

**COMMON COUNCIL  
AGENDA  
REGULAR STATED MEETING  
MAY 9, 2016  
7:30 P.M.**

**PLEDGE TO THE FLAG:** Hon. Dennis Krolian

**ROLL CALL:** City Clerk

**LOCAL LAW:**

1. Public Hearing in relation to Local Law Introductory No 1 of 2016 amending Local Law No.1 of 2015, adopted May 4, 2015, codified in Title IX of the White Plains Municipal Code Section 9-6 entitled, "Historic Preservation" by amending Sections 9-6-2 and 9-6-3, relating to recommendations of landmarks or historic districts and notice. **OPENED/CLOSED**
2. Local Law Introductory No 1 of 2016 amending Local Law No.1 of 2015, adopted May 4, 2015, codified in Title IX of the White Plains Municipal Code Section 9-6 entitled, "Historic Preservation" by amending Sections 9-6-2 and 9-6-3, relating to recommendations of landmarks or historic districts and notice. **ADOPTED 6 - 0.**  
**Absent: Mr. Martin**

**PUBLIC HEARINGS:**

3. Public Hearing in relation to the application submitted on behalf of Wild Fusion 2 Inc., ("Applicant"), for a Special Permit to operate an Accessory Cabaret at Wild Fusion located at 250 Main Street. **OPENED/CLOSED**

**ITEMS 4 - 13 F/S**

4. Communications received from Commissioner of Building
5. Commissioner of Planning
6. Planning Board
7. Commissioner of Public Safety
8. Commissioner of Public Works
9. Deputy Commissioner, Traffic Division
10. Transportation Commission

- 11. Commissioner of Parking
- 12. Westchester County Planning Board
- 13. Environmental Officer

14. Environmental Findings Resolution **ADOPTED**

15. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Wild Fusion 2 Inc., d/b/a Wild Fusion Restaurant (“Applicant”) for a one year Special Permit to operate an Accessory Cabaret at Wild Fusion Asian Sushi Grill & Bar, located on the second floor of a building at 250 Main Street, subject to the Applicant’s compliance with applicable provisions of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), Chapter 4-4 of the White Plains Municipal Code, and certain conditions contained herein. **ADOPTED 6 - 0. Absent: Mr. Martin**

16. Public Hearing in relation to the Proposed Tax Budget of the City of White Plains for Fiscal Year 2016-2017. **OPENED/CLOSED**

17. Public Hearing in relation to the establishment of sewer rent fees as determined by the Commissioner of Public Works pursuant to Section 201 of the Charter of the City of White Plains. **OPENED/CLOSED**

**FIRST READING  
ORDINANCES:**

18. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings. **HELD**

19. Ordinance authorizing the settlement of certain tax review proceedings. **OFFERED ONLY**

20. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5476, Miscellaneous Storm Water Drain Reconstruction FY 2015-16. **HELD**

21. Communication from Environmental Officer **HELD**

22. Environmental Findings Resolution **OFFERED ONLY**

23. Ordinance Capital Project No. C5476, Miscellaneous Storm Water Drain Reconstruction FY 2015-16. **OFFERED ONLY**

24. Bond Ordinance dated May 9, 2016, authorizing the issuance of \$404,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the acquisition and installation of storm water drainage system improvements. **OFFERED ONLY**

25. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5383, Library Plaza Surface Replacement. **HELD**
26. Communication from Environmental Officer **HELD**
27. Environmental Findings Resolution **OFFERED ONLY**
28. Ordinance entitled, Capital Project No. C5383, Library Plaza Surface Replacement. **OFFERED ONLY**
29. Bond Ordinance dated May 9, 2016, authorizing the issuance of an additional \$252,500 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the additional cost of the construction or reconstruction of City-owned buildings. **OFFERED ONLY**
30. Reserved
31. Reserved
32. Communication from Deputy Commissioner of Planning in relation to the acceptance of a donation in support of the White Plains Education and Training Center. **HELD**
33. Ordinance of the Common Council of the City of White Plains authorizing the Mayor to accept, on behalf of the City of White Plains, a donation of \$250.00 to support the White Plains Education and Training Center. **OFFERED ONLY**
34. Communication from Commissioner of Finance in relation to the retirement of higher interest rate outstanding bonds with the issuance of lower interest rate refunding bonds. **HELD**
35. Ordinance of the Common Council of the City of White Plains amending the Debt Service Budget for Fiscal Year 2015-2016, to record the retirement of higher interest rate outstanding bonds with the issuance of lower interest rate refunding bonds. **OFFERED ONLY**
36. Communication from Director, Youth Bureau, in relation to an agreement between the City and Berkeley College for the utilization of classroom space for summer Youth Bureau Programs. **HELD**
37. Ordinance of the Common Council of the City of White Plains authorizing the City of White Plains to enter into an agreement with Berkeley College at 99 Church Street to provide the City of White Plains classroom space usage at Berkeley College for Youth Bureau summer initiatives known as the Entrepreneur Program, Lets Get Read-Sat Prep Course and Youth Court, from June 13, 2016 to August 24, 2016, and to authorize a Certificate of Insurance to Berkeley College for the period June 13, 2016 to August 24, 2016. **OFFERED ONLY**

- 38. Communication from Personnel Officer in relation to the an amendment to the Municipal Code Compensation and Leave Plan Hourly Pay Scale. **HELD**
- 39. Ordinance amending Section 2-5-80 of the White Plains Municipal Code by amending the Hourly Pay Scale. **OFFERED ONLY**
- 40. Communication from Acting Chairman, Transportation Commission, in relation to proposed amendments to the Traffic Ordinance at various locations around the City. **HELD**
- 41. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a “Handicapped Parking Spaces - Streets (Metered Three-Hour Maximum)” on the west side of Old Mamaroneck Road. **OFFERED ONLY**

**RESOLUTIONS:**

- 42. Communication from Corporation Counsel in relation to the scheduling of a public hearing for June 6, 2016, on a proposed amendment to the Zoning Ordinance to add ‘Nursery Business’ as a Special Permit Use, and add “Organic Manufacturing” as a Principal Permitted Use. **F/S**
- 43. Communication from the Planning Board. **F/S**
- 44. Communication from the City Clerk **.F/S AND REFERRED 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.**
- 45. Resolution of the Common Council of the City of White Plains scheduling a public hearing for June 6, 2016, in relation to an Ordinance amending an Ordinance entitled, “The Zoning Ordinance of the City of White Plains”, by adding “Nursery Business” as a Special Permit Use and adding “Organic Manufacturing” as a Principally Permitted Use. **ADOPTED 6 - 0. Absent: Mr. Martin.**
- 46. Communication from Corporation Counsel in relation to the scheduling of a public hearing for June 6, 23016, on an application submitted by 3 Fitness LLC, d/b/a Orange Theory Fitness, for a Special Permit required for a Health Club in the Central Parking Area and in all B-6 Zoning Districts, to be located at 245 Mamaroneck Avenue. **F/S**
- 47. Communication from Commissioner of Building **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.**
- 48. Resolution of the Common Council of the City of White Plains scheduling a

public hearing for June 6, 2016, in relation to the application submitted on behalf of 3 Fitness LLC (“Applicant”), for a Special Permit for a Health Club in the newly constructed building at 254 Mamaroneck Avenue located in the BR-1 (Business Residential) Zoning District. **ADOPTED 6 - 0. Absent: Mr. Martin**

49. Communication from Personnel Officer in relation to the approval of stipends for certain positions at the White Plains Housing Authority. **F/S**
50. Resolution of the Common Council of the City of White Plains for the approval of a stipend for certain positions of the White Plains Housing Authority. **ADOPTED 6 - 0. Absent: Mr. Martin**
51. Communication from Deputy Commissioner of Planning transmitting a resolution approving the Community Development Annual Action Plan for 2016-2017. **F/S**
52. Resolution of the Common Council of the City of White Plains, New York, approving the federally mandated 2016-2017 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. **ADOPTED 6 - 0. Absent: Mr. Martin**
53. Communication in relation to an agreement between the City and South Lexington Venture, LLC, in relation to outstanding property taxes and associated accrual of interest and penalties, and authorizing the Corporation Counsel, as provided for in Real Property Tax Law Section 1182, to waive interest and penalties in whole or in part. **F/S**
54. Resolution of the Common Council of the City of White Plains reducing or remitting, in part, interest and penalties associated with the accrual of past due taxes against the premises known as 266 South Lexington Avenue. **ADOPTED 6 - 0. Absent: Mr. Martin**

#### **ITEMS FOR REFERRAL:**

55. Communication from Commissioner of Building in relation to an application submitted on behalf of Post Maple 77, LLC, a related company of Grid Properties, Inc., for site plan approval to construction a mixed use development of approximately 220,000 sq. ft. of retail and fitness uses, restaurant, twelve town home multi-family dwelling units, and a parking structure containing approximately 720 parking spaces. **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, URBAN RENEWAL AGENCY, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
56. Communication from Commissioner of Building in relation to an application submitted on behalf of Simon Property Group, for an amendment to a previously approved site plan at 125 Westchester Avenue, to update the facade and signage, replace certain doors and windows, and add a new second floor outdoor dining terrace. **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:**

57. Communication from Commissioner of Building in relation to an application for submitted on behalf Brickman Group for a Minor Amendment to a previously approved site plan to make landscape and hardscape modifications to the exterior plaza between the two residential towers at 15 Bank Street. **F/S/A**
  
58. Communication from Commissioner of Finance transmitting the Capital Improvement Program Status Report for the period ending March 31, 2016. **F/S AND FILE ATTACHMENT**
  
59. Communication from Commissioner of Finance transmitting the Interim Financial Report for the period ending March 31, 2016. **F/S AND FILE ATTACHMENT.**

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

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

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

H. Duties and Powers.

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

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

B. Criteria.

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

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

2. Historic Districts.

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

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

C. Decision Making Requirements.

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

3. Decision. Within sixty-two days 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 forty-five (45) days after it first appears on the common council's agenda, unless by resolution, the council disapproves the proposed action.

§ 4. EFFECTIVE DATE

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

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

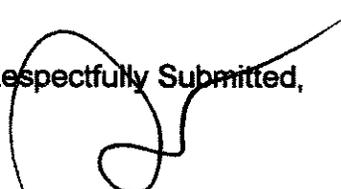
**TO THE HONORABLE THOMAS M. ROACH, MAYOR  
AND MEMBERS OF THE COMMON COUNCIL OF THE  
CITY OF WHITE PLAINS**

Per referral by the Common Council on April 5, 2016, the Department of Building has reviewed an application for cabaret at 250 Main Street for a restaurant known as "Wild Fusion".

This application is unusual due to the fact that the applicant's restaurant is solely located on the second floor of the building with no grade level presence. Typically a restaurant is located on the grade level of a building and cabarets are limited to this level. The Wild Fusion space opens to a second floor outdoor terrace which is accessed by way of two exterior escalators and an elevator.

Considering the unique location of this tenancy and the relatively easy access to the terrace level we have no objection to the Council granting this permit.

Respectfully Submitted,

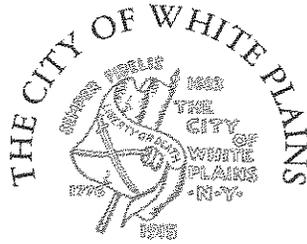
  
\_\_\_\_\_  
Damon A. Amadio P.E.  
Commissioner of Building

Dated: April 28, 2016  
(For the May 9, 2016 Common Council meeting)

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

H



**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

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**SUBJECT: WILD FUSION  
150 MAIN STREET  
SPECIAL USE PERMIT FOR A CABARET USE**

An application was filed on November 2, 2015, by Jack Xiao on behalf of property owner Metropolitan Plaza WP, LLC, requesting a Special Use Permit for a Cabaret at Wild Fusion II restaurant, located on the second floor at 250 Main Street. The City of White Plains Zoning Ordinance includes standards for cabaret uses at Section 6.5 "Special Permit Standards" and Section 6.7.10 "Cabarets." Wild Fusion II is an existing 2,755square foot restaurant with a proposed "Accessory Cabaret" (less than 40% of net floor area dedicated to cabaret use) located within the UR-4, Urban Renewal Central Business - 4 zoning district and Central Parking Area (CPA). A letter submitted on behalf of the applicant was referred by the Common Council on April 4, 2016, requesting that Common Council reconsider the standard that prohibits cabaret uses above street level. The Planning Department has reviewed the application for compliance with special permit standards and for consistency with the Comprehensive Plan, and provides the following analysis:

6.5 Special Permit Standards

*All special permit "uses" shall comply with the following standards in addition to the "site plan" standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.*

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

The size of the proposed cabaret use is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the use at 250 Main Street is in harmony with the

appropriate and orderly development of the area. The cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment is proposed.

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

No construction is proposed in connection with the cabaret. As a result, the cabaret use will not alter any building or structural exteriors and will not change any plantings on site. Exterior views of the site will remain unaltered from conditions with the existing permitted restaurant use. Neither use will hinder or discourage appropriate development and use of adjacent property.

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

Cabaret uses serve as gathering places that attract large numbers of patrons; operate during the evening and night hours; operate sound systems; and sell alcoholic beverages. However none of these potential characteristics are more objectionable than those of other permitted uses in the downtown UR-4 Central Business District.

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

Cabarets do not have a parking requirement in addition to the requirement for the restaurant. The existing restaurant meets the parking requirement established as part of the approval for the recently constructed development known as Metropolitan Plaza WP, at 250 Main. In addition, public parking is available on-street and in nearby public parking structures at City Center and the Hamilton Main garage.

#### Special Permit Standards for Cabaret Uses

In addition to the general standards for special permits, the Zoning Ordinance provides the following individual standards for cabaret uses pertaining to the proposed application:

##### *6.7.10 "Cabarets"*

*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 paths 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.*

The submitted plans prepared by James Le Roy Robinson, R.A., consisting of plan page A-1-A, dated August 11, 2015, and A-1-B, dated October 13, 2015, comply with the above requirements. They show that the sushi bar will be converted to a 139 square foot DJ booth area when the cabaret is in operation.

*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."*

In conformance with this section, the establishment is not located within 150 feet of any residential district, 200 feet of a place of worship, hospital, or "domiciliary care facility" or "community residence" as defined by the Zoning Ordinance.

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

Wild Fusion II is located on the second floor of the Metropolitan Plaza development. Therefore, the proposed cabaret will be on the second floor. The applicant has requested relief from this requirement and the Common Council is authorized to grant this exception as provided in Section 6.7 of the Zoning Ordinance which states:

*6.7 Individual Standards and Requirements for Certain Special Permit "Uses"*

*The following individual standards and requirements are hereby established for certain special permit "uses." They must, if applicable, be met before issuance of a special permit, except that when the Common Council is acting as the approving agency, it need only give consideration to and generally be guided by them.*

The Department of Planning recommends that the Common Council exercise its authority to waive Special Permit Standard 6.7.10.3, as the restaurant does not have a street presence, and because it has three points of egress.

