

**COMMON COUNCIL  
AGENDA  
REGULAR STATED MEETING  
May 4, 2015  
7:30 P.M.**

**PLEDGE TO THE FLAG:** Hon. Hunt-Robinson

**ROLL CALL:** City Clerk

**LOCAL LAW:**

1. Public Hearing in relation to proposed Local Law Introductory No. 1 of 2015 to amend Title IX of the White Plains Municipal Code by adding Section 9-6, to be titled, "Historic Preservation." **Opened/Closed**

**Items 2 - 11 F/S**

2. Communications from Commissioner of Building
3. Design Review Board
4. Acting Commissioner of Planning
5. Planning Board
6. Commissioner of Public Safety
7. Commissioner of Public Works
8. Deputy Commissioner, Traffic Division
9. Transportation Commission
10. Commissioner of Parking
11. Reserved
12. 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." **Adopted 7 - 0**

**ADJOURNED**  
**PUBLIC HEARINGS:**

13. 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. **OPEN/CLOSED**

**F/S Items 14 - 21**

14. Acting Commissioner of Planning  
15. Commissioner of Public Safety  
16. Commissioner of Public Works  
17. Deputy Commissioner, Traffic Division  
18. Transportation Commission  
19. Commissioner of Parking  
20. Westchester County Planning Board  
21. Environmental Officer

22. Environmental Findings Resolution **Adopted**

23. Ordinance amending an ordinance entitled, “The Zoning Ordinance of the City of White Plains” 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.” **Adopted 7 - 0**

24. Ordinance of the Common Council of the City of White Plains amending Title V of the White Plains Municipal Code entitled “Cabarets” by amending Article 1 of Chapter 4-4 in its entirety and amending Section 4-4-30 of Article 11 of Chapter 4-4. **Tabled to June 1, 20145**

25. Public Hearing in relation to the application submitted by Daniel J. Coughlan, Proprietor, on behalf of Coughlan, Inc., for a renewal of a Special Permit to operate a cabaret at The Coliseum located at 15 South Broadway. **Open/Adjourn to June 1, 2015**

26. Public Hearing in relation to the application submitted on behalf of Executive Billiards Inc., (“Applicant”) for a Special Permit to operate a cabaret at Executive Billiards located at 109 Mamaroneck Avenue. **Open/Adjourned to June 1, 2015**

27. Public Hearing in relation to the application submitted on behalf of Ron Blacks Beer Hall for a renewal of a Special Permit to operate a Cabaret at Ron Blacks Beer Hall, located at 181 Mamaroneck Avenue. **Open/Adjourned to June 1, 2015.**

- 28. Public Hearing in relation to an application submitted on behalf of Ichiro Asian Fusion, Inc., (“Applicant”), for a Special Permit to operate a Cabaret at Ichiro Restaurant, located at 80 Mamaroneck Avenue. **Open/Adjourn to May 12, 2015**
- 29. Public Hearing in relation to the application submitted on behalf of Red Plum 888 (“Applicant”) for a Special Permit to operate a Cabaret at The Red Plum Restaurant, located at 91 Mamaroneck Avenue. **Open/Adjourned to May 12, 2015**
- 30. 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. **Open/Adjourned to June 1, 2015**
- 30a. Communication from the City Clerk **F/S**

**PUBLIC HEARINGS:**

- 31. Public Hearing in relation to the Proposed Tax Budget of the City of White Plains for Fiscal Year 2015-2016. **Opened/Closed**
- 32. Public Hearing 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. **Opened/Closed**

**Items 33 - 43 F/S**

- 33. Communications from Commissioner of Building
- 34. Design Review Board
- 35. Acting Commissioner of Planning
- 36. Planning Board
- 37. Commissioner of Public Safety
- 38. Commissioner of Public Works
- 39. Deputy Commissioner, Traffic Division
- 40. Transportation Commission
- 41. Commissioner of Parking
- 42. Westchester County Planning Board
- 43. Environmental Officer
- 44. Ordinance amending an ordinance entitled, “The Zoning Ordinance of the City of White Plains” in relation to amending Section 12.7 pertaining to the requirement for publication of Notice of Public Hearing for at least three (3) days in the Official Newspaper. **Adopted 7 - 0**

**FIRST READING**  
**ORDINANCES:**

45. Communication from Corporation Counsel in relation to a request made by Open Arms Development Fund Company, Inc., for a Tax Abatement Agreement on the property at 86-88 East Post Road. **F/S**
46. Ordinance authorizing the Mayor to enter into a Tax Abatement Agreement pursuant to Private Housing Finance Law Section 577 in connection with a project located at 86-88 East Post Road. **Adopted 7 - 0**
47. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5449, Mattison Park Basketball Courts. **F/S**
48. Communication from Environmental Officer. **F/S**
49. Environmental Findings Resolution **ADOPTED**
50. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5449, entitled, Mattison Park Basketball Courts. **ADOPTED 7 - 0**
51. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5451, White Plains Multimodal Transportation Center Redevelopment Project. **F/S**
52. Communications from Acting Commissioner of Planning **F/S**
53. Environmental Officer **F/S**
54. Environmental Findings Resolution **ADOPTED**
55. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5451 entitled, White Plains Multimodal Transportation Center Redevelopment Project. **ADOPTED 7 - 0**
56. Communication from Commissioner of Public Safety in relation to an Inter-municipal Agreement with the County of Westchester for City use of the County's firearms range facility for firearms training. **FS**
57. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter in an Inter-municipal Agreement ("IMA") with the County of Westchester in relation to permitting utilization of the County's firearms range facility for firearms training. **ADOPTED 7 - 0**
58. Communication from Commissioner of Public Safety in relation to a contract with the

County of Westchester to provide prisoner transportation. **F/S**

59. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute a prisoner transportation reimbursement agreement with the County of Westchester. **ADOPTED 7 - 0**
60. Communication from Commissioner of Public Safety in relation to a three year contract with Transcare Westchester Inc., to provide ambulance service in the City of White Plains. **F/S**
61. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a contract with Transcare Westchester Inc., d/b/a Transcare, for a three year period from July 1, 2015 to June 30, 2018, with the City holding an option for two additional years thereafter. **ADOPTED 7 - 0**
62. Communication from Commissioner of Public Safety in relation to a donation in the amount of \$1,600 from Residential Home Funding Corporation, Tri-State Law Enforcement Foundation, and Michael Duffy, Esq., to be used to purchase Challenge Coins. **F/S**
63. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to accept on behalf of the City of White Plains, through its Department of Public Safety, donations in the amount of \$1,600 to be used to purchase Challenge Coins and to amend the FY 2014/2015 General Fund Budget to reflect said donations. **ADOPTED 7 - 0**
64. Communication from Commissioner of Recreation and Parks in relation to an agreement with the Westchester County Department of Senior Programs to provide transportation and nutrition services under Nutrition Services Incentive Program of the Older Americans Act. **F/S**
65. Ordinance authorizing the Mayor or his designee to execute agreements with the County of Westchester for the continuing operation by the City of White Plains for Programs for Year 2015 under Titles III-B (Transportation Services), III-C-1 (Nutrition), III-C-2 (Nutrition) and the Nutrition Services Incentive Program (NSIP) of the Older Americans Act. **ADOPTED 7 - 0**
66. Communication from Commissioner of Recreation and Parks in relation to an agreement between the City and the Westchester County Department of Senior Programs, and Homestyle Food Service and Catering to provide lunch catering. **F/S**
67. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute an agreement with the County of Westchester Department of Senior Programs, and Homestyle Food Service and catering to provide daily lunch catering services for the City's Senior Center Nutrition Program. **ADOPTED 7 - 0**

68. Communication from Commissioner of Recreation and Parks in relation to an agreement between the City and Mental Health Association of Westchester Inc., MHA, to provide an outdoor Mega-Yoga Event on June 17, 2015. **F/S**
69. Ordinance of the Common Council of the City of White Plains authorizing the Commissioner of Recreation and Parks to execute an agreement with the Mental Health Association of Westchester Inc., MHA, for the purpose of partnering to provide an outdoor Mega-Yoga event on June 17, 2015 (rain date June 18, 2015) to take place on Court Street between Main Street and Martine Avenue from 5:30 P.M. to 8:00 P.M. **ADOPTED 7 - 0**
70. Communication from Director, Youth Bureau, in relation to a sub-contract with Planned Parenthood Hudson Peconic, Inc., to receive funding to support the Comprehensive Adolescent Pregnancy Prevention Program. **F/S**
71. Ordinance authorizing the Mayor or his designee to enter into a sub-contract with Planned Parenthood Hudson Peconic, Inc., a contractor for the New York State Department of Health, to receive a grant in the amount of \$21,543 for the City of White Plains Youth Bureau to support the Comprehensive Adolescent Pregnancy Prevention Program CAPP, and to amend the FY 2014/2015 Youth Development Fund to reflect said grant. **ADOPTED 7 - 0**
72. Communication from Director, Youth Bureau, in relation to the acceptance of additional funds \$1,151 to increase the funding for the Project Hope Program. **F/S**
73. Ordinance amending an ordinance adopted March 2, 2015, entitled, "An ordinance of the Common Council of the City of White Plains authorizing the Mayor to enter into a contract with the County of Westchester Department of Community Mental Health, in order to receive \$181,299 in funding to continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services, OASAS, providing alcohol and substance prevention services to the City of White Plains." **ADOPTED 7 - 0**
74. Communication from Personnel Director in relation to an amendment to the Municipal Code Compensation and Leave Plan by establishing certain position titles. **TABLED TO JUNE 1, 2015**
75. Ordinance amending the White Plains Municipal Code by amending Section 2-5-78 of the Compensation and Leave Ordinance by establishing certain position titles. **TABLED TO JUNE 1, 2015**
76. Communication from Deputy Commissioner of Parking in relation to proposed amendments to the Traffic Ordinance. **F/S**

77. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to creating a “No Parking 10:00 a.m. to 4:00 p.m. and 7:00 p.m. to 7:00 a.m.” Zone on the south side of Hamilton Avenue and modifying a provision entitled “Designated Handicapped Parking Spaces - Streets (Metered Three-Hour Maximum)” on the west side of South Broadway. **ADOPTED 7 - 0**

**RESOLUTIONS:**

78. Communication from Environmental Officer in relation to the application of Saber White Plains LLC and Chauncey White Plains LLC requesting amendments to the Zoning Ordinance in conjunction with the development of property known as 60-96 Westchester Avenue. **TABLED TO JUNE 1, 2015**
79. Environmental Findings Resolution regarding the application on behalf of Saber White Plains LLC and Chauncey White Plains LLC requesting proposed amendments to the Zoning Ordinance and approvals related to the development of property known as 60-96 Westchester Avenue. **TABLED TO JUNE 1, 2015**
80. Communication from Acting Commissioner of Planning transmitting the 2015-2019 Community Development Consolidated Plan and 2015-2016 Community Development Annual Action Plan. **F/S**
81. Communication from Environmental Officer **F/S**
82. Resolution of the Common Council of the City of White Plains, New York, approving the federally mandated 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan for the City of White Plains and authorizing the Mayor to execute all necessary certification and assurances and file the approved plan with the U.S. Department of Housing and Urban Development. **ADOPTED 7 - 0**

**ITEMS FOR REFERRAL:**

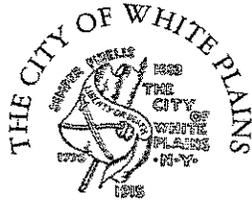
83. Communication from Commissioner of Building in relation to an application submitted by Hastings Tea Corp., for a Special Permit for Outdoor Dining at 235 Main Street. **F/S AND REFERRED TO LAW, BUILDING DEPT., PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
84. Communication from Commissioner of Building in relation a request submitted on behalf of 120 Bloomingdale LLC, The Venue, for a one year extension to a previously approved site plan at 120 Bloomingdale Road. . **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., CONSERVATION BOARD, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

85. Communication from Commissioner of Building in relation to a request submitted on behalf of The Salvation Army, for a one year extension to a previously approved site plan at 16 Sterling Avenue. **F/S AND REFERRED TO LAW, BUILDING DEPT., PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
86. Communication from Acting Commissioner of Planning in relation to a proposed amendment to the Zoning Ordinance to establish a new Light Industrial Mixed Use (LI-M) Zoning District, and re-zoning certain parcels in the Light Industrial (LI) Zoning District. **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

**ITEM FOR INFORMATION:**

87. Communication from Commissioner of Finance transmitting the Interim Financial Report for the period ending March 31, 2015. **F/S AND FILE ATTACHMENT.**
88. Communication from Commissioner of Finance transmitting the Capital Improvement Program Status Report for the period ending March 31, 2015. **F/S AND FILE ATTACHMENT**
89. Communication from Commissioner of Building in relation to a request submitted on behalf of Alliance Bernstein LP and the building owner Gateway Group 1, for a minor amendment to a previously approved site plan for exterior sign changes at One North Lexington Avenue. **F/S AND APPROVED.**
90. Communication from Commissioner of Building in relation to a request submitted on behalf of White Plains Hospital for a minor amendment to a previously approved site plan at 41 Davis Avenue, to construct a three level addition above the existing approximately 13,400 sq. ft. "D" Wing. **F/S AND APPROVED**

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

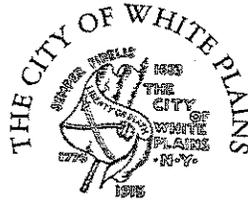
**TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL**

Subsequent to the April 6, 2015 Common Council referral of the proposed local law amending Title IX of the White Plains Municipal Code regarding "historic preservation," the Department of Building, in conjunction with the Department of Planning, reevaluated certain provisions of the amendments. This was a result of meetings with interested parties as well as interdepartmental discussion. Attached are the proposed modifications to the amendments for your consideration.

The Department of Building recommends approval of the law with the following modifications:

1. The addition of the word "*Commission*" to section 9.6.2 (H) (2);
2. The addition of the clarifying sentence, "*Nothing in this Chapter shall preclude the applicant from submitting for review and requesting approval of their proposed action from other City boards or commissions as required*" to section 9.6.2 (H);
3. The addition of the phrase, "*and on the city website,*" to section 9.6.3 (C) (1);
4. Add the following sentence to the end of the first paragraph of section 9.6.6, "*Such approval shall be made by staff in consultation with the Chair of the Commission. However, no work authorized by an Administrative Certificate of Appropriateness shall be commenced until the Applicant obtains all required approvals from other City Boards or Commissions*".

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.  
Commissioner

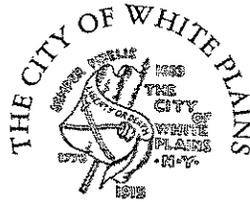
Kevin M. Hodapp, P.E.  
Deputy Commissioner

5. The modification of the language in section 9.6.6 (A) (3), (4) and (5) to read:
  3. *"Building system components or elements (such as, but not limited to, components or elements associated with, HVAC, electrical, plumbing, fire protection and tele/data/video systems) that have to penetrate the building exterior to serve equipment within the building provided that the penetrations are minor in nature and do not occur at the front façade";*
  4. *Installation of new building systems (such as air conditioning units, generators, etc ) 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 building systems (such as air conditioning units, generators, etc ) 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. In 9.6.6 (D) add the words *"and such certificate ...."* to the sentence.
7. Add the following sentence to the end of section 9.6.7(A,) *"Furthermore, no work authorized by a Certificate of Appropriateness shall be commenced until the Applicant obtains all required approval from other City Boards or Commissions".*
8. The modification of the language in section 9.6.7 (B) (2) to read, *"its property line";*
9. The modification of the language in section 9.6.7 (C) (1) (b) to read, *"In applying the principle of compatibility, the following criteria shall be employed";*

"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

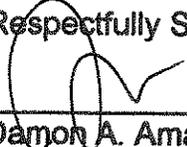
Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

10. The modification of the language in section 9.6.7 (C) (2) (b) to read, *"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), which factor alone shall not preclude the approval of a Certificate of Appropriateness"*;
11. The modification of the language in section 9.6.7 (D) (1) to replace the word *"visible"* with the word *"readable"* and to remove duplicative language at the end of that paragraph;
12. The modification of language in section 9.6.9 to read, *"All work performed pursuant to any Certificate of Appropriateness" and "...the Building Commissioner shall take appropriate action."*
13. The addition of the phrase, *"in accordance with a plan approved by the Commission"* in section 9.6.10 (A);
14. The modification of section 9.6.10 (B) to read, *"Failure to comply with any provisions of this Chapter shall be deemed a violation and if convicted thereof may be liable for a fine of up to \$2,500.00 per day."*

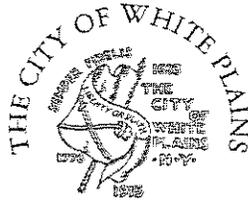
The purpose of these additional amendments is to refine and clarify the language in the proposed local law as well as to remove duplicative language contained therein.

Respectfully Submitted,

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

DATED: April 30, 2015

(for the May 4, 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, ALA  
Chairman

DAMON A AMADIO, P.E.  
Commissioner of Building

KEVIN M. HODAPP, P.E.  
Deputy Commissioner of Building

NICK PUJA  
Secretary

April 20, 2015

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

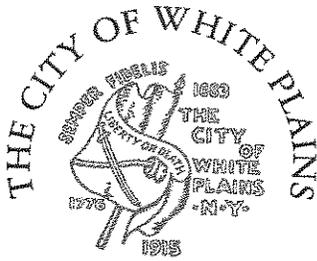
Dear Mayor and Council Members:

The Design Review Board, at its meeting on April 13, 2015, reviewed the proposed amendment to the Local Law introductory #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"

OUTCOME: The Design Review Board reviewed this application and had no comment at this time.

Norman DiChiara

Norman DiChiara, Chairman  
Design Review Board



**PLANNING DEPARTMENT**  
Thomas M. Roach, Mayor  
Linda Puopolo, Acting Commissioner

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

**RE: 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".**

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. In addition, there are numerous economic and environmental benefits of historic preservation including the following:

- revitalizes residential and commercial neighborhoods;
- returns vacant or underutilized properties to productive use as housing, retail, or office space;
- rehabilitates abandoned buildings and returns them to use;
- conserves existing building materials and reduces transfers to overburdened landfills;
- creates jobs; increases tourism; increases property values;
- conserves existing infrastructure;
- increases property values, appreciation rates, and access to tax incentives; and
- promotes and enhances quality of life.

As a part of the proposed Historic Preservation Law, a White Plains Historic Preservation Commission will be established consisting of five (5) regular members and (1) alternate member, all of whom must be residents of the City of White Plains and have an interest in historic

preservation and/or architecture. The Commission will be responsible for making recommendations to the Mayor and Common Council including acquisition and demolition proposals, maintaining an inventory of designated historic landmarks or districts within the City, conducting surveys and preparing maps, reports and recommendations regarding historic preservation policies, evaluating applications for certificates of appropriateness, and designating local landmarks or districts.

The Historic Preservation Law outlines the process by which a property or area can be recommended for historic preservation or landmark status, as well as defines the criteria by which properties are to be evaluated. The Law also outlines the decision making process, criteria, and other administrative and enforcement procedures for the alteration, demolition and/or new construction affecting landmarks or historic districts. The Law classifies properties within historic districts as exempt or non-exempt actions, and further categorizes non-exempt properties as either minor or major alterations. Minor alterations require an "Administrative" Certificate of Appropriateness and can be approved by the Commission, whereas major alterations require a more comprehensive review before issuing a Certificate of Appropriateness, including a permit from the Building Department and a public hearing. The Law also provides for a reconsideration or appeals process for property owners aggrieved by a decision made by the Historic Preservation Commission.

Based on the discussion above, the Planning Department supports the addition of a Historic Preservation Law to the City's Municipal Code, and recommends that the Common Council approve it.

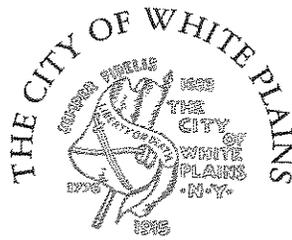
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Puoplo".

Linda Puoplo  
Acting Commissioner

DATED: April 21, 2015

For the May 4<sup>th</sup>, 2015 Common Council Meeting



## PLANNING BOARD

MUNICIPAL BUILDING • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601  
(914) 422-1300 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

MICHAEL QUINN  
CHAIRMAN

LINDA PUOPLO  
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

April 23, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 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"

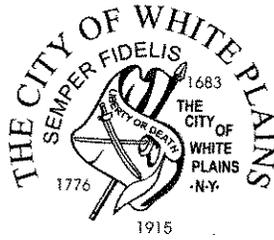
At its April 21, 2015 meeting, the Planning Board reviewed the proposed amendment to the Municipal Code to add a section to establish a Historic Preservation Commission to designate local landmarks and historic districts. The Board understands that the Commission will work in conjunction with approving agencies to provide supplemental review and guidance.

The Board would like Section 9-6-1. Purpose, to indicate that the Historic Preservation Commission will not supersede the powers, jurisdiction, or process of City agencies that currently have approval authority over proposed projects.

The Planning Board voted unanimously to find the proposed amendment appropriate as to form, with one minor change to the numbering of Section 9-6-2, Subsection H. The sentence beginning with the word "Promulgating" under number 2, should be listed as number 3, with subsequent numbers each raised.

Planning Board members voting in favor of the motion to find the proposed amendment appropriate as to form, to recommend the scheduling of a public hearing on the proposed amendment, and to recommend its adoption by the Common Council with the above notes incorporated: 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



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

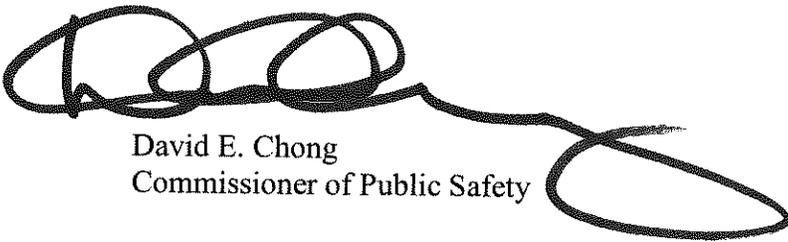
RICHARD L. LYMAN  
Fire Chief  
422-6360

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 this Law. There are no  
objections.

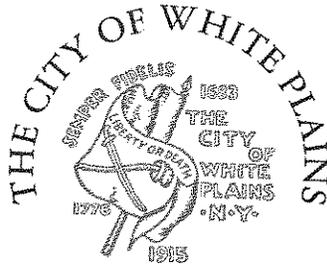
Local Law # 1 of 2015  
Amending Municipal Code to add  
“Historic Preservation”



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: April 16, 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 OF  
THE CITY OF WHITE PLAINS**

Dear Mayor and Common Council Members:

We have reviewed the proposed amendment to the White Plains Municipal Code to amend Title IX by adding section 9-6 entitled "Historic Preservation", and to establish the White Plains Historic Preservation Commission. The Commission will be empowered to designate local landmarks and historic districts by means of a specifically enumerated process, to protect and enhance the historic and architecturally significant buildings, structures, sites, monuments, streetscapes, and neighborhoods.

In conclusion, we have no objection to the proposed amendment.

Respectfully submitted,

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

Dated: May 4, 2015

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

(914) 422-1232 Phone  
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TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS  
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

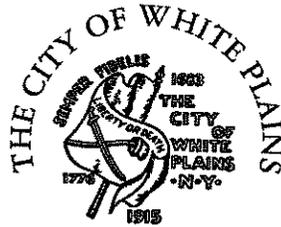
The Department of Parking/ Traffic Division has reviewed the proposed Municipal Code amendment for adding Section 9-6 regarding "Historic Preservation" which was referred by the Common Council on April 6, 2015.

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

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

Dated: April 9, 2015  
(for the May 4, 2015 Common Council Meeting)

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**TRANSPORTATION COMMISSION**  
255 MAIN STREET - ANNEX BUILDING • WHITE PLAINS, NEW YORK 10601  
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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 Transportation Commission, at its meeting held on April 15, 2015, reviewed the request from the Building Department for an amendment to the Municipal Code to add "Historic Preservation", as referred by the Common Council on April 7, 2015.

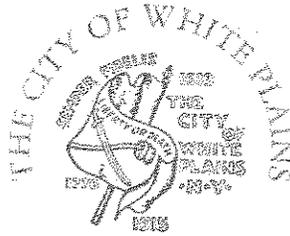
The Transportation Commission had no objection to the proposed changes.

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Thomas Soyk  
Acting Chairman

Dated: April 22, 2015 (for the May 4, 2015 Common Council Meeting)

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

**Re: Local Law #1 of 2015  
Amending Municipal Code to Add "Historic Preservation"**

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

The Department of Parking has no objection to the proposed local law amending Title IX of the White Plains Municipal Code regarding "historic preservation."

Respectfully submitted,

John P. Larson, Commissioner  
Department of Parking

Date: May 4, 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 TITLED "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 from among the Commission members, 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 Commission 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.

Nothing in this Chapter shall preclude the applicant from obtaining review and approval from other City boards or commissions as required.

- 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; 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. Derives its primary significance from architectural or artistic distinction or historical importance; or
- c. Identifies with persons or events significant in local, state, or national history; or
- d. Is a cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. Is the birthplace or grave of a historical figure of outstanding importance; or
- f. Embodies the distinguishing characteristics of an architectural style; or
- g. Is the work of a noted designer, architect, or builder; or
- h. The property has yielded or may be likely to yield information important to the study of the prehistory or history of the region, state, or nation.

2. Historic Districts.

- a. The Commission may 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 and on the City website.

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. In addition to testimony or documentary evidence received at the public hearing, the record may also contain reports, public comments, expert testimony, or other evidence offered outside of the hearing, but submitted for the Commission's consideration by the date of the hearing.

3. Decision. Within 62 after the close of the public hearing, the Commission shall issue a report to the Common Council recommending approval, approval with modifications, or denial of the requested designation,. The report shall set forth the reasons for the recommendation. The Commission's recommendation shall be deemed approved 45 days thereafter, unless, by resolution, the Council disapproves the proposed action.

4. Notice of Decision. Notice of the Common Council's decision shall be sent by the commission to the applicants and owners of a proposed property or, in the case of an approved historic district, notice shall be sent to the applicants and owners of all properties within the approved district, by certified mail return receipt requested. Failure to send any notice by mail to any property owner whose address is not on file with the assessor shall not invalidate any proceedings in connection with the proposed designation.

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. 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. However, no work authorized by an Administrative Certificate of Appropriateness shall be commenced until the Applicant obtains all required approvals from other City Boards or Commissions.

- 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. Building system components or elements (such as, but not limited to, components or elements associated with, HVAC, electrical, plumbing, fire protection and tele/data/video systems) that have to penetrate the building exterior to serve equipment within the building provided that the penetrations are minor in nature and do not occur at the front facade;
  4. Installation of new building systems (such as air conditioning units, generators, etc) 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 building systems (such as air conditioning units, generators, etc) 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 such Certificate 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. Furthermore, no work authorized by a Certificate of Appropriateness shall be commenced until the Applicant obtains all required approval from other City Boards or Commissions.
- 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 its property 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 following criteria shall be employed:

- (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), which factor alone shall not preclude the approval of a Certificate of Appropriateness;
- 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 readable 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.

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 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 any 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 take appropriate action.

**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 in accordance with a plan approved by the Commission. 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 if convicted thereof may be liable for a fine of up to \$2,500.00 per day.

**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:

- 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
- 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.

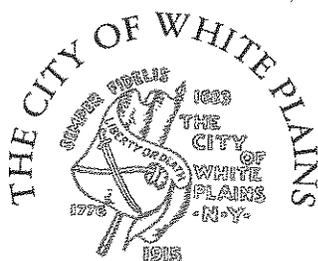
#### **§ 2. EFFECTIVE DATE**

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 APRIL 6, 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 TO ENTITLED "HISTORIC  
PRESERVATION."

RESOLVED, that a public hearing will be held on April 6, 2015, at 7:30 p.m. before  
the Common Council of the City of White Plains in the Common Council Chamber, Municipal  
Building, 255 Main Street, White Plains, New York, concerning a proposed Local Law entitled, "A  
Local Law Amending Title IX of the White Plains Municipal Code by Adding Section 9-6 to the  
White Plains Municipal Code to Be Entitled 'Historic Preservation;' " and be it further

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



PLANNING DEPARTMENT  
Thomas M. Roach, Mayor  
Linda Puoplo, Acting Commissioner

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

**RE:** AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" 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"

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING TITLE IV OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED "CABARETS" BY AMENDING ARTICLE 1 OF CHAPTER 4-4 IN ITS ENTIRETY AND AMENDING SECTION 4-4-30 OF ARTICLE II OF CHAPTER 4-4

### Introduction

The Department of Building has proposed amendments to the City of White Plains Zoning Ordinance and the City of White Plains Municipal Code associated with "cabarets." The current regulations pertaining to "cabarets" do not address the emergence of facilities predominantly providing entertainment and serving alcoholic beverages. Since this type of business model has the potential to impact public safety and surrounding residential neighborhoods, it is incumbent upon the City to update its Zoning Ordinance and Municipal Code to better protect and preserve the safety and welfare of the public and to simplify and streamline the application process for "cabarets."

