19, 2015, from 9:00 a.m. to 6:00 p.m., including set up and breakdown, featuring entertainment on a Showmobile, various wellness vendors, Zumba, fitness centers, on Court Street between Main Street and Martine Avenue; and

(13) “Oktoberfest,” sponsored by the BID, on Sunday, October 11, 2015, from 6:00 a.m. to 11:30 p.m., including set up and breakdown, which is a German festival featuring German food, culture and music with outdoor cooking and selling of alcohol, on Mamaroneck Avenue between Maple Avenue and East Post Road; and

(14) “Halloween Trick & Treats Festival,” on Sunday, October 25, 2015, from 7:00 a.m. to 9:00 p.m., including setup and breakdown, which is a Fall Halloween celebration with showmobile, stage performance vendors, inflatables and parade, on Court Street between Main Street and Martine Avenue; and

(15) "Winterfest," on Friday, December 11, 2015 through Sunday, December 20, 2015, including setup and breakdown, as follows: streets will be closed beginning the evening of Friday, December 11, 2015 for setup through Sunday, December 20, 2015 for breakdown, on Court Street between Martine Avenue and Main Street; Wednesday, December 16, 2015 to Thursday, December 17, 2015, from 11:00 a.m. to 7:00 p.m., Friday, December 18, 2015 to Saturday, December 19, 2015, from 11:00 a.m. to 8:00 p.m., and Sunday, 11:00 a.m. to 3:00 p.m., with breakdown Sunday evening; Winterfest offers a holiday experience featuring a mix of Artisan vendors who will present traditional foods, as well as arts and crafts, and on weekends, programmed entertainment; and

(16) "White Plains New Year's Eve Spectacular," sponsored by the BID, starting on Thursday, December 31, 2015 at 2:00 p.m. through 2:00 a.m. on January 1, 2016, a New Year's Eve celebration, featuring music, entertainment and fireworks, on Mamaroneck Avenue from Main Street to Martine Avenue; Main Street from Dr. Martin Luther King, Jr. Blvd to North Broadway; Dr. Martin Luther King, Jr. Blvd, from Quarropas Street to Main Street; Court Street from Martine Avenue to Main Street; and Martine Avenue from Mamaroneck Avenue to South Lexington Avenue.

Section 2. The aforementioned street closing times shall also be as consistent with the schedule as practicable by the City's Department of Public Safety and subject to any necessary adjustments by the Department of Public Safety.

Section 3. The sponsoring agency will secure insurance for each event. The BID will

secure insurance for their respective events and will notify the local businesses affected by the street closures.

Section 4. Any fee or deposit(s) for the issuance of sidewalk obstruction permits to the sponsors, as may be required by an ordinance establishing Rules and Regulations for Sidewalks, Curbs and Driveways and Controlling Street Openings and Street Obstructions, shall be hereby waived for the aforementioned events as well as those fees and deposits required by the Departments of Building and Public Safety. The sponsors shall supply the Commissioner of Public Works with the appropriate policies for their respective events.

Section 5. No more than 40% of the width of any sidewalk shall be permitted to be occupied by merchandise and/or equipment or otherwise obstructed, and in any event, unobstructed passage not less than six (6) feet in width be maintained at all times. In addition, no motor vehicles of any kind should be operated or parked on any sidewalk.

Section 6. Except where otherwise provided in this ordinance herein, no food shall be cooked on the public sidewalk, and the sale of any food for this affair shall be limited to food store owners within the area covered by this permit.

Section 7. The sponsors shall comply with the remaining White Plains Municipal Code provisions (such as proof of insurance) which govern the use of public rights-of-way. Upon satisfactory compliance, a single applicant, such as the BID, can be issued a blanket permit which

the Applicant can then orchestrate the sidewalk sale with the individual store owners. The Department of Public Works is expecting to then be supplied with a list of participating businesses.

Section 8. The extended use of sidewalk areas, as proposed for retail sales purposes, will significantly increase the level of cleanup efforts required of the City, and that although these additional cleanups are most practically performed by the City's Department of Public Works, this shall not relieve the individual merchants and property owners of their responsibilities to remove as often as necessary, litter which accumulates around individual vending and display sites on the sidewalks.

Section 9. This ordinance shall take effect immediately.



**DEPARTMENT OF FINANCE**

255 Main Street – Suite 102 – 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:**

On October 6, 1997 the Common Council adopted Local Law No. 4 of 1997, which established the White Plains Downtown Business Improvement District (District) and provided that the District would be operated by the White Plains Downtown District Management Association Inc. (Association) in accordance with the District Plan (Plan) filed in the City Clerk's office on June 23, 1997.

Pursuant to Local Law No. 4 of 1997, as amended by Local Laws No. 1 of 2002 and No. 1 of 2006 the amount of the special assessments to be imposed on the properties in the District was to be set by the Association in an amount not to exceed \$750,000 for subsequent fiscal years

The Association has notified the City Commissioner of Finance that at a meeting held by the Association's Board of Directors on March 4, 2015 the Association had established a budget for the District requesting \$665,000 be levied as District charges for the 2015-2016 fiscal year ending June 30, 2016.

Submitted for your consideration is an ordinance accepting the budget approved by the Association and directing the City Commissioner of Finance to prepare an assessment roll in a total amount of \$665,000 based upon the District Plan of the White Plains Downtown Business Improvement District, which requires the special assessment to be apportioned as detailed in Section V(B)(2) of the District Plan adopted by Local Law No. 4 of 1997.

Michael A. Genito  
Commissioner of Finance

Dated: March 24, 2015  
(For the Common Council Meeting of April 6, 2015)

**AN ORDINANCE ACCEPTING THE 2015-2016 BUDGET FOR THE WHITE PLAINS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL BASED THEREON.**

WHEREAS, pursuant to Local Law No. 4 of 1997, the Common Council created the White Plains Downtown Business Improvement District, which would be operated in accordance with the White Plains Downtown Business Improvement District Plan filed in the City Clerk's office on June 23, 1997, as amended; and

WHEREAS, pursuant to Local Law No. 4 of 1997, as amended by Local Laws No. 1 of 2002 and No. 1 of 2006 the amount of the special assessments to be imposed on the properties in the White Plains Downtown Business Improvement District was to be set by the White Plains Downtown District Management Association, Inc. in an amount not to exceed \$750,000 for subsequent fiscal years; and

WHEREAS, the White Plains Downtown Business Improvement District notified the Commissioner of Finance that the White Plains Downtown District Management Association, Inc., at a meeting held on March 4, 2015, had established a budget for the District requesting \$665,000 be levied as district charges for the 2015-2016 fiscal year ending June 30, 2016; and now therefore

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

Section 1. The amount of the budget proposed by the White Plains Downtown District Management Association, Inc. is hereby accepted. The Department of Finance is directed to prepare an assessment roll in a total amount of \$665,000 based upon the District Plan of the White Plains Downtown Business Improvement District which requires the special assessment to be apportioned as detailed in Section V(B)(2) of the District Plan adopted by Local Law No. 4 of 1997.

§2. This ordinance shall take effect immediately.

WHITE PLAINS DOWN TOWN DIST. MINGI. ASSOC.  
Profit & Loss Budget vs. Actual

	2015/2016 Budget
Ordinary Income/Expense	
Income	
4000-00 · Interest	
4000-30 · Chase Checking Interest Credit	0.00
4000-85 · Webster Bank -50133	1,200.00
<b>Total 4000-00 · Interest</b>	<b>1,200.00</b>
4000-06 · Contract - City of White Plains	665,000.00
4000-18 · Refunds	0.00
4100-00 · Special Events and Promotions	
4100-11 · Dining Guides	0.00
4100-16 · New Year's Eve Gala	26,000.00
4100-20 · Small Business Expo (Sm Business Expo)	0.00
4100-35 · Shop White Plains Discount Card	50.00
4100-38 · Oktoberfest	60,000.00
4100-43 · White Plains Earth Week	18,000.00
4100-50 · Cinco De Mayo	30,000.00
4100-52 · Lifestyle and Leisure Expo	6,000.00
4100-05 · Int. Food & Jazz Fest - Prev. Yr.	0.00
4100-51 · CityFest	0.00
4100-55 · Jazz Fest	3,000.00
<b>Total 4100-00 · Special Events and Promotions</b>	<b>143,050.00</b>
4300-00 · Donations	22,500.00
<b>Total Income</b>	<b>831,750.00</b>
Expense	
5001-00 · Salaries	297,240.00
5002-00 · Employee Benefits	10,500.00
5003-00 · Insurance	12,000.00
5004-00 · Payroll Taxes	24,500.00
5005-00 · Misc. Payroll Expenses	0.00

WHITE PLAINS TOWN DIST. MNGT. ASSOC.  
Profit & Loss Budget vs. Actual

2015/2016

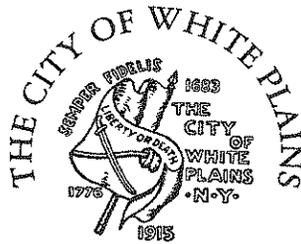
	Budget
5005-01 · Payroll - Processing & Delivery	5,000.00
5005-00 · Misc. Payroll Exp	0.00
5500-00 · BID Operating Expense	
5500-01 · Accounting	8,500.00
5500-02 · Advertising	4,000.00
5500-04 · Bank Charges	200.00
5500-05 · Bank/Credit Card Fees (Fees charge by credit card and banks)	5.00
5500-10 · Clean-up Previous Years	0.00
5500-11 · Computer Maintenance	1,000.00
5500-12 · Conference and Seminars	1,000.00
5500-13 · Consultant- Other	2,600.00
5500-16 · Depreciation	1,000.00
5500-19 · Dues and Subscriptions	2,000.00
5500-22 · Equipment	2,500.00
5500-28 · Legal	6,000.00
5500-29 · Meals	800.00
5500-30 · Meetings	3,800.00
5500-31 · Miscellaneous	500.00
5500-32 · New York State- Filing Fees	200.00
5500-33 · Office Furniture	1,000.00
5500-34 · Office Supplies	4,000.00
5500-36 · Office Support Other	0.00
5500-37 · Permits	1,000.00
5500-38 · Petty Cash	600.00
5500-39 · Postage and Fed Ex	800.00
5500-40 · Printing	500.00
5500-42 · Real Estate Taxes	400.00
5500-43 · Rent and Utilities	48,000.00
5500-46 · Telephone	6,000.00
5500-48 · Travel	500.00
<b>Total 5500-00 · BID Operating Expense</b>	<b>446,145.00</b>

**WHITE PLAINS DOWNTOWN DIST. MNGT. ASSOC.  
 Profit & Loss Budget vs. Actual**

2015/2016

	<u>Budget</u>
5501-00 · BID Special Projects	
5501-01 · Downtown Retail Market Analysis	0.00
5501-02 · Website Redesign	0.00
<b>Total 5501-00 · BID Special Projects</b>	<u>0.00</u>
5600-00 · Clean Sweep Program	
5600-01 · Clean Sweep - Equipment	4,000.00
5600-02 · Clean Sweep Supplies	8,000.00
5600-03 · Clean Sweep Mthly/Maint. Costs	120,000.00
5600-04 · Gumbusters	12,000.00
<b>Total 5600-00 · Clean Sweep Program</b>	<u>144,000.00</u>
5602-00 · Street Planters	<b>8,500.00</b>
6000-00 · BID-Special Events & Promotions	
6000-03 · Cinco De Mayo	50,200.00
6000-20 · Jazz Fest	20,000.00
6000-26 · New Years Eve Gala	48,000.00
6000-35 · Shopping Promotion	2,500.00
6000-55 · St. Patrick's Day	4,000.00
6000-84 · Small Business Saturday	5,000.00
6001-01 · Shop White Plains Discount Card	2,000.00
6001-04 · Oktoberfest	62,000.00
6001-08 · White Plains Earth Week	25,000.00
6001-15 · Restaurant Guide	0.00
6001-15 · Special events and promotions other	0.00
6001-20 · Lifestyle & Leisure	13,000.00
6001-00 · Special Events and Promotions other	0.00
<b>Total 6000-00 · BID-Special Events &amp; Promotions</b>	<u>231,700.00</u>
<b>Total Expense</b>	<u>830,345.00</u>
<b>Net Ordinary Income</b>	<u>1,405.00</u>
<b>Net Income</b>	<u>1,405.00</u>

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: Off-Site Parking for City of White Plains Fourth of July Celebration

This year, the City's Independence Day Celebration is scheduled to take place on Wednesday, July 1, 2015 with Thursday, July 2, 2015, as the rain date.