*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 Buildings, 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.*

#### *Conformity with the Comprehensive Plan*

Cabaret use at 250 Main Street is consistent with the Comprehensive Plan, which maintains that the City's Core Area should remain the vibrant commercial and retail hub of Westchester County while limiting negative impacts on surrounding Close-In Area neighborhoods.

As indicated above, the application is consistent with the Comprehensive Plan and conforms to Section 6.5 "Special Permit Standards" and 6.7.10 "Cabarets" of the City Zoning Ordinance with the exception of Special Permit Standard 6.7.10.3. The Department of Planning recommends that the Common Council exercise its authority pursuant to Section 6.7 of the Zoning Ordinance to waive the standard that requires that "cabarets" be located only at grade level because Wild Fusion II is located only on the second floor of Metropolitan Plaza and does not have a street presence, and because there are three points of egress from the restaurant.

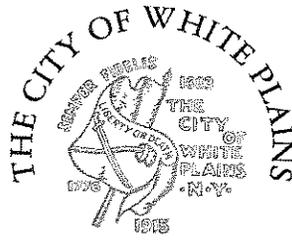
Based on the above analysis, the Department of Planning recommends approval of the Special Use Permit for an Accessory Cabaret.

Respectfully submitted,

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

Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: April 28, 2016  
For the May 9, 2016 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

CHRISTOPHER GOMEZ, AICP  
COMMISSIONER OF PLANNING

LINDA PUOPLO  
DEPUTY COMMISSIONER

EILEEN McCLAIN  
SECRETARY

April 20, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WILD FUSION - 250 MAIN STREET  
SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET

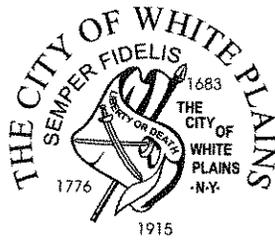
At its April 19, 2016 meeting, the Planning Board reviewed the application made by Wild Fusion for a Special Permit for an Accessory Cabaret Use. This is the first cabaret for this business.

The Planning Board finds that the proposed cabaret use is consistent with the Comprehensive Plan, which recommends encouraging entertainment uses in the downtown. Therefore, the Planning Board recommends that the Common Council exercise its authority pursuant to Section 6.7 of the Zoning Ordinance, and grant approval of the Special Permit for the accessory cabaret use, with the further recommendation to require enforcement of the applicable provisions of the Noise Ordinance.

Planning Board members voting in favor of the motion to recommend approval of the Special Permit to Operate an Accessory Cabaret were: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

Respectfully submitted,

**MICHAEL QUINN**  
Michael Quinn, Chairman  
White Plains Planning Board



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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Deputy Commissioner  
422-6230

ANNE FITZSIMMONS  
Chief of Police  
422-6258

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed the plans for the following site. The following are our comments:

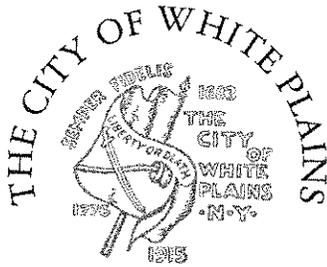
A clear and unobstructed view must be visible  
at all times from ground level and second floor  
promenade and not hampered by restaurant  
configurations.

Wild Fusion  
Accessory Cabaret  
250 Main Street  
White Plains, NY

David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: April 20, 2016



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

**RICHARD G. HOPE**  
COMMISSIONER

**STEFANIA A. MIGNONE**  
DEPUTY COMMISSIONER

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

We have reviewed an application submitted on behalf of WILD FUSION II, INC (“Applicant”), for issuance of a Special Permit for an “Accessory Cabaret” use at the Wild Fusion, located at 250 Main Street.

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

Sound level readings, from either live or recorded music, or other attendant noise, must fall within the allowable maximum at the public property line, in accordance with Sec. 4-4-6., *Sound Amplification*, of the City’s Cabaret Ordinance.

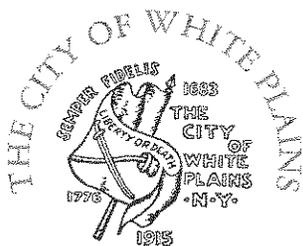
We have no objection to the approval of this application for issuance of a Special Permit.

Respectfully submitted,

Richard G. Hope  
Commissioner of Public Works

Dated: May 2, 2016

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

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

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

(914) 422-1232 Phone

(914) 422-1274 Fax

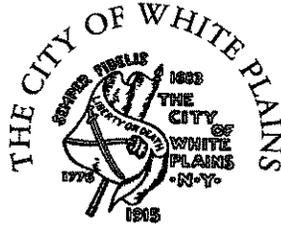
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS  
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the application from Wild Fusion at 250 Main Street for a special permit to operate a "Cabaret" which was referred by the Common Council on April 4, 2016.

The Department of Parking/ Traffic Division has identified no traffic related issues that would affect approving this application.

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

Dated: April 7, 2016  
(for the May 2, 2016 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 Transportation Commission, at its meeting held on April 20, 2016, reviewed the request from "Wild Fusion" at 250 Main Street for a special permit to operate a "cabaret" as referred by the Common Council on April 5, 2016.

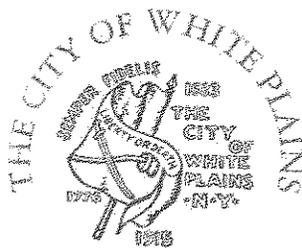
The Transportation Commission has no objection to approving this special permit.

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Thomas J. Soyk, PE, PTOE  
Acting Chairman

Dated: April 26, 2016 (for the May 9, 2016 Common Council Meeting)

THOMAS M. ROACH  
MAYOR



JOHN P. LARSON  
COMMISSIONER

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

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

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

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

Re: #30 – Wild Fusion Accessory Cabaret

The Department of Parking has received and reviewed the above-noted reconsideration for an accessory cabaret.

The Department of Parking has no objection to the approval of this application.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Dated: April 28, 2016

**Submission Form to the Westchester County Planning Board  
For Planning and Zoning Referrals  
REQUIRING NOTIFICATION ONLY**

County Ref. No. **WHP N16-003**

*The Westchester County Planning Board has predetermined that certain categories of planning and zoning applications are matters for local determination only. For any application listed below, submission of this completed form will satisfy the requirements of NYS General Municipal Law and the Westchester County Administrative Code that the local board provided adequate notification to the County Planning Board in accordance with Planning Board procedures. No other material need be sent. Upon receipt, the County Planning Board will complete the bottom section of this form and return it to you to for your records to indicate compliance with referral requirements.*

**When completed save this form and e-mail to: [muniref@westchestergov.com](mailto:muniref@westchestergov.com) or print and fax to 914-995-3780.**

Municipality: **White Plains**

Referring Agency (check one):  Planning Board or Commission  
 Zoning Board of Appeals  
 City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: **Wild Fusion Accessory Cabaret Use**

Address: **250 Main Street**

Section: **125.68** Block: **6** Lot: **5.1**

Submitted by (name and title): **Anne McPherson**

E-mail address (or fax number): **AMcPherson@whiteplainsny.gov**

The above referenced application qualifies for the notification only procedure to the County Planning Board because it falls within the category of action checked below:

- Zoning Area Variance** to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park
- Special Use Permit or Use Variance** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.
- Site Plan** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:
- The boundary of a city, town or village
  - The boundary of an existing or proposed state or county park, recreation area or road right-of-way
  - An existing or proposed county drainage channel line
  - The boundary of state- or county-owned land on which a public building/institution is located or
  - The boundary of a farm located in an agricultural district.

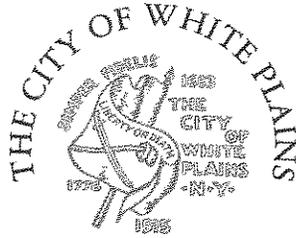
*(Please note: All applications given a Positive Declaration pursuant to SEQOR must be referred as a complete application. Do not use this form.)*

Do not write below this line.

Date received by the Westchester County Planning Board: **4/11/16**

Notification acknowledged by (name and title): **Kay Eisenman, Planner**

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**ENVIRONMENTAL OFFICER**

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

April 27, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WILD FUSION 2 INC.  
250 MAIN STREET  
SPECIAL PERMIT FOR AN ACCESSORY CABARET USE

The application submitted on behalf of Wild Fusion 2 Inc. (“Applicant”) regarding a Special Permit to operate an Accessory Cabaret use at the Wild Fusion located at 250 Main Street (“Proposed Action”) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the operation of an Accessory Cabaret use within the existing restaurant facility which is located solely on the second floor level of the building in the downtown area and within the UR-4 Zoning District.

The Common Council is now considering the subject application for a Special Permit to Operate a Cabaret applying the newly codified Zoning Ordinance standards for “Cabaret” and “Accessory Cabaret” Special Permit Uses adopted May 4, 2015, and Municipal Code standards adopted July 6, 2015.

Based on the recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the Proposed Action for the purposes of the environmental review (hereinafter referred to as “Conditions”):

1. The special permit shall be for one (1) year, subject to renewals by the Commissioner of Building, in accordance with Sections 6.6.5 and 6.7.10.4 of the Zoning Ordinance, upon a demonstration that the Accessory Cabaret has operated consistent with Chapter 4-4 of the White Plains Municipal Code, 6.7.10 of the Zoning Ordinance, and any of the conditions and controls as set forth in the approval resolution.
2. The Common Council exercises its authority pursuant to Section 6.7 of the Zoning Ordinance to waive the standard that requires that “cabarets” be located only at grade level because Wild Fusion II is located only on the second floor of Metropolitan Plaza and does not have a street presence, and because there are three points of egress from the restaurant.

It is recommended that the Common Council (a) designate itself to serve as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; and ( c) find that the

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Proposed Action will not have a significant effect on the environment for the following reasons:

- (a) The proposal is consistent with the Comprehensive Plan and the 2006 Update, and the White Plains Zoning Ordinance:

The Comprehensive Plan provides the following Strategies to balance the goal of providing greater activity in the downtown with preserving the quality of existing and encouraging additional residential development:

- 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.
- Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck Avenue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck Avenue will be pursued to strengthen this prominent area.
- Strictly control Core Area uses that would detract from the residential quality of the Core Area.

The premises are situated along Main Street within the City's established commercial downtown area. A cabaret use is a Special Permit Use in the UR-4 District requiring approval by the Common Council. Thus, under current zoning, it is recognized that cabarets are an appropriate use in the downtown, subject to adequate controls to mitigate negative impacts on residential areas.

The Proposed Action is subject to the standards for Cabaret uses in Section 4.4 of the Municipal Code, the individual standards for Cabaret uses in Section 6.7.10 and the General standards Special permit uses in Section 6.5 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts

Cabaret and Accessory Cabaret uses are defined in Section 2.4 of the Zoning Ordinance as follows:

*"Cabaret" use:*

*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.*

*"Accessory Cabaret" use:*

*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."*

Wild Fusion II is an existing 2,755square foot restaurant. As shown on the plans prepared by James Le Roy Robinson, R.A., consisting of plan page A-1-A,dated August 11, 2015, and A-1-B,

dated October 13, 2015, the proposed "Accessory Cabaret" does not occupy more than 40% of the net floor area of the principal business of the restaurant.

#### Municipal Code Standards for Cabaret Uses

The Proposed Action is subject to the following individual standards for cabaret uses listed in the Municipal Code:

##### Sec. 4-4-3. Operation and Hours.

- (a) *Operation. It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to delegate the responsibility of the operation of the cabaret, including security thereat, to any person or entity that is not an employee of said cabaret operator. An owner or employee of the cabaret licensee must be present at the cabaret during all hours of operation and must be in charge of the operation of said cabaret.*
- (b) *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.*

##### 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.*

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.*

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.*

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:*

- (1) imposing a fee or fixed charge for entertainment or service that is added to a bill for patrons with reserved table seating; or*
- (2) the selling of tickets in advance or the charging of a fee inside the premises for live musical entertainment, excluding a disc jockey, provided the Department of Public Safety approves a Live Musical Entertainment Permit, the Application for which shall be submitted at least ten (10) days in advance of the scheduled performance.*

Special Permit Standards

The Proposed Action meets the general standards at Section 6.5 of the Zoning Ordinance for all special permit uses:

*6.5 Special Permit Standards*

*All special permit "uses" shall comply with the following standards in addition to the "site plan" standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.*

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

The size of the proposed cabaret use is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the use at 250 Main Street is in harmony with the appropriate and orderly development of the area. The cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment is proposed.

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

No construction is proposed in connection with the cabaret. As a result, the cabaret use will not alter any building or structural exteriors and will not change any plantings on site. Exterior views of the site will remain unaltered from conditions with the existing permitted restaurant use. Neither use will hinder or discourage appropriate development and use of adjacent property

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

Cabaret uses serve as gathering places that attract numbers of patrons; operate during the evening and night hours; operate sound systems; and sell alcoholic beverages. However none of these potential characteristics are more objectionable than those of other permitted uses in the downtown UR-4 Central Business District.. The principal concerns raised by the operation of cabarets are sound emanating from the cabarets onto the surrounding uses, the impacts of people queuing outside the cabarets and affecting pedestrian traffic on the sidewalks. The standards recently adopted by the Common Council regarding noise levels and a requirement for the Applicant to manage patrons within the sidewalk area will serve to avoid potential impacts.

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

Cabarets do not have a parking requirement in addition to the requirement for the restaurant. The existing restaurant meets the parking requirement established as part of the approval for the recently constructed development known as Metropolitan Plaza WP, at 250 Main. In addition, public parking is available on-street and in nearby public parking structures at City Center and the Hamilton Main garage.

#### Special Permit Standards for Cabaret Uses

In addition to the general standards for special permits, the Zoning Ordinance provides the following individual standards for cabaret uses pertaining to the proposed application:

##### *6.7.10.2 "Cabarets":*

*"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."*

In conformance with this section, the establishment is not located within 150 feet of any residential district, 200 feet of a place of worship, hospital, or "domiciliary care facility" or "community residence" as defined by the Zoning Ordinance.

##### *6.7.10.3 "Cabarets" shall only be located at grade level*

The Wild Fusion restaurant is located with the project known as The Metropolitan Plaza project at 250 and 258-270 Main Street which received site plan approvals granted by the Common Council on January 1, 2011, August 1, 2011 and December 5, 2011. This project included retail space at ground level, retail/office space at the second story level and a seven story hotel building containing

approximately 130 rooms. The second floor retail spaces have direct pedestrian access to an exterior second-level walkway via an escalator from ground level and an escalator up to the fourth parking level of the City Center Garage.

The proposed Accessory Cabaret use is located within the existing restaurant which is located solely on the second floor level walkway with no grade level presence. The restaurant opens to the second floor outdoor walkway which is accessed by way of two exterior escalators and an elevator.

As designed, the project fully intended to have retail, restaurant uses and any appropriate uses accessory to a restaurant use located at the second story level. Access to the second story walkway provides the required access and egress for public safety purposes.