The amendments are summarized as follows:

1. An amendment to the Zoning Ordinance updating the definition of "cabaret" and creating two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant uses.
2. An amendment to the municipal code which adds the standard conditions that have been imposed by the Common Council in "cabaret" special permit resolutions. Adding provisions to the municipal code will simplify the review process and improve enforcement measures.

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### Analysis and Consistency with the Comprehensive Plan

The primary purpose of the new definition of "cabaret" is to provide clarity and address the proliferation of facilities providing entertainment and serving alcoholic beverages in the City of White Plains. The proposed new definition of "cabaret" is as follows:

*Any room, space, or area used in connection with a business enterprise, in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant." However, the following shall not constitute a "cabaret":*

*A "restaurant" or "bar" located in a "hotel" having more than 50 sleeping rooms; or a "restaurant" or "café" that provides incidental Entertainment, without dancing, either by:*

- Electrical devices such as, but not limited to stereos, radios, or media players, but not including music provided by a disc jockey;*
- Not more than four (4) persons playing non-amplified music; or*
- A person with or without a portable low-wattage amplifier associated with a single instrument or microphone.*

The definition of cabaret has been further distinguished by the addition of two types of cabaret uses, as follows:

*"Cabaret, Accessory" – a "cabaret" in which the Entertainment and/or dancing do not, in aggregate, occupy more than 40% of the Net Floor Area<sup>1</sup> of the principal business of a "restaurant".<sup>2</sup>*

*"Cabaret, Primary" – a "cabaret" in which the Entertainment and/or dancing, in the aggregate occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."*

In addition, Section 6.7.10 of the Zoning Ordinance, the Individual Standards and Requirements for "Cabarets" as a Special Permit Use have been augmented in order to streamline the application and enforcement processes and to protect surrounding residential neighborhoods. These new provisions include (1) the exact application requirements needed for submission, (2) a new requirement precluding a "primary cabaret" from locating within 300 feet of any "dwelling unit", (3) requiring cabarets to be located at grade level, (4) enabling the Commissioner of Building to renew special permit requests and (5) permitting the suspension or revocation of a special permit to operate a "cabaret" if there is a violation.

The City's Comprehensive Plan emphasizes that the Core Area remain the commercial and retail hub of Westchester County and that potential negative impacts on surrounding residential neighborhoods should be limited. It is therefore appropriate that the City place controls on "cabaret" uses to ensure that these uses remain desirable for the patrons, business owners, and downtown and Close-In neighborhood residents. The Planning Department finds that the revised zoning definition and standards for obtaining a special use permit for a cabaret not only simplify and streamline the application and renewal process for

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<sup>1</sup>The term "Net Floor Area" has been added to the Zoning Ordinance and is defined as "the floor area of a premises open to the public excluding bathroom facilities."

<sup>2</sup>"Restaurant" has been redefined as "a business enterprise primarily engaged in preparing, cooking, and serving food and beverages on premises; selected from a full menu by patrons seated at a table or counter."

business owners, but also provide surrounding residential neighborhoods with better protection from noise, traffic, and other negative impacts associated with cabarets. The Planning Department also concurs with the Building Department that adding certain provisions to the zoning ordinance and municipal code will enhance enforcement measures. Therefore, the proposed amendments to the zoning ordinance and municipal code are consistent with the City's Comprehensive Plan.

**Recommendation**

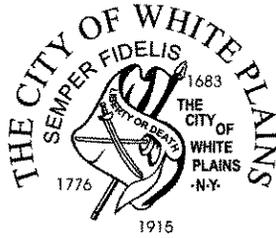
Based on the analysis above, the Planning Department supports the proposed amendments to the zoning ordinance and municipal code pertaining to cabarets, and recommends that the Common Council approve the proposed amendments.

Respectfully submitted,



Linda Puopolo  
Acting Commissioner of Planning

March 23, 2015



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

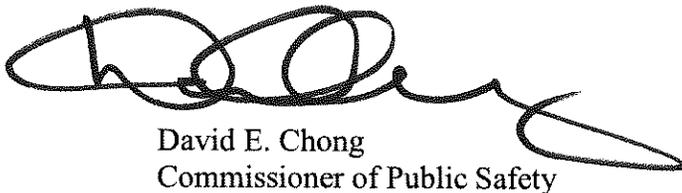
RICHARD L. LYMAN  
Fire Chief  
422-6360

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.

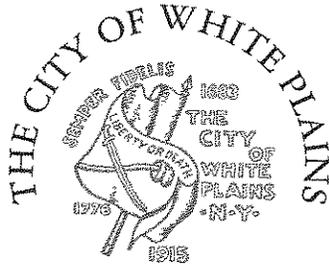
Amendments to Zoning Ordinances and  
Municipal Codes Regarding Cabarets and  
Definition of Cabarets



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 OF  
THE CITY OF WHITE PLAINS**

Dear Mayor and Common Council Members:

We have reviewed the proposed amendment to the White Plains Zoning Ordinance and Municipal Code to create two “cabaret” classes, a “primary cabaret” and a “accessory cabaret”, which are distinguished by the area of the business dedicated to entertainment uses as opposed to restaurant use when the “cabaret” is in operation, each having unique standards. The revision also provides for amendments to the Municipal Code and a Special Permit renewal without Common Council authorization.

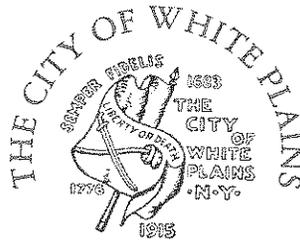
In conclusion, we have no objection to the proposed amendment.

Respectfully submitted,

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

Dated: May 4, 2015

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

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

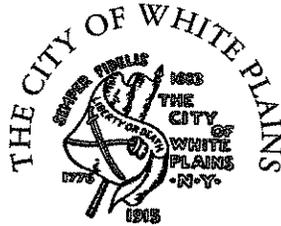
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS OF  
THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the modified zoning ordinance amendment regarding outdoor cabaret use which was referred by the Common Council on March 2, 2015.

The Department of Parking/ Traffic Division has no objection to this revision.

  
\_\_\_\_\_  
Thomas J. Soyk, PE, PTOE  
Deputy Commissioner

Dated: March 25, 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 February 18, 2015, reviewed the request for an amendment to the Zoning Ordinance of the City of White Plains in relation to creating two cabaret classes, a primary and an accessory, as referred by the Common Council on February 2, 2015.

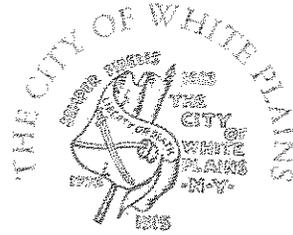
The Transportation Commission had no objection to the proposed changes.

Thomas Soyk  
Acting Chairman

Dated: February 19, 2015 (for the March 2, 2015 Common Council Meeting)

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THOMAS M. ROACH  
MAYOR



JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

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

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

**Re: #47--Amendments - Zoning Ordinance and Municipal Code  
Regarding Cabarets and Definition of Cabarets**

The Department of Parking has received and reviewed the above-noted referral in relation to amendments to the Zoning Ordinance and Municipal Code regarding cabarets and definition of cabarets.

The Department of Parking has no objection to these amendments.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Date: April 6, 2015

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Robert P. Astorino  
County Executive

County Planning Board

February 23, 2015

Anne McPherson, City Clerk  
City of White Plains  
255 Main Street  
White Plains, NY 10601

**Subject: Referral File No. WHP 15-002 – Zoning Text Amendment: Cabarets**

Dear Ms. McPherson:

The Westchester County Planning Board has received a proposed amendment to the text of the City's Zoning Ordinance with respect to Special Permit Uses in Non-Residential Districts. This would revise the definition of "Cabaret" and add the definitions of Primary Cabaret and Accessory Cabaret as well as amend the White Plains Municipal Code for Cabarets.

The amendment would create two cabaret classes, a primary cabaret and accessory cabaret, distinguished by the area of the business dedicated to entertainment uses as opposed to restaurant use when the cabaret is in operation. Each class would have its own unique standards. The amendments are intended to improve public safety as well as simplify and streamline the application for approval to operate a cabaret.

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 it to be a matter for local determination in accordance with the City's planning and zoning policies.

Thank you for calling this matter to our attention.

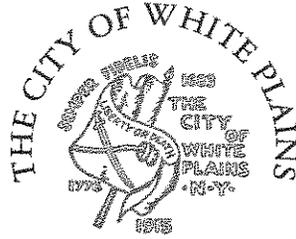
Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

FOR:  
By: 

Edward Burroughs, AICP  
Commissioner

EEB/KE





**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

April 30, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: AMENDMENTS TO THE ZONING ORDINANCE AND MUNICIPAL CODE REGARDING "CABARET," "PRIMARY CABARET" AND "ACCESSORY CABARET" SPECIAL PERMIT USES.

The proposed amendments to the City of White Zoning Ordinance and Municipal Code regarding "Cabaret," "Primary Cabaret" and "Accessory Cabaret" Special Permit Uses ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action includes:

- A. AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" 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"

In summary, this amendment revises the definition of "cabaret" uses and creates two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant use when the "cabaret" is in operation. Each class will have unique standards.

- B. AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING TITLE IV OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED "CABARETS" BY AMENDING ARTICLE 1 OF CHAPTER 4-4 IN ITS ENTIRETY AND AMENDING SECTION 4-4-30 OF ARTICLE II OF CHAPTER 4-4

In summary, this amendment will codify the standard conditions that have been imposed by the Common Council in "cabaret" special permit resolutions for several years. Adding provisions to the municipal code will simplify the review process and improve enforcement measures.

The Environmental Officer recommends that the Common council (a) designate itself to serve as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

One major goal cited in the Comprehensive Plan is to enhance the range of cultural, entertainment and recreational activities for different segments of the City's population provided they do not adversely impact the residential uses which are present downtown.

The Comprehensive Plan balances the goal of providing greater activity in the downtown while preserving the quality of existing and encouraging additional residential development in the area:

- \* Encourage the development of cultural and entertainment uses in this section of the Core Area and build on these to attract restaurants, cafes and entertainment uses.
- \* Strictly control Core Area uses that would detract from the residential quality of the Core Area.

The Comprehensive Plan also provides the following recommendations for the Close-In Neighborhoods:

- \* Encourage upgrading and modernizing of the light industrial zone districts along Westmoreland, Ferris, South Kensico, and Haarlem Avenues, and ensure that they properly coexist with the abutting residential areas.

The revised zoning definition and standards for obtaining a special use permit for a "cabaret" not only simplify and streamline the application and renewal process for business owners, but also provide surrounding residential neighborhoods with better protection from noise, traffic, and other negative impacts associated with "cabarets." Therefore, the proposed amendments to the zoning ordinance and municipal code are consistent with the City's Comprehensive Plan.

### Zoning

"Cabaret" uses are regulated by two separate municipal authorities: the Common Council approves Special Permits for a "cabaret" use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards.

Due to the nature and intensity of "cabaret" uses, both as to the number of people attracted to the uses and the sound levels associated with such uses, the City has regulated the operation of "cabaret" uses by the means of the special use permit with specific conditions approved by the Common Council.

These conditions address the interior location, hours for operation, exterior sound levels and maximum occupancy and have been applied on a case by case basis with each individual application.

The Department of Building has proposed amendments to the City of White Plains Zoning Ordinance and the City of White Plains Municipal Code associated with “cabarets.” The current regulations pertaining to “cabarets” do not address the emergence of facilities predominantly providing entertainment and serving alcoholic beverages. Since this type of business model has the potential to impact public safety and surrounding residential neighborhoods, it is incumbent upon the City to update its Zoning Ordinance and Municipal Code to better protect and preserve the safety and welfare of the public and to simplify and streamline the application process for “cabarets.”

The Proposed Action will codify the standard conditions that have been imposed by the Common Council in “cabaret” special permit resolutions for several years. Adding provisions to the municipal code will simplify the review process and improve enforcement measures.

The “cabaret” use is presently allowed as a special permit use in the CB-1, CB-2, CB-3, CB-4 and the UR-4 Districts, which are located in the downtown Core Area. The Proposed Action will continue to the two “primary cabaret” and “accessory cabaret” uses in these same districts areas where “cabaret” uses are currently permitted.

The Proposed Action will also expand the area for the new “Primary Cabaret” use into the additional LI, Light Industrial Districts which are located in four areas: Westmoreland Avenue, Ferris Avenue Holland Avenue and South Kensico Avenue/ Manor Place. These LI Districts are situated in proximity to residential zoning districts and individual residences.

Currently, Section 6.7.10 of the Zoning Ordinance provides individual standards specifically for “cabaret” uses that establish minimum separation requirements from residential districts, places of worship, hospital, domiciliary care facility or community residences. These separation setbacks will be continued and revised to provide additional setback protections for the neighborhoods near the proposed “Primary Cabaret” uses in the LI Districts.

The proposed separation setbacks to be listed a new Section 6.7.10 of the Zoning Ordinance reads as follows:

“Cabarets” shall not be located within 150 feet of any residential district, nor within 200 feet of any lot line of a place of worship, hospital, domiciliary care facility or community residence, ” nor shall any “Primary Cabaret” be located within 300 feet of any “dwelling unit.”

These enhanced separation standards for a “Primary Cabaret” use, along with the codified noise restrictions for “Cabaret” uses will serve to protect the residential quality for the neighborhood areas near the LI Districts.

Parking requirements for “cabaret” uses are derived and calculated for the principal restaurant use facility within which the “cabaret” is located. There are no additional parking requirements for the proposed

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

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

The general standards for all special permit uses in Section 6.5 and the individual standards specifically for “cabaret” uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts

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

The proposed amendments to the Zoning Ordinance and Municipal Code are consistent with the City’s Comprehensive Plan.

The Proposed Action will codify the standard conditions that have been imposed by the Common Council in “cabaret” special permit resolutions for several years.

The revised zoning definition and standards for obtaining a special use permit for a “cabaret” not only simplify and streamline the application and renewal process for business owners, but also provide surrounding residential neighborhoods with better protection from noise, traffic, and other negative impacts associated with “cabarets.”

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

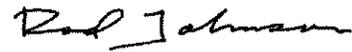
There is no reason to expect any hazard to human health or safety resulting from this Proposed Action. All development is subject to the appropriate municipal safety codes and approved by the Departments of Building, Public Safety, Public Works and Traffic.

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

- (i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.
- (j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.
- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected.

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

Respectfully submitted,



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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AMENDMENTS TO THE ZONING ORDINANCE AND MUNICIPAL CODE REGARDING "CABARET," "PRIMARY CABARET" AND "ACCESSORY CABARET" SPECIAL PERMIT USES.

WHEREAS, the proposed amendments to the City of White Zoning Ordinance and Municipal Code regarding "Cabaret," "Primary Cabaret" and "Accessory Cabaret" Special Permit Uses ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations: and

WHEREAS, the Proposed Action includes:

- A. AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" 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"

In summary, this amendment revises the definition of "cabaret" uses and creates two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant use when the "cabaret" is in operation. Each class will have unique standards.

- B. AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING TITLE IV OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED "CABARETS" BY AMENDING ARTICLE 1 OF CHAPTER 4-4 IN ITS ENTIRETY AND AMENDING SECTION 4-4-30 OF ARTICLE II OF CHAPTER 4-4

In summary, this amendment will codify the standard conditions that have been imposed by the Common Council in "cabaret" special permit resolutions for several years. Adding provisions to the municipal code will simplify the review process and improve enforcement measures; and

WHEREAS, under the New York State Environmental Quality Review (SEQR) regulations (6 NYCRR 617), the Common Council is required to incorporate environmental considerations in approval actions by a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

WHEREAS, the Environmental Officer has recommended that the Common council (a) designate itself to serve as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action and (c) find that the Proposed Action will not have a significant effect on the environment; and

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

22

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

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

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

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

One major goal cited in the Comprehensive Plan is to enhance the range of cultural, entertainment and recreational activities for different segments of the City's population provided they do not adversely impact the residential uses which are present downtown.

The Comprehensive Plan balances the goal of providing greater activity in the downtown while preserving the quality of existing and encouraging additional residential development in the area:

- \* Encourage the development of cultural and entertainment uses in this section of the Core Area and build on these to attract restaurants, cafes and entertainment uses.
- \* Strictly control Core Area uses that would detract from the residential quality of the Core Area.

The Comprehensive Plan also provides the following recommendations for the Close-In Neighborhoods:

- \* Encourage upgrading and modernizing of the light industrial zone districts along Westmoreland, Ferris, South Kensico, and Haarlem Avenues, and ensure that they properly coexist with the abutting residential areas.

The revised zoning definition and standards for obtaining a special use permit for a "cabaret" not only simplify and streamline the application and renewal process for business owners, but also provide surrounding residential neighborhoods with better protection from noise, traffic, and other negative impacts associated with "cabarets." Therefore, the proposed amendments to the zoning ordinance and municipal code are consistent with the City's Comprehensive Plan.

### Zoning

"Cabaret" uses are regulated by two separate municipal authorities: the Common Council approves Special Permits for a "cabaret" use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards.

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“cabaret” uses by the means of the special use permit with specific conditions approved by the Common Council.

These conditions address the interior location, hours for operation, exterior sound levels and maximum occupancy and have been applied on a case by case basis with each individual application.

The Department of Building has proposed amendments to the City of White Plains Zoning Ordinance and the City of White Plains Municipal Code associated with “cabarets.” The current regulations pertaining to “cabarets” do not address the emergence of facilities predominantly providing entertainment and serving alcoholic beverages. Since this type of business model has the potential to impact public safety and surrounding residential neighborhoods, it is incumbent upon the City to update its Zoning Ordinance and Municipal Code to better protect and preserve the safety and welfare of the public and to simplify and streamline the application process for “cabarets.”

The Proposed Action will codify the standard conditions that have been imposed by the Common Council in “cabaret” special permit resolutions for several years. Adding provisions to the municipal code will simplify the review process and improve enforcement measures.

The “cabaret” use is presently allowed as a special permit use in the CB-1, CB-2, CB-3, CB-4 and the UR-4 Districts, which are located in the downtown Core Area. The Proposed Action will continue to the two “primary cabaret” and “accessory cabaret” uses in these same districts areas where “cabaret” uses are currently permitted.

The Proposed Action will also expand the area for the new “Primary Cabaret” use into the additional LI, Light Industrial Districts which are located in four areas: Westmoreland Avenue, Ferris Avenue Holland Avenue and South Kensico Avenue/ Manor Place. These LI Districts are situated in proximity to residential zoning districts and individual residences.

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The proposed separation setbacks to be listed a new Section 6.7.10 of the Zoning Ordinance reads as follows:

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These enhanced separation standards for a “Primary Cabaret” use, along with the codified noise restrictions for “Cabaret” uses will serve to protect the residential quality for the neighborhood areas near the LI Districts.

Parking requirements for “cabaret” uses are derived and calculated for the principal restaurant use facility within which the “cabaret” is located. There are no additional parking requirements for the proposed

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

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

The general standards for all special permit uses in Section 6.5 and the individual standards specifically for “cabaret” uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts

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

The proposed amendments to the Zoning Ordinance and Municipal Code are consistent with the City’s Comprehensive Plan.

The Proposed Action will codify the standard conditions that have been imposed by the Common Council in “cabaret” special permit resolutions for several years.

The revised zoning definition and standards for obtaining a special use permit for a “cabaret” not only simplify and streamline the application and renewal process for business owners, but also provide surrounding residential neighborhoods with better protection from noise, traffic, and other negative impacts associated with “cabarets.”

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

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

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

- (I) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.
- (j) The Proposed Action does not represent a change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.
- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected; and be it further

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

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

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED  
"THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS"  
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".

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

Section 1. The Zoning Ordinance of the City of White Plains, as adopted June 1, 1981 and as amended to date, be and it hereby is amended to revise the provisions regulating "cabarets" as follows:

- A. Section 2.4 Definitions.  
is hereby amended in its entirety to read as follows:

"Cabaret"

Any room, space or area used in connection with a business enterprise, in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant." However, the following shall not constitute a "cabaret":

A "restaurant" or "bar" located in a "hotel" having more than 50 sleeping rooms; or  
A "restaurant" or "café" that provides incidental Entertainment, without dancing,  
either by:

- electrical devices such as, but not limited to stereos, radios or media players, but not including music provided by a disc jockey;
- not more than four (4) persons playing non-amplified music; or
- a person with or without a portable low-wattage amplifier associated with a single instrument or microphone.

"Cabaret, Accessory"

A "cabaret" in which the Entertainment and/or dancing do not, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

"Cabaret, Primary"

A "cabaret" in which the Entertainment and/or dancing, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

"Net Floor Area"

The floor area of a premises open to the public excluding bathroom facilities.

"Restaurant"

A business enterprise primarily engaged in preparing, cooking, and serving food and beverages on premises; selected from a full menu by patrons seated at a table or counter;

served by a waiter or waitress; and consumed on the premises. See also "Cafeteria," "Cabaret," and "Fast Food Eating Establishment."

B. Section 5.1, Schedule of "Use" Regulations: Non-Residential, is hereby amended by adding the word "Accessory" before "Cabaret" and adding a column under "Accessory Cabaret" labeled "Primary Cabaret" as shown on the attached Schedule.

C. Section 6.2.1.16 "Cabarets" is hereby amended to read "Primary and Accessory Cabarets."

D. Section 6.7.8 Outdoor Dining, is hereby amended to read as follows:

6.7.8.1 Outdoor "cabarets," ~~outdoor dining in conjunction with a "cabaret"~~ and outdoor dining in conjunction with "fast food eating establishments" are specifically prohibited.

E. Section 6.7.10 "Cabarets" is hereby amended to read as follows:

6.7.10.1 Each applicant shall submit floor plan(s) prepared and signed/sealed by a New York State Design Professional in accordance with the following:

6.7.10.1.1 The plans shall be drawn to scale, be legible and be no smaller than 11x17;

6.7.10.1.2 Indicate the area for any proposed dance floor including the square footage;

6.7.10.1.3 Indicate the area for any proposed DJ, band or entertainer including the square footage;

6.7.10.1.4 Indicate all tables and seating (permanent or fixed);

6.7.10.1.5 Indicate the code required egress paths through the space to each legal exit. The egress paths shall not traverse areas identified for Entertainment purposes. The paths shall be clearly identified by shading or cross hatching on the plan(s);

6.7.10.1.6 Provide occupancy calculations for the restaurant configuration and cabaret configuration. Egress path square footage shall be excluded when calculating occupancy. Any proposed occupancy of 300 persons will require a smoke purge system in accordance with the White Plains Building Code; and

6.7.10.1.7 The temporary storage of tables and/or seating shall be identified on the plan(s) if the creation of a "cabaret" requires the relocation of these items.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any "cabaret" to alter or deviate from the approved site plan or floor layout.

6.7.10.2 "Cabarets" shall not be located within 150 feet of any residential district, nor within 200 feet of any "lot line" of a place of worship, hospital, "domiciliary care facility" or "community residence," nor shall any "primary cabaret" be located within 300 feet of any "dwelling unit."

6.7.10.3 "Cabarets" shall only be located at grade level.

6.7.10.4 The special permit may be renewed by the Commissioner of Building in accordance with Section 6.6.5, provided that the Commissioner shall have the authority to decline the renewal based on any violation of this section 6.7.10, the Municipal Code Title IV, Chapter 4-4, or of any conditions set forth in the special permit resolution adopted by the Common Council.

6.7.10.5 A special permit to operate a "cabaret" may be suspended or revoked after a hearing, with at least five days notice to the special permit holder, held by the Commissioner of Building, the Chief of Fire and the Chief of Police, or their duly appointed representative, whereby it is determined that there was a violation of: this section 6.7.10; the Municipal Code Title IV, Chapter 4-4; any conditions set forth in the special permit resolution; or that the operation of the "cabaret" poses a detriment to the health, safety and welfare of the neighborhood or community.

§ 2. This Ordinance shall take effect immediately.

Section 5.1 Schedule of "Use" Regulations: Non-Residential

"Uses"	C-O	O-R	B-1	B-2	B-3	BR-1	BR-2	CB-1	CB-2	CB-3	CB-4	UR-4	B-6	LI
"Primary Cabaret"								SP	SP	SP	SP	SP		SP

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS  
AMENDING TITLE IV OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED "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.

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

Section 1. Article I of Title IV, Chapter 4-4, of the White Plains Municipal Code, last amended by ordinance adopted February 6, 2006, is hereby amended, in its entirety, as follows:

A. Sec. 4-4-1. Purpose and Construction.

This chapter shall be deemed an exercise of the police power of the state and of the city for the protection of the economic and social welfare, health, peace and morals of the people of the city and all its provisions shall be liberally construed for the accomplishment of that purpose.

B. Sec. 4-4-2 Definitions.

Cabaret: Any room, space or area used in connection with a business enterprise, in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant." However, the following shall not constitute a cabaret:

A restaurant or bar located in a hotel having more than 50 sleeping rooms; or  
A restaurant or café that provides incidental Entertainment, without dancing, either by:

- electrical devices such as, but not limited to stereos, radios or media players, but not including music provided by a disc jockey; or
- not more than four (4) persons playing non-amplified music; or
- a person with or without a portable low-wattage amplifier associated with a single instrument or microphone.

Accessory Cabaret: A "cabaret" in which the Entertainment and/or dancing do not, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

Primary Cabaret: A "cabaret" in which the Entertainment and/or dancing, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

"Net Floor Area"

The floor area of a premises open to the public excluding bathroom facilities.

Restaurant: a "restaurant" is a business enterprise primarily engaged in preparing, cooking, and serving food and beverages on premises; selected from a full menu by patrons seated at a table or counter; served by a waiter or waitress; and consumed on the premises.

C. Sec. 4-4-3. Operating Hours.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to operate a cabaret on any day between the hours of 3:01 a.m. and 11:59 a.m., however the facility may continue to operate as a restaurant after those hours.

D. Sec. 4-4-4. Intoxicating Liquors.

It shall be unlawful for any person to bring into or have in his or her possession or partake of any intoxicating liquors in any cabaret. This section shall not apply to cabarets where intoxicating liquors may be lawfully sold under the provisions of the Alcoholic Beverage Control Law.

E. Sec. 4-4-5. Nudity.

No person shall be permitted to appear in any cabaret with the chest, breasts or buttocks fully exposed or any portion of the genitals exposed.

F. Sec. 4-4-6. Sound Amplification.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to operate a cabaret in violation of the following:

(a) Sound Level. The sound level of either live or recorded music or other attendant noise as measured from the exterior of the cabaret premises shall not exceed 85 decibels (dB) at any time as measured at a reasonable distance not less than seven (7) nor more than fifteen (15) feet from the premises of the cabaret establishment. A noise level evaluation of the operation of the cabaret use, paid for by the Applicant or owner, shall be conducted by the Department of Building every three (3) months of operation of the cabaret use, with the results to be submitted to the Common Council within two (2) weeks of said evaluation and made available to the public.

(b) Sound Amplification Equipment. No Sound Amplification Equipment (speakers, amplifiers, audio systems, radios, televisions, or any other device that can produce or reproduce sound) shall be installed or operated indoors with the intent to amplify the sound outdoors and/or within any temporary structures(s).

(c) Sound Amplification Shut-Off. Whenever the building or space fire alarm system is activated all Sound Amplification Equipment within the cabaret shall be shut off. Sound Amplification Equipment shall mean speakers, amplifiers, audio systems, radios, televisions, or any device that can produce or reproduce sound.

(d) Reduction of Sound Transmission. In an effort to reduce sound transmission, all doors related to the cabaret use, including those from the street, shall be equipped with automatic self-closers, remain closed during operation of the cabaret use and shall not be permitted to be propped open at any time. Doors may be used for ingress and egress only and must be sealed tightly when closed. In addition, unless technically infeasible, all new cabarets shall incorporate an interior vestibule at the entrance to the room, space or area where the cabaret is proposed.

G. Sec. 4-4-7 Food Service.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to operate a cabaret without food service available from a printed menu.

H. Sec 4-4-8 Employee Roster.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to fail to maintain a roster, which contains the name, address and telephone number of all employees, excluding kitchen and wait-staff, working at any given time when such cabaret is open. Such roster shall be maintained on the premises of the cabaret for six (6) months and available for inspection by the Department of Public Safety promptly upon request.

I. Sec. 4-4-9. Entry Fee.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of an accessory cabaret to charge an entry fee payable at or prior to admission. However this shall not prohibit a fixed charge or fee for entertainment or service added to a bill for patrons with reserved table seating.