As has been the practice for many years, the City of White Plains Department of Recreation and Parks is desirous of utilizing the private parking lots located at 707/709 Westchester Avenue and 925/1025 Westchester Avenue to support the parking in connection with the annual Independence Day Celebration held at White Plains High School.

The owners of the property are willing to allow the City to use these parking lots from 5:30 p.m. through 10:30 p.m. as usual, with no cost to the City so long as the City indemnifies the owners for the use of their property.

Permission is thereby requested to authorize the Mayor to enter into a license agreement with the owners of said properties with an appropriate indemnification provision as required by the Corporation Counsel's office.

Respectfully submitted,

Wayne D. Bass, Commissioner  
Department of Recreation and Parks

Date: April 6, 2015

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH 707/709 WESTCHESTER AVENUE SPE LLC AND 925/1025 WESTCHESTER AVENUE SPE LLC FOR USE OF THEIR PARKING LOTS IN CONNECTION WITH THE CITY OF WHITE PLAINS INDEPENDENCE DAY FIREWORKS DISPLAY CELEBRATION.

WHEREAS, the City of White Plains desires to utilize the private parking lots located at 707/709 and 925/1025 Westchester Avenue for parking in connection with the annual fireworks display held at White Plains High School scheduled for Wednesday July 1, 2015 with a rain date of Thursday, July 2, 2015; and

WHEREAS, the owners of said properties, 707/709 Westchester Avenue SPE LLC and 925/1025 Westchester Avenue SPE LLC are willing to allow the use of their property from 5:30 PM to 10:30 PM on July 1, 2015, with a rain date of July 2, 2015, at no cost to the City of White Plains provided the City indemnifies said owners for the use of the property; and

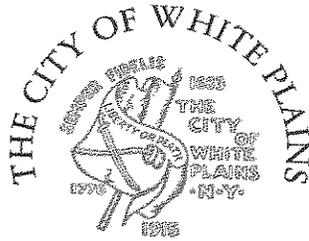
WHEREAS, this license agreement would appear to be in the best interests of the City; now, therefore

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

Section 1. The Mayor or his designee is hereby authorized to execute a revocable license agreement with 707/709 Westchester Avenue SPE LLC and 925/1025 Westchester Avenue SPE LLC for use of their parking lots on July 1, 2015 with a rain date of July 2, 2015 for parking

purposes in connection with the City of White Plains fireworks display, for no monetary consideration, but with an appropriate indemnification provision, and upon such other terms and conditions as are in the best interest of the City, in a form to be approved by the Corporation Counsel.

Section 2. 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

LINDA K. PUOPLO  
ACTING COMMISSIONER

DATE: March 23, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: TRANSFER OF FUNDS IN COMMUNITY DEVELOPMENT PROGRAM BUDGET

Part of managing the CDBG program involves periodic reviews of program performance, unexpended balances, and current needs to determine the appropriate allocation of program funds. Community Development Program administrative staff has reviewed current program funding requirements and balances as part of Community Development Program review of the City's 2014-15 Community Development Budget.

The reallocations shown in the accompanying ordinance reflect the need for increased funds for program services. Program services funds are used to support activities such as Special Rehabilitation, the Home Safety Initiative, Public Facility Improvements including parks, etc. Funds are being reallocated from public service organizations that did not use their allotted public service grant awards during their designated contract periods and from unused Community Development Administration funds.

Submitted herewith for your consideration is an ordinance authorizing the reallocations described in this communication.

Respectfully submitted,

Linda K. Puoplo  
Acting Commissioner of Planning as  
Community Development Administrator

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT FUND BUDGET BY REPROGRAMMING FUNDS FROM PREVIOUS COMMUNITY DEVELOPMENT PROGRAM YEARS.

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

Section 1. Amendment of the Community Development Fund Budgets for previous program years is hereby authorized to reprogram and reallocate funds from Program Years 38, 39 and 40

Section 2. The Mayor is hereby authorized to direct the Budget Director to make the following transfers:

**Appropriations:**

**From Year 38**

13709-4.023	Program Services (Centro Hispano)	\$ <u>3</u>
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**From Year 39**

14005-4.023	Program Services (Rehabilitation Administration)	\$ 17,470
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14090-4.023	Program Services (CD Administration)	31,350
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14269-4.023	Program Services (CD '14 CWP Parks)	1,569
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14740-4.023	Program Services (Ecumenical Food Pantry)	369 <u>\$ 50,758</u>
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**From Year 40**

15774-4.023	Program Services (Westchester Coalition Homeless)	<u>\$ 4,500</u>
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**To Year 40**

15005-4.023	Program Services (Rehabilitation Administration)	\$ 54,961
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15709-4.023	Program Services (Centro Hispano)	300 <u>\$ 55,261</u>
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**Revenues:**

**From Year 38**

CD2013-02203	CD Grant Year 2013	<u>\$ 3</u>
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**From Year 39**

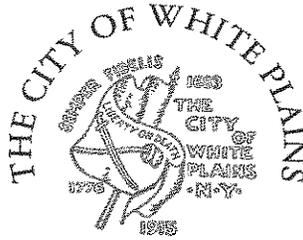
CD2014-02203	CD Grant Year 2014	<u>\$ 50,758</u>
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**To Year 40**

CD2015-02203	CD Grant Year 2015	<u>\$ 50,761</u>
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Section 3. The Mayor is hereby authorized to direct the Budget Director to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect immediately.



**DEPARTMENT OF PLANNING  
COMMUNITY DEVELOPMENT PROGRAM**

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

THOMAS M. ROACH  
MAYOR

LINDA K. PUOPLO  
ACTING COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: AUTHORIZATION FOR A COMMUNITY DEVELOPMENT SPECIAL REHABILITATION LOAN OF UP TO \$120,000 FOR THE WHITE PLAINS HOUSING AUTHORITY, 120 LAKE STREET.

## INTRODUCTION

This communication provides the considerations and recommendations of the Special Rehabilitation Committee and the Planning Department regarding an application by the White Plains Housing Authority for no-interest financing from the City of White Plains Special Rehabilitation Program to improve the safety and security of the residents of its building at 120 Lake Street in White Plains through upgrading the security system of the building.

## SPECIAL REHABILITATION PROGRAM

The City's Special Rehabilitation Program is made possible by federal Community Development Block Grant (CDBG) funds provided by the U.S. Housing and Urban Development Department and disbursed by the City of White Plains. The CDBG program promotes viable communities for persons of low- and moderate-income through the provision of quality affordable housing, suitable living environments, and opportunities for economic expansion.

The City's Special Rehabilitation Program provides financial assistance to owners of special housing resources and charitable or not-for-profit organizations with insufficient financial resources to make necessary repairs to their properties. Specifically, the City's Community Development Rehabilitation Program Guidelines ("CD Rehabilitation Guidelines") state that loans can be provided to support rehabilitation of properties owned and/or operated by such organizations. Loans may be made to not-for-profit organizations that provide any of the following:

- Open market housing for low and moderate income families or individuals
- Open market special housing resource for low and moderate income families or individuals
- Unique educational, social, and/or recreational service programs for low and moderate income City residents
- Other housing resources

## APPLICATION PROCESS

As required by Community Development Rehabilitation Program Guidelines, all requests for financing from the Community Development Special Rehabilitation Loan Program were reviewed by the Special Rehabilitation Committee, consisting of the Commissioners of Planning, Building, Finance, and Law, and two representatives from the Community Development Citizens Advisory Committee (CDCAC).

The Committee met on April 2, 2015 to discuss the proposal received from the White Plains Housing Authority. Present at the Special Rehabilitation Committee meeting were a quorum of the members, including:

- Linda Puoplo, Chair of the Special Rehabilitation Loan Committee and Acting Commissioner of Planning/Community Development
- Damon Amadio, Commissioner of Building
- Michael Genito, Commissioner of Finance
- Wade Hardy, CDCAC member
- Dennis Power, CDCAC Chair

Also present was the following staff of the City of White Plains Planning Department and Community Development Program:

- Grace Medina, Community Development Assistant
- Edward Nixon, Community Development Rehabilitation Officer

Mack Carter, Executive Director of the White Plains Housing Authority, also attended the meeting.

## PROJECT DESCRIPTION

### ORGANIZATION AND MISSION

The Mission of the White Plains Housing Authority is to provide and facilitate the availability of decent and affordable housing in a safe and secured living environment, improve neighborhoods and the quality of life for low and moderate-income residents throughout the City of White Plains. In order to fulfill this mission, the White Plains Housing Authority must preserve its aging housing stock through timely maintenance and modernization of our developments. While continuing this effort, the WPHA has made customer care the top priority thereby providing outstanding, efficient, and compassionate service to the residents, with the residents, and by the residents.

Since 1974, the City of White Plains Housing Authority (WPHA) has maintained the 120 Lake Street property as a low and moderate-income housing development as per HUD mandated Affordable Housing regulations. The WPHA strives to assure that Public Housing in White Plains is an integral element of the community fiber of the City. The quality of life for residents is of paramount concern. The WPHA endeavors to achieve this mission by making sure the Authority is responsive to resident's needs, and operated in the most efficient manner possible.

## PROJECT SITE

The White Plains Housing Authority operates multi-family residential buildings at three locations in White Plains: the Winbrook Campus, Schuyler-DeKalb Campus, and the Lake Street Campus. This project is for the Lake Street Campus.

## FUNDING REQUEST

The White Plains Housing Authority needs to improve the security system at 120 Lake Street to increase the safety of its residents. The upgraded WPHA systems will be monitored and managed by GeoVision's AS-Manager. GV-AS-Manager can control up to 1000 units of GV-AS / GV-EV Controllers and support up to 40,000 cards. In addition, IP devices can be connected to GV-AS-Manager through network to provide live video and event associated playback. All this will provide much need security for all tenants in the 120 Lake Street building.

## FUNDING CONSIDERATIONS

The following considerations support a recommendation by the Special Rehabilitation Committee to fund the request at the level described below:

1. All work proposed consists of eligible activities.
2. The excellent track record of the White Plains Housing Authority in providing affordable housing for White Plains residents with low and moderate incomes.
3. The site visit and documentation of the eligibility and necessity of the work by Community Development program staff.
4. The project reflects the needs of the property.
5. The project is ready to go.