The applicant has requested relief from this requirement and the Common Council is authorized to grant this exception as provided in Section 6.7 of the Zoning Ordinance which states:

On this basis, it is reasonable for the Common Council, pursuant to Section 6.7 of the Zoning Ordinance waive the grade level standard for this cabaret special permit use.

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

The proposed cabaret use is located within an existing restaurant facility in the Central Business District of White Plains.

The site is fully served by municipal and private utility services.

There is no additional parking requirement because the capacity of the existing restaurant is not increased by the establishment of a cabaret.

The general standards for all Cabaret permit uses a the Municipal Code and 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.

The existing restaurant and proposed cabaret site are located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

The Proposed Action conforms to the Comprehensive Plan recommendation to promote mixed uses, including entertainment, in the Mamaroneck Avenue Corridor.

The proposed cabaret use is similar to the other cabaret uses within the downtown area.

As stated above, the proposed conditions regarding the operation of the cabaret that have been applied to the other cabaret uses located in the nearby downtown area will assure that appropriate noise levels are maintained.

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

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

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

A resolution that 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 APPROVAL OF  
A SPECIAL PERMIT FOR AN ACCESSORY CABARET USE AT THE WILD FUSION  
LOCATED AT 250 MAIN STREET ON BEHALF OF WILD FUSION 2 INC.

WHEREAS, the application submitted on behalf of Wild Fusion 2 Inc. ("Applicant") regarding a Special Permit to operate an Accessory Cabaret use at the Wild Fusion restaurant located at 250 Main Street ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the operation of an Accessory Cabaret use within the existing restaurant facility which is located solely on the second floor level of the building in the downtown area and within the UR-4 Zoning District; and.

WHEREAS, the Common Council is now considering the subject application for a Special Permit to Operate a Cabaret applying the newly codified Zoning Ordinance standards for "Cabaret" and "Accessory Cabaret" Special Permit Uses adopted May 4, 2015, and Municipal Code standards adopted July 6, 2015; and

WHEREAS, the Applicant has submitted the following materials in support of the application ("Application Materials"):

1. An application letter from Li Bin Xiao (Owner) dated October 22, 2015.
2. An application letter from AJ Rotunde, Metropolitan Plaza WP, LLC, dated October 22, 2015.
3. A Short Building Permit Application Form, dated October 26, 2015.
4. A Short Environmental Assessment Form, dated October 25, 2015.
5. Plans prepared by James Le Roy Robinson, R.A., consisting of plan page A-1-A, dated August 11, 2015, and A-1-B, dated October 13, 2015.
6. A letter from Salvatore A. Lagonia, Attorney, dated March 17, 2016; and

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

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

WHEREAS, the Environmental Officer has recommended that the Common Council determine the Proposed Action to be an Unlisted Action under SEQR regulations 6 NYCRR §617; and

WHEREAS, based on the recommendations of the City departments, the Environmental Officer has recommended that the following conditions be adopted by the Common Council as part of the Proposed Action for the purposes of the environmental review (hereinafter referred to as "Conditions"):

1. The special permit shall be for one (1) year, subject to renewals by the Commissioner of Building,

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in accordance with Sections 6.6.5 and 6.7.10.4 of the Zoning Ordinance, upon a demonstration that the Accessory Cabaret has operated consistent with Chapter 4-4 of the White Plains Municipal Code, 6.7.10 of the Zoning Ordinance, and any of the conditions and controls as set forth in the approval resolution.

2. The Common Council exercises its authority pursuant to Section 6.7 of the Zoning Ordinance to waive the standard that requires that “cabarets” be located only at grade level because Wild Fusion II is located only on the second floor of Metropolitan Plaza and does not have a street presence, and because there are three points of egress from the restaurant; and

WHEREAS, the Environmental Officer has recommended that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

RESOLVED, that, based on the foregoing findings, the Common Council designates itself as Lead Agency for the Environmental review of the Action; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council determines that the Proposed Action is an Unlisted Action under SEQR regulations 6 NYCRR §617; and be it further

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

- (a) The proposal is consistent with the Comprehensive Plan and the 2006 Update, and the White Plains Zoning Ordinance:

The Comprehensive Plan provides the following Strategies to balance the goal of providing greater activity in the downtown with preserving the quality of existing and encouraging additional residential development:

- 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.
- Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck Avenue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck Avenue will be pursued to strengthen this prominent area.
- Strictly control Core Area uses that would detract from the residential quality of the Core Area.

The premises are situated along Main Street within the City’s established commercial downtown area. A cabaret use is a Special Permit Use in the UR-4 District requiring approval by the Common Council. Thus, under current zoning, it is recognized that cabarets are an appropriate use in the downtown, subject to adequate controls to mitigate negative impacts on residential areas.

The Proposed Action is subject to the standards for Cabaret uses in Section 4.4 of the Municipal Code, the individual standards for Cabaret uses in Section 6.7.10 and the General standards Special permit uses in Section 6.5 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts

Cabaret and Accessory Cabaret uses are defined in Section 2.4 of the Zoning Ordinance as follows:

*"Cabaret" use:*

*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.*

*"Accessory Cabaret" use:*

*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."*

Wild Fusion II is an existing 2,755square foot restaurant. As shown on the plans prepared by James Le Roy Robinson, R.A., consisting of plan page A-1-A,dated August 11, 2015, and A-1-B, dated October 13, 2015, the proposed "Accessory Cabaret" does not occupy more than 40% of the net floor area of the principal business of the restaurant.

#### Municipal Code Standards for Cabaret Uses

The Proposed Action is subject to the following individual standards for cabaret uses listed in the Municipal Code:

##### Sec. 4-4-3. Operation and Hours.

- (a) *Operation. It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any cabaret to delegate the responsibility of the operation of the cabaret, including security thereat, to any person or entity that is not an employee of said cabaret operator. An owner or employee of the cabaret licensee must be present at the cabaret during all hours of operation and must be in charge of the operation of said cabaret.*
- (b) *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.*

##### 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.

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.

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.

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:

- (2) imposing a fee or fixed charge for entertainment or service that is added to a bill for patrons with reserved table seating; or
- (2) the selling of tickets in advance or the charging of a fee inside the premises for live musical entertainment, excluding a disc jockey, provided the Department of Public Safety approves a Live Musical Entertainment Permit, the Application for which shall be submitted at least ten (10)

*days in advance of the scheduled performance.*

### Special Permit Standards

The Proposed Action meets the general standards at Section 6.5 of the Zoning Ordinance for all special permit uses:

#### *6.5 Special Permit Standards*

*All special permit "uses" shall comply with the following standards in addition to the "site plan" standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.*

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

The size of the proposed cabaret use is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the use at 250 Main Street is in harmony with the appropriate and orderly development of the area. The cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment is proposed.

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

No construction is proposed in connection with the cabaret. As a result, the cabaret use will not alter any building or structural exteriors and will not change any plantings on site. Exterior views of the site will remain unaltered from conditions with the existing permitted restaurant use. Neither use will hinder or discourage appropriate development and use of adjacent property

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

Cabaret uses serve as gathering places that attract numbers of patrons; operate during the evening and night hours; operate sound systems; and sell alcoholic beverages. However none of these potential characteristics are more objectionable than those of other permitted uses in the downtown UR-4 Central Business District.. The principal concerns raised by the operation of cabarets are sound emanating from the cabarets onto the surrounding uses, the impacts of people queuing outside the cabarets and affecting pedestrian traffic on the sidewalks. The standards recently adopted by the Common Council regarding noise levels and a requirement for the Applicant to manage patrons within the sidewalk area will serve to avoid potential impacts.

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

Cabarets do not have a parking requirement in addition to the requirement for the restaurant. The existing restaurant meets the parking requirement established as part of the approval for the recently constructed development known as Metropolitan Plaza WP, at 250 Main. In addition, public parking is available on-street and in nearby public parking structures at City Center and the Hamilton Main garage.

#### Special Permit Standards for Cabaret Uses

In addition to the general standards for special permits, the Zoning Ordinance provides the following individual standards for cabaret uses pertaining to the proposed application:

##### *6.7.10.2 "Cabarets":*

*"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."*

In conformance with this section, the establishment is not located within 150 feet of any residential district, 200 feet of a place of worship, hospital, or "domiciliary care facility" or "community residence" as defined by the Zoning Ordinance.

##### *6.7 10.3 "Cabarets" shall only be located at grade level*

The Wild Fusion restaurant is located with the project known as The Metropolitan Plaza project at 250 and 258-270 Main Street which received site plan approvals granted by the Common Council on January 1, 2011, August 1, 2011 and December 5, 2011. This project included retail space at ground level, retail/office space at the second story level and a seven story hotel building containing approximately 130 rooms. The second floor retail spaces have direct pedestrian access to an exterior second-level walkway via an escalator from ground level and an escalator up to the fourth parking level of the City Center Garage.

The proposed Accessory Cabaret use is located within the existing restaurant which is located solely on the second floor level walkway with no grade level presence. The restaurant opens to the second floor outdoor walkway which is accessed by way of two exterior escalators and an elevator.

As designed, the project fully intended to have retail, restaurant uses and any appropriate uses accessory to a restaurant use located at the second story level. Access to the second story walkway provides the required access and egress for public safety purposes.

The applicant has requested relief from this requirement and the Common Council is authorized to grant this exception as provided in Section 6.7 of the Zoning Ordinance which states:

On this basis, it is reasonable for the Common Council, pursuant to Section 6.7 of the Zoning Ordinance waive the grade level standard for this cabaret special permit use.

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

The proposed cabaret use is located within an existing restaurant facility in the Central Business District of White Plains.

The site is fully served by municipal and private utility services.

There is no additional parking requirement because the capacity of the existing restaurant is not increased by the establishment of a cabaret.

The general standards for all Cabaret permit uses a the Municipal Code and 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.

The existing restaurant and proposed cabaret site are located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

The Proposed Action conforms to the Comprehensive Plan recommendation to promote mixed uses, including entertainment, in the Mamaroneck Avenue Corridor.

The proposed cabaret use is similar to the other cabaret uses within the downtown area.

As stated above, the proposed conditions regarding the operation of the cabaret that have been applied to the other cabaret uses located in the nearby downtown area will assure that appropriate noise levels are maintained.

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

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

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.
- (I) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

- (j) The Proposed Action does not represent change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.
- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected; and be it further

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF WILD FUSION 2 INC. D/B/A WILD FUSION RESTAURANT (APPLICANT”) FOR A ONE YEAR SPECIAL PERMIT TO OPERATE AN “ACCESSORY CABARET” AT WILD FUSION ASIAN SUSHI GRILL & BAR LOCATED ON THE SECOND FLOOR OF A BUILDING AT 250 MAIN STREET SUBJECT TO THE APPLICANT’S COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS (“ZONING ORDINANCE”), CHAPTER 4-4 OF THE WHITE PLAINS MUNICIPAL CODE, AND CERTAIN CONDITIONS CONTAINED HEREIN.

WHEREAS, the Common Council of the City of White Plains (“Common Council”), at a meeting held on January 4, 2016, received a communication from the Deputy Commissioner of Building, dated December 23, 2015, forwarding an application submitted on behalf of Wild Fusion 2 Inc. d/b/a Wild Fusion Asian Sushi Grill & Bar, for approval by the City of White Plains of a one year special permit to allow an “accessory cabaret” use at Wild Fusion Asian Sushi Grill & Bar located in the second floor of a building at 250 Main Street; and

WHEREAS, the Applicant’s restaurant is located within the project known as the Metropolitan Plaza WP, at 250 and 258-270 Main Street, which received site plan approvals by the Common Council on January 1, 2011, August 1, 2011 and December 5, 2011; and

WHEREAS, the Metropolitan Plaza WP includes retail space at ground level, retail/office space at the second story level and a seven story hotel building containing approximately 130 rooms; the second floor retail spaces have direct pedestrian access to an exterior second-level walkway via an escalator from ground level and an escalator up to the fourth parking level of the City Center Garage; and

WHEREAS, the proposed “accessory cabaret” use is located within the existing

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restaurant which is located solely on the second floor level walkway with no grade level presence;  
and

WHEREAS, the premises is situated in the UR-4 (Urban Renewal Central Business) Zoning District in which an accessory cabaret is a special permit use and is also located in the Central Parking Area (CPA); and

WHEREAS, pursuant to Section 6.2.1.16 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), the Common Council is the approving agency for cabarets; and

WHEREAS, the Application included the following documents:

A. A cover letter from Mr. Li Bin Xiao, owner, on behalf of the Applicant, Wild Fusion 2 Inc. d/b/a Wild Fusion Asian Sushi Grill & Bar, dated October 22, 2015, requesting a special permit to operate a cabaret at 250 Main Street; and

B. A letter from AJ Rotunde, certifying that Metropolitan Plaza WP, LLC, as property owner and landlord to Wild Fusion Asian Sushi Grill & Bar, has knowledge of, and no objections to, the Wild Fusion application for a special permit and cabaret license concerning the use of its property located at 250 Main Street; and

C. A Building Permit Short Form application certified by Mr. Li Bin Xiao on October 26, 2015; and

D. A short form Environmental Assessment Form (EAF) dated October 25, 2015, certified by Mr. Li Bin Xiao on behalf of the Applicant; and

E. Architectural plans, drawings A-1-A, dated August 11, 2015, entitled, "Restaurant (Wild Fusion)" and A-1-B, dated October 13, 2015, entitled, "Accessory Cabaret (Wild Fusion)," respectively, as prepared by Sir James L. Robinson, R.A.; and

WHEREAS, at its January 4, 2016 meeting, the Common Council referred the Application for a special permit to operate an accessory cabaret to various City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

WHEREAS, at its January 4, 2016 meeting, the Common Council received a communication from the Corporation Counsel, dated December 29, 2015, and also unanimously adopted a resolution scheduling a public hearing on the Special Permit Application for the February 1, 2016 meeting of the Common Council; and

WHEREAS, at its February 1, 2016 meeting, the Common Council received a communication from the City Clerk, transmitting a resolution rescinding the resolution adopted by the Common Council at its January 4, 2016 meeting, which scheduled a public hearing on the application submitted by Wild Fusion Asian Sushi Grill & Bar to operate an accessory cabaret at 250 Main Street, so that further review of the application could be made; and

WHEREAS, at its February 1, 2016 meeting, the Common Council adopted the aforementioned resolution rescinding the resolution adopted on January 4, 2016, scheduling a public hearing on the application submitted by Wild Fusion Asian Sushi Grill & Bar to operate an accessory cabaret at 250 Main Street; and

WHEREAS, the Common Council of the City of White Plains (“Common Council”), at a meeting held on April 4, 2016, received a communication from the Commissioner of Building, dated March 22, 2016, re-forwarding an application submitted on behalf of Wild Fusion 2 Inc. d/b/a Wild Fusion Asian Sushi Grill & Bar (“Applicant” or “Wild Fusion”), for reconsideration by the Common Council of a one year special permit to allow an accessory cabaret use at Wild Fusion Asian Sushi Grill & Bar located on the second floor of a building at 250 Main Street; and