J. Sec. 4-4-10. Entry Powers of Police Officers and Housing/Building Inspectors.

It shall be unlawful for the owner, proprietor, manager or person in charge of any cabaret or restaurant to refuse admission or entry to the public areas of the cabaret or restaurant during operating hours to any officer charged with enforcing the penal laws of New York State, the New York State Building Code, the White Plains Supplemental Building Code or the City of White Plains Municipal Code.

K. Sec. 4-4-11. Temporary Closure.

If in the opinion of the Commissioner of Public Safety, or the Commissioner's designee, an owner, proprietor, manager or person in charge of any cabaret, creates, maintains or permits a condition that endangers or threatens to endanger the safety or health of the public, the Commissioner, or designee, may order the immediate temporary closure of the cabaret. It shall be unlawful for an owner, proprietor, manager or person in charge of any cabaret, to fail to comply with such order.

L. Sec. 4-4-12. Penalty.

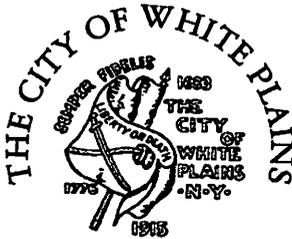
A violation of any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine not to exceed two thousand five dollars (\$2,500.00) for each offense or by imprisonment for each offense for a period of not exceeding fifteen (15) days, or by both such fine and imprisonment.

Section 2. Article II of Title IV, Chapter 4-4, of the White Plains Municipal Code, last amended by ordinance adopted February 6, 2006, is hereby amended, as follows:

Sec. 4-4-30. Fee, expiration and transfer.

The annual fee for a cabaret license shall be ~~one~~five hundred dollars (\$~~1~~500.00); provided that in the event a license be granted after July first of any year the license fee shall be one-half the amount of the annual license fee. The commissioner of public safety shall not issue a cabaret license until the applicant has paid such fee to the city. All such licenses shall expire on December 31 next following their issue. Such license shall not be transferable and shall not authorize the person to whom it is granted to conduct a cabaret at any location other than that specified therein.

Section 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

Teresa Torelli  
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 June 1, 2015.

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

Sincerely,

  
Anne M. McPherson, CMC  
City Clerk

DATED: May 4, 2015

JAMES W. GLATTHAAR  
914.287.6159  
JWGLATTHAAR@BPSLAW.COM

May 1, 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**

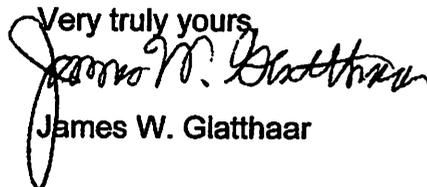
Dear Anne:

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 May 4, 2015.

On behalf of St. Gregory's, we respectfully request that the hearing be adjourned to the June 1, 2015 Common Council meeting. We apologize if this causes any inconvenience.

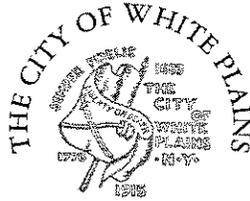
Please contact me with any questions.

Very truly yours,



James W. Glatthaar

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

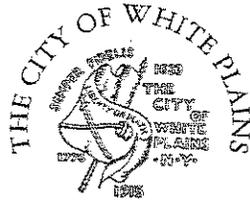
The Department of Building has reviewed, per referral by the Common Council on March 2, 2015, a proposed amendment to Section 12.7 of the City of White Plains Zoning Ordinance relating to the notification of public hearings.

The amendment reduces the requirement for publication of a notice of a public hearing in the official newspaper from three (3) days to one (1) day. The notice requirement is associated with zoning amendments, special permit applications, variances, site plans involving an "environmentally sensitive site, appeals from the determinations from the Commissioner of Building, and other zoning-related applications.

 This Department has no objection to this amendment being approved.

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

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THOMAS M. ROACH  
Mayor

DAMON A. AMADIO, P.E.  
Commissioner of Building

NORMAN DICHIARA, AIA  
Chairman

KEVIN M. HODAPP, P.E.  
Deputy Commissioner of Building

NICK PUJA  
Secretary

March 11, 2015

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

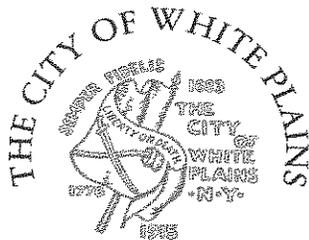
Dear Mayor and Council Members:

The Design Review Board, at its meeting on March 9, 2015, reviewed the proposed amendment to the Zoning Ordinance publication requirements from 3 days to 1 day..

OUTCOME: The Design Review Board reviewed this application and had no comment at this time.

Norman DiChiara

Norman DiChiara, Chairman  
Design Review Board



**PLANNING DEPARTMENT**

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

THOMAS M. ROACH  
MAYOR

LINDA K. PUOPLO  
ACTING COMMISSIONER

To: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Re: PROPOSED AMENDMENT TO THE ZONING ORDINANCE AT SECTION 12.7  
REGARDING PUBLIC NOTICE PUBLICATION REQUIREMENTS

Date: March 16, 2015

The proposed amendment to Section 12.7 of the Zoning Ordinance regarding the public notice of public hearings is an effort to streamline the City's current process of public notification. In particular, the amendment proposes to reduce the current public notification requirement in the official newspaper from three (3) days to one (1) day for zoning amendments, special permit applications, variances, site plans involving environmentally sensitive sites, appeals from the determinations from the Commissioner of Building, and other zoning related applications.

The present requirement was adopted by the Common Council nearly 35 years ago and pre-dated the existence of today's technological advances including the City's website, where agendas can be posted easily and cost free, and cable access television. The one day publication requirement is also consistent with state law and with other local governments throughout New York State. Consequently, the Planning Department recommends that the Common Council adopt this proposed amendment to Section 12.7 of the Zoning Ordinance.

Respectfully submitted,

Linda Puoplo  
Acting Commissioner 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: PROPOSED AMENDMENT TO THE ZONING ORDINANCE AT SECTION 12.7 REGARDING PUBLIC NOTICE PUBLICATION REQUIREMENTS - 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

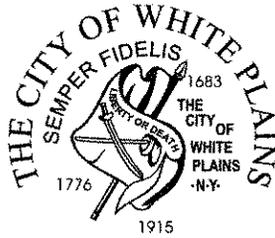
At its March 17, 2015 meeting, the Planning Board reviewed the proposed amendment to the Zoning Ordinance to reduce the number of times that notice of a public hearing must be published in the newspaper from three to one.

The Planning Board voted unanimously to find the proposed amendment appropriate as to form, to support the proposed amendment, to recommend the scheduling of a public hearing on the proposed amendment, and to recommend its adoption by the Common Council.

Planning Board members voting in favor of the motion to find the proposed amendment appropriate as to form, to recommend the scheduling of a public hearing on the proposed amendment, and to recommend its adoption by the Common Council: 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

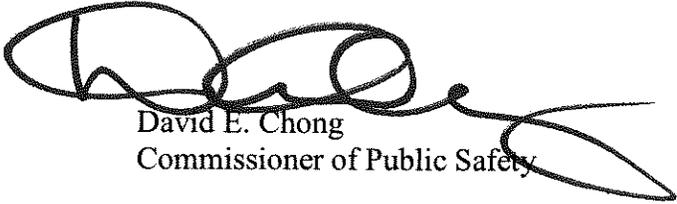
RICHARD L. LYMAN  
Fire Chief  
422-6360

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.

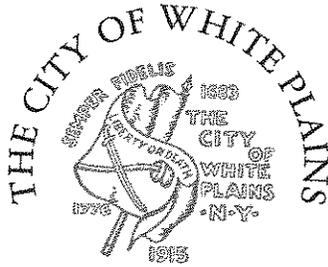
Amendment to Zoning Ordinance  
Publication Requirements from  
3 days to 1 day.



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 OF  
THE CITY OF WHITE PLAINS**

Dear Mayor and Common Council Members:

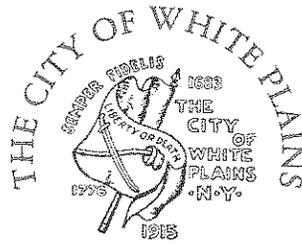
We have reviewed the proposal to reduce the notice of a public hearing in the City's official newspaper set forth in Section 12.7 of the White Plains Zoning Ordinance, from three (3) days to one (1) day, for zoning amendments, special permit applications, variances, site plans involving environmentally sensitive sites, appeals pursuant to determinations made by the Commissioner of Building, and other zoning-related applications, consistent with New York State law. We have no objection to the proposed amendment.

Respectfully submitted,

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

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

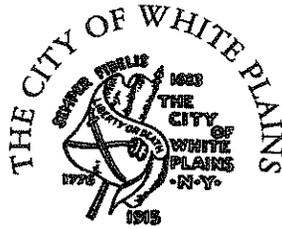
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS OF  
THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the zoning ordinance amendment regarding publication of notice which was referred by the Common Council on March 2, 2015.

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

Thomas J. Soyk, PE, PTOE  
Deputy Commissioner

Dated: March 25, 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 the request from the Building Department for an amendment to the Zoning Ordinance of the City of White Plains to revise the requirement for publication of a notice of public hearing in the official newspaper from three days to one day, as referred by the Common Council on March 3, 2015.

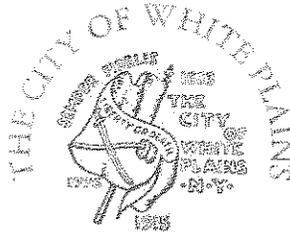
The Transportation Commission had no objection to the proposed changes.

Thomas Soyk  
Acting Chairman

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

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THOMAS M. ROACH  
MAYOR



JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

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

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

**Re: #58—Amendment to Zoning Ordinance – Publication Requirements**

The Department of Parking has received and reviewed the above-noted referral seeking to amend the requirement for publication of a notice of public hearing in the official newspaper set forth in Section 12.7 of the Zoning Ordinance from three days to one day.

The Department of Parking has no objection to this amendment.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Date: April 6, 2015

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Robert P. Astorino  
County Executive

County Planning Board

March 16, 2015

Anne McPherson, City Clerk  
City of White Plains  
255 Main Street  
White Plains, NY 10601

**Subject: Referral File No. WHP 15-003 – Zoning Text Amendment: Public Hearing Notices**

Dear Ms. McPherson:

The Westchester County Planning Board has received a proposed amendment to the text of the City's Zoning Ordinance with respect to the requirement for publication of notice of a public hearing. The proposed amendment would reduce the requirement from three days to one day for zoning related applications. The one day publication requirement is consistent with State law and other local governments throughout the state. It also is a cost saving measure for both private applicants and the City of White Plains, as it will cut publication expenses by two thirds.

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 it to be a matter for local determination in accordance with the City's planning and zoning policies.

Thank you for calling this matter to our attention.

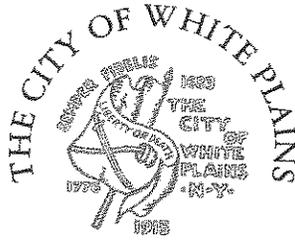
Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

cc:  
By:

Edward Buroughs, AICP  
Commissioner

EEB/KE

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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 25, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ZONING ORDINANCE AMENDMENT REGARDING REQUIREMENT FOR  
PUBLICATION OF NOTICE FOR PUBLIC HEARINGS.

The proposed amendment to the Zoning Ordinance regarding the requirement for publication of notice of a public hearing ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

As recommended in the letter from the Commissioner of Building, dated February 25, 2015, the Proposed Action would amend Section 12.7 of the the Zoning Ordinance reducing the requirement for publication of notice of a public hearing in the official newspaper from three (3) days to one (1) day, for zoning amendments, special permits applications, variances, site plans involving an "environmentally sensitive site," appeals from the determinations from the Commissioner Building and other zoning-related applications.

The Proposed Action does not represent an action, project or physical activity or the adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment by changing the use, appearance or condition of any natural resource or structure or directly affect land uses.

As such, the Proposed Action is not subject to SEQR and no additional environmental determination or findings are necessary prior to the Common Council's approval of this action.

Respectfully submitted,

Rod Johnson  
Environmental

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AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" IN RELATION TO AMENDING SECTION 12.7 PERTAINING TO THE REQUIREMENT FOR PUBLICATION OF NOTICE OF A PUBLIC HEARING FOR AT LEAST THREE (3) DAYS IN THE OFFICIAL NEWSPAPER.

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

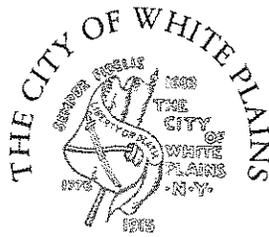
Section 1. The Zoning Ordinance of the City of White Plains as adopted June 1, 1981 and as last amended on March 2, 2015, is hereby further amended at Section 12.7, to read as follows:

**12.7 Notice of Hearing**

Notice of the public hearing shall be published [at least 3 days] in the official newspaper, [the first insertion to be] not less than 10 or more than 30 days prior to the date of the public hearing. For proposed amendments to the Zoning Map, at least 1 week prior to the date of the hearing a notice of such hearing and a brief description of the proposed change shall be mailed to all owners of property (as shown by the tax assessment roll) within the "area affected." A copy of the notice, with proof of such mailing, together with proof of notice in the official newspaper, shall be filed in the City Clerk's office on or before the date of the public hearing.

Section 2. This ordinance shall take effect immediately.

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**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

Dear Mayor and Council Members:

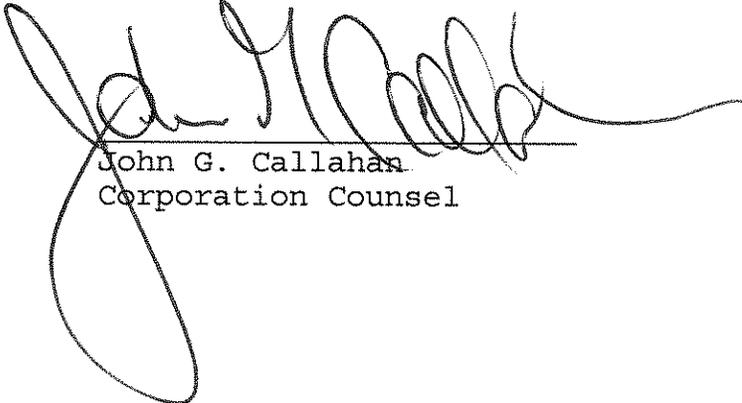
Open Arms Development Fund Company, Inc. ("HDFC"), a redevelopment company organized under Article 11 of the New York Private Housing Finance Law ("PHFL"), is rehabilitating 86-88 East Post Road in order to provide an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for homeless people. These uses are distinctly charitable and provide services which benefit the residents of the City of White Plains.

The HDFC has requested, as authorized by Section 577 of the PHFL, that the City grant a tax abatement agreement for the aforementioned project from City, County and School District taxes, exclusive of taxes for assessments for local improvements and special districts, provided that 86-88 East Post Road continues to be used for the aforementioned purposes. This request was made after consultation with the Assessor and the Law Department.

Submitted for your consideration is an ordinance which authorizes the Mayor to execute a tax abatement agreement for an exemption from all City, County and School District taxes, exclusive of taxes for assessments for local improvements and special districts provided that 86-88 East Post Road continues to be used for an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for homeless people for a forty year term for a term of forty years starting from the next

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taxable status date after the issuance of a certificate of occupancy (including a temporary certificate of occupancy).



John G. Callahan  
Corporation Counsel

Dated: April 29, 2015  
(for the May 4, 2015 meeting  
of the Common Council)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TAX ABATEMENT AGREEMENT PURSUANT TO PRIVATE HOUSING FINANCE LAW SECTION 577 IN CONNECTION WITH A PROJECT LOCATED AT 86-88 EAST POST ROAD.

WHEREAS, Open Arms Housing Development Fund Company, Inc. ("the HDFC") is in the process of renovating 86-88 East Post Road for use as an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for homeless persons ("the Project"); and

WHEREAS, the City has determined that the rehabilitation of the Project and its intended uses are beneficial to and in the best interests of the public; and

WHEREAS, the provision of these services to the homeless is a benefit to the public interest; and

WHEREAS, as a means of assisting the modernization of the Project and its continuation in the future, the HDFC has requested from the City and the City desires to grant certain tax abatements; and

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the PHFL; and

WHEREAS, the HDFC plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL and the Project constitutes a "project" within the meaning of the Public Housing Finance Law; and

WHEREAS, pursuant to PHFL Section 577, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements and special districts, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the HDFC has requested that the tax abatement agreement provide that the HDFC shall be exempt from the payment of all local and municipal taxes, including school taxes, other than assessments for local improvements and special districts for a term of forty (40) years;

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

Section 1. Pursuant to PHFL Section 577, that the Mayor of the City is hereby authorized to execute an agreement, in a form subject to the approval of the Corporation Counsel, between the City and the HDFC granting exemptions from the City, County, and White

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Plains City School District School Taxes, exclusive of assessments for local improvements and special districts effective on the next taxable status date after which the Project receives a certificate of occupancy (including a temporary certificate of occupancy) for a term of forty years provided that the HDFC continues to maintain the Project as an Emergency Shelter, an Overnight Shelter for the Homeless and a Social Service Center for homeless persons.

Section 2. This ordinance shall take effect immediately.



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

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

Included in the FY 2014-2015 Capital Improvement Program adopted by the Capital Projects Board is a project entitled "Mattison Park Basketball Courts" at an estimated cost of \$50,000. The project is the responsibility of the Commissioner of Public Works and includes the paving and painting of the playing surface as well as replacement of the backboard and poles and rehabilitation of the fencing enclosure. Submitted herewith is legislation which authorizes the Commissioner of Public Works to enter into various purchase orders and contracts as required to complete the project.

The legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5449 entitled "Mattison Park Basketball Courts," as follows:

REVENUES:

C5449-09910	General Fund Open Space and Recreation Reserve	<u>\$ 50,000</u>
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EXPENDITURES:

C5449-0811	Site Improvements	<u>\$ 50,000</u>
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To provide the General Fund Contribution, it is also requested that the General Fund Budget for FY 2014-2015 be amended as follows:

REVENUES:

A002-09996	Open Space and Recreation Reserve	<u>\$ 50,000</u>
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EXPENDITURES:

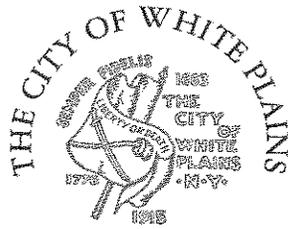
A022-9.401	Contribution to Capital Projects Fund	<u>\$ 50,000</u>
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Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

May 4, 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 27, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5449  
MATTISON PARK BASKETBALL COURTS

Capital Project No. W5449, Mattison Park Basketball Courts, has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations. This project involves paving and painting of the playing surface, replacement of the backboard and rehabilitation of the fencing enclosure for the existing basketball court within Mattison Park.

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

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

Respectfully submitted,

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. C5449, MATTISON PARK BASKETBALL COURTS.

WHEREAS, Capital Project No. W5449, Mattison Park Basketball Courts, (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves paving and painting of the playing surface, replacement of the backboard and rehabilitation of the fencing enclosure for the existing basketball court within Mattison Park; and

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

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations at 6 NYCRR §617 in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; now, therefore, be it

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

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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. 5449 ENTITLED, "MATTISON PARK BASKETBALL COURTS."**

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

Section 1. Included in the City's FY 2014-2015 Capital Improvement Program adopted by the Capital Projects Board, is a project entitled, "Mattison Park Basketball Courts," at an estimated cost of \$50,000. The project is the responsibility of the Commissioner of Public Works and includes the paving and painting of the playing surface as well as replacement of the backboard and poles and rehabilitation of the fencing enclosure.

Section 2. The Mayor is hereby authorized to direct the Commissioners of Public Works to enter into various purchase orders and contracts as required to complete the project. Said contract(s) shall be in a form to be approved by the Corporation Counsel.

Section 3. The Mayor is further authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5449, entitled "Mattison Park Basketball Courts," as follows:

**REVENUES:**

C5449-09910	General Fund Open Space and Recreation Reserve	<u>\$ 50,000</u>
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**EXPENDITURES:**

C5449-0811	Site Improvements	<u>\$ 50,000</u>
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Section 4. To provide the General Fund contribution, the Mayor is hereby authorized to direct the Budget Director to amend the General Fund budget for FY 2014-2015 as follows:

**REVENUES:**

A002-09996	Open Space and Recreation Reserve	<u>\$ 50,000</u>
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**EXPENDITURES:**

A022-9.401	Contribution to Capital Projects Fund	<u>\$ 50,000</u>
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Section 5. The Mayor is further authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund, pending receipt of the grant funds and to receive and disburse funds accordingly.

Section 6. This ordinance shall take effect immediately.



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

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

Included in the adopted Capital Improvement Program is a project to establish the White Plains Multimodal Transportation Center Redevelopment Project. The goal of this project is to transform the existing Multimodal Transportation Center into a more functional and attractive gateway that will attract more transit riders and maximize the economic development potential of the area. This project has been awarded grant funding by the Cleaner, Greener Communities Program in the amount of \$1,000,000. The City's required match, which will be provided through in-kind services, is \$250,000.

Authorization to enter into an agreement with the New York State Energy Research and Development Authority ("NYSERDA") is required. It is also requested that the Mayor be authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5451, White Plains Multimodal Transportation Center Redevelopment Project, with a budget as follows:

**REVENUES:**

C5451-02227	NYSERDA Grant	\$1,000,000
C5451-09910	General Fund Contribution (In Kind Services)	<u>250,000</u>
		<u>\$1,250,000</u>

**EXPENDITURES**

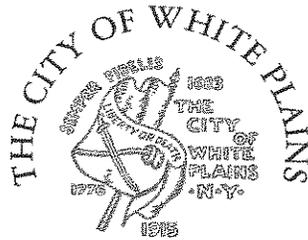
C5451-4.004	Consultants	\$ 250,000
C5451-4.023	Program Services	<u>1,000,000</u>
		<u>\$1,250,000</u>

Finally, it is requested that the sale of \$1,000,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the proceeds of the debt issuance, pending the receipt of grant proceeds and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

May 4, 2015



**PLANNING DEPARTMENT**  
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

Re: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY FOR THE WHITE PLAINS MULTIMODAL TRANSPORTATION CENTER REDEVELOPMENT PROJECT

Submitted, herewith, for your review and approval, is legislation authorizing the Mayor to enter into an Agreement with the New York State Energy Research and Development Authority ("NYSERDA") for the White Plains Multimodal Transportation Center Redevelopment Project. Said project has been awarded grant funding from NYSERDA through the Cleaner, Greener Communities Program, Phase II, Category 3 (CFA #: 30408 / Contract #: 39490).

The City of White Plains applied for state funding through the Governor's Consolidated Funding Application / Regional Economic Development Council process to study the redevelopment of the area in and around the White Plains TransCenter. The City was successful in its grant application and the project was awarded one million dollars (\$1,000,000) through NYSERDA's Cleaner, Greener Communities program. The grant funding will be provided to the City on a reimbursement basis. The grant also carries with it a 25% local match requirement. This local match can be achieved through in-kind staff contributions. The grant period is fifteen (15) months.

Shortly after notification of receipt of award, the City began discussions with NYSERDA on a Statement of Work ("SOW"). The SOW provides a detailed framework for the implementation of the project. Both parties to the SOW - NYSERDA and the City of White Plains - have now reached agreement on the particulars in the document and are ready to begin implementation.

The goal of the White Plains Multimodal Transportation Center Redevelopment Project is to transform the existing Multimodal Transportation Center into a more functional and attractive gateway that will attract more transit riders and maximize the economic development potential of the area. The existing Transportation Center serves as a major transportation hub for the City, the County, and the Mid-Hudson Region. Redevelopment of the Transportation Center and

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its adjacent properties will improve mobility and accommodate and attract more travelers as a result of service improvements and increased amenities. As part of this project, the City of White Plains will engage and work cooperatively with agency partners – including Metro-North Railroad, the County of Westchester, and the State of New York, as well as a host of other interested parties – to develop a vision for the Transportation Center and its environs, and to implement the redevelopment project.

Respectfully submitted,

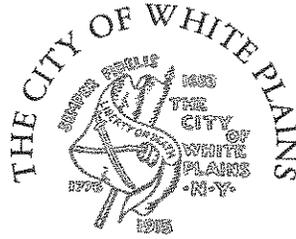


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Linda Puoplo  
Acting Commissioner  
Department of Planning

DATED: April 16, 2015

For the May 4<sup>th</sup> 2015 Common Council Meeting



**ENVIRONMENTAL OFFICER**

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

April 28, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5451  
WHITE PLAINS MULTIMODAL TRANSPORTATION CENTER REDEVELOPMENT  
PROJECT

The proposed Capital Project Capital Project No. C5451, White Plains Multimodal Transportation Center Redevelopment Project, (hereinafter referred to as the "Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The goal of this program is to transform the existing Multimodal Transportation Center into a more functional and attractive gateway that will attract more transit riders and maximize the economic development potential of the area.

This program has been awarded grant funding from the New York State Energy Research and Development Authority's ("NYSERDA") Cleaner, Greener Communities Program.

The Proposed Action involves contracts for professional services to conduct concurrent environmental, engineering, economic feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action.

The Proposed Action represents a Type II Action under SEQR regulations in that it involves actions as cited in 6 NYCRR Part 617.5( c) as follows: :

617.5 ( c) (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.

617.5 ( c) (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted Action.

617.5 ( c) (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of

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a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

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) as approving agency of municipal contracts, designate itself to be the Lead Agency for the environmental review; and (b) find the Proposed Action to be a Type II Action under SEQR regulations.

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rod Johnson", written in black ink.

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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. . C5451  
WHITE PLAINS MULTIMODAL TRANSPORTATION CENTER REDEVELOPMENT

WHEREAS, the proposed Capital Project Capital Project No. C5451, White Plains Multimodal Transportation Center Redevelopment Project, (hereinafter referred to as the "Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, this program has been awarded grant funding from the New York State Energy Research and Development Authority's ("NYSERDA") Cleaner, Greener Communities Program; and

WHEREAS, the Proposed Action involves contracts for professional services to conduct concurrent environmental, engineering, economic feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action; and

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

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action is a Type II Action under SEQR regulations in that it involves actions cited in 6 NYCRR Part 617.5( c) as follows:

- 617.5 ( c) (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- 617.5 ( c) (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted Action;
- 617.5 ( c) (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action; now, therefore, be it

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

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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5451 ENTITLED, "WHITE PLAINS MULTIMODAL TRANSPORTATION CENTER REDEVELOPMENT PROJECT."**

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

Section 1. Included in the adopted Capital Improvement Program is a project to establish the White Plains Multimodal Transportation Center Redevelopment Project. The goal of this project is to transform the existing Multimodal Transportation Center into a more functional and attractive gateway that will attract more transit riders and maximize the economic development potential of the area. This project has been awarded grant funding by the Cleaner, Greener Communities Program in the amount of \$1,000,000. The City's required match, which will be provided through in-kind services, is \$250,000.

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Energy Research and Development Authority ("NYSERDA") to effectuate the study of the redevelopment of the area in and around the White Plains TransCenter. Said agreement 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. C5451, entitled, "**White Plains Multimodal Transportation Center**

**Redevelopment Project,”** with a budget as follows:

**REVENUES:**

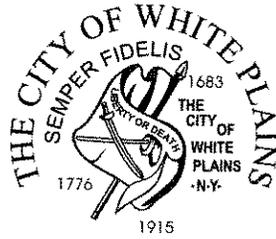
C5451-02227	NYSERDA Grant	\$1,000,000
C5451-09910	General Fund Contribution (In-Kind Services)	<u>250,000</u>
		<u>\$1,250,000</u>

**EXPENDITURES:**

C5451-4.004	Consultants	\$ 250,000
C5451-4.023	Program Services	<u>1,000,000</u>
		<u>\$1,250,000</u>

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

Section 5. This ordinance shall take effect immediately.



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 requests the Common Council's authorization for the City to execute an Inter-Municipal Agreement (IMA) with the County of Westchester to permit utilization by the City's Department of Public Safety of the County's Firing Range facility in Valhalla for firearms training. The County facility could be used by the City as a backup in the event of an unforeseen breakdown of the City's firing range. The IMA will also provide the City with an option of requesting the County Department of Public Safety to provide a firearms instructor to assist with the training process of its employees.

The Inter-Municipal Agreement will commence upon execution and shall remain in full force and effect for five (5) years, unless terminated by either party by giving written notice of the termination to the other party not less than thirty (30) days prior to the effective date of such termination. The charge for the use of the Firing Range is a flat fee of \$630.00 per eight (8) hour tour, for a maximum number of thirty-six (36) officers in attendance. The charge for a firearms instructor is an additional fee equal to \$80.79 per hour or \$646.324 per eight hour tour.