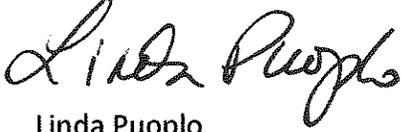
## FUNDING RECOMMENDATION

Based on the considerations and funding limitations described above, the Special Rehabilitation Committee voted unanimously to recommend to the Common Council the approval of a loan to undertake the work requested for the total amount not to exceed \$120,000 in Community Development Rehabilitation funds at zero (0) percent interest and with a repayment period of 10 years. The loan is subject to the White Plains Housing Authority entering into a Special Rehabilitation Loan Agreement setting the terms and conditions of the loan as specified in the CD Rehabilitation Guidelines and Code of Federal Regulations for the Community Development Program.

Based on the foregoing, the Special Rehabilitation Committee and the Planning Department recommend that the Common Council approve an interest-free loan up to \$120,000 for the White Plains Housing Authority based on the final costs of the project, utilizing Community Development Rehabilitation funds, committed to the project.

Submitted herewith for your consideration is an Ordinance authorizing a Community Development Special Rehabilitation Loan to the White Plains Housing Authority in an amount not to exceed \$120,000 in Community Development Rehabilitation funds for the above referenced work.

Respectfully submitted,

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

Linda Puoplo  
Chair, Special Rehabilitation Committee  
Acting Commissioner of Planning

FOR THE APRIL 6, 2015 COMMON COUNCIL MEETING

ORDINANCE AUTHORIZING A COMMUNITY DEVELOPMENT SPECIAL REHABILITATION LOAN NOT TO EXCEED \$120,000 TO THE WHITE PLAINS HOUSING AUTHORITY FOR UPGRADING THE SECURITY SYSTEM OF THE BUILDING LOCATED AT 120 LAKE STREET.

WHEREAS, the White Plains Housing Authority is a public housing authority eligible for Community Development funding;

WHEREAS, the White Plains Housing Authority provides critical affordable housing for low and moderate income residents in the community; and

WHEREAS, the White Plains Housing Authority has applied to the City of White Plains Community Development Rehabilitation Program for a Special Rehabilitation loan not to exceed \$120,000 from the Community Development Rehabilitation Program Fund; and

WHEREAS, the purpose of this loan is to provide funding to upgrade the security system at 120 Lake Street to increase the safety of its residents; and

WHEREAS, the proposed work plan for rehabilitation consists of eligible activities as determined by HUD; and

WHEREAS, the Special Rehabilitation Committee finds that the proposed project meets the selection criteria for such projects; now

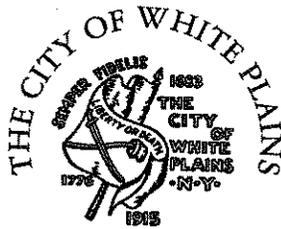
THEREFORE;

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

Section 1. The Common Council hereby authorizes a special rehabilitation loan not to exceed \$120,000 from the Community Development Rehabilitation Program Fund to the White Plains Housing Authority, for purposes of financing security improvements to the residential building located at 120 Lake Street.

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

§3. This Ordinance shall take effect immediately.



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

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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.) Delete a "Two Hour Parking – Monday through Friday" zone on both sides of Benedict Avenue as described in Section 203-b Subdivision 13.
- 2.) Create a "No Parking 10:00 A.M. to 11:00 A.M. Monday thru Friday" zone on both sides of Benedict Avenue as described in Section 224-c Subdivision 18.
- 3.) Delete a "One Hour Parking" zone on the north side of McBride Avenue as described in Section 203 Subdivision 51.
- 4.) Create a "No Parking 10:00 A.M. to 11:00 A.M. Monday thru Friday" zone on the north side of McBride Avenue as described in Section 224-c Subdivision 19.
- 5.) Create a "Handicapped Parking Spaces-Streets (Metered three-hour maximum)" on the east side of Mamaroneck Avenue as described in Section 755 Subdivision 31.
- 6.) Modify a "No Parking" on the north side of Barker Avenue as described in Section 202 Subdivision 7.

This amendment is in accordance with the recommendations of the Transportation Commission and is to become effective upon adoption by the Common Council.

Thomas Soyk  
Acting Chairman

Dated: March 25, 2015 (for the April 6, 2015 Common Council Meeting)

**AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO DELETING A “TWO HOUR PARKING-MONDAY THROUGH FRIDAY” ZONE ON BOTH SIDES OF BENEDICT AVENUE; CREATING A “NO PARKING 10:00 A.M. TO 11:00 A.M. MONDAY THROUGH FRIDAY” ZONE ON BOTH SIDES OF BENEDICT AVENUE; DELETING A “ONE HOUR PARKING” ZONE ON THE NORTH SIDE OF MCBRIDE AVENUE; CREATING A “NO PARKING 10:00 A.M. TO 11:00 A.M. MONDAY THROUGH FRIDAY” ZONE ON THE NORTH SIDE OF MCBRIDE AVENUE; CREATING A “HANDICAPPED PARKING SPACES-STREETS (METERED THREE-HOUR MINIMUM)” ON THE EAST SIDE OF MAMARONECK AVENUE; AND MODIFYING A “NO PARKING” ON THE NORTH SIDE OF BARKER AVENUE.**

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

**Two Hour Parking-Monday through Friday**

Section 1. Subdivision 13 of Section 203-b of Article II 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 5<sup>th</sup> day of August 2013, is hereby deleted in its entirety as follows:

~~13. Benedict Avenue, on both sides, beginning at points approximately 65 feet east of North Broadway for approximately 280 feet easterly.~~

**No Parking 10:00 A.M. to 11:00 A.M. Monday Through Friday**

Section 2. Section 224-c of Article II of said ordinance, as last amended on the 3<sup>rd</sup> day of March 2015, is hereby amended by adding new Subdivisions 18 and 19, to read as follows:

18. Benedict Avenue, on both sides beginning at a point approximately 65 feet east of North Broadway to the intersection of Hawthorne Street.

19. McBride Avenue, on the north side, starting at a point approximately 55 feet east of North Broadway to Hawthorne Street.

**One Hour Parking**

Section 3. Section 203 of Article II of said ordinance, as last amended on the seventh day of April 2014, is hereby amended by deleting portions of Subdivision 51 to read as follows:

51. McBride Avenue, on the south side, starting at a point approximately 50 feet east of North Broadway for approximately 260 feet easterly, ~~and on the north side, starting at a point approximately 55 feet east of North Broadway for approximately 320 feet easterly.~~

**Handicapped Parking Spaces-Streets (Metered Three-Hour Minimum)**

Section 4. Section 755 of Article VII-A of said ordinance, as last amended on the 3<sup>rd</sup> of November 2014 is hereby amended by adding a new Subdivision 31 to read as follows:

31. Mamaroneck Avenue, on the east side, the sixth meter space south of Maple Avenue.

**No Parking**

Section 5. Subdivision 7 of Section 202 of Article II of said ordinance, as last amended on the seventh day of February 2005, is hereby amended to read as follows:

7. Barker Avenue, on the northerly side from the easterly extended curb line of Dr. Martin Luther King, Jr. Boulevard to a point approximately 80 feet east, and for approximately 76 feet west from the westerly curb line of Cottage Place, and between Cottage Place and Church Street, and for approximately 190 feet east of the easterly curb of Church Street, and for approximately [90] 110 feet east from a point approximately 300 feet east of the easterly curb line of Church Street, and for approximately 40 feet east from a point approximately 450 feet east of the easterly curb line of Church Street, and for approximately 200 feet starting at a point approximately 290 feet west of the westerly curb line of North Broadway.

Section 6. This ordinance shall take effect immediately.



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

(914) 422-1241 • FAX (914) 422-1231

**JOHN G. CALLAHAN**  
Corporation Counsel

**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

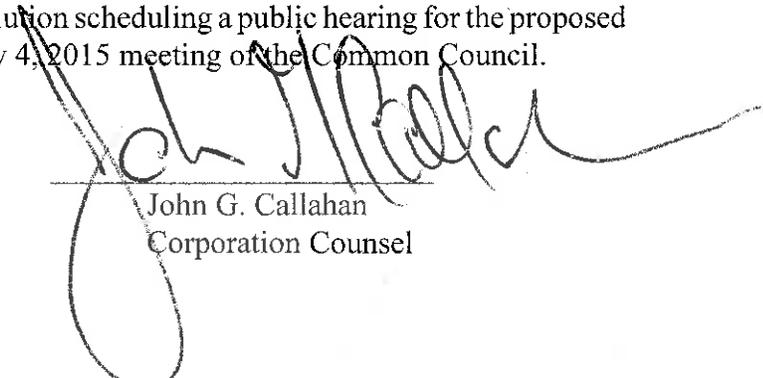
**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

At its March 2, 2015 meeting, the Common Council received and referred legislation submitted by the Commissioner of Building to amend the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") to the Law Department, Planning Board, Environmental Officer and various other appropriate City departments, boards and commissions and the Westchester County Planning Board in accordance with Section 12 of the Zoning Ordinance. The Zoning Ordinance amendment, as proposed, would amend Section 12.7 to reduce the requirement for publication of notice of a public hearing from at least three (3) days in the official newspaper to one (1) day.

The Planning Board, in a communication dated March 23, 2015, determined, *inter alia*, that the proposed amendment is in appropriate form. The Law Department has reviewed the proposed ordinance and has no objection to its form.

Submitted for your consideration is a resolution scheduling a public hearing for the proposed amendment to the Zoning Ordinance for the May 4, 2015 meeting of the Common Council.

  
\_\_\_\_\_  
John G. Callahan  
Corporation Counsel

Dated: March 26, 2015  
(For the Common Council Meeting  
of April 6, 2015)

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR MAY 4, 2015, IN RELATION TO THE PROPOSED AMENDMENT TO SECTION 12.7 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS WITH RESPECT TO REDUCING THE REQUIREMENT FOR PUBLICATION OF NOTICE OF A PUBLIC HEARING FROM AT LEAST THREE (3) DAYS IN THE OFFICIAL NEWSPAPER TO ONE (1) DAY.

RESOLVED, that a public hearing in relation to the proposed amendment to Section 12.7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) with respect to reducing the requirement for publication of notice of a public hearing from at least three (3) days to one (1) day, will be held before the Common Council of the City of White Plains on May 4, 2015 at 7:30 p.m. in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the City Clerk hereby is directed to give notice of said public hearing pursuant to and in accordance with Section 12 of the Zoning Ordinance.



**DEPARTMENT OF BUDGET**  
Municipal Building - 255 Main Street - White Plains, New York 10601  
TEL: (914) 422-1365 - Fax: (914) 422-1440

Thomas M. Roach  
Mayor

Michael A. Genito  
Budget Director

**To the Honorable Mayor and Members of the Common Council:**

Section 68 of the City Charter provides that the Budget Director shall transmit a proposed budget for the forthcoming fiscal year to the Common Council at their stated meeting in April; that a public hearing be held on the proposed budget prior to adoption of the final budget and that a final budget be adopted on or before May 30.