WHEREAS, the Commissioner of Building, in a communication dated March 22, 2016, noted that since the City’s Cabaret ordinance provides that a cabaret use be located only on the grade level of a building, the Applicant was informed that its proposal did not meet said requirement; and

WHEREAS, the Commissioner of Building, in a communication dated March 22, 2016, further stated that the Applicant is requesting reconsideration of the aforementioned requirement due to the fact that its occupancy is solely located on the second floor of the building with no grade level presence and that its space opens to a second floor outdoor terrace which is accessed by way of two exterior escalators and an elevator; and

WHEREAS, the Application included the following supplemental document for its previous submission:

A letter from Salvatore A. Lagonia, Esq., dated March 17, 2016, on behalf of the Applicant, requesting that the City of White Plains reconsider the accessory use cabaret for Wild Fusion and grant an exemption from the first floor only requirement to allow the Applicant to operate an accessory cabaret use for its restaurant; and

WHEREAS, at its April 4, 2016 meeting, the Common Council re-referred the Application for a special permit to operate an accessory cabaret to various City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

WHEREAS, at its April 4, 2016 meeting, the Common Council received a communication from the Corporation Counsel, dated March 23, 2016, and also unanimously adopted a resolution scheduling a public hearing on the resubmitted Special Permit Application for the May 9, 2016 meeting of the Common Council; and

WHEREAS, at its May 9, 2016 meeting, the Common Council opened the duly noticed adjourned public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then closed the public hearing; and

WHEREAS, the Common Council, at its May 9, 2016 meeting, received

communications in relation to the Special Permit Application from the Commissioner of Building dated April 28, 2015; the Commissioner of Planning, dated April 28, 2016; the Commissioner of Public Safety, dated April 20, 2016; the Commissioner of Parking, dated April 28, 2016; the Commissioner of Public Works, dated May 2, 2016; the Deputy Commissioner of Parking for Transportation Engineering, dated April 7, 2016; the Acting Chair of the Transportation Commission, dated April 26, 2016; the Chair of the Planning Board, dated April 20, 2016; the Westchester County Planning Board, received April 11, 2016; and the Environmental Officer, dated April 27, 2016; and

WHEREAS, the Commissioner of Building noted in a communication dated April 28, 2016, that the Application is unusual due to the fact that the Applicant's restaurant is solely located on the second floor of the building with no grade level presence; typically, a restaurant is located on the grade level of a building and cabarets are limited to the grade level; and the Wild Fusion space opens to a second floor outdoor terrace which is accessed by way of two exterior escalators and an elevator; and

WHEREAS, Wild Fusion is otherwise in conformance with the new Zoning Ordinance and White Plains Municipal Code cabaret provisions, in that the business operates seven (7) days a week and is engaged in preparing food which is served to patrons seated at tables and that patrons select food from a full menu and table service is accommodated via a wait staff; and

WHEREAS, the Zoning Ordinance now categorizes a cabaret as one of two types: (1) an "Accessory 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; or (2) a "Primary

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;” the “Net Floor Area” is defined as the “floor area of a premises open to the public excluding bathroom facilities”; and

WHEREAS, the Commissioner of Planning, in a communication dated April 28, 2016, noted that Wild Fusion restaurant occupies approximately 2,755 square feet of total gross floor area with a proposed “accessory cabaret” occupying less than 40% of the net restaurant floor area; and

WHEREAS, in accordance with the newly adopted Zoning Ordinance amendments, at Section 2.4, Definitions, “Cabaret, Accessory,” based upon the Applicant’s drawing submissions dated August 11, 2015 and October 13, 2015, the gross floor area of Applicant’s restaurant space is calculated to be approximately 2,755 square feet; the net floor area is approximately 1,415 square feet; the Applicant is proposing to dedicate 139 square feet, less than 40% of the net floor area, for accessory cabaret use; and

WHEREAS, since the Applicant’s establishment is principally a restaurant with entertainment and/or dancing that occupies less than 40% of the net floor area, it qualifies as an “Accessory Cabaret” under the Zoning Ordinance; and

WHEREAS, Section 6.7.10.2 of the Zoning Ordinance requires that “cabarets shall not be located within 150 feet of any residential district line, nor within 200 feet of any lot line of a place of worship, hospital, domiciliary care facility or community residence;” and

WHEREAS, Section 6.7.10.2 of the Zoning Ordinance also requires that any “primary cabaret” shall not be located within 300 feet of any “dwelling unit;” and

WHEREAS, the premises within which the accessory cabaret is proposed to be established are not located within 150 feet of any residential district; and

WHEREAS, the premises within which the accessory cabaret is proposed to be established are not within 200 feet of a place of worship, hospital, “domiciliary care facility” or “community residence; ” and

WHEREAS, the proposed accessory cabaret use is in compliance with the applicable requirements in the UR-4 Zoning District; and

WHEREAS, on May 9, 2016, the Common Council adopted a resolution declaring itself as Lead Agency for the environmental review of the cabaret at 250 Main Street (“Proposed Action”) pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), determined that the Proposed Action constitutes an Unlisted Action, and adopted an environmental findings resolution in connection with the Application; and

WHEREAS, the cabaret “use” is consistent with the City’s 1997 Comprehensive Plan and Plan Update adopted July 14, 2006, in that “the Plan emphasizes that the Core Area should remain the commercial and retail hub of Westchester County while also containing vibrant residential areas and limiting negative impacts on surrounding Close-In Area neighborhoods;” and

WHEREAS, the objective and strategies of the Comprehensive Plan for the Core Area are consistent with cabaret use at the Wild Fusion Asian Sushi Bar & Grill and it is appropriate that the Common Council, in the granting of special permit uses which are essentially leisure uses, place appropriate controls to ensure that these uses remain desirable for the patrons as well as for downtown and Close-In neighborhood residents; and

WHEREAS, due to the nature and intensity of cabaret uses, both as to the number of people attracted to the use and sound levels associated with such uses, the Common Council has regularly limited the duration of cabaret special permit uses and attached certain conditions to the operation of such uses; and

WHEREAS, the principal concerns raised by the operation of cabarets are the impacts of people queuing outside the cabarets and affecting pedestrian traffic on the sidewalks, sound emanating from the cabarets onto the surrounding sidewalks and streets and surrounding uses, and the potential for issues of public safety to arise both within and outside of the cabaret use; and

WHEREAS, based on sound level controls and sound testing requirements established by the Common Council as part of the cabaret special permit approval process and codified in the White Plains Municipal Code, the Common Council hereby believes that appropriate controls will be in place to ensure that the accessory cabaret does not become more objectionable by reason of noise; and

WHEREAS, as previously stated above, the Common Council has conducted a duly

noticed public hearing in connection with the instant Special Permit Application, has reviewed and considered the comments and recommendations from the various City departments, boards, commissions, officers and the plans and other documents submitted by the Applicant, as well as the comments from the public, and has reviewed and considered the Application in light of the 1997 Comprehensive Plan and Plan Update adopted July 14, 2006, the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 2.4, 5.1, 6.5, 6.7, 7.5 and 8 and Chapter 4-4 of the White Plains Municipal Code.

NOW, THEREFORE, be it

RESOLVED, that the following findings are hereby adopted in accordance with the Zoning Ordinance:

1. Subject to the Applicant's compliance with the applicable provisions set forth in the Zoning Ordinance, conditions set forth in this approval resolution herein, and requirements contained in Chapter 4-4 of the White Plains Municipal Code, in accordance with Section 6.5.1 of the Zoning Ordinance, the Common Council finds that the size of the accessory cabaret use is similar to existing cabarets in the area. The location of the use at 250 Main Street is in harmony with appropriate and orderly development of the area. The accessory cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment for Metropolitan Plaza is proposed.

2. Subject to the Applicant's compliance with the applicable provisions of the Zoning Ordinance, conditions set forth in this approval resolution herein, and the requirements set forth in Chapter 4-4 of the White Plains Municipal Code, in accordance with Section 6.5.2 of the Zoning Ordinance, the Common Council finds that no construction is proposed in connection with the

cabaret and there are no changes proposed to the building and its facade or plantings such that the proposed special permit for accessory cabaret use at 250 Main Street “would not hinder or discourage the appropriate development and use of adjacent property.” Exterior views of the site will remain unaltered from conditions with the existing permitted restaurant use. Neither use will hinder or discourage appropriate development and use of adjacent property.

3. In accordance with Section 6.5.3 of the Zoning Ordinance, and subject to the Applicant’s compliance with the applicable provisions of the Zoning Ordinance, conditions set forth in this approval resolution herein, and the requirements set forth in Chapter 4-4 of the White Plains Municipal Code, the operations in connection with the proposed accessory cabaret use at 250 Main Street will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operation of other uses not requiring a special use permit in the UR-4 Zoning District. While cabaret uses serve as gathering places that attract large numbers of patrons, operate during the evening and night hours, operate sound systems, and sell alcoholic beverages, none of these potential characteristics are more objectionable than those of other permitted uses in the downtown UR-4 Central Business Zoning District.

4. Cabarets do not have a parking requirement in addition to the requirement for the restaurant. In accordance with Section 6.5.4 of the Zoning Ordinance, the Common Council finds that the existing restaurant meets the parking requirement established as part of the approval for the recently constructed development known as Metropolitan Plaza WP, at 250 Main Street. In addition, public parking is available on-street and in nearby public parking structures at City Center and the Hamilton Main Garage.

5. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed accessory cabaret use at 250 Main Street conforms with the UR-4 Zoning District's height, bulk and density requirements.

6. In accordance with Section 7.5.2 of the Zoning Ordinance, the vehicular and traffic circulation both within and without the site will not be adversely affected by the approval of the Special Permit Application.

7. The design of the proposed accessory cabaret at 250 Main Street is in harmony with the uses in the neighboring area and will preserve the property values, and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance.

8. In accordance with Section 7.5.4 of the Zoning Ordinance, the accessory cabaret will not alter the architectural design of Metropolitan Plaza at 250 Main Street in which it is located, which enhances and protects the character and property values of the neighborhood.

9. In accordance with Section 6.7.10.1 of the Zoning Ordinance, the Applicant's submitted plans, prepared by Sir James L. Robertson R.A., consisting of plan page A-1-A, dated August 11, 2015, and A-1-B, dated October 13, 2015, indicate that the square footage for the dance floor and the DJ band area, as well as the egress paths (which do not transverse areas identified for entertainment) and seating areas, are in compliance with Section 6.7.10.1.1-5 of the Zoning Ordinance. The plans show that the sushi bar will be converted to a 139 square foot DJ booth area when the cabaret is in operation. Occupancy calculations are provided for both the restaurant and the

accessory cabaret configuration, as required by Section 6.7.10.1.6.

10. Section 6.7.10.3 of the Zoning Ordinance provides that “cabarets” shall only be located at grade level. Wild Fusion is located on the second floor of the Metropolitan Plaza development and thus, the proposed cabaret will be on the second floor. The Applicant has requested relief from the Section 6.7.10.3 requirement.

11. Pursuant to Section 6.7 of the Zoning Ordinance, when the Common Council is acting as the approving agency for an application for a special permit, it need only give consideration to and be generally guided by the special permit requirements contained in Section 6.7 of the Zoning Ordinance, and thus may waive the Special Permit Standard set forth in Section 6.7.10.3; and be it further

RESOLVED, that the Common Council finds that since the Wild Fusion restaurant is located only on the second floor of Metropolitan Plaza and does not have a street presence, and because it has three points of egress, subject to the Applicant’s compliance with the applicable provisions of the Zoning Ordinance, the requirements set forth in the White Plains Municipal Code, and the conditions set forth in this approval resolution herein, it is appropriate for the Common Council at this time, to waive the grade level location standard set forth in Section 6.7.10.3 of the Zoning Ordinance for accessory cabaret use; and be it further

RESOLVED, that based upon the above findings, the Common Council determines that the standards of Sections 2.4, 5.1, 6.5, 6.7, 7.5 and 8 of the Zoning Ordinance and Chapter 4-4

of the White Plains Municipal Code have been satisfied, and approval of the Special Permit Application for an "Accessory Cabaret" be and it is hereby granted, subject to the Applicant's compliance with the applicable provisions of the Zoning Ordinance, Chapter 4-4 of the White Plains Municipal Code, and the following additional standards and conditions set forth herein:

1. The special permit shall be for one (1) year, and shall expire on May 1, 2017, subject to renewals by the Commissioner of Building, in accordance with Sections 6.6.5 and 6.7.10.4 of the Zoning Ordinance, upon a demonstration that the Accessory Cabaret has operated consistent with Chapter 4-4 of the White Plains Municipal Code, 6.7.10 of the Zoning Ordinance, and any of the conditions and controls as set forth in this approval resolution herein.

2. The Commissioner of Public Safety shall be required to notify the Commissioner of Building if there is a change in the licensee under the cabaret license issued by the Commissioner of Public Safety annually, pursuant to the applicable provisions of the White Plains Municipal Code.



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

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**JOHN G. CALLAHAN**  
Corporation Counsel

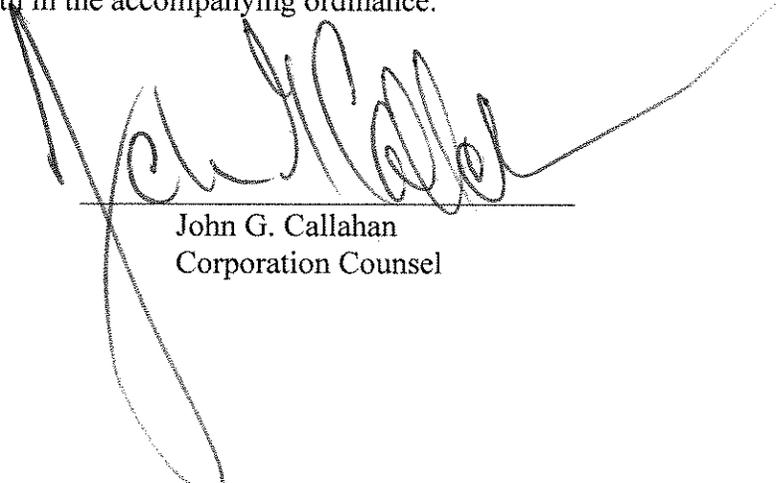
**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the property located at 110-120 West Post road, White Plains, NY.