  
David E. Chong  
Commissioner of Public Safety

Dated: April 27, 2015

(For the Common Council Meeting of  
May 4, 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 INTERMUNICIPAL AGREEMENT (“IMA”) WITH THE COUNTY OF WESTCHESTER IN RELATION TO PERMITTING UTILIZATION OF THE COUNTY’S FIREARMS RANGE FACILITY FOR FIREARMS TRAINING.

WHEREAS, the County of Westchester has an eighteen (18) point state-of-the art Firing Range facility located in Valhalla, New York, with an advanced targeting system that accommodate duty side arms and most patrol rifles carried by law enforcement personnel in the County; and

WHEREAS, the County of Westchester has offered municipalities in the County the opportunity to send public safety employees to utilize the Firing Range for firearms training, subject to availability, and pursuant to the terms and conditions of an Intermunicipal Agreement (“IMA”); and

WHEREAS, the Commissioner of the City’s Department of Public Safety has requested the Common Council’s authorization for the City to execute an IMA with the County of Westchester to permit utilization of the by the City’s Department of Public Safety of the County’s Firing Range facility in Valhalla for firearms training; and

WHEREAS, the IMA will also present the City with an option of requesting the County Department of Public Safety to provide a firearms instructor to assist with the training process of its employees; and

WHEREAS, the IMA will commence upon execution and shall remain in full force and effect for five (5) years, unless terminated by either party by giving written notice of the termination to the other party not less than thirty (30) days prior to the effective date of such termination; and

WHEREAS, the charge for the use of the Firing Range is a flat fee of \$630.00 per eight (8) hour tour, for a maximum number of thirty-six (36) officers in attendance; and

WHEREAS, the charge for the firearms instructor is an additional fee equal to \$80.79 per hour or \$646.32 per eight (8) hour tour; 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 same, is hereby authorized to execute an IMA with the County of Westchester in relation to the utilization of the County's Firing range facility in Valhalla, New York for the purpose of firearms training.

Section 2. The aforementioned IMA shall be in a form acceptable to the Corporation Counsel of the City of White Plains.

Section 3. This ordinance shall take effect immediately.



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

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DAVID E. CHONG  
Commissioner  
422-6350

JAMES M. BRADLEY  
Chief of Police  
422-6230

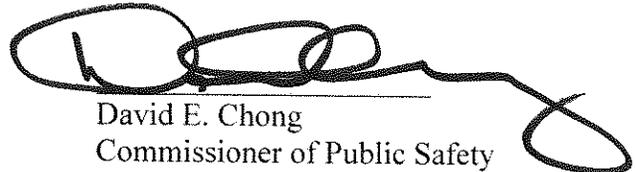
RICHARD L. LYMAN  
Fire Chief  
422-6360

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

Dear Mayor and Council Members:

Since 1981, the City of White Plains has been transporting prisoners between the City Court of the City of White Plains and the Westchester County Department of Correction, under contract with the County of Westchester, for an annual reimbursement. This contract has expired.

Submitted for your consideration is an ordinance authorizing a renewal of the contract for a two year term, effective January 1, 2015, at an annual reimbursement of \$226,774 for the year 2015 and \$231,309 for the year 2016. The specific terms and conditions shall be in a form satisfactory to the Corporation Counsel.

  
David E. Chong  
Commissioner of Public Safety

Dated: April 21, 2015  
(for the Common Council Meeting  
of May 4, 2015)

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A PRISONER TRANSPORTATION REIMBURSEMENT AGREEMENT WITH THE COUNTY OF WESTCHESTER.

WHEREAS, since 1981, the City of White Plains and the County of Westchester have had an agreement to reimburse the City of White Plains for the cost of prisoner transportation between the City Court of White Plains and the Westchester County Department of Correction; and

WHEREAS, the current agreement expired on December 31, 2014; and

WHEREAS, the parties desire to renew the Agreement for the period January 1, 2015 through December 31, 2016, upon such terms and conditions as may be satisfactory to the Corporation Counsel, including annual reimbursement to the City of White Plains in the amount of \$226,774.00 for the year 2015 (payable at the rate of \$18,897.83 per month) and \$231,309.00 for the year 2016 (payable at the rate of \$ 19,275.75 per month); 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 agreement on behalf of the City of White Plains with Westchester County for the reimbursement of transportation of prisoners between the City Court of White Plains and the Westchester County Department of Correction for the period January 1, 2015 through December 31, 2016, upon such terms and conditions as may be satisfactory to the Corporation Counsel, including annual

reimbursement to the City of White Plains in the amount of \$226,774.00 for the year 2015 (payable at the rate of \$18,897.83 per month) and \$231,309.00 for the year 2016 (payable at the rate of \$19,275.75 per month).

Section 2. This ordinance shall take effect January 1, 2015.



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

---

DAVID E. CHONG  
Commissioner  
422-6350

JAMES M. BRADLEY  
Chief of Police  
422-6230

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

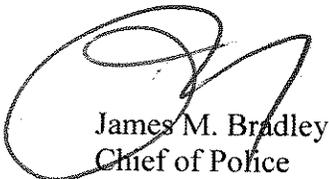
Dear Mayor and Common Council Members:

The Department of Public Safety has made efforts to secure a successor agreement for the provision of emergency ambulance service to the City of White Plains. Based on the long history of continued successful care, as well as an evaluation of current service metrics, the Department of Public Safety recommends that it would be in the City's best interests to grant a new contract to TransCare Westchester, Inc., d/b/a (hereinafter "TransCare").

This proposed agreement is for a period of thirty-six (36) months, with the City retaining an option to renew two (2) additional twelve (12) month periods. TransCare has agreed to provide the first two (2) contract years of service (2015-16 and 2016-17) at the current contract year's cost of \$360,407. Starting with the third contract year (2017-18), the annual figure of \$360,407 would be adjusted based on the New York Metropolitan Area CPI-U and shall not exceed seven (7%) of the previous year's cost.

Submitted for your consideration is an ordinance authorizing the Mayor or his designee to enter into this agreement with TransCare.

Respectfully submitted,



James M. Bradley  
Chief of Police

Dated: April 17, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT WITH TRANSCARE WESTCHESTER, INC. D/B/A TRANSCARE FOR A THREE YEAR PERIOD FROM JULY 1, 2015 TO JUNE 30, 2018, WITH THE CITY HOLDING AN OPTION FOR TWO ADDITIONAL YEARS THEREAFTER.

WHEREAS, the Department of Public Safety has made efforts to secure a successor contract for the provision of emergency ambulance service to the City of White Plains; and

WHEREAS, based on the long history of continued successful care, as well as evaluation of current service metrics, the Department of Public Safety recommends that it would be in the City's best interests to grant a new contract to TransCare Westchester, Inc. d/b/a TransCare (hereinafter "TransCare"); and

WHEREAS, TransCare has agreed to provide the first two years of service at a cost of \$360, 407; and

WHEREAS, the proposed contract is for a three (3) year period and the City would retain the option for two (2) one-year extensions; and

WHEREAS, after the second year, each successive year's cost would be adjusted based on the New York Metropolitan CPI-U and said adjustment shall not exceed seven percent (7%) of the previous year's cost; 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 authorized to enter into a new three (3) year contract for ambulance services with TransCare Westchester, Inc. d/b/a Trancare, for the period July 1, 2015 to June 30, 2018, with the City of White Plains having an option to extend this contract for two (2) additional one (1) year terms from July 1, 2018 to June 30, 2019 and July 1, 2019 to June 30, 2020.

Section 2. The contract, *inter alia*, shall provide for both Advanced Mobile Life Support and Basic Life Support ambulances dedicated to the use of the City of White Plains, seven (7) days per week, twenty-four (24) hours per day. The contract shall also provide for an additional Advanced Life Support Flycar response seven (7) days per week, twenty-four (24) hours per day, and at least one TransCare private ambulance equipped with a City radio for medical aid located in the City and additional private ambulances available for deployment in an emergency.

Section 3. Fees to be charged by the ambulance company to its users shall be consistent with allowable medical insurance rates so that the ambulance company may continue to operate on a fee-for-service basis.

Section 4. Additional funds shall be paid by the City to the ambulance company in equal monthly installments, as follows:

Contract year July 1, 2015 to June 30, 2016 - \$360, 407

Contract year July 1, 2016 to June 30, 2017 -\$360,407

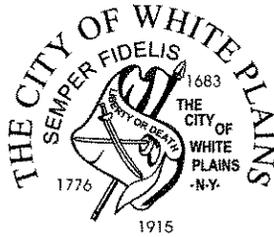
Contract year July 1, 2017 to June 30, 2018- adjusted by the New York Metropolitan CPI-U, but in any event, said adjustment shall not exceed seven percent (7%) of the previous year's contract payment of \$360,407.

Section 5. Annual payments by the City to the ambulance company should the City exercise its option to extend the contract for two additional one-year periods, from July 1, 2018 to June 30, 2019 and July 1, 2019 to June 30, 2020, shall be adjusted by the New York Metropolitan CPI-U, but in any event, said adjustment for said contract payment amount shall not exceed seven percent (7%) of the previous year's contract payment amount.

Section 6. The remaining terms and conditions of this contract shall be substantially comparable to the prior contract approved by the Common Council on July 6, 2010. Said contract shall be subject to the approval of the Corporation Counsel of the City of White Plains.

Section 7. Funds for this contract are available in the budget.

Section 8. This ordinance shall take effect immediately.



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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has received donations of \$1,600. These funds will be used to purchase Challenge Coins.

Submitted for your approval is an ordinance authorizing the Mayor to accept this donation on behalf of the City of White Plains. It is also requested that the Mayor be authorized to direct the Budget Director to amend the 2014/15 General Fund budget as follows:

Increase Revenues:

BA30-06275	Donations	\$1,600
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Increase Expenditures:

BA30-3011	Program Supplies	\$1,600
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The Commissioner of Finance is hereby authorized to receive and disburse these funds accordingly.

Sincerely,



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: April 8, 2015

(For May 4, 2015 Common Council Meeting)

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ACCEPT ON BEHALF OF THE CITY OF WHITE PLAINS (THROUGH ITS DEPARTMENT OF PUBLIC SAFETY), DONATIONS IN THE AMOUNT OF \$1,600 TO BE USED TO PURCHASE CHALLENGE COINS AND TO AMEND THE FY 2014/15 GENERAL FUND TO REFLECT SAID DONATIONS.

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

Section 1. The Mayor, or his designee, is hereby authorized to accept on behalf of the City of White Plains (through its Department of Public Safety), donations in the amount of \$1,600 from Residential Home Funding Corporation, Tri-State Law Enforcement Foundation, and Michael Duffy, Esq., to be used to purchase Challenge Coins.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor is hereby authorized to direct the Budget Director to amend the FY 2014/15 General Fund as follows:

**Increase Revenues:**

BA30-06275	Donations	<u>\$1,600</u>
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**Increase Expenditures:**

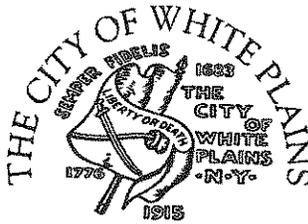
BA30-3.011	Program Supplies	<u>\$ 1,600</u>
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Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purpose.

Section. This ordinance shall take effect immediately.

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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 MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS:

Submitted herewith for your consideration is an ordinance authorizing the Mayor to enter into an agreement with the Westchester County Department of Senior Programs and Services for the continuing operation of senior citizens programs pursuant to Titles III-B, III C-1, and the Nutrition Services Incentive Program of the Older Americans Act for the period of January 1, 2015 to December 31, 2015.

It has been determined by the County that the City of White Plains will receive the estimated disbursements for these programs for the elderly:

	Title III-B Seniors Transportation and Supportive Services	Title III C-1 Nutrition Program	Total
Federal Grant	\$13,682	\$35,200	\$48,882
NSIP/Commodity Funding (Estimated)	-----	<u>18,806</u>	<u>18,806</u>
	\$13,682	\$54,006	\$67,688

  
\_\_\_\_\_  
Wayne D. Bass, Commissioner  
Department of Recreation & Parks

Dated:  
April 6, 2015

**AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AGREEMENTS WITH THE COUNTY OF WESTCHESTER FOR THE CONTINUING OPERATION BY THE CITY OF WHITE PLAINS FOR PROGRAMS FOR YEAR 2015 UNDER TITLES III-B (TRANSPORTATION SERVICES), III-C-1 (NUTRITION), III-C-2 (NUTRITUTION) AND THE NUTRITION SERVICES INCENTIVE PROGRAM (NISP) OF THE OLDER AMERICANS ACT.**

WHEREAS, the current amended agreements between the City of White Plains and the County of Westchester, providing for the continuing operation by the City of programs under Titles (Transportation Services), III-C-I (Nutrition), III-C-2 (Nutrition) and the Nutrition Services Incentive Program (NISP) of the Older Americans Act, expired on December 31, 2014; and

WHEREAS, the programs conducted by the City, pursuant to said contracts, have enabled the City to provide nutrition, transportation and support outreach services for senior citizens, and have been in the best interest of the City of White Plains, and it is desirable to extend said programs for a further period; and

WHEREAS, the City received notification from the County of Westchester of awards totaling \$67,688, for the continuing operation by the City of White Plains of programs under Titles III-B, III-C-I, III-C-II, and the Nutrition Services Incentive Program of the Older Americans Act.

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

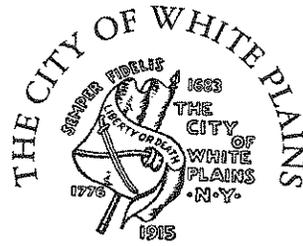
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Section 1. The Mayor or his designee is hereby authorized and directed to execute agreements with the County of Westchester to receive grant funds to provide for the operation of Programs under Titles III-B, III-C-1, III-C-II, and the Nutrition Services Incentive Program of the Older Americans Act from January 1, 2015 to December 31, 2015. Said amended agreements shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is authorized to direct the Commissioner of Finance to receive and disburse the pertinent contract amounts totaling \$67,688 accordingly.

Section 3. This ordinance shall take effect as of January 1, 2015.

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 MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS:**

**DEAR MAYOR AND COMMON COUNCIL MEMBERS:**

Submitted herewith for your consideration is legislation authorizing the Mayor to execute an agreement with Westchester County Department of Senior Programs and Homestyle Food Service and Catering to provide daily lunch catering services for our Senior Center Nutrition Program.

The agreement is for January 1, 2015 - December 31, 2015, and is included as part of overall 2015 contract agreement with Westchester County Department of Senior Programs and Services Title III-C funding.

Wayne D. Bass, Commissioner of Recreation & Parks

Dated: May 4, 2015

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**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF WESTCHESTER (DEPARTMENT OF SENIOR PROGRAMS) AND HOMESTYLE FOOD SERVICE AND CATERING TO PROVIDE DAILY LUNCH CATERING SERVICES FOR THE CITY'S SENIOR CENTER NUTRITION PROGRAM.**

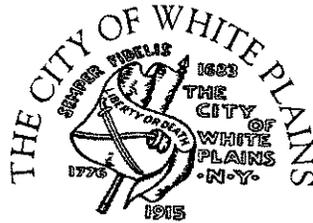
The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor of the City of White Plains or his designee is hereby authorized to execute an agreement with the County of Westchester (Department of Senior Programs and Services) and Homestyle Food Service and Catering to provide daily lunch catering services for the City's Senior Center Nutrition Program. The agreement shall be in a form approved by the Corporation Counsel.

Section 2. The aforementioned agreement shall commence January 1, 2015 and terminate on December 31, 2015 and is included as part of the overall 2015 contract agreement with the County of Westchester (Department of Senior Programs and Services) Title III-C funding.

Section 3. This ordinance shall take effect January 1, 2015.

**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 MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

Dear Mayor and Council Members:

Submitted for your consideration is legislation authorizing the Commissioner of Recreation and Parks to execute on behalf of the City of White Plains an agreement with the Mental Health Association of Westchester Inc. ("MHA") for the purpose of partnering to provide an Outdoor Mega-Yoga Event on Wednesday, June 17, 2015, with a rain date of Thursday, June 18, 2015. The event will take place on Court Street between Main Street and Martine Avenue from 5:30 PM to 8:00 PM.

In accordance with the agreement, MHA will provide the following services: marketing for the event, pre-registration of participants (with all revenue to benefit MHA), a yoga instructor, limited mats for registrants, and musical performers. MHA will also pay for all costs expended by the Departments of Public Works and Public Safety in conjunction with this event. The City, through the Department of Recreation and Parks, and in cooperation with White Plains Business Improvement District (BID), will provide marketing through social media, press releases, digital signs, and City signs. The City will also furnish stage and electrical services, a sound system and technician, volunteers/staff for logistics, set-up, clean-up and volunteers/staff for on-site registration. The agreement shall be in a form approved by the Corporation Counsel.

  
\_\_\_\_\_  
Wayne D. Bass  
Commissioner of Recreation and Parks

Dated: April 23, 2015

68

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE COMMISSIONER OF RECREATION AND PARKS TO EXECUTE AN AGREEMENT WITH THE MENTAL HEALTH ASSOCIATION OF WESTCHESTER INC. ("MHA") FOR THE PURPOSE OF PARTNERING TO PROVIDE AN OUTDOOR MEGA-YOGA EVENT ON JUNE 17, 2015 (RAIN DATE JUNE 18, 2015) TO TAKE PLACE ON COURT STREET BETWEEN MAIN STREET AND MARTINE AVENUE FROM 5:30 P.M. TO 8:00 P.M.

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

Section 1. The Commissioner of Recreation and Parks is hereby authorized to execute an agreement with the Mental Health Association of Westchester Inc. ("MHA") for the purpose of partnering to provide an Outdoor Mega-Yoga Event on Wednesday, June 17, 2015, with a rain date of Thursday, June 18, 2015. The event will take place on Court Street between Main Street and Martine Avenue from 5:30 p.m. to 8:00 p.m.

Section 2. In accordance with the agreement, MHA will provide the following services: marketing for the event, pre-registration of participants (with all revenue to benefit MHA), a yoga instructor, limited mats for registrants, and musical performers. MHA will also pay for all costs expended by the Departments of Public Works and Public Safety in conjunction with this event. The City, through the Department of Recreation and Parks, and in cooperation with White Plains Business Improvement District (BID), will provide marketing through social media, press releases, digital signs, and City signs. The City will also furnish stage and electrical services, a sound system and technician, volunteers/staff for logistics, set-up, clean-up and volunteers/staff for on-site

A handwritten signature or set of initials, possibly '69', located in the bottom right corner of the page.

registration.

Section 3. The aforementioned agreement shall be in a form approved by the Corporation Counsel.

Section 4. This ordinance shall take effect immediately.



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

Thomas M. Roach  
 Mayor

Frank Williams, Jr.  
 Executive Director

April 20, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Planned Parenthood Hudson Peconic, Inc., a contractor for the New York State Department of Health, awarded a subcontract to the City of White Plains Youth Bureau to support the Comprehensive Adolescent Pregnancy Prevention Program (CAPP). The grant award is in the amount of \$21,543, for the period January 1, 2015 to December 31, 2015. I am requesting that the Mayor, or his designee, be authorized to enter into the contract with Planned Parenthood Hudson Peconic, Inc. to receive this grant. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2014-15 Youth Development Fund, effective January 1<sup>st</sup>, 2015 as follows:

Increase Estimated Revenue

APP15 - 02250	NYS Dept. Of Health	<u>\$21,543</u>
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Increase Appropriations

APP15-1.800	Part time Salary	\$15,287
APP15-2.001	Social Security	1,170
APP15-2.020	MTA Payroll Tax	52
APP15-2.101	NYS Employee Pension	339
APP15-4.940	Contractual Services	\$4,695

Total	<u>\$21,543</u>
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Respectfully submitted,

Frank Williams, Jr.  
 Director

For: May 04, 2015 Council Meeting

**AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A SUB-CONTRACT WITH PLANNED PARENTHOOD HUDSON PECONIC, INC., A CONTRACTOR FOR THE NEW YORK STATE DEPARTMENT OF HEALTH, TO RECEIVE A GRANT IN THE AMOUNT OF \$21,543 FOR THE CITY OF WHITE PLAINS (YOUTH BUREAU) TO SUPPORT THE COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION PROGRAM (CAPP) AND TO AMEND THE FY 2014/2015 YOUTH DEVELOPMENT FUND TO REFLECT SAID GRANT.**

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

Section 1. The Mayor or his designee is hereby authorized to enter into a sub-contract with Planned Parenthood Hudson Peconic, Inc., a contractor for the New York State Department of Health, in order to receive a grant for the City of White Plains (Youth Bureau) in the amount of \$21,543. Said contract to be in a form approved by the Corporation Counsel. The funding will be used to support the Comprehensive Adolescent Pregnancy Prevention Program (CAPP), for the period of January 1, 2015 through December 31, 2015.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor is hereby authorized to direct the Budget Director to amend the FY 2014 - 2015 Youth Development Fund, effective January 1, 2015, as follows:

**INCREASE ESTIMATED REVENUE:**

APP15 - 02250	NYS Dept. of Health	<u>\$21,543</u>
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**INCREASED APPROPRIATIONS:**

APP15 -1.800	Part time Salary	\$15,287
APP15 - 2.001	Social Security	1,170
APP15 - 2.020	MTA Payroll Tax	52
APP15 - 2.101	NYS Employee Pension	339
APP15- 4.940	Contractual Services	<u>4,695</u>
		<u>\$ 21,543</u>

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

Section 4. This ordinance shall take effect as of January 1, 2015.



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

THOMAS M. ROACH  
Mayor  
April 10, 2015

FRANK WILLIAMS, JR.  
Executive Director

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On March 2<sup>nd</sup> 2015, the Common Council enacted an ordinance accepting additional funds of \$1,151 to increase the Youth Bureau's Project Hope program funded by The New York State OASAS, from \$181,299 to \$182,450. The Youth Bureau received a letter from The New York State OASAS notifying us that a calculation error was discovered and that the additional fund was supposed to be \$1,772 instead of the \$1,151 an increase of \$621, increasing the funding from \$182,450 to \$183,071 to increase the salary and fringe benefit for the direct care staff. The Project Hope Program, provide alcohol and substance prevention services to the City of White Plains. The contract period will remain the same as January 01, 2015 to December 31, 2015. The Youth Bureau is requesting to amend the New York State OASAS budget to reflect the additional funds of \$621 for a total grant amount of \$183,071. I am requesting that the Mayor and Common Council approve this amendment. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2014/15 Youth Development Fund as follows:

		Current Budget	New Budget
<u>Increase Estimated Revenue:</u>			
OAS15 - 02266	NYS OASAS	<u>\$182,450</u>	\$183,071
<u>Increase Appropriations:</u>			
OAS15 - 1.200	CSEA Salaries & Wages	\$91,042	\$91,042
OAS15 - 1.800	Part time Salaries	\$40,120	\$40,695
OAS15 - 2.001	FICA	\$10,035	\$10,079
OAS15 - 2.020	MTA PR Tax	\$447	\$449
OAS15 - 2.101	NYS Emp. Pension	\$19,255	\$19,255
OAS15 - 2.201	Employee Health Insurance	\$18,451	\$18,451
OAS15 - 2.204	NYS Health Ins.		
	Admin Charge	\$25	\$25
OAS15 - 2.301	Dental Insurance	\$1,240	\$1,240
OAS15 - 2.407	Optical Insurance	\$346	\$346
OAS15 - 4.910	Program Supplies	\$933	\$933
OAS15 - 4.950	Direct Services	\$456	\$456
OAS15 - 4.970	Travel Expense	<u>\$100</u>	<u>\$100</u>
	<b>Total</b>	<b><u>\$182,450</u></b>	<b><u>\$183,071</u></b>

Respectfully submitted,

Frank Williams, Jr.  
Director

For: May 4, 2015 Common Council Meeting

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**AN ORDINANCE AMENDING AN ORDINANCE ADOPTED MARCH 2, 2015, ENTITLED "AN ORDINANCE AMENDING AN ORDINANCE ADOPTED JANUARY 5, 2015, ENTITLED, 'AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE COUNTY OF WESTCHESTER (DEPARTMENT OF COMMUNITY MENTAL HEALTH) IN ORDER TO RECEIVE \$181,299 IN FUNDING TO CONTINUE THE PROJECT HOPE PROGRAM THROUGH THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES (OASAS) PROVIDING ALCOHOL AND SUBSTANCE PREVENTION SERVICES TO THE CITY OF WHITE PLAINS.' "**

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

**Section 1.** On January 5, 2015, the Common Council of the City of White Plains adopted an ordinance accepting a grant from the New York State Office of Alcoholism and Substance Abuse Services (OASAS) in the amount of \$181,299 to continue its Project Hope Program, providing alcohol and substance prevention services to the City of White Plains for the period January 1, 2015 to December 31, 2015. On March 2, 2015, the Common Council adopted an ordinance amending the aforementioned ordinance based upon an additional \$1,151 in funding by OASAS to increase the salary and fringe benefits for direct care staff for the period April 1, 2015 to December 31, 2015. The City has recently been informed by OASAS that a calculation error was discovered and that the City is to receive \$1,772 in additional funding, instead of \$1,151, for an increase of \$621.

**Section 2.** To reflect the aforementioned additional \$621 in funding from the New York State OASAS, Section 1 of an ordinance adopted January 5, 2015, entitled "An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester (Department of Community Mental Health) in order to Receive \$181,299 in Funding to Continue the Project Hope Program through the New York State Office of

Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains,” as amended by an ordinance adopted March 2, 2015, is hereby further amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive funding for Project Hope through the New York State Office of Alcohol and Substance Abuse Services (OASAS) in the amount of [ \$182,450] \$183,071, for the period beginning January 1, 2015 and ending December 31, 2015, to provide alcohol and substance prevention services to the City of White Plains through its Youth Bureau. Said contract shall be in a form approved by the Corporation Counsel.

**Section 3.** Section 2 of an ordinance adopted January 5, 2015, entitled, “An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester (Department of Community Mental Health) in order to Receive \$181,299 in Funding to Continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains,” as amended by an ordinance adopted March 2, 2015, is hereby further amended to read as follows:

§2. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year 2014/15 Youth Development Fund as follows:

**Increase Estimated Revenues:**

OAS15-02266

NYS OASAS

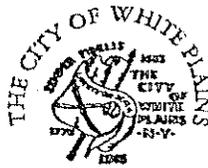
[ \$182,450] \$183,071

**Increase Appropriations:**

OAS15-1.200	CSEA Salaries & Wages	\$91,042	
OAS15-1.800	Part-time Salaries	[40,120]	<u>40,695</u>
OAS15-2.001	FICA	[10,035]	<u>10,079</u>
OAS15-2.020	MTA PR Tax	[447]	<u>449</u>
OAS15-2.101	NYS Emp. Pension	19,255	
OAS15-2.201	Employee Health Insurance	18,451	
OAS15-2.204	NYS Health Ins. Admin Charge	25	
OAS15-2.301	Dental Insurance	1,240	
OAS15-2.407	Optical Insurance	346	
OAS15-4.910	Program Supplies	933	
OAS15-4.950	Direct Services	456	
OAS15-4.970	Travel Expenses	<u>100</u>	
		[ \$182,450]	<u>\$183,071</u>

**Section 4.** All other provisions of the aforementioned ordinance adopted January 5, 2015, shall remain in full force and effect.

**Section 5.** This ordinance shall take effect April 1, 2015.



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:

It is recommended that the titles of Planner I and Planner II be established for positions in the Planning Department to be funded entirely by a grant from the New York State Energy Research and Development Authority for the White Plains Multimodal Transportation Center Redevelopment Project.

This requires an ordinance amending the Compensation and Leave Plan, which is transmitted herewith for Council deliberation.

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: May 4, 2015

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AN ORDINANCE AMENDING THE WHITE PLAINS MUNICIPAL CODE BY AMENDING SECTION 2-5-78 OF THE COMPENSATION AND LEAVE ORDINANCE BY ESTABLISHING CERTAIN POSITION TITLES.

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

Section 1. Section 2-5-78 Appendix 3, grants or contracts, of the White Plains Municipal Code is hereby amended by establishing the following titles:

3a. Various Grant Programs

**ADD**

<u>Title</u>	<u>Salary</u>
Planner I	As Per Grant
Planner II	As Per Grant

§2. The Mayor is hereby authorized to direct the Commissioner of Finance to amend the uniform system of accounts accordingly.

§3. This ordinance shall take effect immediately.

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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

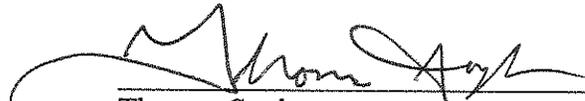
THOMAS J. SOYK, P.E., PTOE  
DEPUTY COMMISSIONER

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.) Create a "No Parking 10:00 A.M. to 4:00 P.M. and 7:00 P.M to 7:00 A.M." zone on the south side of Hamilton Avenue as described in Section 224-f.
- 2.) Modify a "Handicapped Parking Spaces-Streets (Metered three-hour maximum)" on the west side of South Broadway as described in Section 755 Subdivision 22.