Submitted herewith for your consideration are the Proposed Budgets for the General Fund, Library Fund, Self-Insurance Fund, Water Fund, Sewer Rent Fund and Debt Service Fund of the City of White Plains for the fiscal year beginning July 1, 2015 and ending June 30, 2016, and a resolution setting a public hearing on these Proposed Budgets for Monday, May 4, 2015 at 7:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael A. Genito".

Michael A. Genito  
Budget Director

Dated: March 16, 2015  
(For the Common Council Meeting of April 6, 2015)

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS IN  
RELATION TO SETTING A PUBLIC HEARING FOR FISCAL YEAR 2015-2016  
BUDGET**

**WHEREAS**, pursuant to Section 68 of the Charter of the City of White Plains final action shall not be taken on the proposed budget until a public hearing has been held thereon after notice of such public hearing has been published in the official newspaper for three days, the first publication of which shall be at least ten days prior to the date set for such public hearing; now, therefore, be it

**RESOLVED**, that a public hearing on the proposed budget of the City of White Plains for the fiscal year commencing on July 1, 2015 and terminating on June 30, 2016 shall be held in the Common Council Chambers, Municipal Building, in said City on Monday, May 4, 2015 at 7:30 p.m.; and be it further

**RESOLVED**, that the City Clerk is hereby directed to cause notice of such public hearing to be published in the official newspaper for three days, the first publication of which shall be at least ten days prior to the date set for such public 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

The Department of Building has reviewed, per referral by the Common Council on March 2, 2015, a request for an extension to a site plan approval for a proposed project at 390 North Street. This project entails the construction of a new building for the Hindu Temple of Tri-State and was originally approved by Common Council Resolution on April 7<sup>th</sup> 2014.

This Department has no objection to this extension being granted.

  
\_\_\_\_\_  
Damon A. Amadio P.E.  
Commissioner of Building

DATED: March 19, 2015  
(for the April 7, 2015 Common Council Meeting)



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH

Mayor

NORMAN DICHIARA, AIA

Chairman

DAMON A AMADIO, P.E.

Commissioner of Building

KEVIN M. HODAPP, P.E.

Deputy Commissioner of Building

NICK PUJA

Secretary

March 11, 2015

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on March 9, 2015, reviewed the request for a Site Plan extension for the "Hindu Temple of Tri-State Inc." located at 390 North Street, White Plains, NY.

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

**Norman DiChiara**

Norman DiChiara, Chairman

Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

*06*



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

THOMAS M. ROACH  
MAYOR

LINDA K. PUOPLO  
ACTING COMMISSIONER OF PLANNING

March 26, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HINDU TEMPLE OF TRI-STATE - 390 NORTH STREET – ONE YEAR  
EXTENSION OF A PREVIOUSLY APPROVED SITE PLAN FOR THE  
CONSTRUCTION OF A TWO STORY, APPROXIMATELY 15,000SF  
TEMPLE

On March 3, 2015, the Common Council referred to the Department of Planning an application made by Hindu Temple of Tri-State for a one year extension of the site plan approval that was granted by the Common Council on April 7, 2014. This is the first extension request by the temple. The approved project involves construction of a two-story, 15,000 square foot Hindu Temple on a vacant lot at 390 North Street.

No changes to the approved project have been proposed by the applicant, and there have been no changes to either the neighborhood or zoning in the project vicinity which should cause the reconsideration of the approval or conditions. Therefore, the Department of Planning has no objection to the granting of a one year extension of the site plan approval subject to all of the conditions of the original approval.

Sincerely,

Linda K. Puoplo  
Acting Commissioner  
Department of Planning



**PLANNING BOARD**

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

THOMAS M. ROACH  
MAYOR

MICHAEL QUINN  
CHAIRMAN

LINDA PUOPLO  
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

March 23, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HINDU TEMPLE OF TRI-STATE - 390 NORTH STREET; R1-30 ZONING DISTRICT – ONE YEAR EXTENSION OF A PREVIOUSLY APPROVED SITE PLAN FOR THE CONSTRUCTION OF A TWO STORY, APPROXIMATELY 15,000SF TEMPLE

At its March 15, 2015 meeting, the Planning Board reviewed the application for an extension of the site plan approval for the construction of a two story, approximately 15,000sf Hindu temple at 390 North Street, which was granted on April 7, 2014.

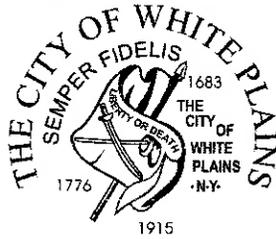
No changes are proposed to the approved plan. No changes have occurred to the surroundings, and no zoning amendments affecting this property have been approved in the past year.

The Planning Board voted unanimously to send a letter to the Common Council finding no objection to the requested site plan extension.

Planning Board members voting in favor of the motion to find no objection to the site plan extension: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (7); Opposed: None (0); Absent: None (0).

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

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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed the plans. There are no objections.

Hindu Temple of Tri-State  
Site Plan Extension  
390 North Street  
White Plains, NY



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: March 18, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

**RICHARD G. HOPE**  
1<sup>ST</sup> DEPUTY COMMISSIONER

**BRIAN M. MURPHY**  
2<sup>ND</sup> DEPUTY COMMISSIONER

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

We have reviewed the application submitted by Hindu Temple of Tri-State, for the extension of a Site Plan approval for the proposed construction of a Temple or Place of Worship situated at 390 North Street.

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

- A Stormwater Pollution Prevention Plan (SWPPP) prepared by Hudson Engineering & Consulting, P.C., dated February 2014, was previously submitted and approved by the Department of Public Works (DPW).

Regulations governing stormwater have become more strict and were updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or Local requirements and fees in effect at the time of subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City or NYSDEC. Such regulations, as well as any revisions proposed to the stormwater design, would require a SWPPP amendment well in advance of the Building Department permitting process.

With the understanding that all of our previous comments and concerns are to be addressed, as well as due consideration to our current comments prior to the issuance of any Building Department permit, the Department of Public Works has no objection to the approval of this one year extension.

Respectfully submitted,

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

Dated: April 6, 2015

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

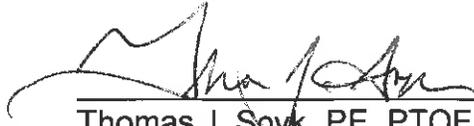
**DEPARTMENT OF PARKING**  
255 MAIN ST. - ANNEX BUILDING  
WHITE PLAINS, NEW YORK 10601

(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 Parking Department/ Traffic Division has reviewed the application for the Site Plan extension of the 390 North Street Project (Hindu Temple of Tristate), referred by the Common Council on March 2, 2015.

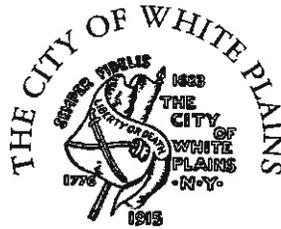
The Department of Parking/ Traffic Division has no objection to approving this extension.



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Thomas J. Soyk, PE, PTOE  
Deputy Commissioner

Dated: March 26, 2015  
(for the April 6, 2015 Common Council Meeting)



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

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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 March 18, 2015, reviewed a request from Hindu Temple of Tri-State, 390 North Street for an extension to the site plan approvals, as referred by the Common Council on March 3, 2015.

The Transportation Commission had no objection to the extension. However, The Commission requested the corrected reports and a parking management plan that was requested during at the February 19, 2014 meeting be provided. This plan must include making provisions for satellite parking sites for major holidays.”

Thomas Soyk  
Acting Chairman

Dated: March 26, 2015 (for the April 6, 2015 Common Council Meeting)

**THOMAS M. ROACH**  
MAYOR



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

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

**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

**Re: #59 – Hindu Temple Tri-State Site Plan Extension**

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

The Department of Parking has no objection to this site plan extension.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Date: April 6, 2015



Robert P. Astorino  
County Executive

County Planning Board

March 16, 2015

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

Dear Ms. McPherson:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: **Hindu Temple of Tri-State — WHP 15-005**  
Action: **One-Year Extension of Site Plan Approval**  
Location: **390 North Street**

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 extension of these existing approvals are 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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**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

March 24, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HINDU TEMPLE OF TRI-STATE  
390 NORTH STREET - HINDU TEMPLE  
ONE YEAR EXTENSION OF SITE PLAN APPLICATION FOR A HOUSE OF  
WORSHIP.

The Common Council on April 7, 2014, adopted environmental findings and granted Site Plan approval to construct a new temple or place of worship at 390 North Street on behalf of Hindu Temple of Tri-State ("2014 Approval").

Under Section 7.6 of the Zoning Ordinance, Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue.

The current application for a one year extension of the 2014 Approval (hereinafter referred to as the "Proposed Action" or "Project") submitted on behalf of the Hindu Temple of Tri-State (the "Applicant"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

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

The Environmental Officer recommends that the following conditions of the 2014 Approval be continued and included as part of the Proposed Action for the purpose of the SEQR review:

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

7/5

dated March 31, 2014, a detailed elevation of the south side of the building showing all mechanical equipment shall be subject to review and approval of the Commissioners of Building and Planning and the Design Review Board.

4. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, exterior mechanical equipment and generator shall comply with the applicable provisions of the Noise Ordinance of City of White Plains.
5. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a Type I Kitchen Exhaust System with electrostatic precipitation shall be installed by the Applicant.
6. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the building shall be equipped with a Smoke Purge System in accordance with the White Plains Supplemental Building Code.
7. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the two-way entrance and exit roadway shall be marked with a double yellow line and two lanes of exiting traffic (left turn and right turn lane). All other markings shall be white except for the handicap space markings which shall be blue. Colors must be indicated on the plans. Unless a separate signing and striping plan is to be provided, the actual signs and markings must be identified on the site plan.
8. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, a stop sign and stop line must be shown at the exit point prior to a potential future sidewalk.
9. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the radii and depth of the turn around for truck deliveries and trash pickup shall be modified to accommodate a SU-35 vehicle (or the largest vehicle anticipated for delivery of goods or pick up of trash).
10. As per the recommendation set forth in the communications from the Deputy Commissioner of Parking dated February 19, 2014, a Parking Management Plan must be submitted by the Applicant within sixty (60) days of adoption of this approval resolution herein. This plan must include making provisions for satellite parking sites for major holidays, when necessary, and a stipulation of no parking permitted on North Street.
11. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the following materials shall be provided by the Applicant in accordance with Section 7.3 of the Zoning Ordinance
  - a. More details on the location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
  - b. A more detailed landscaping plan, to include type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. The Applicant shall provide a greater variety of plant materials, particularly native species. The plan shall include an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation

during the course of construction.