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



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

Dated: May 3, 2016  
(For the Common Council Meeting  
of May 9, 2016)

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

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

WHEREAS, the respective attorneys for the petitioners have offered and agreed to settle and discontinue said proceedings on condition that the assessed valuations of said properties be reduced and credits paid according to the following list in accord with the applicable tax rate for said years with no interest thereon:

**Richard Bayliss  
110-120 West Poat Road  
SBL: 130.34-9-2**

| <u>Tax Year</u> | <u>Current Assessment</u> | <u>Proposed New Assessment</u> | <u>New Assessment Reduction</u> | <u>Proposed Amount of City Tax to be Refunded</u> |
|-----------------|---------------------------|--------------------------------|---------------------------------|---|
| 2012/13         | \$ 41,500                 | \$ 34,000                      | \$ 7,500                        | \$ 1,383.53                                       |
| 2013/14         | \$ 41,500                 | \$ 34,000                      | \$ 7,500                        | \$ 1,438.05                                       |
| 2014/15         | \$ 41,500                 | \$ 32,000                      | \$ 9,500                        | \$ 1,863.33                                       |
| 2015/16         | \$ 41,500                 | \$ 31,000                      | \$ 10,500                       | \$ 2,107.77                                       |
|                 |                           |                                | <b>Total:</b>                   | <b><u>\$ 6,792.68</u></b>                         |

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

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

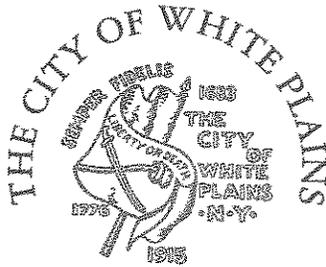
Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and

the same hereby is approved.

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

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

§4. This ordinance shall take effect immediately.



**CAPITAL PROJECTS BOARD**

**MUNICIPAL BUILDING**

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

**THOMAS M. ROACH**  
MAYOR

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

Improvements related to the replacement/reconstruction of storm water drains at various locations have been identified by the Department of Public Works, recommended by the Capital Projects Board, and are incorporated in the current Capital Improvement Program. This project is part of an annual plan to rehabilitate or expand portions of the storm drainage system, including catch basins and piping.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts, as necessary, and further to direct the Budget Director to amend the Capital Projects fund by establishing Capital Project No. C5476 entitled "**Miscellaneous Storm Water Drain Reconstruction FY 2015-2016,**" with a budget as follows:

REVENUES

|             |              |                  |
|-------------|--------------|------------------|
| C5476-08810 | Serial Bonds | <u>\$404,000</u> |
|-------------|--------------|------------------|

EXPENDITURES

|             |                        |                  |
|-------------|------------------------|------------------|
| C5476-4.005 | Financing and Auditing | \$ 4,000         |
| C5476-8.207 | Storm Water Drains     | <u>400,000</u>   |
|             |                        | <u>\$404,000</u> |

Finally, it is requested that the sale of \$404,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund pending the receipt of the bond proceeds and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

Date: May 9, 2016



**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 28, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5476  
MISCELLANEOUS STORM WATER DRAIN RECONSTRUCTION FY 2015-2016

The proposed Capital Project No. C5476 entitled "Miscellaneous Storm Water Drain Reconstruction FY 2015-2016," has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves replacement/reconstruction of storm drains at various locations including catch basins and piping.

This represents a Type II Action under SEQR regulations in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities. Type II actions are determined under SEQR regulations to have no significant effects on the environment.

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

Respectfully submitted,

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. C5476,  
MISCELLANEOUS STORM WATER DRAIN RECONSTRUCTION FY 2015-2016

WHEREAS, the proposed Capital Project No. C5476, entitled "Miscellaneous Storm Water Drain Reconstruction FY 2015-2016," has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, this project involves replacement/reconstruction of storm drains at various locations including catch basins and piping; 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 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 a Type II Action and that no additional SEQR review or finding is necessary.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ESTABLISHING CAPITAL PROJECT NO. C5476 ENTITLED, "MISCELLANEOUS STORM WATER DRAIN RECONSTRUCTION FY 2015-16."**

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

Section 1. Improvements related to the replacement/reconstruction of storm water drains at various locations have been identified by the Department of Public Works, recommended by the Capital Projects Board, and are incorporated in the current Capital Improvement program. This project is part of an annual plan to rehabilitate or expand portions of the storm drainage system, including catch basins and piping.

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

Section 3. In order to provide the necessary funding for the Commissioner of Public Works to effectuate the project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5476, entitled, "Miscellaneous Storm Water Drain Reconstruction FY 2015-16," with a budget as follows:

**REVENUES:**

|             |              |                  |
|-------------|--------------|------------------|
| C5476-08810 | Serial Bonds | <u>\$404,000</u> |
|-------------|--------------|------------------|

**EXPENDITURES:**

|             |                      |                   |
|-------------|----------------------|-------------------|
| C5476-4.005 | Finance and Auditing | \$ 4,000          |
| C5476-8.207 | Storm Water Drains   | <u>400,000</u>    |
|             |                      | <u>\$ 404,000</u> |

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$404,000, and to advance funds for this project from the General Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED MAY 9, 2016, AUTHORIZING THE ISSUANCE OF \$404,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE ACQUISITION AND INSTALLATION OF STORM WATER DRAINAGE SYSTEM IMPROVEMENTS.**

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the acquisition and installation of storm water drainage system improvements, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$404,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law;

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$404,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition and installation of storm water drainage system improvements (the "Project").

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$404,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to

be applied to reimburse the City, the Common Council of the City took “official action” for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

Finance by this bond ordinance.

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or

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

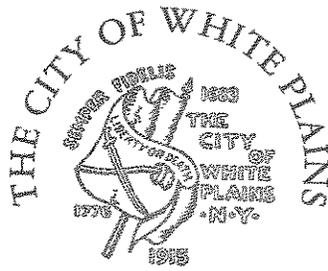
Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law,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

Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance

shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



**CAPITAL PROJECTS BOARD  
MUNICIPAL BUILDING**

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

**THOMAS M. ROACH**  
MAYOR

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

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended final design work, including plans and specifications for bidding, for the replacement of the Library Plaza surface. The Council already approved the first phase of the project which was the a preliminary conceptual design of the Plaza and now authorization is needed to amend the capital project to complete the final design in preparation for bidding and the construction phase of the project.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts as necessary and further to direct the Budget Director to amend the Capital Projects fund by amending Capital Project C5383 "Library Plaza Surface Replacement" and by amending the budget as follows:

INCREASE REVENUES:

|             |              |                  |
|-------------|--------------|------------------|
| C5383-08810 | Serial Bonds | <u>\$252,500</u> |
|-------------|--------------|------------------|

INCREASE EXPENSES

|             |                      |                  |
|-------------|----------------------|------------------|
| C5383-4.005 | Finance and Audit    | \$ 2,500         |
| C5383-8.102 | Engineering Services | <u>250,000</u>   |
|             |                      | <u>\$252,500</u> |

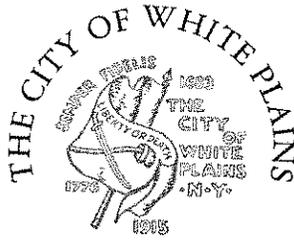
Finally, it is requested that the sale of \$252,500 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

Dated: May 9, 2016

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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

April 28, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. PROJECT C5383,  
LIBRARY PLAZA SURFACE REPLACEMENT

The proposed Capital Project No. Project C5383, entitled "Library Plaza Surface Replacement," ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

This involves final design and construction to replace the pavement surface in the plaza area of the White Plains Library.

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

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. C5383, LIBRARY PLAZA SURFACE REPLACEMENT.

WHEREAS, the proposed Capital Project No. Project C5383, entitled "Library Plaza Surface Replacement," ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves final design and construction to replace the pavement surface in the plaza area of the White Plains Library; 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; 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 AMENDING CAPITAL PROJECT NO. C5383 ENTITLED, "LIBRARY PLAZA SURFACE REPLACEMENT."**

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended final design work, including plans and specifications for bidding, for the replacement of the Library Plaza surface. The first phase of the project was previously approved by the Common Council which was a preliminary conceptual design of the Plaza. Authorization is now needed to amend the capital project to complete the final design in preparation for bidding and the construction phase of the project.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by amending Capital Project No. C5383, entitled, "**Library Plaza Surface Replacement**," by amending the budget as follows:

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**INCREASE REVENUES:**

|             |              |                  |
|-------------|--------------|------------------|
| C5383-08810 | Serial Bonds | <u>\$252,500</u> |
|-------------|--------------|------------------|

**INCREASE EXPENSES:**

|             |                      |                  |
|-------------|----------------------|------------------|
| C5383-4.005 | Finance and Audit    | \$ 2,500         |
| C5383-8.102 | Engineering Services | <u>250,000</u>   |
|             |                      | <u>\$252,500</u> |

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

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED MAY 9, 2016, AUTHORIZING THE  
ISSUANCE OF AN ADDITIONAL \$252,500 AGGREGATE PRINCIPAL  
AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS,  
COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE  
THE ADDITIONAL COST OF THE CONSTRUCTION OR  
RECONSTRUCTION OF CITY-OWNED BUILDINGS.**

**WHEREAS**, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the construction or reconstruction of City-owned buildings (library plaza surface replacement) (the "Project"), including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$101,000, all in accordance with the Local Finance Law; and

**WHEREAS**, on July 2, 2012, the Common Council of the City adopted a serial bond ordinance for estimated costs associated with the financing of the Project in the aggregate principal amount of \$101,000 (the "Prior Ordinance"); and

**WHEREAS**, the Common Council of the City now hereby determines that the maximum cost of the Project has increased by \$252,500 to \$353,500, and further determines to fund such additional cost through borrowing under the provisions of the Local Finance Law and authorizing \$252,500 serial bonds of the City hereunder which, together with borrowing authorized by the Prior Ordinance, now authorizes financing of the estimated maximum cost of the Project in the aggregate principal amount of \$353,500.

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$252,500, pursuant to the Local Finance Law, in order to finance the construction or reconstruction of City-owned buildings (library plaza surface replacement).

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$353,500, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except borrowing authorized in the Prior Ordinance, (c) the Common Council of the City plans to finance such cost of the Project from (i) the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds and (ii) proceeds of serial bonds or bond anticipation notes issued in anticipation of the issuance of such serial bonds authorized in and pursuant to the Prior Ordinance, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

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

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

Section 5. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in *The Journal News*, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which

should have been complied with as of the date of the publication of this bond ordinance, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other

provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond ordinance by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

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

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the

obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in

determining whether a filing should be made.

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



**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

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Jonathan F. P. Rose, President of Rose Companies, was the keynote speaker at the 2016 Not for Profit Leadership Summit sponsored by the United Way of Westchester and Putnam and the Westchester Community Foundation. Mr. Rose has designated a portion of his honorarium in the amount of \$250.00, for the White Plains Education & Training Center.

Submitted for your approval is an ordinance authorizing the Mayor to accept this donation of \$250.00 to be used for the White Plains Education & Training Center.

Respectfully submitted,

Linda Puoplo  
Deputy Commissioner

Dated: May 2, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, A DONATION OF \$250.00 TO SUPPORT THE WHITE PLAINS EDUCATION & TRAINING CENTER.

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

Section 1. The Mayor is hereby authorized to accept, on behalf of the City of White Plains, a donation from Jonathan F. P. Rose, President of Rose Companies, for the amount of \$250.00 to support the White Plains Education & Training Center.

Section 2. This ordinance shall take effect immediately.



**DEPARTMENT OF FINANCE**

Municipal Building - 255 Main Street - White Plains, New York 10601  
TEL: (914) 422-1233 - Fax: (914) 422-1273

Thomas M. Roach  
Mayor

Michael A. Genito  
Commissioner of Finance

Carol Endres  
Deputy Commissioner

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

On February 1, 2016 the Common Council adopted an ordinance authorizing the issuance of Public Improvement Refunding (Serial) Bonds, 2016. The sale of these bonds closed on March 15, 2016. This refunding allowed the City to retire higher interest rate outstanding bonds with the issuance of lower interest rate refunding bonds.

Generally accepted accounting principles require the difference between the principal amount of the refunded bonds and the principal amount of the refunding bonds be recorded as a loss in the current period regardless of future interest savings realized as a result of the refunding. The City's independent auditors have reviewed and approved the accounting entries that are needed to record these refunding transactions.

In order to record these transactions in the 2015-16 fiscal year, it is respectfully requested that the Mayor be authorized to direct the Budget Director to take the following actions:

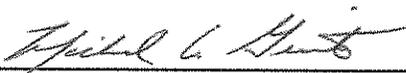
**Amend the 2015-16 Debt Service Budget**

**Increase Appropriations:**

|            |                          |                     |
|------------|--------------------------|---------------------|
| 8409-6.101 | Redemption of 2006 Issue | \$1,430,000         |
| 8409-6.101 | Redemption of 2007 Issue | 4,856,834           |
| 8409-6.103 | Cost of Issuance         | 67,078              |
| 8409-6.104 | Loss-Advance Refunding   | <u>315,589</u>      |
|            |                          | <u>\$ 6,669,501</u> |

**Increase Revenues:**

|            |                               |                     |
|------------|-------------------------------|---------------------|
| 8409-08810 | Proceeds 2016 Refunding Issue | \$ 5,892,018        |
| 8409-08812 | Premium 2016 Refunding Issue  | <u>777,483</u>      |
|            |                               | <u>\$ 6,669,501</u> |

  
\_\_\_\_\_  
Michael A. Genito  
Commissioner of Finance

Dated: April 29, 2016  
(For the Common Council Meeting of May 9, 2016)

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING THE DEBT SERVICE BUDGET FOR FISCAL YEAR 2015-2016 TO RECORD THE RETIREMENT OF HIGHER INTEREST RATE, OUTSTANDING BONDS WITH THE ISSUANCE OF LOWER INTEREST RATE REFUNDING BONDS.**

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

Section 1. The Mayor is hereby authorized to direct the Budget Director to amend the Debt Service Budget for Fiscal Year 2015-2016 due to the sale of higher interest rate, outstanding bonds with the issuance of lower interest rate refunding bonds. To accomplish this, the following amendment to the Debt Service Budget for Fiscal Year 2015-2016 is required:

**Amend the 2011 - 2012 Debt Service Budget:**

**Increase Appropriations:**

|            |                          |                           |
|------------|--------------------------|---------------------------|
| 8409-6.101 | Redemption of 2006 Issue | \$1,430,000               |
| 8409-6.101 | Redemption of 2007 Issue | 4,856,834                 |
| 8409-6.103 | Cost of Issuance         | 67,078                    |
| 8409-6.104 | Loss-Advance Refunding   | <u>315,589</u>            |
|            |                          | <b><u>\$6,669,501</u></b> |

**Increase Revenues:**

|            |                               |                           |
|------------|-------------------------------|---------------------------|
| 8409-08810 | Proceeds 2016 Refunding Issue | \$5,892,018               |
| 8409-08812 | Premium 2016 Refunding Issue  | <u>777,483</u>            |
|            |                               | <b><u>\$6,669,501</u></b> |

Section 2. The Commissioner of Finance is hereby authorized to receive and disburse these funds accordingly.

Section 3. This ordinance shall take effect immediately.