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: April 22, 2015 (for the May 4, 2015 Common Council Meeting)

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**AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING A “NO PARKING 10:00 A.M. TO 4:00 P.M. AND 7:00 P.M. TO 7:00 A.M.” ZONE ON THE SOUTH SIDE OF HAMILTON AVENUE AND MODIFYING A PROVISION ENTITLED “DESIGNATED HANDICAPPED PARKING SPACES-STREETS (METERED THREE-HOUR MAXIMUM)” ON THE WEST SIDE OF SOUTH BROADWAY.**

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

**No Parking 10:00 A.M. to 4:00 P.M. and 7:00 P.M. to 7:00 A.M.**

Section 1. 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 6<sup>th</sup> day of April 2015, is hereby amended by adding a new Section 224-f to read as follows:

**Section 224-f.**

**No Parking 10:00 A.M. to 4:00 P.M. and 7:00 P.M. to 7:00 A.M.**

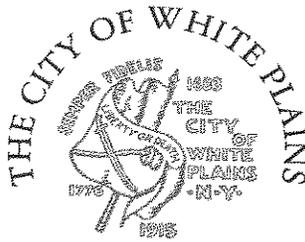
**Hamilton Avenue, on the south side beginning at the E.J. Conroy western curb line and continuing westerly for a distance of approximately 125 feet.**

**Designated Handicapped Parking Spaces-Streets (Metered Three-Hour Maximum)**

Section 2. Subdivision 22 of Section 755 of Article VII-A of said ordinance, as last amended on the 3<sup>rd</sup> day of February 2014, is hereby amended to read as follows:

22. South Broadway, on the west side, [~~and~~ ] for the first two metered parking spaces north of the driveway to the White Plains Center Garage, and the first two meters north of Lyon Place.

Section 3. This ordinance shall take effect immediately.



**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 23, 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 “Petition” or “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

At its April 6, 2015 meeting, the Common Council adopted a resolution declaring 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.

The Environmental Officer has received confirmation from the Westchester County Departments of Public Works, White Plains Commissioner of Public Works and the White Plains Urban Renewal Agency consenting to the designation of the White Plains Common Council to serve as Lead Agency for the coordinated environmental review of the Proposed Action.

The Environmental Officer recommends that the Common Council designate itself as lead agency for the coordinated environmental review of the Proposed Action; and

The premises are 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 are located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14.

WHEREAS, the applicant has submitted the following:

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1. A letter from Mark P. Weingarten, Delbello, Donnellan Weingarten Wise & Wiederkehr, LLP., dated February 19, 2015.
2. A Petition for amendments to the Zoning Ordinance and other required approval related to development of property located at 60 – 96 Westchester Avenue, dated February 19, 2015, including:
  - Exhibit A. Saber Development Activity
  - Exhibit B. Properties Constituting the Eligible Area
  - Exhibit C. The Conceptual Plan, entitled “The Collection” dated February 19, 2015  
Drawing entitled Narrative & Table of Contents  
Drawings 1 to 21  
(herein after referred to as “Conceptual Plan”)
  - Exhibit D. Proposed Zoning Amendments
3. An Environmental Assessment Form Part 1 and Draft Part 2 Form, prepared by David B. Smith, Principal, Planning and Development Advisors, dated February 25, 2015.

The Proposed Action involves an amendment to the Zoning Ordinance, but also anticipates 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:

- 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 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 Petition submitted by the applicant requested amendments to the Zoning Ordinance to facilitate development presented in the Conceptual Plan, but did not specifically include an application for site plan or other approvals anticipated for the future development.

SEQR regulations require the combined environmental review of separate, but related, actions which, when considered cumulatively, may achieve the thresholds listed in the criteria for determining significance as follows:

- 6 NYCRR 617.3 (g) (1) states that when actions consist of a set of activities or steps, the entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it, and
- 6 NYCRR 617.10 (e) states that in connection with projects that are to be developed in phases or stages, agencies should address not only the site specific impacts of the individual project under consideration, but also, in more general or conceptual terms, the cumulative impacts on the environment and the existing natural resource base of subsequent phases of a larger project or series of projects that may be developed in the future.

The Environmental Officer recommends that the Common Council find the following various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment:

- 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 Environmental Officer recommends that the Common Council determine that the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it 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 find that the Proposed Action for the following reasons and 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:

- Proposed Action has been expanded from the original Petition for an amendment to the Zoning Ordinance and now involves a number of combined actions that can be anticipated to facilitate the development presented in the Conceptual Plan.
- Although the Draft EAF, Part 2 prepared by the applicant identifies no or potential small impacts on land, aesthetic resources, transportation, energy, human health, consistency with community plans and community character, the Environmental Officer recommends that a Draft Environmental Impact Statement will be necessary to assess the cumulative impacts of two or more related actions.
- Potential substantial change in existing air quality, traffic or noise levels.

Westchester Avenue is a very heavily traveled road. A traffic study including an analysis of potential impacts and potential mitigation measures will be necessary to determine and

ensure that the traffic impacts of the Proposed Action will not have a significant adverse impact on the environment. .

- Potential creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the Proposed Action will not result in a 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.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on 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 of the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on the environment.

The Environmental Officer recommends that the Common Council request the Applicant to prepare a Draft Environmental Impact Statement (DEIS) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts.

A draft Scoping Outline dated April 23, 2015, has been prepared by the Applicant in consultation with the City Departments.

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) designate itself as the Lead Agency for the environmental review; (b) determine that the Proposed Action is a Type I Action under SEQR regulations; (c) determine that the Proposed Action may have a significant effect on the environment; (d) request the Applicant to prepare a Draft Environmental Impact Statement (DEIS) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; (e) adopt the proposed draft Scoping Document dated April 23, 2015; and (f) authorize the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the Final Scoping Outline as required by SEQR.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rod Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE APPLICATION ON BEHALF OF SABER WHITE PLAINS LLC AND CHAUNCEY WHITE PLAINS LLC REQUESTING PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND APPROVALS RELATED TO THE DEVELOPMENT OF PROPERTY KNOWN AS 60 – 96 WESTCHESTER AVENUE

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 “Petition” or “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, at its April 6, 2015 meeting, the Common Council adopted a resolution declaring 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; and

WHEREAS, the Environmental Officer has received confirmation from the Westchester County Departments of Public Works, White Plains Commissioner of Public Works and the White Plains Urban Renewal Agency consenting to the designation of the White Plains Common Council to serve as Lead Agency for the coordinated environmental review of the Proposed Action; and

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

WHEREAS, the premises are 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 are located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14; and

WHEREAS, the applicant has submitted the following:

1. A letter from Mark P. Weingarten, Delbello, Donnellan Weingarten Wise & Wiederkehr, LLP., dated February 19, 2015.
2. A petition for amendments to the Zoning Ordinance and other required approval related to development of property located at 60 – 96 Westchester Avenue, dated February 19, 2015, including:
  - Exhibit A. Saber Development Activity.
  - Exhibit B. Properties Constituting the Eligible Area.
  - Exhibit C. The Conceptual Plan, entitled “The Collection” dated February 19, 2015.  
Drawing entitled “Narrative & Table of Contents.”  
Drawings 1 to 21.

(herein after referred to as “Conceptual Plan”)  
Exhibit D. Proposed Zoning Amendments.

3. An Environmental Assessment Form Part 1 and Draft Part 2 Form, prepared by David B. Smith, Principal, Planning and Development Advisors, dated February 25, 2015; and

WHEREAS, the Proposed Action involves an amendment to the Zoning Ordinance, but also anticipates 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 and as shown in the “Conceptual 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 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

#### Combined Action

WHEREAS, SEQR regulations require the combined environmental review of separate, but related, actions which, when considered cumulatively, may achieve the thresholds listed in the criteria for determining significance as follows:

- 6 NYCRR 617.3 (g)(1) states that when actions consist of a set of activities or steps, the entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it, and
- 6 NYCRR 617.10 (e) states that in connection with projects that are to be developed in phases or stages, agencies should address not only the site specific impacts of the individual project under consideration, but also, in more general or conceptual terms, the cumulative impacts on the environment and the existing natural resource base of subsequent phases of a larger project or series of projects that may be developed in the future; and

WHEREAS, the Environmental Officer recommends that the Common Council find the following various approval actions that can be anticipated to facilitate the development presented

in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment:

- 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.; and

WHEREAS, the Environmental Officer recommends that the Common Council, determine that the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it 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; and

WHEREAS, the Environmental Officer recommends that the Common Council find that the Proposed Action for the following reasons and 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:

- Proposed Action has been expanded from the original Petition for an amendment to the Zoning Ordinance and now involves a number of combined actions that can be anticipated to facilitate the development presented in the Conceptual Plan.
- Although the Draft EAF, Part 2 prepared by the applicant identifies no or potential small impacts on land, aesthetic resources, transportation, energy, human health, consistency with community plans and community character, the Environmental Officer recommends that a Draft Environmental Impact Statement will be necessary to assess the cumulative impacts of two or more related actions.
- Potential substantial change in existing air quality, traffic or noise levels.

Westchester Avenue is a very heavily traveled road. A traffic study including an analysis of potential impacts and potential mitigation measures will be necessary to determine and ensure that the traffic impacts of the Proposed Action will not have a significant adverse impact on the environment.

- Potential creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposed Action represents a significant change in that property's land use.

Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the Proposed Action will not result in a 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.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on 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 of the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood.

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the impacts of the Proposed Action will not have a significant adverse impact on the environment; and

WHEREAS, the Environmental Officer recommends that the Common Council request the Applicant to prepare a Draft Environmental Impact Statement (DEIS) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; and

WHEREAS, a draft Scoping Document, dated April 23, 2015, has been prepared by the Applicant and accepted by the City Departments; and

WHEREAS, the Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) designate itself to serve as lead agency for the coordinated environmental review of the Proposed Action; (b) determine that the Proposed Action is a Type I Action under SEQR regulations; (c) determine that the Proposed Action may have a significant effect on the environment; (d) request the Applicant to prepare a Draft Environmental Impact Statement (DEIS) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; (e) adopt the proposed draft Scoping Document dated April 23, 2015; and (f) authorize the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the Final Scoping Outline as required by SEQR; and

WHEREAS, the Common Council has considered the Petition, Proposed Action, draft Scoping Document 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 to serve as lead agency for the coordinated environmental review of the Proposed Action; and be it further

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the Proposed Action may have a significant effect on the environment; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby requests the Applicant to prepare a Draft Environmental Impact Statement (DEIS) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby adopts the proposed draft Scoping Document dated April 23, 2015; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby authorizes the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the final Scoping Document as required by SEQR; and be it further

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

04/23/2015

Scoping Document  
THE COLLECTION

WESTCHESTER AVENUE AND FRANKLIN AVENUE, CITY OF WHITE PLAINS,  
WESTCHESTER COUNTY, NEW YORK

DRAFT ENVIRONMENTAL IMPACT  
STATEMENT (DEIS)

Name of Project: The Collection

Project Location: Roughly the north side of Westchester Avenue and the south side of Franklin Avenue between Paulding Street and Bloomingdale Road, City of White Plains, Westchester County, New York

SEQRA Classification: Type 1

Lead Agency: City of White Plains Common Council  
255 Main Street  
White Plains, NY 10601

Lead Agency Contact: Honorable Thomas Roach, Mayor

Scoping Distribution: Involved and Interested Agencies

Adoption by  
Lead Agency: City of White Plains Common Council

## PROPOSED ACTION

Redevelopment of an approximately 4.4 acre tract of land fronting on the north side of Westchester Avenue roughly between Paulding Street and Bloomingdale Road, and on Franklin Avenue, in the City of White Plains, Westchester County, NY (the "Project Site"). The Project Site comprises 14 separate tax lots, nine of which are under control of the Applicant, includes the Franklin Avenue municipal parking lot, owned by the City of White Plains, a property located at 100 Westchester Avenue and an easement associated with 116 Westchester Avenue. Current land uses include a mature, active and operating car dealer with auto service (Chrysler Jeep of White Plains, at 70 Westchester Ave.), plus a separate, unrelated now-closed car dealership (80 Westchester Ave.) and an aging smaller building with two operating businesses and two empty spaces (90-96 Westchester Ave.) The portion of the Project Site fronting on Franklin Avenue is primarily used for inventory and service vehicle parking for the car dealer and municipal parking in the Franklin Avenue lot for the adjacent residential neighborhood.

Detailed conceptual level plans have been prepared for the proposed development program, which consists of three separate buildings, two fronting on Westchester Avenue with access off of a proposed extension of Paulding Street (the "Paulding Street Extension") and a third with frontage on both Franklin Avenue and Paulding Street Extension. The building fronting on Franklin Avenue includes 250 residential units (30 studio, 156 one-bedroom and 64 two bed-room units), and approximately 14,790 square feet of restaurant space fronting on the Paulding Street Extension. The building to the west of Paulding Street Extension includes 46,500± square feet of retail space and 11 loft residential units. The building east of Paulding Street Extension, includes a 154 key hotel; 16,000± square foot spa, 2,508± square feet of existing restaurant space; 27,410± s.f. of retail space and 33,964± square feet for automobile dealership showroom and service areas. A new parking garage, accessed from Franklin Avenue, will contain 636 parking spaces, including 300 spaces for the use of the City, and a below-grade service facility for Hyundai of White Plains (approximately 17,500 square feet), which will be accessed solely from Westchester Avenue. A coordinated shared-use parking program of 933± spaces is proposed to serve development, not including the 300 City parking spaces.

Main access to the retail/commercial portion of the development would be from a fully signalized intersection with Westchester Avenue opposite Paulding Street, a right-in/right-out service driveway located approximately 240 feet to the east and a one way entrance off of Westchester Avenue at the eastern end of the project. Access to the residential community for residents, visitors by foot and by car will be from Paulding Street Extension. There is a second entrance along Franklin Avenue that is only intended for those residents that are walking, strolling or exercising along Franklin Avenue and or the neighborhood. A separate access for loading for residents moving in and out of the building is also proposed off of Franklin Avenue. Pedestrian access from Franklin Avenue through to Westchester Avenue is proposed in three separate locations.

The Proposed Action includes proposed zoning text amendments to the City of White Plains Zoning Ordinance, and site plan approval and all required special permit approvals for the project. The Proposed Action is known as "The Collection" (hereinafter the "Proposed Action" or the "Project").

## **POTENTIAL SIGNIFICANT ADVERSE IMPACTS**

The Draft Environmental Impact Statement ("DEIS") will address the potential impacts of the proposed Project.

Potential significant adverse impacts relate to the extent of the construction activities, vehicular traffic, municipal infrastructure, visual and aesthetics related to the proposed Project.

## **GENERAL GUIDELINES**

The primary goal of scoping is to identify the potentially significant adverse impacts related to the Proposed Action that are to be addressed in the DEIS, including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant and insignificant issues. The DEIS will address all components of the Proposed Action, including but not limited to the information needed to evaluate the various permits and approvals required to implement the Proposed Action.

The DEIS will include all items in this scoping document and will generally conform to the format outlined in this document (hereinafter the "Scoping Document"). Each impact issue (traffic, visual, etc.) will be identified and presented in a separate subsection which includes: (1) a discussion of existing conditions; (2) potential significant impacts associated with the Proposed Action; and (3) measures designed to mitigate the identified impacts.

## **ENVIRONMENTAL IMPACT STATEMENT CONTENT**

### **I. INTRODUCTION MATERIAL**

#### **A. Cover Sheet**

The DEIS will be preceded by a cover sheet that identifies the following:

1. Title of the document: Draft Environmental Impact Statement.
2. Title of the Proposed Action: The Collection.
3. Location: Roughly the north side of Westchester Avenue and south side of Franklin Avenue between Paulding Street and Bloomingdale Road, City of White Plains, Westchester County, New York
4. Name, address and phone number of the lead agency, and name of contact person:

Lead Agency: White Plains Common Council

Contact Person: Honorable Thomas Roach, Mayor  
City of White Plains  
255 Main Street  
White Plains, NY 10601  
Telephone 914-422-1411

5. The name and address of the Project Sponsor (a/k/a "the Applicant") and the name and telephone number of a contact person representing the Applicant: Saber White Plains, LLC and Chauncey White Plains, LLC, c/o Saber Real Estate Advisors, 80 Business Park Drive, Suite 100, Armonk, NY 10504: Attention Martin G. Berger. (914) 250-0600.
6. The name and address of the primary preparer(s) of the DEIS, and the name and telephone number of a contact person representing the preparer(s): David B. Smith, Planning & Development Advisors, 101 Lee Avenue, Yonkers, NY 10705-4731. (914) 552-8413
7. Date of acceptance of the DEIS: [Note: Specific calendar date to be inserted later].
8. Deadline by which comments on the DEIS are due: [Note: Specific calendar date to be inserted later].

**B. List of Consultants Involved With the Project**

The names, addresses and project responsibilities of all consultants involved with the Project will be listed.

**C. Table of Contents**

All headings appearing in the text will be presented in the Table of Contents, along with appropriate page numbers. In addition, the Table of Contents will include a list of figures, a list of tables, a list of appendices and a list of additional DEIS volumes, if any.

**II. EXECUTIVE SUMMARY**

The DEIS will include an executive summary. The executive summary will include information found elsewhere in the main body of the DEIS and will be organized as follows:

- A. Brief description of the Proposed Action.
- B. Summary of the potential impacts and proposed mitigation measures for each impact issue discussed in the DEIS.

- C. Summary description of the project alternatives considered in the DEIS.
- D. List of Involved Agencies and required approvals and/or permits.

### III. DESCRIPTION OF THE PROPOSED ACTION

- A. Project Overview and Description of the Proposed Action, including proposed amendments to the White Plains Zoning Ordinance, and site plan approval of the Project.

- B. Site Description

This section will include a description of the following:

1. Regional and City Project Site location, acreage, zoning and tax map designations.
2. Frontage and access, including area roads.
3. Description of existing site development and relation of proposed development to existing development.

- C. Project Development Data

This section should include the following data:

1. Detailed description of the Project components including proposed uses, square footage, number of residential units and bedroom count, number of parking spaces, building configuration, and vehicle and pedestrian access.
2. General description of utilities and stormwater management.
3. Construction scheduling, including any phasing of the Project. Construction, including site preparation (demolition, erosion and sedimentation controls and earthwork), and implementation of the White Plains Construction Management Protocol, including the preparation of a Construction Management Plan.
4. Purpose, need and benefits of the Project.

- D. PURPOSE AND NEED FOR THE PROJECT

1. Project Background and History.
2. Need for the Project.
3. Objectives of the Project Sponsor.
4. Benefits of the Project, including qualitative description of economic benefits to the City of White Plains and Westchester County.

- E. Required Permits and Approvals, Involved and Interested Agencies

1. Listing of all City, County, State and Federal approvals that may be required to implement the Proposed Action.
2. Listing of all Involved Agencies.

3. Listing of all Interested Agencies.

#### **IV. ENVIRONMENTAL ANALYSES**

The Applicant's conceptual site plan of the Project will be the basis for the study and evaluation of potential environmental impacts, as appropriate. The DEIS will include a discussion of the existing environmental conditions, potentially significant adverse or beneficial long or short term impacts of the Proposed Action and proposed mitigation measures for the following categories:

##### **A. Land Use and Zoning**

###### **1. Existing Conditions**

###### **Land Use**

- a) Describe existing land uses on the Project Site and within one-half mile of the Project Site boundaries.
- b) Describe local and regional land use plans for the Project Site and consistency of the existing use with those plans, including the City of White Plains Comprehensive Plan.
- c) Describe any other major projects planned within one-half mile of the Project Site, based on existing approved or active applications to the City.

###### **Zoning**

- a. Describe existing mapped zone and parcel boundaries and applicable regulations of the current City of White Plains Zoning Ordinance and requirements of the newly adopted Phase I Urban Renewal Plan for the Westchester Avenue Urban Renewal Project (the "URP").

###### **2. Potential Impacts**

###### **Land Use**

- a. Impact on adjacent land uses.
- b. Consistency with the City of White Plains Comprehensive Plan and URP. Include a comparison of the proposed uses at the Project and existing uses in the core downtown area of the City.

###### **Zoning**

Description of applicable zoning regulations and URP requirements and explanation of why they are applicable. Include a table showing conformance or non-conformance of the Project with the requirements of the City's Zoning Ordinance and the URP. Discuss the proposed amendments to the White Plains Zoning Ordinance including the potential effect of adding certain special permit uses in the RM-0.35 District.

###### **3. Proposed Mitigation Measures (if any)**

**B. Surface Water Resources**

**1. Existing Conditions**

- a. Analyze existing surface water drainage patterns within the Project Site.
- b. Determine discharge points of existing stormwater runoff.
- c. Provide stormwater runoff quantity (The rate of stormwater runoff and stormwater routed through the Project Site, and peak discharge rates for the 1, 2, 10, 25, 50 and 100 year storms using NYS DEC Manual).
- d. Provide depth to groundwater table based on borings and soil survey data.

**2. Potential Impacts**

- a. Provide stormwater runoff quantity (The rate of stormwater runoff and peak discharge rates for the 1, 2, 10, 25, 50 and 100 year storms resulting from the proposed conditions.)
- b. Provide stormwater runoff quality impacts on the Project Site.

**3. Mitigation Measures** (It is noted that a Stormwater Pollution Prevention Plan (SWPPP) will be required in conjunction with the application for site plan approval of the Project.)

- a. Provide a stormwater management plan indicating permanent improvements and compliant with the latest NYSDEC Stormwater Management Design Manual dated January, 2015
- b. Describe Maintenance Plan for the permanent stormwater management controls.
- c. Provide description of sediment and erosion control during construction.
- d. Include qualitative description as to how "green measures" will be incorporated.

**C. Traffic & Parking**

**1. Existing Traffic Conditions**

- a. Perform manual field traffic counts (note: 24-hour traffic counts shall be used to verify the peak periods) at the following intersections ("Study Intersections"):
  1. Westchester Avenue at Paulding Street Extension (Project Site driveway)
  2. Main Street at Broadway
  3. Westchester Avenue at Bloomingdale Road
  4. Bloomingdale Road at I-287 Access
  5. Bloomingdale Road at Maple Avenue
  6. Maple Avenue at Paulding Street

7. Westchester Avenue at Franklin Avenue
8. Main Street at Amherst Place/Canfield Avenue

Traffic counts at intersections 1, 2, 4, 5 and 6 shall be conducted during the weekday PM and Saturday Mid-day Peak periods. The traffic counts at intersections 7 and 8 shall be conducted during the weekday AM and PM Peak periods. The traffic counts at Intersection 3 shall be conducted for AM Peak, PM Peak and Saturday Midday Peak hours.

- b. Compute the existing intersection capacity and operational level of service for the Study Intersections during the peak hours for each intersection (which is not identified above as a qualitative discussion) following the procedures set forth in the 2000 Highway Capacity Manual (HCM). Include school bus and heavy vehicle traffic effects. Analysis will be performed using an appropriate analysis tool such as Synchro. Provide a queuing analysis for signalized intersections.
- c. Conduct a detailed accident assessment for the most recent 3 years of available data at the Study Intersections per NYSDOT requirements.
- d. Provide a detailed description of existing area roadways including the pavement width and condition, width of travel lanes, shoulder and parking lanes, speed limits, roadway characteristics including vertical and horizontal features, location of bus stops and types of traffic control and signing.

## **2. Future Traffic Conditions Without the Project**

- a. Apply an annual growth factor of 1% as determined by NYSDOT to the counted volumes up to the 2019 design year for completion of the Project. Include other development traffic volumes based on input from the City of White Plains.
- b. Reoccupy the existing vacant buildings on the Project Site with an auto dealership and commercial uses and compare to Project volumes.
- c. Calculate intersection capacity and operational level of service at the Study Intersections for future conditions without the Project.
- d. Calculate 24 hour volumes at key locations (Intersections 3, 7 and 8).

## **3. Potential Traffic Impacts (Future Traffic Conditions With the Project)**

- a. Superimpose traffic generated by the proposed Project on the traffic volumes without the Project. Provide information to support trip assignments. This should include marketing studies, if available, and travel time data for various routes based on the ITE Trip Generation Handbook and methodology.
- b. Calculate intersection capacity and operation level of service and queues at the Study Intersections for future conditions with the Project.
- c. Calculate 24 hour volumes at key locations (Intersections 3, 7 and 8).

**4. Proposed Parking**

- a. Address the adequacy of the number of parking spaces proposed to be constructed with respect to the City of White Plains Zoning Ordinance and potential parking demand generated by the Project. Discuss shared parking for the development as a whole.
- b. Identify parking impacts on existing municipal parking during construction.

5. **Public Transportation** - Assess the availability of mass transit to serve the Project Site, including improved bus stop access, a bus shelter and proposed BRT service.

6. **Truck Routing** - Discuss and analyze truck routes, including the Westchester Avenue and Franklin Avenue approaches and truck traffic versus existing conditions.

**7. Proposed Loading**

**8. Effect of Proposed Increase in Municipal Parking (new Franklin Avenue Parking Garage)**

**9. Proposed Mitigation.**

- a. Incorporate roadway improvements included as part of the Proposed Action
- b. Evaluation of traffic calming and pedestrian safety measures internal to the Project Site.
- c. Pedestrian and bicycle improvements including sidewalks, crosswalks and other applicable mitigation, including improved bike access and bike racks.
- d. Enhanced pedestrian access between Franklin Avenue and Westchester Avenue.

**D. Visual/Aesthetics/Neighborhood Character**

**1. Existing Conditions**

- a. View of the Project Site and surrounding area from area roads including Westchester Avenue and Franklin Avenue.
- b. View of the Project Site from nearby residential properties. Include an east/west and north/south cross section analysis to show the spatial relationship between proposed buildings and the residential buildings along Franklin Avenue.
- c. Evaluation of existing pedestrian circulation.

**2. Potential Impacts**

- a. Analysis of altered views using photographs/photo-simulations and/or building elevations and/or sections. Preparation of a three dimensional computer simulation of the Project. View corridors include (provide a key map for all sections):
  - 1) Westchester Avenue from the intersection of Route 22 moving east past the Project Site.
  - 2) Westchester Avenue from South Kensico Avenue moving west past the Project Site.
  - 3) Windsor Terrace from Main Street moving south through the Project Site.
  - 4) Amherst Place from Main Street moving south through the Project Site.
  - 5) Franklin Avenue moving east past the Project Site.
  - 6) Bloomingdale Road from the I-287 on-ramp moving north through the Project Site.
- b. Assess potential impacts from shadows occurring from redevelopment of the Project Site. Shadow diagrams will be used to identify locations where shadows from the potential new buildings could fall onto publically accessible open space and residential buildings on Franklin Avenue. These diagrams will be prepared for three representative analysis days. March 21/September 21 – the vernal and autumnal equinox, June 21 – the longest day of the year and December 21 – the shortest day of the year. For each analysis day, three time periods will be used: 9:00 AM, 12:00 PM and 3:00 PM.
- d. Lighting -describe type and level of lighting, off-site impacts.
- e. Proposed signage.
- e. Discuss all potential roof equipment and screens on building elevations,

identify building heights and potential building materials.

- f. Identify ambient lighting impact from buildings.
- g. Pedestrian wind conditions – perform a qualitative Pedestrian Wind Desktop Assessment focused on the extent to which location, massing and orientation of buildings and other features of the proposed Project create or contribute to unacceptable wind conditions on pedestrian paths of travel around, adjacent and through the Project Site. In the event that studies indicate the potential or exacerbation of pedestrian wind conditions that could affect pedestrian safety or comfort, modifications to the urban design features of the Project, including changes to building massing, landscaping and other measures, that are consistent with the overall design objectives of the Project will be considered.

**3. Mitigation Measures**

- a. Architectural treatment to buildings and parking structures.
- b. Locations of proposed buildings, roadways, parking lots and structures.
- c. Site lighting and ambient lighting from buildings.

**E. Construction**

**1. Existing Conditions**

- a. Description of existing soil types and subsurface conditions based upon soil survey information and soil boring logs, if available.

**2. Potential Impacts**

- a. Demolition of the existing structures on the Project Site.
- b. Rock removal.
- c. Delivery of materials.
- d. Construction traffic.
- e. Construction phasing and staging, including potential impacts to immediately surrounding properties.
- f. Dust impacts.
- g. Construction related vibration.
- h. Days and times of construction.
- i. Impact on municipal parking.

**3. Mitigation Measures**

- a. General description of standard best construction management practices that avoid or mitigate potential impacts.
- b. Investigate recycling of demolition materials.
- c. Erosion and sediment control plan.
- d. Mitigation for any contaminated soil, if any, and proposed rock removal.
- e. Describe compliance with any applicable local laws or regulations such as the City of White Plains Building Code

- f. Implementation of the City of White Plains Construction Management Protocol including the preparation of a Construction Management Plan.