- c. More details on the type, location, design, shielding and hours of operation of exterior lighting.
  - d. More details on the location, type, size, wording, design, color and illumination of all signs.
12. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, prior to the purchase and planting of new landscaping, the Applicant shall meet with the Tree Preservation Committee to review the selection of plant materials and ensure that such plants and trees are native species and are located in a manner so as to have maximum success in growing.
  13. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, all landscaping shown on the landscaping plan shall be properly installed, trimmed, and maintained in good condition at all times; any planting not so maintained shall be replaced at the beginning of the next growing season. The Applicant shall be permitted to substitute plant species to enhance the health and durability of the approved plantings, as necessary.
  14. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide adequate screening of the garbage receptacles, the HVAC equipment, the generators, and all other equipment. More detailed specifications and visual materials must also be provided to show how the garbage dumpster will be screened and what materials the structure will contain. A picket fence may not provide adequate screening.
  15. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide more diversity in the planting materials, which are now almost exclusively arborvitae.
  17. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, all lighting shall be shielded and screened in a manner which prevents the source of light from being seen from any adjoining streets or residences.
  18. As per the recommendation set forth in the Commissioner of Planning's communication dated February 20, 2014, lighting shall only be utilized in the overflow parking areas when these areas are in use for parking. Lighting times shall be tied to those hours when the facility is in operation.
  19. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, all service areas, including mechanical space, storage areas, refuse areas, etc., shall be properly contained and screened so as not to be visible from adjoining lots.
  20. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Works and Public Safety.
  21. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall incorporate as much "green technology" as possible.
  22. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, a unified Tree Preservation and Reforestation Plan

shall be prepared by the Applicant for the project to coordinate the different architectural, landscaping, utility, grading and pavement plans. The trees located along the northern property will be impacted by damage to the root zones resulting from construction of the adjacent parking lot. Drawing M101 shows utility lines that will require the removal of approximately 15 trees along the southern property line. Drawing C-1 shows site grading that will impact existing trees.

23. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, Drawing A-101 specifies planting composed of only Arborvitae trees. The landscaping plan shall be revised to provide a variety of deciduous and other evergreen varieties.
24. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the site plan shall specify the on-site stone walls to be preserved and restored after the construction of utilities and the construction entrance driveway.
25. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, specifications shall be provided for the "GRASSPAVE COURTYARD" pavement material and approved by the Commissioner of Building.
26. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the plans shall provide details for an additional means of stormwater detention, if in the future, the paving of the overflow parking area is warranted.
27. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall be subject to the City's standard Construction Management Protocol, which includes, *inter alia*, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access. All construction work shall be subject to the City's Construction Management Protocol as set forth below:
  - A. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
  - B. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned

by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.

- C. The Construction Management Plan for the Proposed Project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot or parking garage is proposed for construction worker parking.
- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- E. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
  - 1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
  - 2. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited

to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.

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

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

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

certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.

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

Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:

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

activities. SWPPP reporting is required at the onset of excavation, and the construction of all stormwater facilities must be under the supervision of the stormwater design engineer of record.

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

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

48. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant's contractor must use ultra-low sulfur diesel fuel (ULSD) in all off-road equipment located on site, and have on-site trucks and equipment fitted with variable volume back-up alarms.
49. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, all construction under the jurisdiction of DPW must be in conformance with DPW standards regardless of what may be shown or omitted on the Applicant's plans.

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

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

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

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

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

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

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

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

Zoning Compliance.

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

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

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

	<u>Permitted</u>	<u>Proposed</u>
Min Lot area	30,000 sq. ft.	76,194 sq. ft.
Max. Building Coverage:	20 %	12.7 %
Floor Area Ratio:	30% 22,857 sq. ft.	19.7% 15,026 sq. ft.
Lot frontage:	150 ft.	150.5 ft.
Lot depth:	150'	482 ft. average
Lot front yard:	75 ft.	91.5 ft.
One side yard:	25 ft.	25.25 ft.
Two side yards:	50 ft.	25.5 ft. and 79.2 ft or 104.7 ft.
Rear Yard:	30 ft.	236 ft.
Max. Height stories:	2 ½ stories ,	2 stories,
Max. Height feet:		
Building roof height:	35 ft.	34.5 ft.
"Shikara"	See Sec. 4.4.15	34.5 ft. plus 37.5 ft = 72 ft.

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

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

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

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

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

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

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

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

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

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

The following is a calculation of the required parking:

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

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

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

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

North Street.

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

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

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

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

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

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

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

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

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

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

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

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

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

The project site is bounded to the north by the Shinnyo-en Buddhist Temple. Single-family homes border the site to the east and south. Directly opposite the site across North Street to the west is Wyndham Close, a townhouse community. The predominant land use pattern along this section of North Street is of institutional and residential uses along the North Street frontage buffering single-

family homes located to the rear. The temple will be one of several places of worship grouped together, including the Buddhist Temple, Trinity Evangelical Church, and the First Baptist Church of White Plains. Other institutional and residential uses in this section of North Street include The Bristol, an assisted living and independent senior apartment complex, White Plains High School, the YMCA, Westchester Church of Christ, and the North Street senior residence community

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

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

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

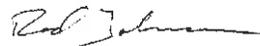
- (e) No major change in type or quantity of energy used will result from the Proposed Action.
- (f) No hazard to health or human safety will be created.

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

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

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

Respectfully submitted,



Rod Johnson  
Environmental Officer

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

WHEREAS, the Common Council on April 7, 2014, adopted environmental findings and granted Site Plan approval to construct a new temple or place of worship at 390 North Street on behalf of Hindu Temple of Tri-State ("2014 Approval"); and

WHEREAS, under Section 7.6 of the Zoning Ordinance, Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue: and

WHEREAS, the current application for a one year extension of the 2014 Approval (hereinafter referred to as the "Proposed Action" or "Project") submitted on behalf of the Hindu Temple of Tri-State (the "Applicant"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

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

WHEREAS, the Common Council is considering the following documents submitted in support of the Proposed Action ( herein after referred to as "Application Materials"):

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

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

WHEREAS, the Environmental Officer has recommended that the following conditions of the 2014 Approval be continued and included as part of the Proposed Action for the purpose of the SEQR review:

1. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the final site lighting design shall be subject to review and approval by the Commissioners of Building and Planning and the Design Review Board.
2. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the final building exterior material selection shall be subject to review and approval of the Design Review Board.
3. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a detailed elevation of the south side of the building showing all mechanical equipment shall be subject to review and approval of the Commissioners of Building and Planning and the Design Review Board.
4. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, exterior mechanical equipment and generator shall comply with the applicable provisions of the Noise Ordinance of City of White Plains.
5. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, a Type I Kitchen Exhaust System with electrostatic precipitation shall be installed by the Applicant.
6. As per the recommendation set forth in the communication from the Commissioner of Building dated March 31, 2014, the building shall be equipped with a Smoke Purge System in accordance

with the White Plains Supplemental Building Code.

7. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the two-way entrance and exit roadway shall be marked with a double yellow line and two lanes of exiting traffic (left turn and right turn lane). All other markings shall be white except for the handicap space markings which shall be blue. Colors must be indicated on the plans. Unless a separate signing and striping plan is to be provided, the actual signs and markings must be identified on the site plan.
8. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, a stop sign and stop line must be shown at the exit point prior to a potential future sidewalk.
9. As per the recommendation set forth in the communication from the Deputy Commissioner of Parking dated February 19, 2014, the radii and depth of the turn around for truck deliveries and trash pickup shall be modified to accommodate a SU-35 vehicle (or the largest vehicle anticipated for delivery of goods or pick up of trash).
10. As per the recommendation set forth in the communications from the Deputy Commissioner of Parking dated February 19, 2014, a Parking Management Plan must be submitted by the Applicant within sixty (60) days of adoption of this approval resolution herein. This plan must include making provisions for satellite parking sites for major holidays, when necessary, and a stipulation of no parking permitted on North Street.
11. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the following materials shall be provided by the Applicant in accordance with Section 7.3 of the Zoning Ordinance
  - a. More details on the location, design and proposed screening of outdoor storage areas, including proposed provisions for refuse storage and collection.
  - b. A more detailed landscaping plan, to include type, size, quantity and location of plants and other landscaping materials to be used, with English and Latin names. The Applicant shall provide a greater variety of plant materials, particularly native species. The plan shall include an indication of all existing vegetation to be retained and the methods to be used to protect such vegetation during the course of construction.
  - c. More details on the type, location, design, shielding and hours of operation of exterior lighting.
  - d. More details on the location, type, size, wording, design, color and illumination of all signs.
12. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, prior to the purchase and planting of new landscaping, the Applicant shall meet with the Tree Preservation Committee to review the selection of plant materials and ensure that such plants and trees are native species and are located in a manner so as to have maximum success in growing.
13. As per the recommendation set forth in the communication from the Commissioner of Planning,

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

14. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide adequate screening of the garbage receptacles, the HVAC equipment, the generators, and all other equipment. More detailed specifications and visual materials must also be provided to show how the garbage dumpster will be screened and what materials the structure will contain. A picket fence may not provide adequate screening.
15. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, the Applicant shall provide more diversity in the planting materials, which are now almost exclusively arborvitae.
17. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, all lighting shall be shielded and screened in a manner which prevents the source of light from being seen from any adjoining streets or residences.
18. As per the recommendation set forth in the Commissioner of Planning's communication dated February 20, 2014, lighting shall only be utilized in the overflow parking areas when these areas are in use for parking. Lighting times shall be tied to those hours when the facility is in operation.
19. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 20, 2014, all service areas, including mechanical space, storage areas, refuse areas, etc., shall be properly contained and screened so as not to be visible from adjoining lots.
20. As per the recommendation set forth in the communication from the Commissioner of Planning, dated February 20, 2014, sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Works and Public Safety.
21. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall incorporate as much "green technology" as possible.
22. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, a unified Tree Preservation and Reforestation Plan shall be prepared by the Applicant for the project to coordinate the different architectural, landscaping, utility, grading and pavement plans. The trees located along the northern property will be impacted by damage to the root zones resulting from construction of the adjacent parking lot. Drawing M101 shows utility lines that will require the removal of approximately 15 trees along the southern property line. Drawing C-1 shows site grading that will impact existing trees.
23. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, Drawing A-101 specifies planting composed of only Arborvitae trees. The landscaping plan shall be revised to provide a variety of deciduous and other evergreen varieties.
24. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the site plan shall specify the on-site stone walls to be

preserved and restored after the construction of utilities and the construction entrance driveway.

25. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, specifications shall be provided for the "GRASSPAVE COURTYARD" pavement material and approved by the Commissioner of Building.
26. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the plans shall provide details for an additional means of stormwater detention, if in the future, the paving of the overflow parking area is warranted.
27. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall be subject to the City's standard Construction Management Protocol, which includes, *inter alia*, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access. All construction work shall be subject to the City's Construction Management Protocol as set forth below:
  - A. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
  - B. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.
  - C. The Construction Management Plan for the Proposed Project shall require that the Applicant

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

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

5. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

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

- H. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.
- I. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- J. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
- K. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
- L. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
- M. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
- N. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
- O. The Applicant or any of its successor(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.