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

Thomas M. Roach  
 Mayor

Frank Williams, Jr.  
 Executive Director

April 25, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The White Plains Youth Bureau is requesting permission to enter into an agreement with Berkeley College at 99 Church Street, White Plains, New York, for the provision of space usage for the following Youth Bureau summer initiatives from June 13, 2016 to August 24, 2016 as follows:

- Entrepreneur Program: Mondays thru Thursdays from 9:00 am to 4:00 pm
- Lets Get Ready –SAT prep course : Tuesdays and Thursdays from 5:30 pm to 9:00 pm
- Youth Court: Once a week 5:30 pm to 7:30 pm (Day to be determined)

The Berkeley College is requesting a certificate of insurance from the City of White Plains to allow the Youth Bureau to use the space for the above programs. I am requesting that the Mayor and Common Council approve the use of the space for the above mentioned programs for the days and times as stated above and I am also requesting the Mayor and Common Council authorize the issuance of a copy of the Certificate of Insurance to Berkeley College for the period June 13, 2016 to August 14, 2016.

Respectfully submitted

Frank Williams, Jr.  
 Director Youth Bureau

For: May 9, 2016 Common Council Meeting

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CITY OF WHITE PLAINS TO ENTER INTO AN AGREEMENT WITH BERKELEY COLLEGE AT 99 CHURCH STREET TO PROVIDE THE CITY OF WHITE PLAINS CLASSROOM SPACE USAGE AT BERKELEY COLLEGE FOR YOUTH BUREAU SUMMER INITIATIVES KNOWN AS THE ENTREPRENEUR PROGRAM, LETS GET READY-SAT PREP COURSE AND YOUTH COURT FROM JUNE 13, 2016 TO AUGUST 24, 2016 AND TO AUTHORIZE A CERTIFICATE OF INSURANCE TO BERKELEY COLLEGE FOR THE PERIOD JUNE 13, 2016 TO AUGUST 24, 2016.

WHEREAS, the City of White Plains Youth Bureau is requesting permission for the City of White Plains to enter into an agreement with Berkeley College at 99 Church Street, White Plains, New York, for the provision of classroom space usage at Berkeley College for Youth Bureau summer initiatives known as the Entrepreneur Program, Monday through Thursdays from 9:00 a.m. to 4:00 p.m., Lets Get Ready-SAT Prep Course, Tuesdays and Thursdays from 5:30 p.m. to 9:00 p.m., and Youth Court, once a week from 5:30 p.m. to 7:30 p.m. (specific day to be determined), June 13, 2016 through August 24, 2016; and

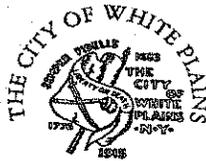
WHEREAS, while Berkeley College is waiving its rental fee of the classroom space usage, the College is requesting a certificate of general public liability insurance that names Berkeley College and its affiliates as additional insured for the period June 13, 2016-August 24, 2016, for the above described programs; 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 on behalf of the City of White Plains to enter into an agreement with Berkeley College at 99 Church Street, White Plains, New York, for the provision of classroom space usage at Berkeley College for Youth Bureau summer initiatives known as the Entrepreneur Program, Monday through Thursdays from 9:00 a.m. to 4:00 p.m., Lets Get Ready-SAT Prep Course, Tuesdays and Thursdays from 5:30 p.m. to 9:00 p.m., and Youth Court, once a week from 5:30 p.m. to 7:30 p.m. (specific day to be determined), June 13, 2016 through August 24, 2016. The aforementioned agreement shall be in a form approved by the Corporation Counsel for the City of White Plains.

Section 2. The City of White Plains is further authorized to issue a certificate of general public liability insurance that names Berkeley College and its affiliates as additional insured for June 13, 2016-August 24, 2016 for the City's usage of classroom space at Berkeley College for the above-described programs.

Section 3. This ordinance shall take effect immediately.



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:

The following recommendation is made requiring an amendment to the Compensation and Leave Plan:

Amend the hourly pay scale to establish a rate for the hiring of 14 and 15 year olds who participate in the summer youth employment program to be paid \$7.25 per hour.

This is the US Department of Labor Minimum Wage, and although below the NY State minimum wage of \$9.00 per hour, is allowable under NY State Law. This lower rate would allow the hiring of more students without any increase in departmental budgeted funds.

An ordinance amending the Compensation and Leave Plan is transmitted herewith for Council deliberation.

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: May 9, 2016

AN ORDINANCE AMENDING SECTION 2-5-80 OF THE WHITE PLAINS MUNICIPAL CODE BY AMENDING THE HOURLY PAY SCALE.

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

Section 1. Section 2-5-80, Appendix 5b of the White Plains Municipal Code is hereby amended as follows:

Hourly Pay Scale:

|          | 01      | 02      | 03      | 04      | 05      | 06      | 07      |
|----------|---------|---------|---------|---------|---------|---------|---------|
| <b>A</b> | \$7.25  | \$9.00  | \$9.00  | \$9.00  | \$9.00  | \$9.30  | \$10.55 |
| A1       |         |         |         |         |         | \$10.00 |         |
| <b>B</b> | \$9.00  | \$9.15  | \$9.85  | \$10.55 | \$11.35 | \$11.80 | \$12.70 |
| B1       |         |         | \$10.25 |         |         |         |         |
| <b>C</b> | \$9.50  | \$10.00 | \$10.75 | \$11.00 | \$11.55 | \$12.45 | \$13.35 |
| <b>D</b> | \$12.00 | \$12.80 | \$13.75 | \$14.65 | \$15.60 | \$16.75 | \$18.00 |
| <b>E</b> | \$15.00 | \$16.15 | \$17.35 | \$18.65 | \$20.05 | \$22.50 | \$25.00 |
| <b>F</b> | \$22.50 | \$25.00 | \$27.50 | \$30.00 | \$32.50 | \$35.00 | \$37.50 |
| F1       |         |         |         | \$40.00 | \$45.00 | \$50.00 | \$60.00 |
| F2       |         |         |         | \$62.50 | \$65.00 | \$67.50 | \$70.00 |

Chief Deputy Budget Director \$93.90 per hour  
 Sanitation Worker (as per stipulation with Local 456)

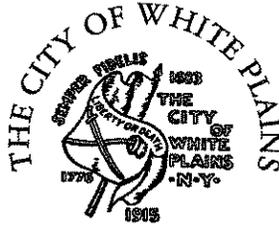
1. Hourly employees are to be paid within the limits of appropriated hourly funds in the Department's budget or grant funds.
2. Hourly employees are not entitled to fringe benefits.
3. Adjustments are not automatic and may be awarded annually for satisfactory performance or increased skills/experience.

Appendix 5c. Per Diem Employees:

|                       |          |                       |          |
|-----------------------|----------|-----------------------|----------|
| Civil Service Monitor | \$20.00  | Civil Service Monitor | \$110.00 |
| Civil Service Monitor | \$30.00  | Civil Service Monitor | \$120.00 |
| Civil Service Monitor | \$50.00  | Civil Service Monitor | \$130.00 |
| Civil Service Monitor | \$60.00  | Civil Service Monitor | \$150.00 |
| Civil Service Monitor | \$70.00  | Civil Service Monitor | \$180.00 |
| Civil Service Monitor | \$80.00  | Civil Service Monitor | \$200.00 |
| Civil Service Monitor | \$100.00 |                       |          |

§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 May 9, 2016.



**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.) Modify a "Handicapped Parking Spaces-Streets (Metered three-hour maximum)" on the west side of Old Mamaroneck Road as described in Section 755 Subdivision 20.

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

  
\_\_\_\_\_  
Thomas J. Soyk, PE, PTOE  
Acting Chairman

Dated: April 26, 2016 (for the May 9, 2016 Common Council Meeting)

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**AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A “HANDICAPPED PARKING SPACES-STREETS (METERED THREE-HOUR MAXIMUM)” ON THE WEST SIDE OF OLD MAMARONECK ROAD.**

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

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

Section 1. Article VII-A, Section 755, at Subdivision 20, 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 7th day of June 2004, is hereby amended to read as follows:

20. Old Mamaroneck Road, on the west side, the first parking space ~~south~~ north of the driveway ~~to~~ from #20 Old Mamaroneck Road.

Section 2. This ordinance shall take effect immediately.



**DEPARTMENT OF LAW**

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

(914) 422-1241 • FAX (914) 422-1231

**JOHN G. CALLAHAN**  
Corporation Counsel

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

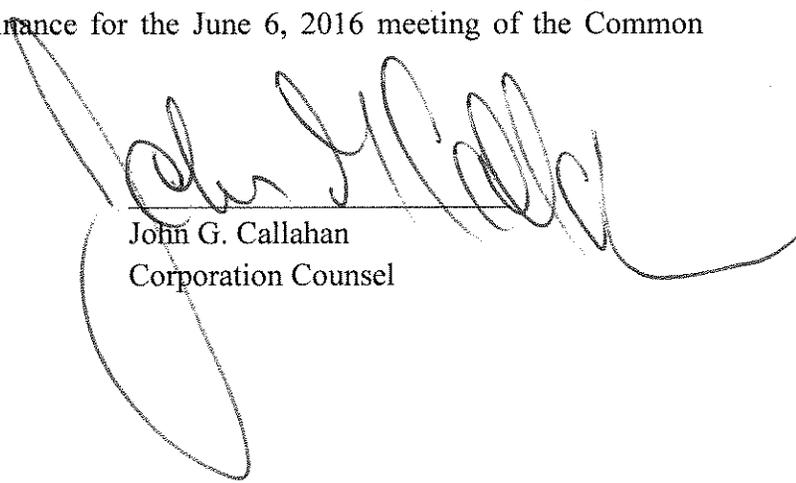
**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

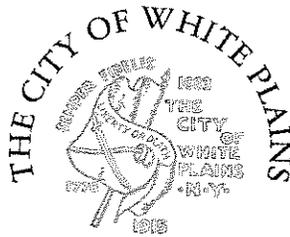
At its April 4, 2016 meeting, the Common Council received and referred legislation submitted by the Commissioner of Building to amend the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") to the Law Department, Planning Board and Environmental Officer in accordance with Section 12 of the Zoning Ordinance. The Zoning Ordinance amendment, as proposed, would add "Nursery Business" as a special permit use and "Organic Manufacturing" as a principally permitted use.

The Planning Board, in a communication dated April 20, 2016, determined that the proposed amendment is in appropriate form. The Law Department has reviewed the proposed ordinance and has no objection to its form.

Submitted for your consideration is a resolution scheduling a public hearing for the proposed amendment to the Zoning Ordinance for the June 6, 2016 meeting of the Common Council.

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

Dated: May 4, 2016  
(For the Common Council Meeting  
of May 9, 2016)



**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

CHRISTOPHER GOMEZ, AICP  
COMMISSIONER OF PLANNING

LINDA PUOPLO  
DEPUTY COMMISSIONER

EILEEN McCLAIN  
SECRETARY

April 20, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PROPOSED AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS TO ADD "NURSERY BUSINESS" AS A SPECIAL PERMIT USE AND ADDING "ORGANIC MANUFACTURING" AS A PRINCIPAL PERMITTED USE

At its meeting of April 19, 2016, the Planning Board reviewed the proposed amendment to the Zoning Ordinance to add "Nursery Business" as a special permit use and to add "Organic Manufacturing" as a principal permitted use.

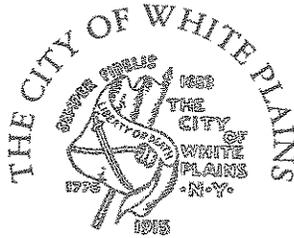
The Planning Board finds the proposed amendment appropriate as to form, and has no objection to the Common Council scheduling a public hearing on this matter. The Planning Board will consider the advisability of the proposed amendment at its May 17, 2016, and offer comments for the Council's consideration at its June meeting.

Planning Board members voting in favor of finding the proposed amendment appropriate as to form and having no objection to the Common Council scheduling the public hearing: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

Respectfully submitted,

**MICHAEL QUINN**  
Michael Quinn, Chairman  
White Plains Planning Board

43



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

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Anne M. McPherson CMC  
City Clerk/Registrar

Elizabeth Scardino  
Deputy Registrar

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

Submitted herewith is a proposed amendment to the Zoning Ordinance of the City of White Plains to add "Nursery Business" as a Special Permit Use, and add "Organic Manufacturing" as a Principal Permitted Use.

Sincerely,

  
Anne McPherson, CMC  
City Clerk

DATED: May 3, 2016

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED  
"THE ZONING ORDINANCE OF THE CITY OF WHITE  
PLAINS" BY ADDING "NURSERY BUSINESS" AS A  
SPECIAL PERMIT USE AND ADDING "ORGANIC  
MANUFACTURING" AS A PRINCIPALLY PERMITTED USE.

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing," as defined herein, shall be deemed injurious to the public health and welfare in residential zones; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the use and enjoyment of residential properties by creating noxious fumes and odors during the decomposition process associated with the production of mulch, wood chips, top soil and the processing of other raw material necessary for "organic manufacturing;" and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the use and enjoyment of residential properties by creating negative visual impacts from the use and storage of industrial equipment, storage of raw materials and the presence of steam and/or vapor generated during the decomposition process, which occurs during the manufacturing of mulch and other organic materials; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the use and enjoyment of residential properties by creating dust and airborne irritants that spreads to adjoining properties; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts interferes with the quiet use and enjoyment of residential properties by creating noise that is generated from the use of commercial and industrial equipment utilized in the grinding and processing of raw materials into products such as mulch, topsoil, gravel and woodchips; and

WHEREAS, the commercial and industrial use of land for the operation of "organic manufacturing" located in residential zoning districts is a safety hazard because of the potential combustibility of the materials associated with "organic manufacturing;" and

WHEREAS, the City of White Plains hereby declares its legislative intent to prohibit the commercial and industrial use of land in residential districts for the operation of "organic manufacturing" and to provide an orderly mechanism for the abatement of this type of non-conforming use of real property being used for commercial purposes located in the residential zoning districts within the City; and

WHEREAS, the City of White Plains further declares that such use of land permitting the operation of “organic manufacturing” is incompatible with and negatively impacts the principally permitted residential uses within the residential districts; and

NOW, THEREFORE 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 add provisions regulating “Nursery Business” and “Organic Manufacturing” as follows:

- A. Section 2.4 Definitions.  
is hereby amended to add the following terms to read as follows:

“Nursery Business”

An establishment, whose primary purpose is the sale and cultivation of trees, shrubs and other plants, including the replanting of said plants grown off-site, and the sale of accessory items such as mulch, fertilizer, top soil, loam, fill, gravel, stone, herbicides, pesticides, lawn tools and lawn, home and garden decorations. “Nursery Business” shall not include the processing or manufacturing of products such as, but not limited to, mulch, fertilizer, topsoil, loam, fill, gravel or stone.

“Manufacturing, Organic”

The processing or manufacturing of products predominately from extracted raw materials, including, but not limited to, outdoor manufacturing, screening, or crushing of raw materials into compost, mulch, fertilizer, topsoil, gravel or fill, primarily for commercial resale.