**F. Utilities (Sanitary Sewer and Water Supply)**

**1. Existing Conditions**

- a. Description of existing sanitary sewer flows for the Project Site, conveyance system and capacity of the existing wastewater treatment plant. The existing system will be flow-monitored at selected locations determined by the Commissioner of Public Works so as to evaluate available capacity directly at the Project Site and at selected downstream locations.
- b. Assessing whether the existing water service is adequate to service the proposed Project.

**2. Potential Impacts**

- a. Description of the proposed on-site sanitary sewer collection and conveyance system and means of connection to the existing municipal sanitary sewer system based on available records and surveys.
- b. Projected average daily and peak daily water and resulting wastewater flows from the Project. Include a report from Applicant's licensed professional engineer.
- c. Discussion of the wastewater treatment system's ability to treat the projected flows from the Project based upon information gathered from the Department of Public Works.
- d. Discussion of impacts, if any, to the municipal water supply system.

**3. Mitigation**

- a. Recommended improvements to the existing sanitary sewer and water supply system, if necessary.

**G. Community Facility and Services (DPW)**

- 1. Evaluation of potential impacts related to solid waste generation and recycling management.
- 2. Assess how the Proposed Action will affect essential community facilities and services (police, fire protection, emergency services, publically accessible open space and recreation facilities).

**H. Air and Noise**

**1. Air Resources**

- a. Evaluation of potential traffic conditions at adversely impacted intersections that are failing under Future Traffic Conditions With the Project.

- b. Evaluation of mitigation measures for venting of proposed below grade parking areas and vehicle service facilities.
- c. Evaluation of fuels for standby generator, if any.

**2. Noise Resources**

- a. Qualitative evaluation of relocation of existing automobile dealership service facilities to below grade location.
- b. Evaluation of mitigation measures for reducing potential noise impacts from HVAC units and standby generator, if any, serving the proposed residential building.

**I. Socioeconomic and Fiscal Impacts**

- 1. Estimation of current property taxes generated by the Project Site from existing records available from the City of White Plains.
- 2. Projected real estate tax revenue to be generated at full build-out of the proposed Project.
- 3. Estimation of potential public school age children to be generated by the proposed Project.

**VI. ALTERNATIVES**

- A. No Action.
- B. Reoccupation of existing buildings on the Project Site.
- C. Alternate mix of uses including replacement of the 11 loft residential units with office space.

**VII. ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED**

Where significant environmental impacts of the Proposed Action cannot be mitigated these shall be described as unavoidable adverse impacts and identified in this section. Impacts may be both short- term (construction-related) and long-term in nature.

**VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

This section shall assess the natural and human resources that would be consumed, converted or made unavailable for future use if the Proposed Action is implemented.

**IX. GROWTH-INDUCING IMPACTS**

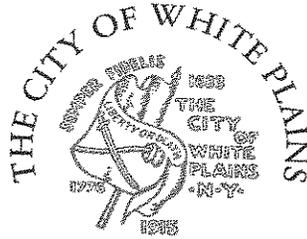
This section shall assess and analyze, together with the impacts of the Proposed Action, whether additional off-site growth would be stimulated, where this growth would occur and the type and magnitude of growth anticipated.

**X. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES**

This section shall address the energy resources to be used if the Proposed Action is implemented, the anticipated levels of consumption, and ways to reduce energy consumption or improve energy efficiency. Topics to be addressed shall include features of proposed and/or modified buildings that reflect the use of "green/low-impact" or sustainable building methods and/or technologies and opportunities to achieve Leadership in Energy and Environmental Design (LEEDS) certification.

**XI. APPENDICES**

**Involved Agencies**



**PLANNING DEPARTMENT**

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

Re: 2015-2019 COMMUNITY DEVELOPMENT CONSOLIDATED PLAN & 2015-2016  
COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN

The Department of Housing and Urban Development's (HUD) Community Development Program annually provides funding to the City of White Plains as an Entitlement Community to operate the Community Development Block Grant Program. The allocation for FY 2015-2016 is \$915,692.00.

On March 27, 2015, the Planning Department made available to the public the proposed 2015-2019 Draft Consolidated Plan and 2015-2016 Draft Annual Action Plan and proposed allocation of Community Development Block Grant ("CDBG") funds for the 2015-2016 HUD CDBG reporting period, July 1, 2015 – June 30, 2016. The proposed 2015-2019 Draft Consolidated Plan and 2015-2016 Draft Annual Action Plan was posted on the City's website on March 27, 2015. A notice for the 30 day public review comment period and the April 8, 2015 public hearing was published in the Journal News on March 13, 2015 and in Westchester Hispano on March 13, 2015. On March 27, 2015, the Mayor and Common Council each were sent a copy of the proposed 2015-2019 Draft Consolidated Plan and 2015-2016 Draft Annual Action Plan.

The Department of Planning and the Community Development Citizens Advisory Committee (CDCAC) have developed a local funding allocation to address the community development needs of the City as part of the HUD mandated 2015-2016 Draft Annual Action Plan, which is supported by the 2015-2019 Draft Consolidated Plan. The proposed funding allocation also addresses all of HUD's funding requirements and caps.

As always, the CDCAC was challenged with limited resources to fund many worthy and vital community organizations that applied to the City for funding. Many of the applicant organizations applying for funds participated in the CDCAC's public hearing held on February 3, 2015, and delivered impactful presentations about the important work they undertake. The CDCAC and the City departments and public service organizations applying for funds deserve

recognition for their compassion and commitment to the City of White Plains and its neediest residents.

The CDCAC and Planning Department also carefully examined the funding needs other than the public service programs, including the Neighborhood Rehabilitation Program and Housing Code Enforcement which are crucial to our neighborhoods, as well as Infrastructure/Public Facilities, specifically funding for parks.

HUD requires a 30 day public comment period on the proposed allocation of CDBG funds and the proposed Consolidated Plan and Annual Action Plan. The comment period was open from March 27, 2015 to April 24, 2015.

CDBG funds must be allocated according to the community development priorities articulated in the proposed 2015-2019 Draft Consolidated Plan. The following chart is a summary of both the proposed Draft Consolidated Plan's five year goals and the one year goals of the proposed Draft Annual Action Plan.

<b>Goal Name</b>	<b>Goal Outcome Indicator: Five Years</b>	<b>Goal Outcome Indicator: One Year</b>
Housing	Units Rehabilitated: 285	Units Rehabilitated: 57
Code Enforcement	Violations Closed: 2500	Violations Closed: 500
Affordable Housing Development	Units Constructed: 250 units	Units Constructed: 100 units
Affordable Housing Program	Persons assisted: 750	Persons assisted: 90
Public Housing	Units Improved: 450	Units Improved: 450
Public Services – Homeless	Public service activities other than Low/Moderate Income Housing Benefit: 2,500 persons	Public service activities other than Low/Moderate Income Housing Benefit: 500 persons
Public Facilities and Improvements	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 60,000 persons	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 12,000 persons
Support Special Needs Populations	Public service activities other than Low/Moderate Income Housing Benefit: 5,500 persons	Public service activities other than Low/Moderate Income Housing Benefit: 1,100 persons
Public Services – Non-Homeless	Public service activities other than Low/Moderate Income Housing Benefit: 9,000 persons	Public service activities other than Low/Moderate Income Housing Benefit: 1,800 persons
Business Assistance	Economic development activities in target areas: 25 businesses	Economic development activities in target areas: 5 businesses
Administration	HUD CDBG regulation compliance and high quality CDBG program	HUD CDBG regulation compliance and high quality CDBG program

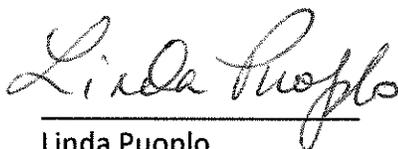
The accompanying chart details the CDCAC's and Planning Department's proposed allocation of the 2015-2016 CDBG award, and meets all regulatory requirements of the Community Development Program for the allocation of 2015-2016 CDBG funds by goal name and goal outcome.

On April 8, 2015, the CDCAC conducted a second public hearing to solicit any comments on its proposed allocation of the 2015-2016 CDBG award and on the Draft Consolidated Plan and Draft Annual Action Plan. Eight members of the public participated and their comments can be found in the minutes of the public hearing, included within Appendix C of the proposed final 2015-2019 Consolidated Plan. Additional comments received during the 30 day public comment period are also included in Appendix C of the proposed final 2015-2019 Consolidated Plan.

At the April 8th meeting, the CDCAC reviewed the proposed allocations of the 2015-2019 Draft Consolidated Plan and 2015-2016 Draft Annual Action Plan and did not recommend any changes. The CDCAC has worked diligently to present a comprehensive range of programming to address the diversity of needs in White Plains. The Planning Department supports the recommendations of the CDCAC as detailed in the attached chart and as fully described in the accompanying proposed 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan.

Submitted herewith for your consideration is a resolution approving the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan, as submitted, and approving the allocation of the 2015-2016 CDBG award as described therein.

Respectfully submitted,

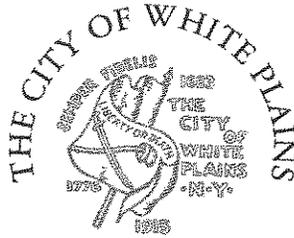


Linda Puoplo  
Acting Commissioner  
Department of Planning

DATED: April 16, 2015

For the May 4<sup>th</sup> 2015 Common Council Meeting

<b>2015-2016 Allocation</b>	
<b>Community Development Programs</b>	<b>Total Funding</b>
Program Administration	\$176,127.00
Rehabilitation	\$210,174.00
Code Enforcement	\$159,116.00
Infrastructure/Public Facilities (parks)	\$125,000.00
<b>Public Service Programs</b>	<b>Total Funding</b>
El Centro Hispano	\$30,000.00
Thomas H. Slater Center	\$23,000.00
Battle Hill Neighborhood Association	\$1,000.00
Westchester Community Action Program	\$4,000.00
Westchester Residential Opportunities	\$18,000.00
Family Ties	\$4,500.00
Legal Services of Hudson Valley	\$10,000.00
Westchester Independent Living Center	\$12,000.00
Ecumenical Food Pantry	\$27,000.00
Meals-on-Wheels	\$20,000.00
Lifting Up Westchester (formerly Grace Church Community Center) - Outreach and Case Management for the Chronically Homeless	\$25,000.00
Lifting Up Westchester (formerly Grace Church Community Center) - Home Health Aide Training	\$12,500.00
Family Services of Westchester	\$10,000.00
YWCA	\$4,000.00
Youth Bureau - After School	\$13,875.00
Youth Bureau - Computer training	\$30,400.00
<b>Subtotal of Public Service Programs</b>	<b>\$228,804.00</b>
HUD 2015-2016 Allocation	\$915,692.00
Rehabilitation Revolving Fund	\$400,000.00
<b>Total CDBG Funds 2015-2016</b>	<b>\$1,315,692.00</b>
<b>Low and Moderate Benefit Funding</b>	<b>\$1,042,541.52</b>
<b>Low and Moderate Percent Served</b>	<b>79.24%</b>



**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

April 22, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 2015-19 CONSOLIDATED PLAN  
2015-16 COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN  
SEQR AND NEPA ENVIRONMENT REVIEWS

The 2015-19 Consolidated Plan and 2015-16 Community Development Annual Action Plan have been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) and National Environmental Protection Act (NEPA) regulations.

NY State Environmental Quality Review

While the Common Council's approval of the 2015-19 Consolidated Plan and 2015-16 Community Development Annual Action Plan represents the Common Council's final, formal approval of program activities, no SEQR determinations are necessary prior to its adoption.

Under SEQR regulations Type II actions are determined not to have a significant effect on the environment. Type II Actions include:

- Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.
- Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
- Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
- Maintenance or repair involving no substantial changes in an existing structure or facility.
- Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes.

The individual program activities are exempted from SEQR as Type II Actions or have received an independent review.

81

- a. The 2015-2019 Consolidated Plan represents the administrative and program planning activities which are Type II Actions under SEQR which do not need additional SEQR documentation.
- b. Administrative activities for the overall Annual CDBG and Residential Rehabilitation Programs are Type II Actions under SEQR which do not need additional SEQR documentation.
- c. Annual funding of Code Enforcement Officer salaries represents a Type II Action under SEQR which does not need additional SEQR documentation.
- d. The following annual Public Service activities do not affect the physical environment and are thus, not subject to SEQR.
  - El Centro Hispano Comprehensive Services
  - Slater Center Comprehensive Services
  - Westchester Residential Opportunities Comprehensive Housing
  - Battle Hill Assoc. Beautification & Awareness
  - Family Ties Parent Resource Project
  - Legal Services of the HV Eviction Prevention, Elderly
  - Westchester Independent Project ACCESS
  - YMCA Housing
  - Ecumenical Food Pantry Food Pantry
  - White Plains CAP Safety Net/Social Programs
  - Meals on Wheels Home Delivered Meals
  - Grace CCC Outreach Team
  - Family Ties Peer Support
  - Family Services of Westchester Lanza Center for All Ages
  - YWCA GEMS
  - White Plains Youth Bureau After School
  - Grace CCC Home Health Aide Training
  - White Plains Youth Bureau Computer Training
  - White Plains Youth Bureau Computer Training Software
- e. Public Facilities and Improvements involves replacement, rehabilitation, reconstruction or standard upgrading of a structure or facility including the Community Education Facility, facilities that provide services to low and moderate income residents, homeless or special needs populations, sidewalk and accessibility improvements, transportation facilities, and municipal parks. This program represents a Type II Action under SEQR which does not need additional SEQR documentation. Each individual project will receive a review and documentation to verify this Type II status under SEQR.
- f. Business Assistance involves support for commercial façade and sign improvements. This program represents a Type II Action under SEQR which does not need additional SEQR documentation.
- g. The ongoing Annual Neighborhood Rehabilitation Program represents a Type II Action under SEQR which does not need additional SEQR documentation.

Based on the above, no further SEQR review or adopted findings are required prior to the Common Council's approval of these CDBG programs.

## HUD National Environmental Protection Act Review

In accordance with 24 CFR 58.34(a)(2) and (3), the Administrative and Planning activities included in the 2015-19 Consolidated Plan and 2015-16 Community Development Program are exempt from the environmental review/release of funds certification requirements of NEPA and 24 CFR 58.

- a. The 2015-19 Consolidated Plan represents the administrative and program planning activities which are exempt from the environmental review/release of funds certification requirements of NEPA and 24 CFR 58.34(a)(2) and (3). No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.
- b. Administrative activities for the Annual CDBG and Residential Rehabilitation Programs are exempt from the environmental review/release of funds certification requirements of NEPA and 24 CFR 58.34(a)(2) and (3). The administrative activities described in 24 CFR 570.206 consist generally of (a) general management, oversight and coordination; (b) provision of information services; provision of fair housing counseling; and (d) completing federal funding applications. No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.
- c. The Code Enforcement program involves solely administrative activities including personnel or office expenses, not for physical development. These administrative activities are described in 24 CFR 570.206 and consist of (a) general management, oversight and coordination; and (b) provision of information services. Such activities are exempt from the environmental review/release of funds certification requirements of NEPA and 24 CFR 58.34(a)(2) and (3). No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.
- d. The public service activities included in the Annual Action Plan are exempt from the environmental review/release of funds certification requirements of NEPA under 24 CFR 58.34(a)(4) 24 CFR 58. No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.
- e. Public Facilities and Improvements involves replacement, rehabilitation, reconstruction or standard upgrading of a structure or facility including the Community Education Facility, facilities that provide services to low and moderate income residents, homeless or special needs populations, sidewalk and accessibility improvements, transportation facilities, and municipal parks. This program is exempt from the environmental review/release of funds certification requirements of NEPA under 24 CFR 58.35(a.) and 24 CFR 58.34(a)(12). No additional clearances are necessary for this program and expenses may be incurred as of the receipt of the HUD contract. Each individual project will receive a review and documentation to verify this exempt status.
- f. Business Assistance involves support for commercial façade and sign improvements. This program represents a Type II Action under SEQR which does not need additional SEQR documentation. This program is exempt from the environmental review/release of funds certification requirements of NEPA under 24 CFR 58.35(a.) and 24 CFR 58.34(a)(12). No additional clearances are necessary for this program and expenses may be incurred as of the

receipt of the HUD contract.

- g. The ongoing Neighborhood Rehabilitation Program has previously received the necessary HUD environmental clearances which are recertified annually. The Residential Rehabilitation Program is exempt from the environmental review/release of funds certification requirements of NEPA under 24 CFR 58.35(a.) and 24 CFR 58.34(a)(12). No additional clearances are necessary for this program and expenses may be incurred as of the receipt of the HUD contract.

As stated above, no further additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.

Respectfully submitted,



---

Rod Johnson  
Environmental Officer

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS, NEW YORK, APPROVING THE FEDERALLY MANDATED 2015-2019 CONSOLIDATED PLAN AND 2015-2016 ANNUAL ACTION PLAN FOR THE CITY OF WHITE PLAINS AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND ASSURANCES AND FILE THE APPROVED PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the Housing and Community Development Acts of 1974 and 1977, as amended, authorize the making of grants of federal funds to eligible units of local government for the purpose of carrying out programs developed to give maximum feasible benefit to low- and moderate-income households, to eliminate conditions of slum and blight and to meet urgent needs of the community; and

WHEREAS, the Common Council of the City of White Plains deems it to be necessary and in the public interest to continue to undertake those programs and activities eligible under the federal Community Development Program as provided in the statutes and in the regulations at 24 CFR 570; and

WHEREAS, Federal statutory requirements affecting community planning and development programs have resulted in the issuance of a rule at 24 CFR Parts 91, 92, 570, 574, 576, and 968 which amends previous regulations of the U.S. Department of Housing and Urban Development ("HUD"), and consolidates into a single consolidated submission the planning and application aspects of the Community Development Block Grant ("CDBG") regulations, and replaces in their entirety the Comprehensive Housing Affordability Strategies (CHAS), the Community Development Plan, and the annual CDBG Final Statement previously prepared by the City of White Plains; and

WHEREAS, this consolidated submission is defined in the rule as a Consolidated Plan; and

WHEREAS, the annual submissions to implement an approved Consolidated Plan are defined as Annual Action Plans; and

WHEREAS, the Common Council has, to date, approved four five-year Consolidated Plans: the 1995-1999 Consolidated Plan, the 2000-2005 Consolidated Plan, the 2005-2009 Consolidated Plan, and the 2010-2014 Consolidated Plan, and the Annual Action Plans necessary to implement such Consolidated Plans; and

WHEREAS, in developing the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan, the Planning Department conducted an extensive technical and citizen participation program to gather information on community development needs including: the release of two resident surveys; holding five public engagement presentations and discussions at various sites throughout White Plains; holding two public hearings in Council Chambers to solicit general comments and feedback about the Consolidated Plan; leading eight one-on-one interviews with relevant departments heads; engaging with representatives of not-for-profit agencies serving the homeless and families and individuals of extremely low, low, moderate and middle income; and distribution of surveys to not-for-profit agencies, neighborhood associations, and community groups, to which many have responded; and

WHEREAS, each year the Planning Department has prepared and submitted to HUD, the Common Council, and the public a Comprehensive Annual Performance and Evaluation Report, reporting on the

performance of the Community Development Program and City under the Consolidated Plans and the appropriate Annual Action Plans; and

WHEREAS, the Planning Department, working with the Community Development Citizens Advisory Committee, has prepared a 2015-2019 Consolidated Plan for the period July 1, 2015 to June 30, 2019 and 2015-2016 Annual Action Plan for the period July 1, 2015 to June 30, 2016, pursuant to HUD rules, regulations and guidelines related to the preparation of such plans; and

WHEREAS, duly noticed announcement of funding availability, grant application and public hearings for 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan was published in the Journal News, the official newspaper of the City of White Plains, on November 17th, 2014, and the Westchester Hispano newspaper on November 17th, 2014; and

WHEREAS, duly noticed public hearings on the proposed 2015-2019 Consolidated Plan, 2015-2016 Annual Action Plan and funding allocation proposals and allocation were conducted by the Community Development Citizens Advisory Committee; on February 3rd and April 8th, 2015; and

WHEREAS, a public notice of the 30 day public comment period and public hearing for the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan was published in the Journal News, the official newspaper of the City of White Plains, on March 13th, 2015, and the Westchester Hispano newspaper on March 13th, 2015; and

WHEREAS, the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan has been available for public review at the White Plains Library, El Centro Hispano, the Thomas H. Slater Center, and the Department of Planning, and on the City's website, and copies have been made available to members of the community on request; and

WHEREAS, the 2015-2016 Annual Action Plan describes the City's projected use of Federal, State and local resources during the 2015-2016 CDBG reporting period, to meet the strategies established in the 2015-2019 Consolidated Plan, and reflects the comments received at the public hearings and incorporates the recommendations of the Community Development Citizens Advisory Committee ("CDCAC"); and

WHEREAS, the Common Council has reviewed the proposed 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan, dated April 29, 2015, as modified to reflect public comment; and

WHEREAS, the Common Council deems it appropriate and in the public interest to adopt the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan, as modified; and

WHEREAS, it is understood that the receipt of any grant funds subject to the federal rule governing consolidated plan submissions for community development and planning programs imposes certain obligations and responsibilities on the City of White Plains and requires that the City provide certain certifications and assurances; and

RESOLVED, that the proposed 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan, as modified, be and hereby is approved; and be it further

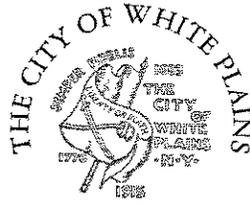
RESOLVED, that the Commissioner of Planning is hereby authorized to make technical modifications, including the addition of data tables, as may be required by regulations of the U.S. Department of

Housing and Urban Development regarding the preparation of consolidated plan submissions; and be it further

RESOLVED, that the Mayor, or designee, is hereby authorized, on behalf of the City of White Plains, New York, to execute all necessary certifications and assurances and to file the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan with the U.S. Department of Housing and Urban Development; and be it further

RESOLVED, that the Mayor, or designee, is hereby designated as the authorized representative of the City of White Plains, New York, to act in connection with the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan and to provide, or cause to be provided, such additional information as may be required from time to time by the U.S. Department of Housing and Urban Development.

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

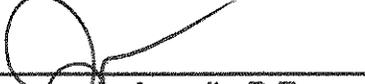
**TO THE HONORABLE THOMAS M. ROACH, MAYOR  
AND MEMBERS OF THE COMMON COUNCIL OF THE  
CITY OF WHITE PLAINS**

Submitted, herewith, for your review and consideration, pursuant to Section 6 & 6.7.8 of the White Plains Zoning Ordinance is an application for a Special Permit for outdoor dining located at 235 Main Street, submitted on April 20, 2015, by Mr. Robert Peirce on behalf of Hastings Tea Corp d/b/a "Hastings Tea". The proposed outdoor dining area is located on private property adjacent to the facility.

These premises are situated within a CB-3 (Core Business- 3) Zoning District within which the proposed "Outdoor Dining Use" is a "Special Permit Use" subject to the requirements of Section 6.7.8 of the Zoning Ordinance. An outdoor seating plan has been submitted for the proposed work which indicates eight (8) tables & sixteen (16) seats for patrons.

The applicant understands that any seat used outside must be accomplished by relocating an indoor seat to the outdoors so as to maintain a "zero net" change in their off-street parking requirement.

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

  
Damon A. Amadio P.E.  
Commissioner of Building

Dated: April 22, 2015  
(for the May 4, 2015 Common Council Meeting)

**Documents**

**Submitted:** A letter from Delaware Realty Associates LLC dated April 17, 2015; an outdoor seating sketch received April 20, 2015; a SEQR Short Environmental Assessment Form received April 20, 2015 and a Short Form Building Permit Application received April 20, 2015.

83



CITY OF WHITE PLAINS  
DEPARTMENT OF BUILDING

RECEIVED

70 Church Street, White Plains, New York 10601

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

APR 20 2015

CITY OF WHITE PLAINS

DEPT OF BUILDING  
Print Form

Reset Form

http://www.cityofwhiteplains.com/

1

APPLICATION TYPE:

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

2

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

Legalization SCAN FEE: \_\_\_\_\_

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

\$500  
Rec # 2015-74230

CON ED #: \_\_\_\_\_

3

Application #: 2015-0233BIDG Date Filed: 4/20/15 Reviewed by: [Signature] Ins: \_\_\_\_\_

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

Permit #: \_\_\_\_\_ Date Issued: \_\_\_\_\_ Assigned CEO: \_\_\_\_\_ Assigned Eng: \_\_\_\_\_

Site Address: \_\_\_\_\_ SBL: 125.67-84.1 Zone: \_\_\_\_\_ Set Back: \_\_\_\_\_

Unit #: \_\_\_\_\_ Floor #: \_\_\_\_\_ Sq Ft: \_\_\_\_\_ Present Use & Occupancy: B

Sprinkler: \_\_\_\_\_ Construction Type: \_\_\_\_\_ Proposed Use & Occupancy: B

Work Description: OUTDOOR DINING ON PRIVATE PROPERTY

4

Applicant: HASTINGS TEA CORP. Address: 235 MAIN STREET

Contact: ROBERT PEIRCE CELL: 914 588-3606 PHONE: 914 428-1000 FAX: \_\_\_\_\_

EMAIL: HASTINGTEA@GMAIL.COM

5

Contractor: TED Address: \_\_\_\_\_

Contact: \_\_\_\_\_ CELL: \_\_\_\_\_ PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Do you have any employees?  Yes  No

6

Engineer or Architect: \_\_\_\_\_ Address: \_\_\_\_\_

Contact: \_\_\_\_\_ CELL: \_\_\_\_\_ PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

7

Owner or Tenant: HASTING TEA CORP Address: 235 MAIN ST.

Contact: ROBERT PEIRCE CELL: (914) 588-3606 PHONE: 914 428-1000 FAX: \_\_\_\_\_

EMAIL: HASTINGTEA@GMAIL.COM

Noodle Shop

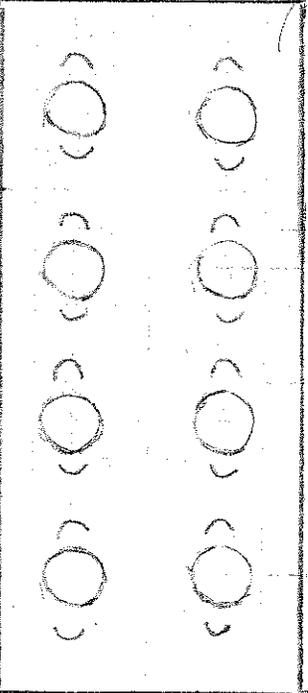
Scott Trade

Building Lobby Entrance

Proposed Outdoor Seating

(12ft)  
8x18"

HASTINGS TEA



18x18"  
(27ft)

5x18"  
(7.5ft)

43x18"  
(64.5ft)

Optician

RECEIVED

APR 20 2010

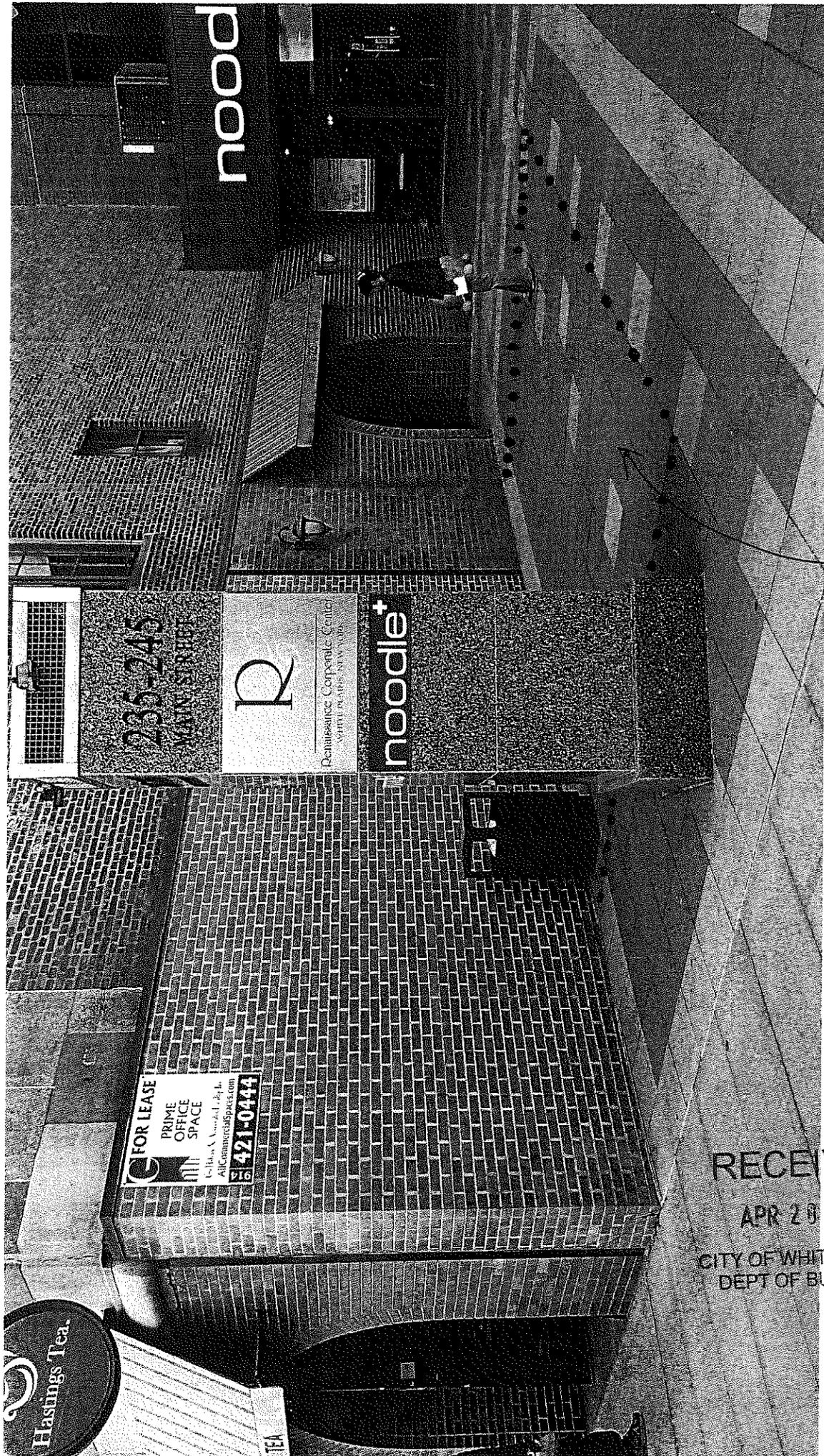
CITY OF WHITE PLAINS  
DEPT OF BUILDING

26x18"  
(39ft)

Main Street

# 235

# 245



Hastings Tea.