28. As per the recommendation set forth in the communication of the Acting Chair of the Conservation

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

29. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated February 24, 2014, prior to the issuance of a building permit, the Applicant shall present to the City a report and analysis from a LEED (Leadership in Energy and Environmental Design) certified architect or engineer explaining actions taken or being considered to improve the energy efficiency and "green design" of the building and its systems in light of the criteria for LEED certification.
30. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, a solid fence shall be located on top of the retaining wall along the north side of the parking lot to screen the glare from vehicle head lights directed toward the adjacent Shinnyo-En property.
31. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final landscaping plan shall be submitted by the Applicant to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:
  - A. The existing trees along the south property line may be impacted by building construction activities or site grading. A row of additional trees shall be planted along this property line to help mitigate the size and bulk of the proposed new building as viewed from the adjacent single-family residence. This row of trees shall include a variety of species, both evergreens and deciduous tree and a variety of plant heights.
  - B. Vehicles in the parking lot and overflow parking area directly face the south property line and adjacent single-family residence. A row of plant screening or a screening fence shall be located along this property line to screen the glare from vehicle headlights.
32. As per the recommendation set forth in the communication of the Environmental Officer dated April 2, 2014, the final site lighting design shall be submitted to the Commissioners of Building and Planning and the Design Review Board for approval prior to the issuance of a Building Permit and shall include the following:
  - A. The lighting on the south side of the building toward the adjacent residential property and lighting in the parking lot and overflow parking area shall be turned off during night time hours when no activities are scheduled or minimized as permitted for safety reasons.
  - B. The light fixtures shall be specified to insure that all light sources are shielded to prevent spillage of light beyond the property line. Special attention shall be given to screen the adjacent residential property on the south and the Shinnyo-En property to the north.
  - C. The approximately 15 pole lights located around the parking lot shall be reduced in height from the specified 20 feet to avoid light spillage beyond the property line and shall be subject to the approval of the Commissioners of Building and Planning and the Environmental Officer. It shall be noted that along the north property line, the pole lights are mounted at the top of the proposed retaining wall that is 6 feet higher than the adjacent property, which height shall be considered in

the determination of the height of the pole lights at this location.

33. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, although the site may have excess parking for most activity during the year, management of traffic at holy days or events such as weddings will be important. A traffic management plan shall be developed, including arrangements for satellite parking.
34. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, existing and proposed landscaping appears to be adequate; however, protection of neighbors from substantial visual impact shall be a consideration in evaluating the plan.
35. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, use of honeycomb grass surface for the overflow parking area is a good idea, as it will appear as lawn when not used for parking.
36. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, if signs are to be installed, the Design Review Board shall have approval authority.
37. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, the domes/shikaras are not proposed to be lighted. Any illumination of the domes/shikaras shall require a Site Plan amendment.
38. As per the recommendation set forth in the communication of the Chair of the Planning Board dated February 21, 2014, mechanical equipment shall be not only be shielded from view, but also shall comply with the City's Noise Ordinance.
39. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Stormwater Pollution Prevention Plan (SWPPP) has been reviewed and approved by the Department of Public Works. A Department of Public Works (DPW) MS4 stormwater permit is required prior to the issuance of any permits. When an excavation contractor is identified, the contractor must sign the SWPPP certification and provide a NYSDEC "trained individual" card to DPW for the individual who will be on site at all times during soil disturbing activities. SWPPP reporting is required at the onset of excavation, and the construction of all stormwater facilities must be under the supervision of the stormwater design engineer of record.
40. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant shall provide a report from the Applicant's M.E.P. Engineer of Record (EOR) who must evaluate the total needs of the building's water and sanitary sewer service lines, in accordance with the NY State Building Code. Once this is provided, DPW can evaluate the proposed service connections, in particular, the sanitary sewer service, as there is no indication of the proposed size on the plan. There are particular details for the water services (fire and domestic lines) and sanitary sewer service that must be included on the plan with the associated notes indicating the materials of construction.
41. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, since a kitchen will be constructed, the sanitary sewer service line must be equipped with an aerated type grease trap to reduce the possibility of grease in the municipal sanitary sewer main.

42. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant must show the location of the municipal utilities on the plans and label the sizes and materials.
43. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, imported fill must be tested for composition and chemicals in accordance with NYS DEC and DPW direction, and at the full expense of the owner. These test results must be received prior to depositing the material. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution prevention insurance must be provided in the amount to be determined by the Commissioner of Public Works.
44. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant may utilize a private carter for refuse and recycling, or slightly modify the proposed solid waste and recycling area and site geometry so as to accommodate municipal collection. The Applicant must provide to the City of White Plains Department of Public Works (DPW) a Solid Waste Management Plan form, including a diagram with truck turning movements to the Commissioner of Public Works.
45. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, in accordance with the City's Complete Streets ordinance, the Applicant shall provide a four (4) foot wide concrete sidewalk in the municipal right-of-way along the property frontage. The Applicant shall provide the appropriate DPW details on the plan.
46. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, there are a number of technical comments that must be addressed by the Applicant to the satisfaction of the Commissioner of Public Works prior to the issuance of any permits, including but not limited to, delineation of the snow storage area on the plan with signage, delineation of the width of the proposed curb cut, construction level stormwater supporting calculations, backflow devices on the fire and domestic services.
47. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, an as-built will be required, and a stormwater maintenance agreement must be executed with the City of White Plains, approved as to form by the Corporation Counsel, prior to the issuance of a certificate of occupancy. A typical escrow account must also be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to reasonably reset the escrow account value and utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City Department of Public Works shall receive 20% of all costs as an administrative fee.
48. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, the Applicant's contractor must use ultra-low sulfur diesel fuel (ULSD) in all off-road equipment located on site, and have on-site trucks and equipment fitted with variable volume back-up alarms.
49. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, all construction under the jurisdiction of DPW must be in conformance with DPW standards regardless of what may be shown or omitted on the Applicant's plans; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action, (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action under SEQR regulations; © determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the 2014 Approval; (d) reconfirm the SEQR findings adopted April 7, 2014; and (f) reconfirm that the Proposed Action will not have a significant effect on the environment; and

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

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

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

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

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

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

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

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

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

Westchester Avenue south to the City line.

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

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

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

#### Zoning Compliance.

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

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

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

	<u>Permitted</u>	<u>Proposed</u>
Min Lot area	30,000 sq. ft.	76,194 sq. ft.
Max. Building Coverage:	20 %	12.7 %
Floor Area Ratio:	30% 22,857 sq. ft.	19.7% 15,026 sq. ft.
Lot frontage:	150 ft.	150.5 ft.
Lot depth:	150'	482 ft. average
Lot front yard:	75 ft.	91.5 ft.
One side yard:	25 ft.	25. 25 ft.
Two side yards:	50 ft.	25 .5 ft. and 79.2 ft or 104.7 ft.
Rear Yard:	30 ft.	236 ft.
Max, Height stories:	2 ½ stories	2 stories,
Max. Height feet:		
Building roof height:	35 ft.	34.5 ft.
"Shikara"	See Sec. 4.4.15	34.5 ft. plus 37.5 ft = 72 ft.

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

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

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

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

- 4.4.15.1 Churches, schools and "uses" of the City of White Plains in residence districts provided that for each 1 foot by which the "height" of such "building" exceeds the maximum "height" permitted in the district, the "side," "front" and "rear yards" required shall be increased an additional 1 foot.
- 4.4.15.2 Church spires, belfries, cupolas, domes, monuments, observation towers, chimneys, smoke stacks, derricks, flag poles, radio towers, masts and aerials, where not used for human occupancy.

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

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

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

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

The following is a calculation of the required parking:

<u>Use / Parking Requirement</u>	<u>Applicable Area</u>	<u>Required Spaces</u>
1. Regular days and weekends		
Office 3/1000 sf.	220 sf.	0.66 spaces
Area of church assembly and cafeteria		
10/1000 sf.	3,855 sf.	38.55 spaces
Pujari’s residence	1 DU	<u>1</u>
		Total : 40.21spaces
2. Special High Holly Days		
Office 3/1000 sf.	220 sf.	0.66 spaces
Area of church assembly and cafeteria		
10/1000 sf.	7,4,81 sf.	74.80 spaces
Pujari’s residence	1 DU	<u>1</u>
		Total : 76.46 spaces

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

76 spaces.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF HINDU TEMPLE OF TRISTATE (“APPLICANT”) FOR A ONE (1) YEAR EXTENSION OF A SITE PLAN TO CONSTRUCT A TWO (2) STORY, APPROXIMATELY 15,000 SQUARE FOOT TEMPLE, ON PROPERTY LOCATED AT 390 NORTH STREET, WHICH WILL INCLUDE AN ENTRANCE FOYER, A COMMUNITY HALL, DINING AREA/KITCHEN, A CLERIC’S APARTMENT, A CONGREGATIONAL STORE, RESTROOMS, MECHANICAL SPACES AND A SANCTUARY AND PRAYER SPACE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

in accordance with Section 7.3 of the Zoning Ordinance

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

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

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

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

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

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

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

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

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

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

22. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, a unified Tree Preservation and Reforestation Plan shall be prepared by the Applicant for the project to coordinate the different architectural, landscaping, utility, grading and pavement plans. The trees located along the northern property will be impacted by damage to the root zones resulting from construction of the adjacent parking lot. Drawing M101 shows utility lines that will require the removal of approximately 15 trees along the

southern property line. Drawing C-1 shows site grading that will impact existing trees.

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

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

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

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

27. As per the recommendation set forth in the communication from the Acting Chair of the Conservation Board dated February 24, 2014, the project shall be subject to the City's

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

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

of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

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

- C. The Construction Management Plan for the Proposed Project shall require that the Applicant ensure through appropriate measures, to be agreed upon

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

- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
  
- E. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.

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

1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
  
2. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that

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

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

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

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

- K. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
- L. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
- M. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
- N. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
- O. The Applicant or any of its successor(s) shall be required to notify the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46. As per the recommendation set forth in the communication of the Commissioner of Public Works dated April 7, 2014, there are a number of technical comments that must be addressed by the Applicant to the satisfaction of the Commissioner of Public Works prior to the issuance of any permits, including but not limited to, delineation of the snow storage area on the

plan with signage, delineation of the width of the proposed curb cut, construction level stormwater supporting calculations, backflow devices on the fire and domestic services.

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

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

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

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

WHEREAS, in Mr. Shah's February 14, 2015 letter addressed to the Mayor and Common Council, he stated that an application requesting a Building Permit for site work was filed on December 23, 2014, and is being reviewed by the Departments of Building and Public Works, and that construction for the site work is scheduled to begin in the Spring after the Temple receives the Building Permit; and

WHEREAS, the request for the one (1) year extension of the approved Site Plan was referred by the Common Council to all necessary City departments, boards, commissions, and officers and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at a meeting held on April 6, 2015, in relation to the one (1) year extension of the Site Plan application, received communications from the Commissioner of Building, dated March 19, 2015; the Acting Commissioner of Planning, dated

March 26, 2015; the Commissioner of Public Works, dated April 6, 2015; the Commissioner of Public Safety, dated March 18, 2015; the Commissioner of Parking, dated April 6, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated March 26, 2015; the Chair of the Planning Board, dated March 23, 2015; the Acting Chair of the Transportation Commission, dated March 26, 2015; the Chair of the Design Review Board, dated March 11, 2015; the Environmental Officer, dated March 24, 2015; and the Westchester County Planning Board, dated March 16, 2015; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, boards, Commissions, and officers and the Westchester County Planning Board and has reviewed and considered the one (1) year extension of the Site Plan application, with respect to the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 7 and 8, and the 1997 Comprehensive Plan and the 2006 Plan Update, adopted by the Common Council on July 11, 2006; and

WHEREAS, no changes to the approved Site Plan have been proposed by the Applicant, and there have been no changes to either the neighborhood or zoning in the project area which should cause the reconsideration of the April 7, 2014 approval resolution or conditions contained in same; and