- B. Section 4.3.1, Continuing Existing “Uses,” “Buildings,” and Structures.”  
is hereby amended by adding sections 4.3.1.3 and 4.3.1.4 to read as follows:

4.3.1.3 Section 4.3.1.2 notwithstanding, any “use” currently existing and meeting the definition of “Nursery Business,” whether a permitted use, special permit use or non-conforming use, shall conform with all of the requirements of the Zoning Ordinance by May 31, 2021, or cease operations.

4.3.1.4 All non-conforming uses in the residential districts meeting the definition of “Organic Manufacturing” shall cease and be discontinued on or before May 31, 2021.

- C. Section 5.1, Schedule of “Use” Regulations  
is hereby amended as follows:

1. BUSINESS

by adding a use column before "Mortuaries or funeral homes", titled "Nursery Business," as shown on the attached Schedule.

2. INDUSTRIAL

by adding a use column before "Research, experimental or testing laboratories", titled "Organic Manufacturing," as shown on the attached Schedule.

D. Section 5.2, List of Use Regulations.

1. Districts C-O and PCD, are hereby amended by adding a use column before "public utility buildings or structures" labeled "Nursery Business" and by adding a type column labeled "SP".

2. District LI, is hereby amended by adding a use column before research, experimental or testing laboratories labeled "Organic Manufacturing" and by adding a type column labeled "PP".

E. Section 6.2 Approving Agencies.

is hereby amended by adding Section 6.2.2.10 to read "Nursery Business."

F. Section 6.5 Standards.

is hereby amended by adding Section 6.5.5 to read as follows:

6.5.5 Violations. It shall be unlawful for any entity or person issued a special permit "use" to operate such "use" in violation of the terms and standards of Section 6.7, or to operate in a manner inconsistent with the conditions imposed or plans approved pursuant to Section 6 of this Ordinance.

G. Section 6.7, Individual Standards and Requirements for Certain Special Permit "Uses."

is hereby amended by adding section 6.7.32 "Nursery Business" to read as follows:

6.7.32.1 Site material, including but not limited to mulch, top soil, wood or stone shall not be higher than 15 feet and may not be located in any required yard setback.

6.7.32.2 Piles shall be kept moist and mechanically ventilated (turned over) to release heat as required to maintain a temperature no greater than 170 degrees Fahrenheit and separated from adjacent piles by walls or bins of non-combustible construction.

6.7.32.3 Rows of material piles shall be accessible by approved fire apparatus access roads. In addition, the ground surface between

piles of processed tree debris must be kept free of combustible materials.

6.7.32.4 Side and rear yards shall contain a minimum 10' landscaped buffer and site material shall be screened by 8' high solid panel fencing and/or 10' high evergreen landscaping.

6.7.32.5 Internal roadway/driveway must accommodate on-site deliveries and have proper space for turning movements to prevent backing onto or from public roadways.

6.7.32.6 All on-site equipment with back-up alarms shall be variable volume type.

6.7.32.7 In addition to the requirements of Section 7 of the Zoning Ordinance, a site plan depicting the location and quantity of outdoor storage of materials, including seasonal storage of materials and displays, must be submitted and approved.

H. Section 8.3, Schedule of Parking and Loading Requirements, is hereby amended by adding a column before "Mortuaries or funeral homes" labeled "Nursery Business" requiring 8 spaces per acre and 1 loading space per two acres.

I. Section 10.3.4, "Non-Conforming Uses" is hereby amended to read as follows:

10.3.4 As more fully set out in Section 4.3 of this Ordinance, the Board of Appeals is authorized to:

10.3.4.1 Extend the permitted period for cessation of a "non-conforming use" in accordance with the requirements of Section 4.3.1.3 and/or Section 4.3.2.5 of this Ordinance provided:

10.3.4.1.1 An application is made by the owner of at least 120 days prior to the date on which the activities of the use are required to cease and be discontinued.

10.3.4.1.2 Substantial financial expenditures related to the prohibited activities were made during the two year period prior to May 31, 2016. Financial expenditures shall mean the capital outlay made by the applicant to establish the prohibited activities, exclusive of the fair market value of the building in which such activity may be located and exclusive of any improvements unrelated to the prohibited activities.

10.3.4.1.3 The Applicant has not substantially recovered all of the financial expenditures related to the prohibited activities as demonstrated by competent financial evidence.

10.3.4.1.4 The period for which such establishment is permitted to continue is the minimum period sufficient for the applicant

to recover substantially all of the financial expenditures incurred related to the prohibited activities but in no case may the period extend beyond an additional three years.

§ 2. This Ordinance shall take effect immediately.

Section 5.1

| ZONING DISTRICTS        |                |
|-------------------------|----------------|
| "USES"                  | LI             |
|                         | LI-M           |
|                         | B-6            |
|                         | UR-4           |
|                         | CB-4           |
|                         | CB-3           |
|                         | CB-2           |
|                         | CB-1           |
|                         | BR-2           |
|                         | BR-1           |
|                         | B-3            |
|                         | B-2            |
|                         | B-1            |
|                         | O-R            |
|                         | C-O and<br>PCD |
|                         | RM-0.35        |
|                         | RM-0.4         |
|                         | RM-0.7         |
|                         | RM-1           |
|                         | RM-1.5T        |
|                         | RM-1.5         |
|                         | RM-2           |
|                         | RM-2.5         |
|                         | R2-2.5         |
|                         | R2-4           |
|                         | R1-5           |
|                         | R1-7.5         |
|                         | R1-12.5        |
|                         | R1-20          |
|                         | R1-30          |
| BUSINESS                | SP             |
| "Nursery Business       |                |
| INDUSTRIAL              |                |
| "Organic Manufacturing" | PP             |

Section 5.2

District: C-O and PCD

| USE   | TYPE |
|---|------|
| "Multi-family dwellings" in a "Planned Campus Development" as regulated by Section 5.9  | PP   |
| The keeping of "household pets" in a "Planned Campus Development" as regulated by Section 5.9   | PA   |
| Commercial indoor "recreation facilities"   | SP   |
| "Health Clubs"  | SP   |
| Health maintenance, rehabilitation and fitness centers not operated as "Health Clubs"   | SP   |
| Auditoria   | PA   |
| "Membership clubs"  | SP   |
| Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3  | SP   |
| Accessory tennis courts, paddle tennis courts or other similar courts   | 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   |
| "Uses" of the City of White Plains  | PP   |
| "Uses" of other governments, subject to the requirements of Section 5.6   | PP   |
| "Public schools"  | PP   |
| "Private secondary" or "elementary schools"   | SP   |
| "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" or "private secondary" or "elementary school"                    | PA   |
| Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public" or "private secondary" or "elementary school" | SP   |
| "Universities," "colleges" or seminaries  | PP   |
| Business or professional offices  | PP   |
| "Planned Campus Development" as regulated in Section 5.9 "Planned Campus Development"   |      |
| Offices for individual or group education, training or counseling in "buildings" containing no residential "uses"   | PP   |
| Office in residence of a "professional person" as regulated by Section 5.4.2 and Section 5.9 "Planned Campus Development"   | PA   |

**District: C-O and PCD**

| <b>USE</b>   | <b>TYPE</b> |
|--|-------------|
| Business, administrative or headquarters offices for "philanthropic institutions"  | PP          |
| Scientific research, excluding manufacturing of products for sale on premises  | SP          |
| Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobiles, automobile parts or accessories involving installation at point of sale  | PA          |
| Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," in a "Planned Campus Development" as regulated in Section 5.9, but not including sales of automobiles, automobile parts or accessories involving installation at point of sale | PP          |
| "Retail laundries" or "retail dry cleaners"  | PP          |
| Banks  | PP          |
| "Consumer financial services establishments"   | PP          |
| Business or trade schools  | PP          |
| Libraries, museums or art galleries  | PP          |
| "Hotels"   | SP          |
| "Extended Stay Hotels"   | SP          |
| Newsstands   | PA          |
| "Restaurants" and "cafeterias"   | SP          |
| Outdoor dining   | SP          |
| "Restaurants" or "cafeterias" for employees  | PA          |
| "Cafes"  | PP          |
| "Accessory electronic games"   | PA          |
| Motor vehicle sales or rental, including accessory "repair shops," or accessory outdoor storage of motor vehicles for sale or rental in a "Planned Campus Development " as regulated in Section 5.9  | SP          |
| Medical laboratories   | PP          |
| Nursery Business   | SP          |
| "Public utility buildings or structures"   | SP          |
| "Private garages," carports or open parking for private passenger cars   | 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  | PP          |
| Stacked attendant parking  | SP          |

**District: LI**

| <b>USE</b>   | <b>TYPE</b> |
|--|-------------|
| Commercial indoor "recreation facilities"  | PP          |
| "Health clubs"   | SP          |
| Theaters   | PP          |
| 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" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"  | PA          |
| 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 incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale | PP          |
| "Retail laundries" or "retail dry cleaners"  | PP          |
| Banks  | PP          |
| Business or trade schools  | PP          |
| Newsstands   | PA          |
| Radio stations   | PP          |
| "Restaurants" or "cafeterias"  | PP          |
| "Fast food eating establishments"  | SP          |
| "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" or outdoor storage of motor vehicles  | SP          |

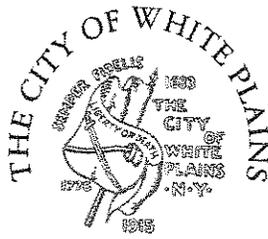
**District: LI**

| <b>USE</b>   | <b>TYPE</b> |
|--|-------------|
| Motor vehicle "service stations"   | SP          |
| "Motor vehicle "repair shops"  | SP          |
| Auto laundries   | SP          |
| Manufacturing, fabrication, finishing or assembling of products  | PP          |
| "Organic Manufacturing"  | PP          |
| Research, experimental or testing laboratories   | SP          |
| Medical laboratories   | PP          |
| Printing plants  | PP          |
| Wholesale businesses, storage or warehousing   | PP          |
| "Mini-storage facility"  | PP          |
| Outdoor storage of building or other materials   | SP          |
| Outdoor storage of commercial or industrial vehicles or construction equipment   | PP          |
| Laundry or dry cleaning plants   | PP          |
| "Public utility buildings or structures"   | PP          |
| Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper or similar materials, provided operations are within a "building" and the "use" is legally existing as of the effective date of this Ordinance | SP          |
| "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          |

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR JUNE 6, 2016 IN RELATION TO AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" BY ADDING "NURSERY BUSINESS" AS A SPECIAL PERMIT USE AND ADDING "ORGANIC MANUFACTURING" AS A PRINCIPALLY PERMITTED USE.

RESOLVED, that a public hearing will be held on June 6, 2016, at 7:30 p.m. before the Common Council of the City of White Plains in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York, in relation to an Ordinance Amending an Ordinance Entitled "The Zoning Ordinance of the City of White Plains" by adding "Nursery Business" as a Special Permit Use and adding "Organic Manufacturing" as a Principally Permitted Use;" and be it further

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



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

(914) 422-1241 • FAX (914) 422-1231

**JOHN G. CALLAHAN**  
Corporation Counsel

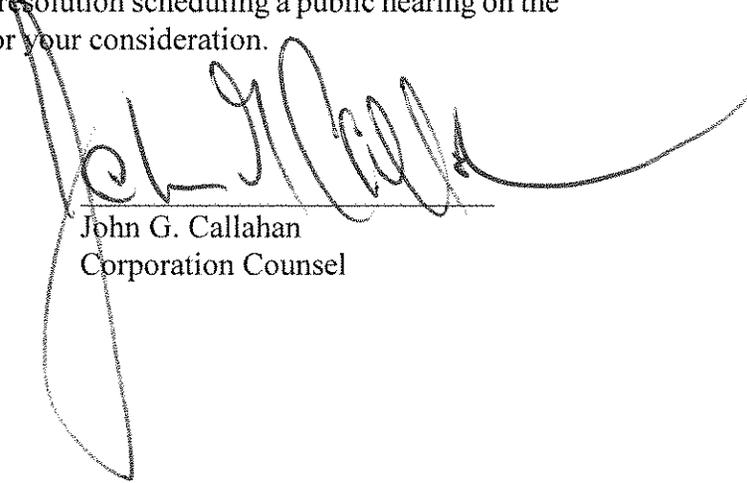
**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

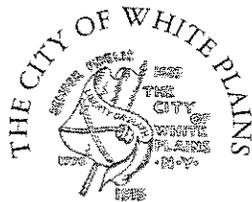
The Law Department has reviewed the application submitted on behalf of 3 Fitness LLC (“Applicant”), for Special Permit approval in connection with the build out of a “Health Club” in the newly constructed one (1) story building located at 245 Mamaroneck Avenue situated in the BR-I (Business Residential) Zoning District.

A public hearing is required under the Zoning Ordinance prior to taking action since the application involves a Special Permit. Accordingly, a resolution scheduling a public hearing on the application for June 6, 2016, is submitted herewith for your consideration.

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

Dated: May 4, 2016  
(For the Common Council Meeting  
of May 9, 2016)

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 6.2.1.35 and Section 7 of the White Plains Zoning Ordinance, is an application dated January 26, 2016 requesting Special Permit approval of a project located at 245 Mamaroneck Avenue.

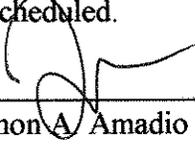
This site is located in the BR-1 (Business Residential) Zoning District and within the CPA (Central Parking Area). The site is also known and designated on the tax assessment map of the City of White Plains as Section 130.28 Block 3, Lot 8.

The applicant, 3 Fitness LLC, proposes a build out of a "Health Club" in the newly construction one (1) story building. The use will be provided with the required off-street parking and will be in compliance with Section 6.7.18 of the Zoning Ordinance for "Health Clubs".

The Common Council is the approving agency for the following:

- 1.) Special Permit Approval - Per Section 6.1.2.35 "Health Clubs" in the Central Parking Area and in all B-6 Districts, subject to review and approval by the Common Council.

Referrals may be made to the appropriate city departments and boards and a Public Hearing can be scheduled.

  
Damon A. Amadio P.E.  
Commissioner of Building

Dated: April 27, 2016 20, 2016  
(For the May 9, 2016 Common Council Meeting)  
Submitted: A Short Form Building Permit Application dated April 26, 2016, a Short Environmental Assessment form dated April 25, 2016 and a Special Use Permit application material packet.

Orange Theory Fitness  
White Plains, NY



**Proposed site:**  
245 Mamaroneck Ave  
White Plains, NY

To whom it may concern;

This letter serves as an introduction to the proposed development of an Orange Theory Fitness studio in the vacant space located at 245 Mamaroneck Avenue. The vacant space is a newly finished stand-alone building owned by the Silverman Realty Group, Inc. The purpose of this application is to secure a special permit use under the definition of "Health Club" according to White Plains zoning code. The proposed use meets all the requirements under the zoning code.