FOR LEASE  
PRIME  
OFFICE  
SPACE  
Call Hans A. ...  
AllCommercialspace.com  
421-0444

235-245  
MAIN STREET

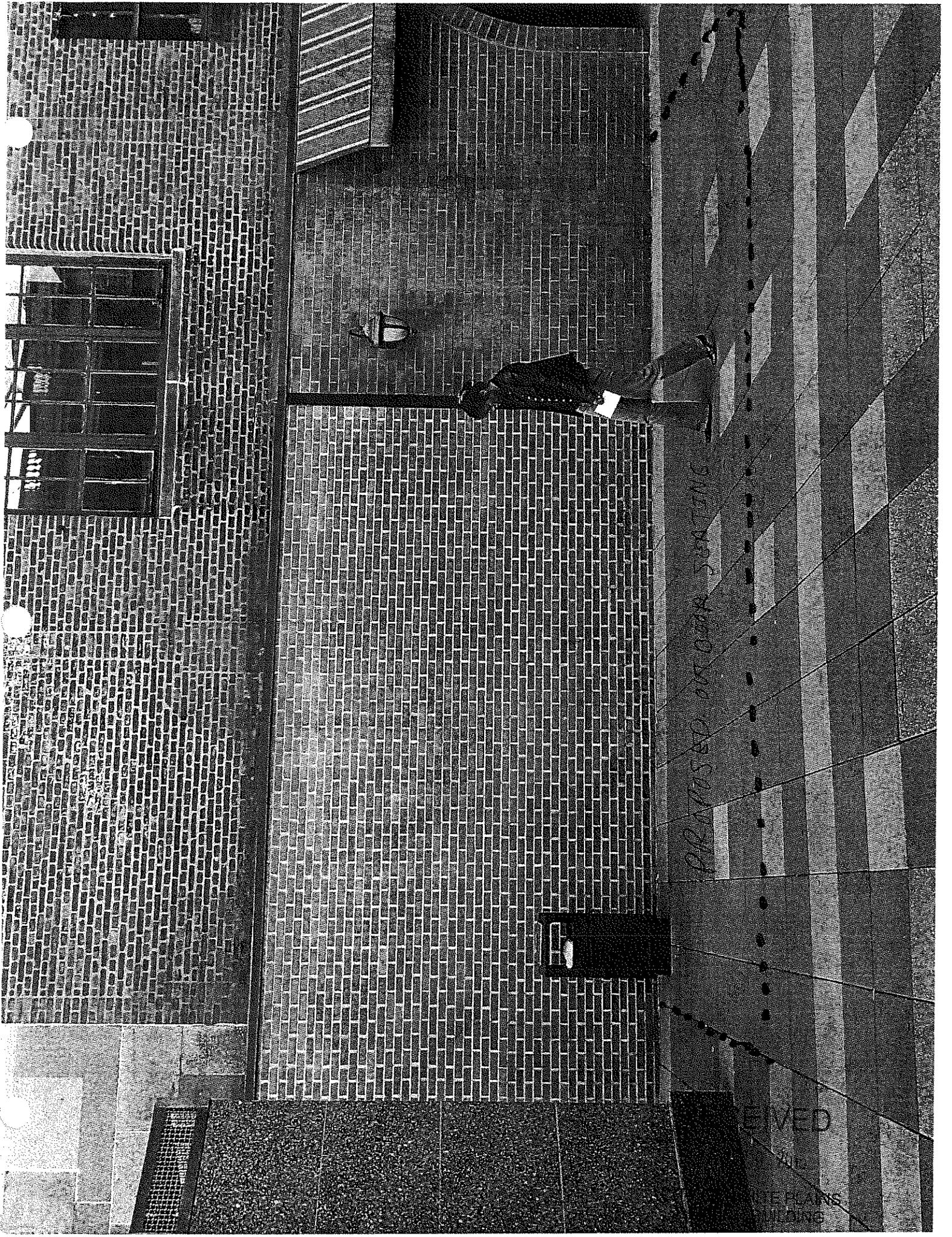
R  
Renaissance Corporate Center  
WHITE PLAINS, NEW YORK

noodle+

noodle

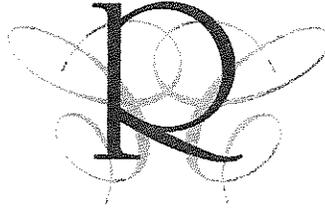
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APR 28 2013  
CITY OF WHITE PLAINS  
DEPT OF BUILDING

PROPOSED OUTDOOR SEATING



PHOTOGRAPH BY ANNA JOHNSON

EVERED  
PLANS  
MILANO



Renaissance Corporate Center  
WHITE PLAINS, NEW YORK

April 17, 2015

To Whom It May Concern:

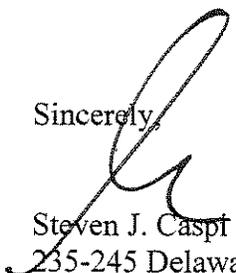
RE: Hastings Tea Corp.  
235 Main Street  
White Plains, NY 10601

I am the Owner/Managing Member of 235-245 Main Street in White Plains.

I rented 235 Main Street, suite 180 to Hastings Tea Corp. in June of 2012 with the knowledge that they were going to operate a tea shop from the space and that they would eventually be applying to the City of White Plains for the use of the courtyard area in front of 235-245 Main Street for outdoor seating.

I have no issue with the courtyard being used for seating and have granted Hastings Tea Corp. permission for same.

Sincerely,

  
Steven J. Caspi

235-245 Delaware Realty Associates LLC  
Managing Member

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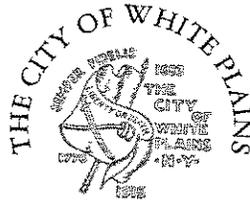
APR 20 2015

CITY OF WHITE PLAINS  
DEPT OF BUILDING

235 Realty Associates LLC

3010 Westchester Avenue, Suite 106 • Purchase, New York 10577-2524 • Phone (914) 694-8300 • Facsimile (914) 694-8322

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by 120 Bloomingdale Road LLC, the current owner of the property, for an extension to the site plan approval for their project at 120 Bloomingdale Road (commonly known as "The Venue"). A letter petition, dated April 14, 2015, prepared by Cuddy and Feder on behalf of 120 Bloomingdale LLC has been submitted for a one (1) year extension to the Common Council Resolution adopted on May 5<sup>th</sup> 2008.

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

Respectfully Submitted,

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

Dated: April 21, 2015  
(for the May 4, 2015 Common Council Meeting)

Related Documents Submitted: Petition letter prepared by Mr. William Null dated April 14, 2015; a Short Form Building Permit Application dated April 13, 2015; and a Short Environmental Assessment Form dated April 14, 2015.



April 14, 2015

BY HAND

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

Re: The Venue on Bloomingdale Road  
(Premises: 120 Bloomingdale Road)

Dear Mayor Roach and Members of the Common Council:

On behalf of 120 Bloomingdale Road, LLC (the "Applicant"), we respectfully request the extension of the Site Plan and Special Permit Approval granted to The Venue on Bloomingdale Road (the "Prior Approvals"), which Prior Approvals last were last extended to May 5, 2015 in accordance with Sections 4.4.25, 6.2.1.7 and 7.4 of the Zoning Ordinance of the City of White Plains.

As you know, the Premises comprise 5.8 acres of land on the westerly side of Bloomingdale Road, southerly of Maple Avenue and northerly of Mamaroneck Avenue, classified in the B-1 "S" District pursuant to the Zoning Ordinance of the City of White Plains. In addition, the Premises include 0.87 acres of land situated along Hale and Carhart Avenues on a ridge above the main portion of the Premises, classified in the R2-2.5 District, which is improved with an accessory parking lot for office tenants. The renovation and upgrading of the existing office building was recently approved by this Council and has been substantially completed.

The Applicant has continued to market to prospective tenants the development of the 46,843 square feet of retail, plus a 6,000 square foot restaurant (with outdoor dining) for a total of 52,843 square feet. While our clients had hoped that the development would go forward in 2015 and have received positive responses, we are requesting another one-year extension of the Prior Approvals, without proposing any changes to enable the Applicant to move forward with this exciting and important project. No materially changed circumstances have arisen to affect the facts or circumstances upon which the Prior Approvals were issued herein.

In connection with this Application, we respectfully submit the following:

1. Building Permit Short Form dated April 13, 2015;
2. A Memorandum from Divney Tung Schwalbe confirming that there have been no changes and annexing the relevant Short Environmental Assessment Form (on the current

SEQRA Form<sup>1</sup>) and a copy of the Full Environmental Assessment Form ("EAF"), all 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"). The above-referenced Memorandum specifies that this is a Type I Action under Section 4.4.25 of the Zoning Ordinance as an "Environmentally Sensitive Site."

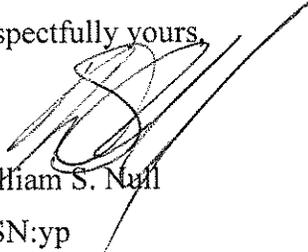
3. An April 9, 2015 letter from Maser Consulting, P.E. confirming that there have been no changes in traffic from the facts described in the March 25, 2013 letter regarding traffic impacts from Maser Consulting, P.E. to Commissioner Soyk.

With regard to stormwater drainage, please note that on February 4, 2013 a comprehensive Stormwater Pollution Prevention Plan ("SWPPP") was submitted to the Department of Public Works of the City of White Plains, which Plan included the previously approved March 27, 2008 SWPPP along with NYSDEC correspondence, including current coverage under SPDES General Permit for Stormwater Discharges (NYR10P669) and a new Notice of Intent ("NOI") transferring coverage from the former applicant to 120 Bloomingdale Road, LLC. There are no changes proposed to the SWPPP, or to the drainage.

Based upon the record of the Prior Approvals, as confirmed by the record submitted herein, we respectfully request that the Prior Approvals be extended to May 2016, including but not limited to the Special Permit for a 6,000 square foot restaurant (with outdoor dining).

Thank you for your consideration herein.

Respectfully yours,



William S. Null

WSN:yp

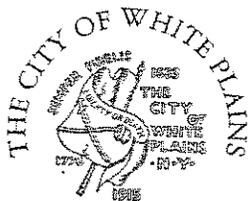
Enclosures

cc: John G. Callahan, Esq., Chief of Staff and Corporation Counsel; Ms. Linda Puoplo, Acting Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Messrs. Joshua Caspi, Elliot Gould, Jeremy Leventhal, and Alexander Leventhal; and John T. Collins, Ph.D., P.E.

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<sup>1</sup> The only change to the EAF submitted herewith is to update the form now required by the State. None of the relevant SEQRA data has been modified on the enclosed EAF.

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by The Salvation Army of Greater New York for an extension to the site plan approval for their project at 16 Sterling Avenue commonly known as "The Salvation Army". A letter petition, dated April 2, 2015, prepared by Cuddy and Feder on behalf of The Salvation Army of Greater New York has been submitted for a one (1) year extension to the Common Council Resolution adopted on June 4, 2015.

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

Respectfully Submitted,

Damon A. Amadio P.E.  
Commissioner of Building

Dated: April 22, 2015  
(for the May 4, 2015 Common Council Meeting)

Related Documents Submitted: Petition letter prepared by Mr. William Null dated April 2, 2015; a Short Form Building Permit Application dated April 2, 2015 and a Short Environmental Assessment Form dated April 2, 2015.

85

April 2, 2015

BY HAND

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

RE: The Salvation Army of Greater New York: 16 Sterling Avenue (the "Premises")

Dear Mayor Roach and Members of the Common Council:

On behalf of The Salvation Army of Greater New York, we respectfully submit this Application for a one-year extension of the Site Plan Approval herein, as approved on June 4, 2012 (and as was extended most recently based upon the Minor Site Plan Amendment granted on or about June 2, 2014, as noted in the enclosed letter from Commissioner Damon Amadio, dated November 21, 2014 (the "Prior Approval")).

The existing Site Plan is requested to be extended for another year to permit construction of the Church and improvements, which construction has been commenced by the demolition of the adjacent buildings that needed to be removed to accommodate the expansion. There has been no material change in circumstances since issuance of the Approval Resolution that would affect the basis for the Prior Approval. Accordingly, we respectfully request the renewal and extension of the Prior Approval for another year.

The Premises is classified in the R2-4 and RM-1.5T Districts," pursuant to the Zoning Ordinance of the City of White Plains with the existing church that will be preserved situated within the R2-4 District and the residential buildings that will be removed and replaced by the expansion herein being within the R-1.5T District. At the request of the neighbors in the community, the design of the improvements has focused on maintaining the overall sense of the church's façade on Sterling Avenue and extending the newer portion of the building to the south along Post Road.

As you know, The Salvation Army is an international, faith-based charitable organization with a simple mission: to help those in need without discrimination. It is an evangelical part of the universal Christian church that meets the physical and spiritual needs of people in more than 120 countries around the globe, without discrimination. Locally, it has served the population of the City of White Plains for decades, providing daily services, meals and spiritual support to its diverse congregation and emergency services to all in need, whenever the situation arises. Its church and community facilities have been located at this location for decades, as well. The existing facilities, however, are inadequate for the members of the community wishing to pray therein and the community center's facilities are no longer able to properly serve the mission of

The Salvation Army. The Prior Approval recognized that this Church serves a community need and its members would be better served with the facility being permitted to expand.

As a faith-based organization and a steward of donor funding, The Salvation Army is mindful of its fiduciary obligations and has conservatively planned to implement this expansion. It has focused on the improvement of the White Plains' facilities in the context of improving its Westchester facilities, including White Plains, Sleepy Hollow and Port Chester. Concurrent with the selection of the design-build team. The Salvation Army has been working closely with the neighborhood regarding details of the construction and also has needed to coordinate details for accommodating the White Plains' congregation, staff, facilities, and programs during construction operations. Having taken the necessary steps over the past year, The Salvation Army has undertaken on-site abatement and demolition work, so that the redevelopment of the facilities may proceed. Accordingly, we affirm that the several conditions contained in the Prior Approval continue to be binding upon this Church's modifications and will be satisfied.

In support of this Application, we respectfully enclose the following in support of this Application:

1. Building Permit Short Form, dated April 2, 2015; and
2. 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").

For the reasons set forth herein, we respectfully submit that this Application to extend the Site Plan Approval for another year should be granted in its entirety.

Thank you for your courtesy and attention to this matter.

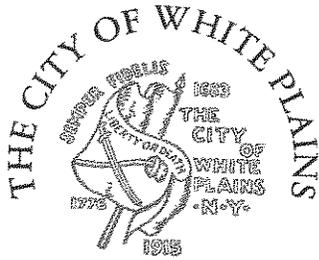
Respectfully yours,



William S. Null

Enclosures  
WSN:yp

cc: (By Hand): John G. Callahan, Esq., Chief of Staff and Corporation Counsel; Mr. Damon Amadio, Commissioner of Building; Ms. Linda Puoplo, Acting Commissioner of Planning; Mr. Graeme Hepburn; and Howard Jacobson, Esq.



**PLANNING DEPARTMENT**  
Thomas M. Roach, Mayor  
Linda Puopolo, Acting Commissioner

April 30, 2015

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

**RE:** AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" WITH RESPECT TO CREATING A NEW LIGHT INDUSTRIAL MIXED USE (LI-M) ZONING DISTRICT AND RE-ZONING CERTAIN PROPERTIES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT.

#### **Introduction**

In November 2014, the Common Council received a proposed Zoning Ordinance amendment entitled "An Ordinance Amending an Ordinance Entitled 'The Zoning Ordinance of the City of White Plains' with Respect to Creating a New Light Industrial Mixed Use (LI-M) Zoning District and Re-Zoning Certain Properties in the Light Industrial (LI) Zoning District," submitted by the then Commissioner of Planning by a communication dated October 30, 2014. The proposed legislation was referred by the Common Council to the Law Department, Environmental Officer and the Planning Board pursuant to Section 12 of the Zoning Ordinance.

At its meeting held on December 1, 2014, the Common Council received communications dated November 20, 2014 and November 24, 2014 respectively, from the Planning Board and Corporation Counsel determining, *inter alia*, that the proposed aforementioned ordinance was in appropriate form, and recommending that a public hearing be scheduled. The Common Council then adopted a resolution scheduling a public hearing for January 5, 2015 on said ordinance.

At the January 5, 2015 meeting of the Common Council, the public hearing was opened, and a communication from the then Commissioner of Planning dated December 18, 2014 was received, recommending additional changes to the proposed ordinance. The Common Council referred the revised proposed ordinance to the appropriate City agencies, departments, boards and commissions and the Westchester County Planning Board for review and recommendations pursuant to Section 12 of the Zoning Ordinance. The public hearing was then adjourned to the February 2, 2014 meeting of the Common Council.

At the February 2, 2015 meeting of the Common Council, a communication from the Deputy Commissioner of Planning was submitted withdrawing the proposed Zoning Ordinance amendments to allow for additional revisions to be made to the proposed ordinance. This communication presents the revised proposal. The substantial change from the previous proposal is restricted designation of the new Light Industrial-Mixed Use ("LI-M") District solely to the Westmoreland Avenue area, less restrictions for converting existing buildings to residential or hotel uses, and the opportunity for new or expanded principal buildings for residential or hotel

uses.

This communication describes proposed amendments to the Zoning Ordinance that will create a new Light Industrial-Mixed Use ("LI-M") classification that would replace the existing Light Industrial ("LI") zoning designation in the Westmoreland Avenue area. The Planning Department's analysis begins with an overview of the existing conditions relevant to the proposed action, explains the purpose and need for the proposed zoning amendments, provides a detailed description of the proposed new zoning district, assesses the conformity of the proposed action with the City's Comprehensive Plan and concludes with a recommendation to adopt the zoning amendments.

## **Existing Conditions**

### ***Zoning Ordinance***

### **Zoning Map**

There are five (5) Light Industrial Zoning Districts currently mapped on the official Zoning Map of the City of White Plains:

- (1) Westmoreland Avenue;
- (2) Haarlem Avenue;
- (3) Ferris Avenue;
- (4) I-287 Interchange; and
- (5) Fulton/Central Avenue.

Four of these narrow, linear districts (Westmoreland, Haarlem Avenue, Ferris Avenue, and Fulton/Central Avenue) run along rail lines. In the past, these were critical locations for the enterprises involved in the movement of products including coal, wood and other building materials via rail. Similarly, the I-287 LI district runs along another important transportation corridor—the Cross Westchester Expressway (Interstate 287).

The Westmoreland district is bounded by the Metro-North Railroad, Tibbets Avenue, and Bank Street, and is situated just to the southwest of downtown White Plains. The Westmoreland and Ferris Avenue LI districts are readily walkable from the White Plains TransCenter/Metro North rail station, the Haarlem industrial district is within an easy walk of the North White Plains Metro North station. The Fulton/Central LI district is relatively close to the White Plains TransCenter, but is located on the far side of the 8-lane Tarrytown Road/Central Avenue (Route 119/100) intersection, a major obstacle for pedestrians.

## **Zoning Regulations**

### *Purposes of the LI District*

Section 5.5.1 of the Zoning Ordinance establishes the purposes of the LI District as follows:

"The LI District is a light industrial district, located in areas of good highway or rail access which have already developed an industrial character. New residential development is excluded from this district, both to protect "dwellings" from an undesirable living environment and to ensure the reservation of adequate areas for light industrial "uses."

*Permitted Uses in the LI District*

Permitted principal uses in the Light Industrial Zoning District fall into the following categories (Table 1, below, provides a complete list of the uses allowed in the LI district):

Recreation

Limited uses such as commercial indoor recreational facilities

Semi-Public and Community Facilities

Limited uses such as places of worship and government uses

Office and Business

Limited office and retail uses; food service establishments including fast food; banks, and others

Automotive and Parking

The wide range of automotive-related uses including motor vehicle sales and service, towing services, parking, wrecking, etc.

Industrial

A wide variety of uses such as:

- Research and medical laboratories
- Manufacturing, fabrication, finishing or assembling of products;
- Warehousing and indoor storage uses;
- Outdoor storage uses;
- Printing plants; and
- Commercial laundries.

<b>Table 1</b>
<b>Uses Permitted in the Light Industrial Zoning District (LI)</b>
<b>Permitted Principal Use</b>
Banks
Business or professional office
Business or trade school
Business, admin. or headquarters for philanthropic institutions
Cafes
Churches or other places of worship
City of White Plains parking lots or parking garages
Commercial indoor "recreation facilities"
Convents
Customary home occupations
Laundry or dry cleaning plants
Manufacturing, fabrication, finishing or assembling of products
Medical laboratories
Mini-storage facility
Office for group education, training or counseling in buildings containing no residential uses
Outdoor storage of commercial or industrial vehicles or construction equipment
Printing Plants

Public utility buildings or structures
Retail laundries or dry cleaners
Radio stations
Stores for sales at retail or performance of customary personal services
Theaters
Uses of the City of White Plains
Uses of Other Governments
Veterinary hospitals, including boarding
Wholesale business, storage or warehousing

<b>Special Permit Use</b>
Accessory Dish Antennas
Auto Laundries
Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper provided operations are within a building and use is a legally pre-existing use
Commercial parking lots for private vehicles
Fast Food eating establishments
Health clubs
Independent, unaffiliated nursery schools or day care centers with permitted church
Motor vehicle sales or rental, including accessory repair shops, service stations or outdoor storage of motor vehicles
Motor vehicle service stations
Motor vehicle repair shops
Outdoor storage of building or other materials
Research, experimental or testing laboratories

<b>Permitted Accessory Use</b>
Accessory electronic games
Nursery Schools or day care centers
Newsstands
Parish House or Rectory
Parking lots or parking garages
Private garage, carport or open parking for passenger vehicles
Restaurant or cafeteria for employees
Sunday Schools / Religious Schools

Although the district is called the "Light Industrial" zone, the Zoning Ordinance does not include a definition of "industrial" or "light industrial". Furthermore, the LI district allows "manufacturing, fabrication, finishing, or assembling of products" as Permitted Principal Uses with no requirement to meet special conditions as through a Special Use permit. The Zoning Ordinance also does not differentiate between "light" and heavy" manufacturing nor does it define the term "manufacturing".

*Uses Not Permitted in the LI District*

- No residential uses of any kind--including single or multifamily housing are allowed. Also hotels and

shelters are not permitted in the LI zone

- Most education-type uses are not allowed
- Entertainment and cultural facility uses such as cabarets, bars, outdoor dining facilities, museums, galleries and similar uses are not allowed

### ***Land Use in the LI District***

Today, the City's LI districts are occupied by a mixture of uses. The Westmoreland district contains several auto-related uses including auto repair shops, vehicle towing services, and an auto parts supplier; a self-storage facility; a moving company; manufacturers including a rubber stamp manufacturer, a manufacturer of machinery for industrial processes, a glass manufacturer, etc. Notable longer-term building vacancies in the Westmoreland Avenue district include the former C.G. Swackhammer lumber yard and 121 Westmoreland Avenue, formerly occupied by the offices of ARC of Westchester.

Land uses in the Haarlem light industrial district also include construction-related and auto-related uses including home builders and contractors, a highway building material supplier, and car rental establishments. This district is more characterized by commercial office uses than the Westmoreland district. There is also one non-conforming single-family and one two-family dwelling in the existing Haarlem Avenue LI zone.

The Ferris Avenue and I-287 districts are predominantly occupied by construction-related and auto-related businesses, respectively. The Fulton Street district, located at the northern end of the Central Avenue retail shopping district, contains the most varied list of uses ranging from restaurants and delis to auto-related businesses, non-conforming residential uses, and light industrial enterprises.

### **Proposed Zoning Amendments**

#### ***Public Purpose for the Proposed Rezoning***

The City of White Plains seeks to encourage the redevelopment of the Westmoreland Avenue Light Industrial District in a manner that will:

- Create a vibrant mixed-use district with a strong identity and an interesting and balanced mix of compatible uses ranging from residential and cultural uses to business and light industrial;
- Protect the unique character of the area through the adaptive reuse of prominent and potentially historic buildings, including architecturally and culturally notable buildings as the C.G. Swackhammer building and the former headquarters of the Norden Laboratories;
- Provide opportunities for new or expanded mixed used buildings including commercial, light industrial, cultural, and residential or hotel use;
- Provide opportunities for residential use within walking distance of public transportation to further the City of White Plains' goals of reducing motor vehicle travel and emissions and promoting a walkable community;
- Revitalize vacant and/or underutilized properties which detract from community character;
- Continue to provide areas in the City for light industrial businesses to operate and serve the community;
- Eliminate uses that underutilize valuable and limited land near major public transit facilities; and
- Eliminate the potential for inappropriate, heavier manufacturing uses to be developed in the LI-M districts by clarifying that light manufacturing uses only are allowed, not heavier manufacturing operations and including a definition of "light manufacturing".

### **Zoning Map Amendments**

The proposed action would change the zoning map designation for the parcels in the current Westmoreland Avenue Light Industrial district to the newly created Light Industrial-Mixed ("LI-M") Use District. This district was selected for rezoning because it was judged to have higher potential for redevelopment based on:

- the accessibility of this district to/from public transportation stations;
- the stock of buildings in this district, which is more suitable for conversion or expansion to residential use than the building stock in the other four districts;
- its proximity to the White Plains TransCenter and the downtown and its unique architectural character.

### **Zoning Text Amendments**

#### **Changes in Allowable Uses**

The proposed action will permit the introduction of residential and hotel uses in the Westmoreland district—uses not currently allowed in the existing LI district—on a limited basis. Residential and hotel uses will be permitted in converted existing buildings as long as a minimum of one floor of the building is converted to such use. New or expanded buildings which includes residential and hotel use will be permitted but those uses will be prohibited on the ground floor of the building. Converted, new or expanded buildings featuring residential or hotel uses must maintain the character of the area. Furthermore, off-street parking exemptions shall not apply. This will encourage a balance of uses among residential, hotel, and other light industrial uses.

The specific uses to be allowed in the LI-M district include:

- Multi-family dwellings; and
- Hotels and extended stay hotels.

The zoning amendments will allow cultural and community facility uses that will contribute to a rich mixed-use area. These uses-- including libraries, museums or art galleries—are not allowed in the LI zone currently. Theaters, currently allowed as a Principal Permitted Use, will be amended to Special Permit Use.

Outdoor storage uses are currently allowed as follows:

- Outdoor storage of commercial or industrial vehicles or construction equipment - Permitted Principal Use
- Outdoor storage of building or other materials - Special Permit Use

Outdoor storage uses will be amended to Permitted Accessory Use.

Unlike the current LI zoning of the proposed rezoning area, the proposed LI-M zoning will not include the following uses:

- Auto laundries;
- Fast food eating establishments;
- Printing plants;
- Mini-storage facility;
- Laundry or dry cleaning plants; and
- Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper provided operations are within a building and use is a legally pre-existing use.

Fast food establishments are not included in the LI-M zone because their typical design and operating characteristics would not promote the unique character that the City would like to promote in the proposed rezoning areas.