WHEREAS, in relation to the one year extension application (“Proposed Action”), the Environmental Officer, in a communication dated March 24, 2015, has recommended in

accordance with the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), that the Common Council reconfirm itself to serve as Lead Agency for the environmental review of the Proposed Action; reconfirm the Proposed Action to be an Unlisted Action under SEQRA regulations; determine that the Proposed Action has not changed in any significant way and there are no relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings last adopted on April 7, 2014 for the Site Plan approval; reconfirm the SEQRA findings adopted April 7, 2014; and reconfirm that the Proposed Action will not have a significant effect on the environment; and

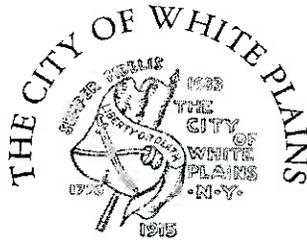
WHEREAS, by a resolution adopted April 6, 2015, the Common Council has reconfirmed itself to be the Lead Agency for the environmental review of the application to extend the approval of the Site Plan for an additional one (1) year pursuant to SEQRA; reconfirmed that the Proposed Action is an Unlisted Action; found that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings last adopted on April 7, 2014 for the Site Plan approval; reconfirmed the SEQRA findings adopted April 7, 2014; and reconfirmed that the Proposed Action will not have a significant effect on the environment; now, therefore be it

RESOLVED, that the Common Council hereby extends until April 4, 2016, the Site Plan approval originally granted by resolution adopted April 7, 2014, for the construction of a two (2) story, approximately 15,000 square foot temple, on property at 390 North Street, on the east side of such street, southerly of Bryant Avenue, which will include an entrance foyer, a community hall,

dining area/kitchen, a cleric's apartment, a congregational store, restrooms, mechanical spaces and a sanctuary and prayer space, subject to the Applicant's compliance with the applicable conditions set forth in the April 7, 2014 approval resolution, and the following additional conditions:

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

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



**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

April 1, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 60-96 WESTCHESTER AVENUE  
WHITE PLAINS LLC AND CHAUNCEY WHITE PLAINS LLC  
AMENDMENT TO THE ZONING ORDINANCE

The petition submitted on behalf of White Plains LLC and Chauncey White Plains LLC for amendments to the Zoning Ordinance and Zoning Map affecting real property known as 60 – 96 Westchester Avenue (herein after referred to as the “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The premises is designated as Section 126.61, Block 3 Lots, 11-15, 16.2, 23-29 on the Official Map of the City of White Plains (“Development Site”) and is located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14.

The Proposed Action involves an amendment to the Zoning Ordinance, site plan and special permit approvals intended to facilitate the redevelopment of the Development Site in accordance with the Phase I Urban renewal Plan for the Westchester Avenue Urban Renewal Project (Project No. WPUR-14), as a mixed-use commercial/residential project with the following principal components (herein after referred to as the “Conceptual Development Plan”):

- Approximately 236,000 Square feet of commercial space including auto dealership showroom and service facilities, retail, restaurant, a 154 room hotel and spa fitness uses.
- Approximately 261 residential units (including required 10% affordable housing units) with approximately 243,00 square feet of floor area.
- A coordinated multi-level parking program of approximately 1233 spaces. This will include 300 municipal spaces to replace the existing approximately 150 space Franklin Avenue municipal lot and provide approximately 150 additional public parking spaces.

The Development Site is situated in two zoning districts, the B-3 Intermediate Business District located along Westchester Avenue and RM-0.35 Residential Multi-Family District along Franklin Avenue.

The Proposed Action includes a number of separate approval actions:

78

- A. An amendment to the Zoning Ordinance, as paraphrased below, to:
1. Eliminate the 15 ft. Special Building Setback line along the north side of Westchester Avenue between Franklin Street and Bloomingdale Road and along the front of the property known as 70 – 106 Westchester Avenue.
  2. Add motor vehicle “repair shop” as a Special Permit use in the RM- 0.35 District.
  3. Add “restaurants,” “cafeterias,” and certain “stores for sale at retail” located on the ground floor of a Multi-Family dwelling” as Special Permit uses in the RM- 0.35 District.
  4. Permit the maximum “building coverage” for a designated “development sites” in the RM- 0.35 District to be increased as a special permit approved by the Common Council.
  5. Permit the maximum “height” to be increased by 15 feet in the B-3 District as a special permit approved by the Common Council.
- B. Approval of a special permit to increase the number of stories of a multi-family residential building in the RM-0.35 District from 6 to 11 stories permitted by the Zoning Ordinance as proposed to be amended.
- C. Approval of a special permit to permit the maximum building coverage permitted in the B-3 District (80%) to be extended to the portion of the Development Site in the RM-0.35 District (in which 60% coverage is otherwise permitted) permitted by the Zoning Ordinance as proposed to be amended.
- D. Approval of shared (“joint use”) parking.
- E. Site Plan approval under Section 7 of the Zoning Ordinance .
- F. Designation of the project site and the property as one “Development Site” under Section 2 and footnote (h) of the Zoning Ordinance Schedule of Dimensional Regulation - Non Residential for the purposes of calculating building height and building coverage permitted by the Zoning Ordinance as proposed to be amended. .
- G. Approval of applicable special permit uses and increased maximum building heights permitted by the Zoning Ordinance as proposed to be amended by this Proposed Action. .
- H. Other necessary and related approvals for the Conceptual Development Plan, including but not limited to amendments to the Traffic Ordinance; capital projects, building permits and related permits such as water and sewer connections, signage approvals and bus stop relocations, etc.

The Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it meets the following threshold for Type I action under SEQR:

The granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the following thresholds:

1. In a city, town or village having a population of less than 150,000, the construction of 250 or more new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
2. Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:

- a. parking for 1,000 vehicles;
- b. in a city having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area.

The Environmental Officer recommends that the Common Council, upon final determination of Lead Agency status, find that the Proposed Action, when compared to the SEQR criteria of environmental effect listed in Section 617.7 of SEQR regulations, may have the following significant impacts on the environment:

- Potential substantial change in existing air quality, traffic or noise levels;
- Potential creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- Potential substantial changes to the character or quality of important aesthetic resources or of existing community or neighborhood character;
- Potential substantial changes in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood.

The involved or approval agencies include, but are not limited to, the following:

- a. White Plains Common Council as approving agency of amendments to the Zoning Ordinance, site plan approval and various special permits.
- b. White Plains Commissioner of Public Works as the approval officer for the Stormwater Pollution Prevention Plan("SWPPP");
- c. White Plains Urban Renewal Agency as an approval agency regarding various actions related to the Urban Renewal Plan for Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14.
- d. Westchester County Department of Public Works as approving agency for the new street connection to Westchester Avenue, a County Road.

The Environmental Officer recommends that the Common Council declare its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR.

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

Respectfully submitted,



Rod Johnson  
Environmental Officer

RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL DECLARING ITS INTENT TO SERVE AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE REGARDING THE RM-0.35 AND B-3 DISTRICTS AND DEVELOPMENT OF PROPERTY KNOWN AS 60 – 96 WESTCHESTER AVENUE ON BEHALF OF SABER WHITE PLAINS LLC AND CHAUNCEY WHITE PLAINS LLC.

WHEREAS, the petition submitted on behalf of White Plains LLC and Chauncey White Plains LLC for amendments to the Zoning Ordinance and Zoning Map affecting real property known as 60 – 96 Westchester Avenue (herein after referred to as the “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the premises is designated as Section 126.61, Block 3 Lots, 11-15, 16.2, 23-29 on the Official Map of the City of White Plains (“Development Site”) and is located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14; and

WHEREAS, the Proposed Action involves an amendment to the Zoning Ordinance, site plan and special permit approvals intended to facilitate the redevelopment of the Development Site in accordance with the Phase I Urban renewal Plan for the Westchester Avenue Urban Renewal Project (Project No. WPUR-14), as a mixed-use commercial/residential project with the following principal components (herein after referred to as the “Conceptual Development Plan”); and

- Approximately 236,000 Square feet of commercial space including auto dealership showroom and service facilities, retail, restaurant, a 154 room hotel and spa fitness uses.
- Approximately 261 residential units (including required 10% affordable housing units) with approximately 243,00 square feet of floor area.
- A coordinated multi-level parking program of approximately 1233 spaces. This will include 300 municipal spaces to replace the existing approximately 150 space Franklin Avenue municipal lot and provide approximately 150 additional public parking spaces; and

WHEREAS, the Development Site is situated in two zoning districts, the B-3 Intermediate Business District located along Westchester Avenue and RM-0.35 Residential Multi-Family District along Franklin Avenue; and

WHEREAS, the Proposed Action includes a number of separate approval actions:

- A. An amendment to the Zoning Ordinance, as paraphrased below, to:
- 1 Eliminate the 15 ft. Special Building Setback line along the north side of Westchester Avenue between Franklin Street and Bloomingdale Road and along the front of the property known as 70 – 106 Westchester Avenue.
  2. Add motor vehicle “repair shop” as a Special Permit use in the RM-0.35 District.
  3. Add “restaurants,” “cafeterias,” and certain “stores for sale at retail” located on the ground floor of a Multi-Family dwelling” as Special Permit uses in the RM- 0.35 District.
  3. Permit the maximum “building coverage” for a designated “development sites” in the RM- 0.35 District to be increased as a special permit approved by the Common Council.

4. Permit the maximum "height" to be increased by 15 feet in the B-3 District as a special permit approved by the Common Council.
- B. Approval of a special permit to increase the number of stories of a multi-family residential building in the RM-0.35 District from 6 to 11 stories permitted by the Zoning Ordinance as proposed to be amended.
- C. Approval of a special permit to permit the maximum building coverage permitted in the B-3 District (80%) to be extended to the portion of the Development Site in the RM-0.35 District ( in which 60% coverage is otherwise permitted) permitted by the Zoning Ordinance as proposed to be amended.
- D. Approval of shared ("joint use") parking.
- E. Site Plan approval under Section 7 of the Zoning Ordinance.
- F. Designation of the project site and the property as one "Development Site" under Section 2 and footnote (h) of the Zoning Ordinance Schedule of Dimensional Regulation - Non Residential for the purposes of calculating building height and building coverage permitted by the Zoning Ordinance as proposed to be amended.
- G. Approval of applicable special permit uses and increased maximum building heights permitted by the Zoning Ordinance, as proposed to be amended by this Proposed Action.
- H. Other necessary and related approvals for the Conceptual Development Plan, including but not limited to amendments to the Traffic Ordinance; capital projects, building permits and related permits such as water and sewer connections, signage approvals and bus stop relocations, etc.; and

WHEREAS, the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it meets the following threshold for Type I action under SEQR:

"The granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the following thresholds:

- A. In a city, town or village having a population of less than 150,000, the construction of 250 or more new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- B. Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a. parking for 1,000 vehicles;
  - b. in a city, 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; and

WHEREAS, the Environmental Officer has recommended that the Common Council, upon final determination of Lead Agency status, find that the Proposed Action, when compared to the SEQR criteria of environmental effect listed in Section 617.7 of SEQR regulations, may have the following significant impacts on the environment:

- Potential substantial change in existing air quality, traffic or noise levels;
- Potential creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- Potential substantial changes to the character or quality of important aesthetic resources or of existing community or neighborhood character;
- Potential substantial changes in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood; and

WHEREAS, the involved or approval agencies include, but are not limited to the following:

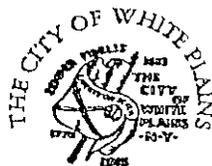
- a. White Plains Common Council as approving agency of amendments to the Zoning Ordinance, site plan approval and various special permits.
- b. White Plains Commissioner of Public Works as the approval officer for the Stormwater Pollution Prevention Plan("SWPPP"); and
- c. White Plains Urban Renewal Agency as approval agency regarding various actions related to the Urban Renewal Plan for Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14.
- d. Westchester County Department of Public Works as approving agency for the new street connection to North Street, a County Road; and

WHEREAS, the Environmental Officer has recommended that the Common Council, declare its intent to serve as Lead Agency for the environmental review of the Proposed Action; and

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

RESOLVED, that the Common Council hereby declares its intent to serve as the Lead Agency for the environmental review of the Proposed Action; and be it further

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



DEPARTMENT OF PERSONNEL  
MUNICIPAL BUILDING \* 255 MAIN STREET \* WHITE PLAINS, NEW YORK, 10601  
(914) 422-1257 \* FAX (914) 422-6496

Thomas M. Roach  
Mayor

Elisabeth Wallace  
Personnel Officer

Debra Clay  
Deputy Personnel Officer

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

Dear Mayor and Council Members:

At the request of the Executive Director of the Housing Authority and based on Resolution #15-08 passed by the White Plains Housing Authority Board, I submit for your approval a Resolution for the approval of a 2% salary increase for the following positions which are not represented by a union, as follows:

Deputy Director-WPHA	\$128,740	Effective 4/1/15
Business Assistant	\$ 82,420	Effective 4/1/15

Your Council's approval of this Resolution is required by the provisions of the New York State Public Housing Authority Law and the bylaws of the White Plains Housing Authority in order to implement these salary increases.

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: April 6, 2015

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS FOR THE APPROVAL OF THE COMPENSATION FOR CERTAIN POSITIONS OF THE WHITE PLAINS HOUSING AUTHORITY

WHEREAS, the White Plains Housing Authority by adoption of its Resolution No. 15-08 on March 10, 2015 approved a 2% increase in the compensation of the Deputy Director -WPHA effective April 1, 2015; and

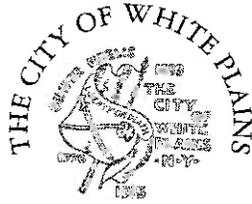
WHEREAS, the White Plains Housing Authority by adoption of its Resolution No. 15-08 on March 10, 2015 approved a 2% increase in the compensation of the Business Assistant effective April 1, 2015; and

WHEREAS, in accordance with Section 32 of the Public Housing Law, the Common Council must approve the compensation for employees of the White Plains Housing Authority; now therefore, be it

RESOLVED that the annual salary of \$128,740 authorized by the Housing Authority for the Deputy Director of the White Plains Housing Authority be and hereby is approved effective April 1, 2015; and be it further

RESOLVED that the annual salary of \$82,420 authorized by the Housing Authority for the Business Assistant of the White Plains Housing Authority be and hereby is approved effective April 1, 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

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 7.7.1 Minor Amendments of the White Plains Zoning Ordinance, is a minor amendment, dated March 24, 2015 to a previously approved site plan at 10 City Place (aka Trump Tower at City Center). The applicant, Mr. Vasken Demirjian, is the proprietor of Vasken Demirjian Salon on the ground floor of the building. The salon is updating their "branding" which includes changing the salon name, replacing the existing awning at their entrance and installing new graphics. Mr. Demirjian is requesting permission to install panel graphics on the Martine Avenue side of the building. The graphics are intended to create a "mural" that will depict the interior of the salon and would be applied over the existing solid metal facade panels.

The awning replacement does not require Council approval but the rendering is included with this request for reference.

A minor amendment is a modification or change in an approved "site plan" that does not exceed any of the following thresholds:

- a) There is no increase in the mandatory off-street parking or loading requirement.
- b) There is no increase in "use" and no new "use" is established.
- c) There is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

Please be advised that the proposed minor amendment indicates no increase to the mandatory off-street parking or loading requirement. No increase in "use" and no new "use" is established. With respect to the proposed project as a whole, it can be

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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

concluded that there is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

If the Common Council does not object to this application being considered a Minor Amendment, within the next thirty (30) days or at their next occurring meeting, the Commissioner of Building shall facilitate appropriate review and approval of such Minor Amendment.

Damon A. Amadio P.E.  
Commissioner of Building

DATED: March 25, 2015  
(for the April 6, 2015 Common Council Meeting)

DOCUMENTS  
SUBMITTED: A cover letter prepared by Mr. Vasken Demirjian dated March 17, 2015; a letter from the Trump Tower Board of Managers dated March 11, 2015; a Short Form Building Permit application dated March 12, 2014; a Short Environmental Assessment Form dated March 17, 2015 and four (4) renderings dated December 10, 2014.

# VASKENDEMIRJIAN

March 17, 2015

Honorable Mayor Thomas M. Roach,  
Common Counsel of  
The City of White Plains  
255 Main Street  
White Plains, New York 10601

RECEIVED  
MAR 24 2015  
CITY OF WHITE PLAINS  
DEPT OF BUILDING

Dear Honorable Mayor Thomas M. Roach and Common Counsel of the City of White Plains:

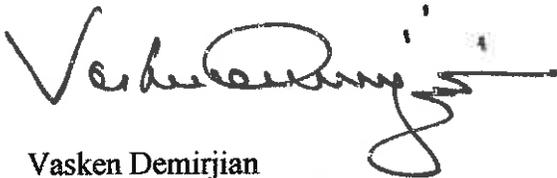
In writing you this letter, I respectfully request an amendment to the Site Plan for a mural on Martine Avenue in White Plains.

Please find enclosed copies of the rendering for your review. This is a blank wall on Martine Avenue, directly adjacent to my salon that's located on the ground level of the Trump Building (10 City Place). I have been a long time Business Owner in White Plains, first on Mamaroneck Avenue for more than 15 years, and now, for the last 7 years, at my new boutique salon in the Trump Building.

We are doing very well, and we continue to strive to keep the standards high. It is my goal to put White Plains on the map of the Beauty Industry and would very much like to start with this flagship salon. Part of our branding is to change our name, the logo and the awning, give the salon a facelift, and in the process make our name become more recognized. As part of our efforts to make the salon stand out, I believe the mural will give us the much needed visibility. The mural will go on an otherwise dark blank wall on Martine Avenue (photos enclose), would add color to the wall and connect my salon to all the passing cars and pedestrians. I have already spoken to Commissioner Amadio and Nick Puja at the Department of Building, City of White Plains, and have even discussed it with the board at the Trump Building. The board has given me their permission to put the mural on that space (letter from the board enclosed)

I would be grateful if you were to grant me the permission to continue with my beautification plans.

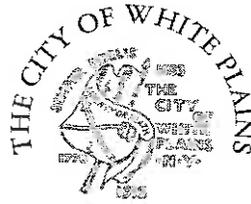
Very Sincerely yours,



Vasken Demirjian

WHITE PLAINS

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7.1 Minor Amendments of the White Plains Zoning Ordinance, is a minor amendment, dated March 24, 2015 to a previously approved site plan at 55 Bank Street. The applicant, LCOR 55 Bank Street LLC, is requesting permission to make the second floor pool open to the outdoors. This proposed amendment affects only the second floor outdoor deck area and results in a more desirable amenity for the tenants.

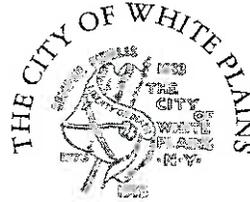
A minor amendment is a modification or change in an approved "site plan" that does not exceed any of the following thresholds:

- a) There is no increase in the mandatory off-street parking or loading requirement.
- b) There is no increase in "use" and no new "use" is established.
- c) There is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

Please be advised that the proposed minor amendment indicates no increase to the mandatory off-street parking or loading requirement. No increase in "use" and no new "use" is established. With respect to the proposed project as a whole, it can be concluded that there is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

If the Common Council does not object to this application being considered a Minor Amendment, within the next thirty (30) days or at their next occurring meeting, the

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

Commissioner of Building shall facilitate appropriate review and approval of such Minor Amendment.

Damon A. Amadio P.E.  
Commissioner of Building

**DATED:** March 25, 2015  
(for the April 6, 2015 Common Council Meeting)

**DOCUMENTS  
SUBMITTED:** A cover letter prepared by Mr. William Null dated March 24, 2015; a Short Form Building Permit Application dated March 24, 2015; a Short Environmental Assessment Form dated March 24, 2015; two versions of drawing A-103 (showing the condition as originally approved and as proposed) and three (3) renderings of the proposed condition dated March 20, 2015

March 24, 2015

BY HAND

Mr. Damon Amadio, Building Commissioner  
City of White Plains  
70 Church Street  
White Plains, New York 10601

RECEIVED

MAR 24 2015

CITY OF WHITE PLAINS  
DEPT OF BUILDING

RE: LCOR 55 Bank Street LLC (the "Premises")  
Minor Site Plan Amendment for Outdoor Swimming Pool on Amenity Deck

Dear Mr. Amadio:

On behalf of LCOR 55 Bank Street LLC ("LCOR"), we respectfully submit a plan and renderings showing proposed minor changes to the approved plans to enable the swimming pool to be exterior on the approved amenity deck serving the Premises. As you know, we previously discussed this minor change that affects only the amenity deck and essentially opens the swimming pool to the outdoors without otherwise impacting the design of the buildings.

This change to the Site Plan is integral to commencement of construction and financing. There is a Closing scheduled on the financing for April 7, 2015 and that date is critical to the project's success. Therefore, we respectfully request and would greatly appreciate your consideration in expediting this decision. If you concur, we request the issuance of a written determination regarding this Minor Site Plan Amendment within the next week to enable it to be included in the Closing documentation.

In connection with this Application, we respectfully enclose ten (10) sets of plans as follows:

1. Plan prepared by SLCE Architects, entitled "55 Bank Street, White Plains, New York," "2<sup>nd</sup> Floor Plan" (A-103)(Progress Print, March 20, 2015); and
2. Visualizations prepared by SLCE Architects, dated March 20, 2015, consisting of the following three sheets:
  - a. Aerial View of Proposed Outdoor Pool Area;
  - b. View inside Pool Area looking East; and
  - c. View from Lawn Looking South.
3. For comparison, enclosed is the approved plan prepared by SLCE Architects, entitled "55 Bank Street, White Plains, New York," "2<sup>nd</sup> Floor Plan" (A-103), last revised March 11, 2014.

LCOR is proposing these minor changes to the building to accommodate market demand for an outdoor swimming pool. As can be seen by a comparison to the approved Plan A-103, the layout of the building does not change.

March 24, 2015

Page 2

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

4. Building Permit Short Form; and
5. A Short Environmental Assessment Form in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively "SEQRA").

We respectfully submit that the changes made to the building are minor and comply with the provisions governing Minor Site Plan Amendments, as there is no increase in the size of the building nor is any change in use proposed. Further, the character and design of the building remains consistent with that initially approved.

Thank you for your courtesy and attention to this matter.

Respectfully yours,



William S. Null

Enclosures

WSN:yp

cc: (By Hand): John G. Callahan, Esq., Chief of Staff and Corporation Counsel  
(Via Email): Mr. James Driscoll