Mini-storage facilities are not included in the proposed LI-M zone because they are incompatible with the City's goal of revitalizing the Westmoreland Avenue district by promoting its redevelopment as a lively mixed-use district that will attract people and generate economic vitality. By their very nature, storage facilities are devoid of people and also employ very few workers compared to light manufacturing and even auto-related uses. Mini-storage facilities derive limited if any benefit from the close proximity to public transit. The City has limited land near the Metro-North stations and through this rezoning, intends to encourage the more efficient and beneficial use of this valuable resource.

Auto laundries, auto wrecking, and related uses are not included because they are incompatible with residential and other sensitive uses within the LI-M and adjoining residential districts. In addition such uses are not an efficient and beneficial use of valuable land near transit hubs.

In addition, the use group entitled "Manufacturing, fabrication, finishing or assembling of products" in the LI is changed to "Light Manufacturing" as defined in the proposed zoning amendment as:

"The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants."

Heavier industries specifically allowed in the LI zone, including printing plants and laundry plants would not be allowed in the LI-M district. All new manufacturing uses will have to meet the definition of "light manufacturing," above.

### **Dimensional and Special Permit Regulations**

The dimensional requirements of the LI-M district would be identical to those of the LI district except for the following:

**Height Limitations** - In the LI-M district, the maximum permitted height of buildings for "Multi-family dwelling", "hotel" and "extended stay hotel" uses may be six (6) stories and 85 feet and limited to properties that lie between Westmoreland Avenue and the MetroNorth Railroad.

**Maximum Floor Area Ratio** – In the LI-M district, the maximum floor area ratio for residential or combined residential and non-residential as proposed is 3.00. There is no change to the maximum floor area ratio for non-residential; it will remain at 2.00.

### **Planning Department Review and Analysis**

#### ***Conformance with the Comprehensive Plan***

The Comprehensive Plan addresses the City's industrial districts as follows:

- *"Although a relatively small part of the local economy, light industrial uses play an important role*

*in providing services to businesses and residents and in creating job opportunities for a range of workers. The City's light industrial areas - Westmoreland Avenue, Ferris Avenue, South Kensico Avenue, Harlem Avenue, and Russell Street - need to be maintained and upgraded where appropriate."*

- *"Encourage upgrading of the light industrial zone districts along Ferris Avenue and Harlem Avenue so that they do not negatively impact on the abutting residential areas."*
- *"Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses, and their impacts."*
- *"Encourage upgrading and modernizing of the light industrial zone districts along Westmoreland, Ferris, South Kensico, and Harlem Avenues, and ensure that they properly coexist with the abutting residential areas. "*

The proposed rezoning furthers the goals of the Comprehensive Plan in the following ways:

- It will maintain and upgrade the existing industrial area;
- It will promote redevelopment in the Westmoreland Avenue area so that uses in the rezoning area "do not negatively impact on abutting residential areas"; and
- It will protect the Fisher Hill close-in neighborhood by refining the list of allowable uses to remove the potential for incompatible development in the adjoining LI-M zone.

The proposed zoning amendments have been carefully drafted so as not to encourage the replacement of the light industrial district with a residential district. The intent is to create a lively mix of compatible uses and to retain valuable light industrial uses that serve the community and create jobs.

Based on the reasons stated above, the Planning Department finds that the proposed zoning amendment is consistent with the Comprehensive Plan.

#### ***Changes in Status of Existing Land Uses***

A field survey of all existing land uses in the Westmoreland Avenue district was conducted by the Planning Department in October 2014. Currently, all existing uses in the Westmoreland Avenue district conform to the current LI zoning.

All existing land uses were checked against the use regulations in the proposed LI-M district. In the Westmoreland Avenue district, the existing mini-storage facility would become a "non-conforming use." No other land uses in the district would experience a change in their zoning status, that is, no other non-conformities would be created or eliminated. As a non-conforming use, the existing mini-storage facility would continue to be a legally permitted use, as per Section 4.3 of the Zoning Ordinance, as summarized below:

Whenever a zoning classification is changed so as to render "non-conforming" "use," "building" or "structure" then presently or theretofore legally existing, such "use," "building" or "structure" may nevertheless continue subject to the conditions below:

#### 4.3.2.1

The "non-conforming use" of land may be continued, provided, however, that no such "non-conforming use" shall be physically enlarged or intensified, nor shall it be extended to occupy a greater area of land than that occupied by such "use" at the time of the adoption of this Ordinance, unless specifically allowed by other provisions in this Ordinance, nor shall any such "non-conforming use" be moved in whole or in part to any other portion of the "lot" or parcel of land occupied by such "non-conforming use" at the time of the adoption of this Ordinance.

#### 4.3.2.2

A "building" or "structure" the "use" of which does not conform to the "use" regulations for the district in which it is situated shall not be enlarged, extended or "altered" structurally unless the "use" therein is changed to a conforming "use," or except to conform to an order of the Commissioner of Building to either correct an unsafe condition or to conform to the requirements of applicable laws or ordinances.

#### 4.3.2.3

No "non-conforming use" of a "building" or "structure" shall be enlarged or extended, except that any such "non-conforming use" may be extended throughout any parts of the "building" or "structure" which were obviously or manifestly arranged or designed only for such "use" at the time of the adoption or amendment of this Ordinance.

4.3.2.4 No "non-conforming use" shall be changed to another "non-conforming use," except as provided in Section 4.3.5.

#### 4.3.2.5

If a "non-conforming use" ceases for any reason for a total of 6 months during any 12 month period, or is changed to a conforming "use," any future "use" of the land, "building" or "structure" shall be in conformity with the provisions of this Ordinance. Substantial cessation of activities consistent with or required for the operation of such "non-conforming use" or substantial vacancy of the "building" or "structure" in which the "non-conforming use" was conducted, together with substantial cessation of activities consistent with or required for the operation of such "non-conforming use" shall be deemed to constitute a discontinuance thereof within the meaning of this Ordinance, irrespective of whether an intention to abandon the "non-conforming use" may exist. On application, however, the Board of Appeals may extend the period upon a finding that it is not reasonable in its application to the particular premises, taking into consideration the characteristics of the "use," the investment which has been made in it, the circumstances of the discontinuance and the suitability of the "structure" for a permitted or special permit "use."

#### 4.3.2.6

If any "building" or "structure" in which any "non-conforming use" is conducted or maintained is hereafter removed, the subsequent "use" of the land on which such "building" or "structure" was located and the subsequent "use" of any "building" or "structure" thereon shall be in conformity with the standards specified by this Ordinance for the district in which such land is located.

**Conclusion and Recommendation**

Based on the analysis above, the Planning Department finds that the proposed zoning amendment is consistent with the Comprehensive Plan and that it furthers the public purposes described above. The Department fully supports the proposed legislation and recommends that the Common Council refer it to the Planning Board and other departments and agencies for appropriate action.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Puoplo".

Linda Puoplo, Acting Commissioner

Dated: April 30, 2015  
(For the May 4, 2015 Common Council Meeting)

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS” WITH RESPECT TO CREATING A NEW LIGHT INDUSTRIAL-MIXED USE (LI-M) ZONING DISTRICT AND RE-ZONING CERTAIN PROPERTIES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO LIGHT INDUSTRIAL-MIXED USE (LI-M) ZONING DISTRICT.

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

Section 1. The Zoning Ordinance of the City of White Plains, adopted June 1, 1981, as amended to date be, and hereby is amended to establish a Light Industrial-Mixed Use (LI-M) zoning district as follows:

A. Section 2.4 Definitions.  
is hereby amended by adding a new definition: “Manufacturing, Light” before “Main Building.”

“Manufacturing, Light”

The manufacturing, predominantly from previously prepared materials, of finished products or parts including the compounding, processing, assembly or disassembly, packaging or testing of goods or equipment, including research activities, conducted largely within an enclosed structure and incidental storage, sales and distribution of such products, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

B. Section 3.1 District Classifications.  
is hereby amended under the category “Industrial Districts” to add a new line designated “LI-M Light-Industrial-Mixed Use” before the line designated “LI Light Industrial.”

C. Section 3.2 Zoning Map Establishment.  
is hereby amended by amending the Zoning Map to change the zoning district designation of the following properties from the LI zoning district designation to a new zoning district designation “Light Industrial-Mixed Use” (“LI-M”):

Westmoreland Avenue Light Industrial-Mixed Use District

- 26 WESTMORELAND AVE 125.82-1-11
- 31 WESTMORELAND AVE 125.82-1-5
- 39 WESTMORELAND AVE 125.82-1-4
- 70 WESTMORELAND AVE 125.82-5-2
- 74 WESTMORELAND AVE 125.82-5-1
- 85 WESTMORELAND AVE 125.82-1-3
- 87 WESTMORELAND AVE 125.82-1-2
- 90 WESTMORELAND AVE 130.26-1-2
- 101 WESTMORELAND AVE 125.82-1-1
- 114 WESTMORELAND AVE 130.26-1-1

- 121 WESTMORELAND AVE 130.25-3-1
- 122 WESTMORELAND AVE 130.25-4-5
- 136 WESTMORELAND AVE 130.25-4-4
- 139 WESTMORELAND AVE 130.25-3-2
- 146 WESTMORELAND AVE 130.25-4-3
- 158 WESTMORELAND AVE 130.25-4-2
- 179 WESTMORELAND AVE 130.25-3-3.1
- 197 WESTMORELAND AVE 130.25-3-6
- 203 WESTMORELAND AVE 130.25-3-7
- 209 WESTMORELAND AVE 130.25-3-8
- 2 INTERVALE ST 130.26-6-2
- 7 INTERVALE ST 130.26-1-11
- 11 INTERVALE ST 130.26-1-13
- 12 INTERVALE ST 130.26-1-10
- 13-19 INTERVALE ST 130.26-6-1
- 20-22 INTERVALE ST 130.26-1-12
- 15 HOME ST 130.26-1-4
- 19-21 HOME ST 130.26-1-3
- 7 IRVING PL 125.82-5-4
- 25 IRVING PL 125.82-5-3

D. Section 5.1 Schedule of Use Regulations.  
is hereby amended by adding a new column entitled District: "LI-M" before the column entitled "LI" and entering the corresponding uses as provided in Section 5.2.

E. Section 5.2 List of Use Regulations.  
is hereby amended by adding a new District: LI-M

USE	TYPE
"Multi-family dwellings"	SP
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP

Independent, unaffiliated “nursery schools” or “day care centers” located within a permitted church or other place of worship, “membership club,” or “public school” or “private secondary or elementary school”	SP
Business or professional offices	PP
Offices for group education, training or counseling in “buildings” containing no residential “uses”	PP
Business, administrative or headquarters offices for “philanthropic institutions”	PP
Stores for sales at retail or performance of customary personal services or services clearly incidental to retail sales, including “real estate offices,” but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Auction houses" as regulated by Sec. 6.7.15	PP
“Retail laundries” or “retail dry cleaners”	PP
Banks	PP
Business or trade schools	PP
“Libraries, museums or art galleries not operated for profit”	PP
“Libraries, museums or art galleries”	PP
“Hotels” and “Extended Stay Hotels”	SP
Newsstands	PA
Radio stations	PP
“Restaurants” or “cafeterias”	PP
“Restaurants” or “cafeterias” for employees	PA
“Cafes”	PP
“Accessory electronic games”	PA
Veterinary hospitals, including boarding or care of small animals	PP
Motor vehicle sales or rental, including accessory “repair shops,” “service stations” with or without accessory outdoor storage of motor vehicles	SP
Motor vehicle “service stations”	SP
Motor vehicle “repair shops”	SP
Research, experimental or testing laboratories	SP
Medical laboratories	PP
Wholesale businesses, commercial storage and warehousing	PP
Outdoor storage of building or other materials	PA
Outdoor storage of commercial or industrial vehicles or construction equipment	PA
“Manufacturing, light”	PP
“Public utility buildings or structures”	PP
“Private garages,” carports or open parking for private passenger vehicles	PA
“Parking lots” or “parking garages”	PA
Commercial “parking lots” for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
“Parking lots” or “parking garages” of the City of White Plains or its Parking Department	PP

F. Section 5.3 Schedule of Dimensional Regulations: Non-Residential. is hereby amended as follows: See Attachment Section 5.3 herein.

- G. Section 4.4.15 Exceptions to "Height" Limitations. is hereby amended by adding subsection 4.4.15.9, "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" Uses in the LI-M District to read as follows:

4.4.15.9 In the LI-M district, the maximum permitted height of buildings for "Multi-family dwelling", "hotel" and "extended stay hotel" uses may be six (6) stories and 85 feet and limited to properties that lie between Westmoreland Avenue and the MetroNorth Railroad.

- H. Section 5.5 Additional Regulations for Non-Residential Districts is hereby amended by adding subsection 5.5.1.12, to read as follows:

5.5.1.12 The LI-M District is a mixed use district located near a public transportation center, which is intended to: encourage vibrant neighborhoods with a mix of uses ranging from residential to light industrial; protect the distinct character of the areas through the adaptive reuse of existing "buildings;" revitalize vacant and/or underutilized properties; continue to provide areas for light industrial businesses to operate and serve the community; and protect adjoining residential uses from the negative impacts of incompatible manufacturing uses.

- I. Section 6.2 Approving Agencies is hereby amended by adding subsection 6.2.1.36 "Multi-family dwelling" uses in the LI-M District.

- J. Section 6.7 Individual Standards and Requirements for Certain Special Permit "Uses" is hereby amended by adding subsection 6.7.31, "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" uses in the LI-M District to read as follows:

6.7.31 "Multi-family dwelling", "Hotel" and "Extended Stay Hotel" uses in the LI-M District:

6.7.31.1 Existing buildings may be converted to "Multi-family dwelling", "hotel" or "extended stay hotel" uses subject to meeting the following conditions:

6.7.31.1.1 A minimum of one floor of the building shall be converted.

6.7.31.1.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.

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

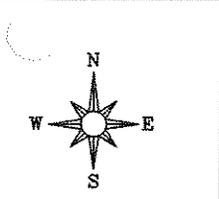
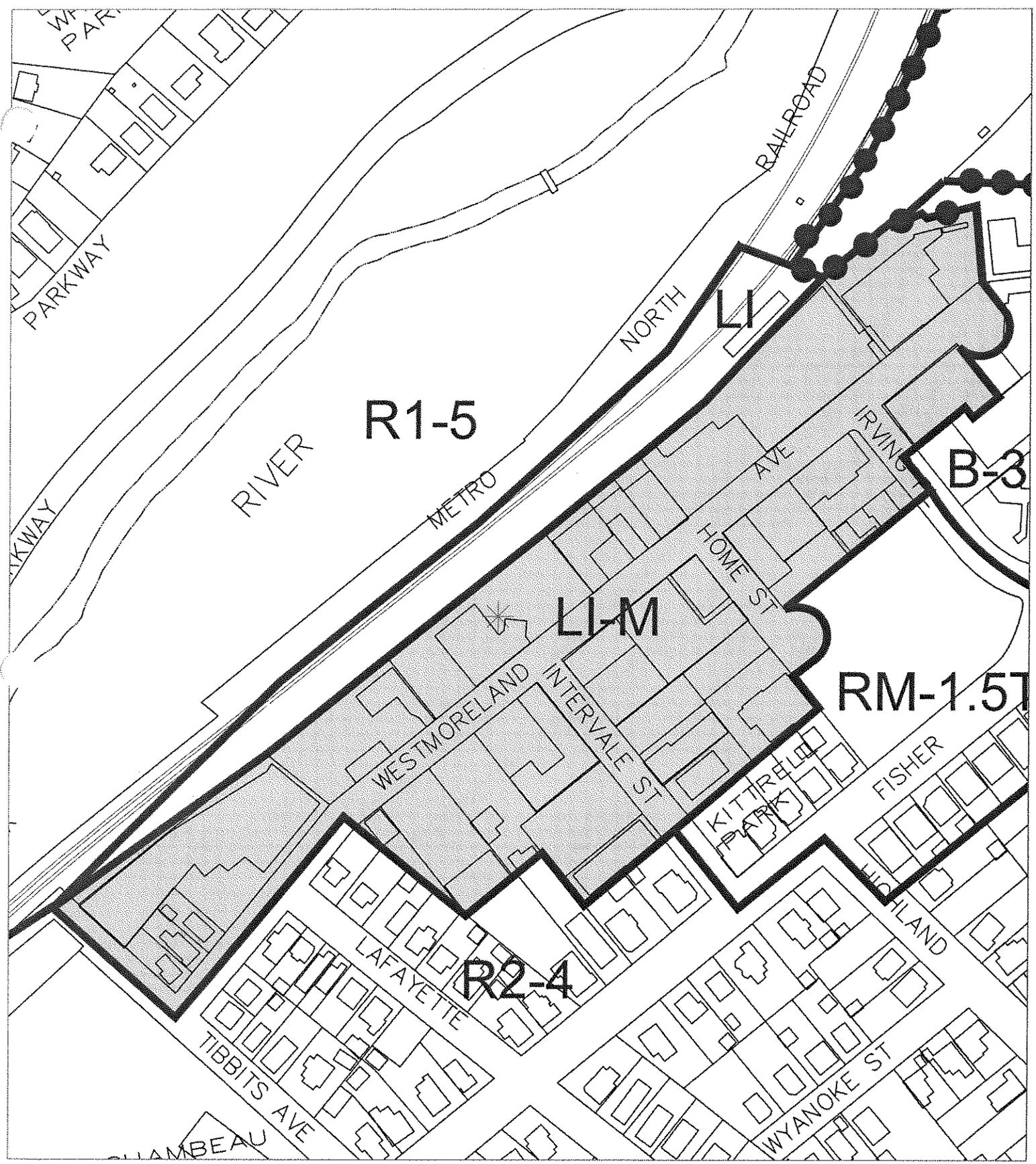
6.7.31.2 "Multi-family dwelling," "hotel" or "extended stay hotel" uses are permitted in new or expanded principal buildings subject to

meeting the following conditions:

- 6.7.31.2.1 “Multi-family dwelling,” “hotel” or “extended stay hotel” uses are prohibited on the ground floor of the building, except for access to such “Multi-family dwelling,” “hotel” or “extended stay hotel” uses.
- 6.7.31.2.2 Off-street parking is provided in accordance with Section 8. No parking exemptions shall apply.
- 6.7.31.2.3 Parking is not permitted at grade within the footprint of the building.
- 6.7.31.2.4 The façade and exterior features that contribute to the building or structure’s historic or architectural character are preserved to the maximum extent practicable.

Section 4. This ordinance shall take effect immediately.





City of White Plains, NY  
 Department of Planning

 Proposed LI-M District

Proposed Light Industrial - Mixed  
 (LI-M) Zoning District



DEPARTMENT OF BUDGET

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

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TEL: (914) 422-1364 – Fax: (914) 422-1440

THOMAS M. ROACH  
MAYOR

MICHAEL A. GENITO  
BUDGET DIRECTOR

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

Submitted herewith is the Capital Improvement Program Status Report for the nine months ended March 31, 2015.

  
Michael A. Genito  
Budget Director

Dated: April 20, 2015  
(For the Common Council meeting of May 4, 2015)



**DEPARTMENT OF FINANCE**  
MUNICIPAL BUILDING – 255 MAIN STREET – WHITE PLAINS, NEW YORK 10601

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TEL: (914) 422-1235 – Fax: (914) 422-1273

THOMAS M. ROACH  
MAYOR

MICHAEL A. GENITO  
COMMISSIONER OF FINANCE  
CAROL ENDRES  
DEPUTY COMMISSIONER

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

Submitted herewith is the unaudited interim financial report for the nine months ended March 31, 2015.

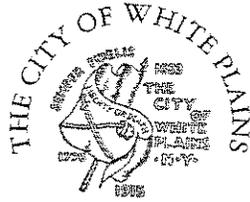
A handwritten signature in black ink, appearing to read "Michael A. Genito", written over a horizontal line.

Michael A. Genito  
Commissioner of Finance

Dated: April 20, 2015  
(For the Common Council meeting of May 4, 2015)

Handwritten initials, possibly "GG", in black ink.

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a minor amendment dated April 14, 2015. The application is being submitted by Signs of Success on behalf of the applicant, AllianceBernstein L.P. and the building owner, Gateway Group I, to obtain the Common Council's approval of an exterior sign change at One North Lexington Avenue.

Alliance Bernstein LP has changed their corporate logo and as such would like to change their exterior sign to reflect the new corporate ID design.

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.

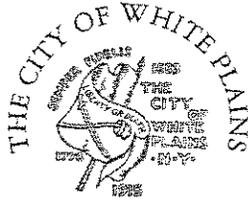
Please be advised that the proposed minor amendment indicates no increase to the mandatory off-street parking or loading requirement. No increase in "use" and no new "use" is established. With respect to the proposed project as a whole, it can be concluded that there is no significant alteration of the 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 Commissioner of Building shall facilitate appropriate review and approval of such Minor Amendment.

"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

A handwritten signature in black ink, appearing to read "Damon A. Amadio".

Damon A. Amadio  
Commissioner of Building

DATED: April 22, 2015  
(For the May 4, 2015 Common Council Meeting)

DOCUMENTS SUBMITTED: Cover letter dated April 14, 2015 as prepared by Signs of Success; a Short Form Building Application dated March 18, 2015; a Short Environmental Assessment Form dated April 14, 2015 and two (2) sign design drawings dated January 21, 2015 as prepared by Signs of Success..

# Signs of Success

Environmental  
Branding

April 14, 2015

RECEIVED  
APR 17 2015  
CITY OF WHITE PLAINS  
DEPT OF BUILDING

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

Identity  
Conversions

Architectural  
Signage

Re: AB Signage at One North Lexington Avenue

Dear Mayor Thomas Roach and Members of the Common Council,

Consultation  
Design  
Engineering  
Production  
Installation  
Maintenance

On behalf of AB, the respective principal tenant and Gateway I Group, the owner of the building known as Gateway I, situated at One North Lexington Avenue, we respectfully submit an application to replace the existing wall sign installed at the northwest corner along Bank Street, at the level of the mechanical floor. The replacement signage would identify the building as the headquarters of AB, which occupies nine floors and 263,083 square feet of space therein (20% more space than when the original sign was installed). The new AB logo is the internationally recognized corporate brand and clients arriving by train will readily be able to find the building.

Pursuant to the Zoning Ordinance and Chapter 9-10 of the Code of the City of White Plains, the Common Council has jurisdiction to approve this signage, which is more particularly detailed on the enclosed plans, dated February 13<sup>th</sup>, 2015, prepared by Signs of Success. The plans show a photo-simulation of the signage on the building and includes structural details indicating its internal illumination.

The replacement sign is designed to enable the logo to be visible on the building, while maintaining an appropriate scale with the overall structure. The new "[A/B]" logo is the branded logo that is used throughout the world at all of AB's locations.

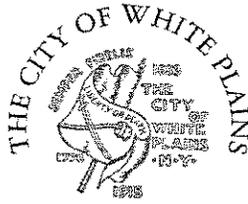
In support of this application, we also enclose a Building Permit Application and a Short Environmental Assessment Form for your review and consideration.  
Thank you.

  
Steve Cohen

Enclosures

cc: Mr. Damon Amadio, Building Commissioner

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 April 22, 2015 to a previously approved site plan at 41 Davis Avenue (aka "The White Plains Hospital"). The applicant, the White Plains Hospital, is requesting permission to construct a three (3) level addition above an existing approximately 13,400 square foot portion of the hospital known as "D" wing.

This proposed construction is "in-filling" a portion of "D" wing and is in the interior of the existing campus. The addition, if approved, will eliminate the need to construct a two (2) story addition above the existing cafeteria that was approved by the Common Council in 2009.

The addition will house family and staff support areas and will not contain any clinical spaces.

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.

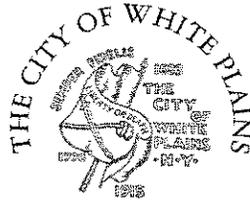
*The proposed addition results in no increase to the mandatory off-street parking or loading requirement. Parking for a hospital is associated with the number of beds.*

- b) There is no increase in "use" and no new "use" is established.

"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

*The proposed addition does not increase the existing "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.

*With respect to the proposed project as a whole, it is this department's opinion that although this is a significant addition to the hospital, it is not readily visible from the street and does not change the essential characteristics of the site as a whole.*

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: April 28, 2015  
(for the May 4, 2015 Common Council Meeting)

DOCUMENTS  
SUBMITTED: A cover letter prepared by Mr. William Null dated April 22, 2015; a Short Form Building Permit Application dated April 22, 2015; a Short Environmental Assessment Form dated April 15, 2015; and drawings A-0.0, A-1.0, A-3.1 and A-5.3 all dated April 9, 2015 as prepared by Perkins Eastman Architects.

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

April 22, 2015

BY HAND

Mr. Damon Amadio, Building Commissioner  
City of White Plains  
70 Church Street  
White Plains, New York 10601

RE: White Plains Hospital (the "Premises")  
Minor Site Plan Amendment for Central Clinical Services ("CCS") Addition  
to Hospital consisting of 3-story over existing portion of the Hospital

Dear Commissioner Amadio:

On behalf of White Plains Hospital ("WPH"), we respectfully submit plans and photographs of existing conditions regarding a proposed building as an amendment to the approved Site Plan to facilitate WPH's current health care delivery on the Premises. This Minor Site Plan Amendment would construct an in-fill CCS building as a 3-level addition above a 13,410 square foot portion of WPH known as D-Wing, which is located in the interior of the existing campus. By constructing this CCS addition, WPH would eliminate a 2-story addition that was approved by the Common Council in 2009 for construction above the existing 19,940 square foot cafeteria.

The CCS addition complies with the previously approved total Gross Floor Area of 696,775 square feet for WPH, as its construction coupled with the elimination of the cafeteria overbuild will yield a net total Gross Floor Area of 690,245 square feet as more particularly detailed on the Chart set forth on Sheet A-0.0 entitled "CCS Addition Zoning Analysis" prepared by Perkins Eastman Architects.

The intended WPH use of the in-fill building is described by Perkins Eastman Architects, as follows:

The purpose of this addition is to enlarge the support areas serving inpatient units in the adjacent Wings E and I, on floors 4, 5 (Inpatient nursing units) and 6 (OB Neonatal program). The plan will be open to the public Lobby at each floor, affording direct access to public circulation and the entrance to the inpatient units.

The floor plans for the fourth and fifth floors of the CCS addition will be identical. Each will provide family and staff related functions, freeing up space within each of the nursing units to reconfigure bedrooms and nursing stations. The following are planned: Family Waiting room, Family Lounge, Staff Lounge, Staff Lockers and Toilets, Staff Rest Cubicles, Staff offices, Conference Room and a Multipurpose Room.

The floor plan for the sixth floor of the CCS addition will provide family and staff related functions, freeing up space within the OB Neonatal nursing units to reconfigure bedrooms and nursing stations. The following are planned:

April 22, 2015

Page 2

1. Family Waiting room,
2. Family Lounge,
3. Family overnight sleeping (with Toilet/Shower rooms),
4. Staff Lounge,
5. Staff Lockers and Toilets,
6. Staff Rest Cubicles,
7. Nursing Management offices; and
8. A classroom available to staff and patients.

The exterior of the CCS addition will be clad in metal and glass, matching that previously submitted for the West Wing Addition. The new cladding will be extended down to re-clad the existing third floor as well.

In connection with this Application, we respectfully enclose two (2) sets of plans as follows:

1. Plans prepared by Perkins Eastman, entitled "White Plains Hospital Center 2009 Modernization Project," consisting of the following four (4) sheets, dated April 9, 2015:
  - a. (A-0.0) "CCS Addition Zoning Analysis;"
  - b. (A-1.0) "Zoning Information Plan;" and
  - c. (A-3.1) "Typical 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> Floor and Roof Plan;"
  - d. (A-5.3) "Exterior Elevations & Building Section;"

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

2. Photographs of the existing conditions at WPH showing the D-Wing over which the CCS Addition will be constructed;
3. A Building Permit Short Form; and
4. 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 WPH building are minor and comply with the provisions governing Minor Site Plan Amendments, as there is no increase in the size of the WPH facilities over that previously approved, nor is any change in use proposed. Further, the character and design of the building remains consistent with that initially approved.

Accordingly, we respectfully request and would appreciate your consideration in expediting this request for the issuance of a written determination regarding this Minor Site Plan Amendment to

April 22, 2015

Page 3

enable it to be forwarded to the Common Council as required by the Zoning Ordinance, thereby moving WPH closer to building this in-fill addition as soon as possible.

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. Jon Schandler, CEO; Ms. Susan Fox, President; Mr. J. Michael Divney, Chairman; Mr. Ossie Dahl, Vice President-Facilities; Mr. Joseph Perillo, Director of Engineering; Mr. Frank Gunther; Mr. Paul Pezzutti; and Mr. Steven Grogg, P.E.