Orange Theory Fitness is one of the fastest growing fitness franchises in the country with over 300 studios open across the United States in the last four years. Using a model of private group instruction the studio holds one-hour classes with no more than 24 participants at one time. Classes start as early as 5:00am to 12:00pm, a midday break and then pick up again from 4:30pm - 9:00pm with limited classes on weekend mornings only.

The model of personal fitness skills and instruction is a perfect fit for the individuals living in the White Plains vicinity looking for personalized high level fitness instruction. We also feel that the Orange Theory Fitness model fits perfectly with the area usage and size of the current space. Orange Theory Fitness is not a typical health club as our members only utilize the facility during the one-hour class, the equipment cannot be used unless a class is in session. The Studio not have locker rooms only small individual showers as part of ADA bathrooms. The 3250 square foot facility will have an office, 4 Small bathrooms, cubbies and lockers, small retail area and the rest of the over 1800+ square feet will be devoted to workout space. (see attached diagrams).

**Meeting the Special Use permit requirements:**

**6.7.18 "Health Clubs":**

6.7.18.1 Any masseur or masseuse employed by a "health club" shall be licensed in accordance with Article 155 of the New York State Education Law, and any physical therapist shall be licensed in accordance with Article 136 of the New York State Education Law, and proof of such license shall be clearly displayed in the "Health Club".

***Orange Theory Fitness does not offer Massage Therapy or any Physical Therapy services at any time.***

6.7.18.2 The approving agency shall establish a minimum number of supervisory personnel to be present during the hours of operation of a "health club." The minimum number shall be based on the "floor area" of the "health club," the number of members and the types of equipment available.

***Orange Theory Fitness will have 3 staff on property at times when classes are being offered. There is a maximum of 24 participants per class***

6.7.18.3 A "health club" shall be located within a totally enclosed and soundproofed "structure."

***245 Mamaroneck avenue is a new construction stand alone building which is totally enclosed and sound proofed***

6.7.18.4

No cooking or alcoholic beverages shall be permitted in any health food bar, nor shall the area utilized by the health food bar exceed 5% of the "gross floor area" of the "health club."

***Orange Theory Fitness studios do not serve prepared or premade food, shakes, or juices. Individual water bottles or Gatorade style drinks will be the only food or drink available onsite for purchase. Orange Theory Fitness does not sell or serve alcoholic beverages.***

We look forward to working with you and the board to answer all questions and to quickly become a part of the local community.

Kindest regards,



Paul Blanchard  
Owner  
Orange Theory Fitness- White Plains  
760-831-0402  
pblanchard@orangetheoryfitness.com

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR JUNE 6, 2016 IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF 3 FITNESS LLC (“APPLICANT”), FOR A SPECIAL PERMIT FOR A “HEALTH CLUB” IN THE NEWLY CONSTRUCTED BUILDING AT 245 MAMARONECK AVENUE LOCATED IN THE BR-1 (BUSINESS RESIDENTIAL) ZONING DISTRICT.

RESOLVED, that a public hearing in relation to the application, submitted on behalf of 3 Fitness LLC (“Applicant”), for a Special Permit for a build out of a “Health Club” in the newly constructed one (1) story building located at 245 Mamaroneck Avenue situated in the BR-1 (Business Residential) Zoning District will be held on June 6, 2016, at 7:30 p.m. before the Common Council of the City of White Plains in the Common Council Chamber, Municipal Office Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is directed to give notice of said public hearing and in accordance with Sections 6.4.2, 12.2 and 12.7 of the Zoning Ordinance of the City of White Plains; and be it further

RESOLVED, that the City Clerk is directed to forward a certified copy of this resolution to counsel for the Applicant; and be it further

RESOLVED, that the City Clerk is further directed to refer the instant application to the appropriate City departments, boards, commissions, agencies and officers and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance.



DEPARTMENT OF PERSONNEL  
MUNICIPAL BUILDING \* 255 MAIN STREET \* WHITE PLAINS, NEW YORK, 10601  
(914) 422-1257 \* FAX (914) 422-6496

Thomas M. Roach  
Mayor

Elisabeth Wallace  
Personnel Officer

Debra Clay  
Deputy Personnel Officer

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

Dear Mayor and Council Members:

At the request of the Executive Director of the Housing Authority, as approved for legality by WPHA Counsel, and based on Resolution #16-11 passed by the White Plains Housing Authority Board, I submit for your approval a Resolution for the approval of a stipend for their fiscal year of 2016-2017 for the following positions which are not represented by a union, as follows:

|                      |        |                   |
|----------------------|--------|-------------------|
| Deputy Director-WPHA | \$2500 | Effective 5/15/16 |
| Business Assistant   | \$2500 | Effective 5/15/16 |

Your Council's approval of this Resolution is required by the provisions of the New York State Public Housing Authority Law and the bylaws of the White Plains Housing Authority in order to implement these salary increases.

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: May 2, 2016

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS FOR  
THE APPROVAL OF A STIPEND FOR CERTAIN POSITIONS OF THE WHITE PLAINS  
HOUSING AUTHORITY

WHEREAS, the White Plains Housing Authority by adoption of its Resolution No. 16-11 on March 24, 2016 approved a stipend of \$2500 for the Deputy Director -WPHA effective May 15, 2016 for fiscal year 2016-2017; and

WHEREAS, the White Plains Housing Authority by adoption of its Resolution No. 16-11 on March 24, 2016 approved a stipend of \$2500 for the Business Assistant effective May 15, 2016 for fiscal year 2016-2017; and

WHEREAS, in accordance with Section 32 of the Public Housing Law, the Common Council must approve the compensation for employees of the White Plains Housing Authority; now therefore, be it

RESOLVED that a stipend of \$2500 authorized by the Housing Authority for the Deputy Director of the White Plains Housing Authority be and hereby is approved effective May 15 for fiscal year 2016-2017, 2016; and be it further

RESOLVED that a stipend of \$2500 authorized by the Housing Authority for the Business Assistant of the White Plains Housing Authority be and hereby is approved effective May 15, 2016 for fiscal year 2016-2017.

Board Meeting Date  
March 24, 2016

Date Submitted  
March 24, 2016

WHITE PLAINS PERSONNEL  
2016 APR -8 PM 1:47

**RESOLUTION**  
OF  
WHITE PLAINS HOUSING AUTHORITY  
Resolution **16-11**

**TITLE:** The White Plains Housing Authority hereby authorizes a bonus of \$2,500 to be paid to the positions of Deputy Director and Assistant Director, effective May 15, 2016, for future work related to the rehabilitation of the Lakeview Apartments building that is critical for the transformation of Housing Authority in fiscal year 2016-2017.

Commissioner Eller offered the motion

Commissioner Boone seconded the motion

**WHEREAS:** The White Plains Housing Authority intends on rehabilitating the Lakeview Apartments building located at 120 Lake Street, White Plains, New York, 10604 in the 2016-2017 fiscal year through a Rental Assistant Demonstration.

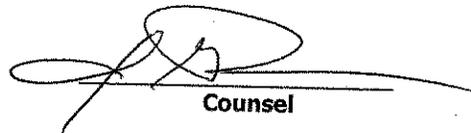
**WHEREAS:** The White Plains Housing Authority has determined that Alan Pio's position of Deputy Director should receive a bonus of \$2,500 for future work related to the rehabilitation of the Lakeview Apartments building that is critical for the future development of the Housing Authority in fiscal year 2016-2017; and

**WHEREAS:** The Housing Authority has determined that Denise Brook's position of Assistant Director should receive a bonus of \$2,500 for future work related to the rehabilitation of the of the Lakeview Apartments building that is critical for the future development of the Housing Authority in fiscal year 2016-2017; now therefore be it

**RESOLVED:** The White Plains Housing Authority hereby authorizes a bonus of \$2,500 to be paid to the positions of Deputy Director and Assistant Director, effective May 15, 2016, for future work related to the rehabilitation of Lakeview Apartments building that is critical for the transformation of Housing Authority in fiscal year 2016-2017.

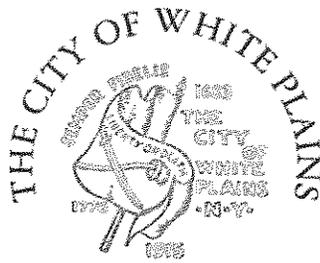
|   |   | NV-NOT VOTING                      | AB-ABSENT |
|---|---|------------------------------------|-----------|
| <b>RECORD OF COMMISSIONER VOTE ON FINAL PASSAGE</b> |   |                                    |           |
| <b>COMMISSIONERS AYE NAY NV AB</b>                  |   | <b>COMMISSIONERS AYE NAY NV AB</b> |           |
| WOLFF   | X |                                    |           |
| SALLEY  | X |                                    |           |
| DIGGS   | X |                                    |           |
|   |   | ELLER                              | X         |
|   |   | BOONE                              | X         |
|   |   | STEWART                            | X         |

Approved as to Form  
Legality on Basis of Fact  
Set Forth

  
Counsel

I hereby certify that the above resolution was adopted at a meeting of the Board of Commissioners of the White Plains Housing Authority on March 24, 2016.





**COMMUNITY DEVELOPMENT PROGRAM**

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**Re: 2016-2017 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 2016-2017 is \$824,518.00.

On March 25, 2016, the Planning Department made available to the public the proposed 2016-2017 Draft Annual Action Plan and proposed allocation of Community Development Block Grant ("CDBG") funds for the 2016-2017 HUD CDBG reporting period, July 1, 2016 – June 30, 2017. The proposed 2016-2017 Draft Annual Action Plan was posted on the City's website on March 25, 2016. A notice for the 30 day public review comment period and the April 5, 2016 public hearing was published in the Journal News on March 23, 2016 and in Westchester Hispano on February 12, 2016. On March 25, 2016, the Mayor and Common Council each were sent a copy of the proposed 2016-2017 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 2016-2017 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 24, 2016, 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 Annual Action Plan. The comment period was open from March 25, 2016 to April 22, 2016.

CDBG funds must be allocated according to the community development priorities articulated in the 2015-2019 Consolidated Plan. The following chart is a summary of both the 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:<br/>Five Years</b>   | <b>Goal Outcome Indicator:<br/>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: 150   |
| Public Housing                     | Units Improved: 450   | Units Improved: 20  |
| 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: 830 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: 1,975 persons                     |
| 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 2016-2017 CDBG award, and meets all regulatory requirements of the Community Development Program for the allocation of 2016-2017 CDBG funds by goal name and goal outcome.

On April 5, 2016, the CDCAC conducted a second public hearing to solicit any comments on its proposed allocation of the 2016-2017 CDBG award and on the Draft Annual Action Plan. No members of the public participated.

At the April 5<sup>th</sup> meeting, the CDCAC reviewed the proposed allocations of the 2016-2017 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 2016-2017 Annual Action Plan.

Submitted herewith for your consideration is a resolution approving the 2016-2017 Annual Action Plan, as submitted, and approving the allocation of the 2016-2017 CDBG award as described therein.

Respectfully submitted,



Linda Puoplo  
Deputy Commissioner  
Department of Planning

DATED: April 21, 2015

For the May 2<sup>nd</sup> 2016 Common Council Meeting

| <b>2016-2017 Proposed Allocation</b>  |                       |
|---|-----------------------|
| <b>Community Development Programs</b>   | <b>Total Funding</b>  |
| Program Administration  | \$159,250.00          |
| Rehabilitation  | \$277,573.00          |
| Code Enforcement  | \$143,695.00          |
| <b>Public Service Programs</b>  | <b>Total Funding</b>  |
| El Centro Hispano   | \$21,000.00           |
| Thomas H. Slater Center   | \$17,000.00           |
| Westchester Residential Opportunities   | \$12,000.00           |
| Legal Services of Hudson Valley   | \$6,000.00            |
| Westchester Independent Living Center   | \$6,000.00            |
| Ecumenical Food Pantry  | \$20,000.00           |
| Meals-on-Wheels   | \$14,000.00           |
| Grace Church Community Center - Outreach and Case Management for Chronically Homeless | \$15,000.00           |
| Passage to Excellence Summer Camp   | \$4,000.000           |
| Grace Church Community Center - Home Health Aide Training                             | \$7,000.00            |
| Battle Hill Neighborhood Association  | \$1,000.00            |
| City of White Plains Recreation & Parks Differing Abilities Camp                      | \$10,000.00           |
| City of White Plains Recreation & Parks Summer Camp Scholarships                      | \$36,000.00           |
| City of White Plains Youth Bureau After School Scholarships                           | \$20,000.00           |
| City of White Plains Youth Bureau Summer Camp Scholarships                            | \$15,000.00           |
| White Plains Education and Training Center Workforce Development, Job Training        | \$40,000.00           |
| <b>Subtotal of Public Service Programs</b>  | <b>\$244,000.00</b>   |
| HUD 2016-2017 Allocation  | \$824,518.00          |
| Rehabilitation Revolving Fund   | \$400,000.00          |
| <b>Total CDBG Funds 2016-2017 (includes revolving fund)</b>                           | <b>\$1,224,518.00</b> |

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS, NEW YORK, APPROVING THE FEDERALLY MANDATED 2016-2017 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 five five-year Consolidated Plans - the 1995-1999 Consolidated Plan, the 2000-2005 Consolidated Plan, the 2005-2009 Consolidated Plan, the 2010-2014 Consolidated Plan, and the 2015-2019 Consolidated Plan, and the Annual Action Plans necessary to implement such Consolidated Plans; and

WHEREAS, in developing the 2016-2017 Annual Action Plan, the Planning Department conducted a citizen participation program to gather information on community development needs including holding meetings and public hearings with relevant departments and agencies of the City of White Plains, with representatives of not-for-profit agencies serving the homeless and families and individuals of extremely low, low, moderate and middle income; 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 2016-2017 Annual Action Plan for the period July 1, 2016 to June 30, 2017, 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 the 2016-2017 Annual Action Plan was published in the Journal News, the official newspaper of the City of White Plains, on December 2<sup>nd</sup>, 2015, and the Westchester Hispano newspaper on December 2<sup>nd</sup>, 2015; and

WHEREAS, duly noticed public hearings on the proposed 2016-2017 Annual Action Plan and funding allocation proposals and allocation were conducted by the Community Development Citizens Advisory Committee; on February 24<sup>th</sup> and April 5<sup>th</sup>, 2016; and

WHEREAS, a public notice of the 30 day public comment period and public hearing for the 2016-2017 Annual Action Plan was published in the Journal News, the official newspaper of the City of White Plains, on March 23<sup>rd</sup>, 2016, and the Westchester Hispano newspaper on February 12<sup>th</sup>, 2016; and

WHEREAS, the 2016-2017 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 2016-2017 Annual Action Plan describes the City's projected use of Federal, State and local resources during the 2016-2017 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 2016-2017 Annual Action Plan, dated April 28, 2016, as modified to reflect public comment; and

WHEREAS, the Common Council deems it appropriate and in the public interest to adopt the 2016-2017 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 2016-2017 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 2016-2017 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 2016-2017 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.



**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

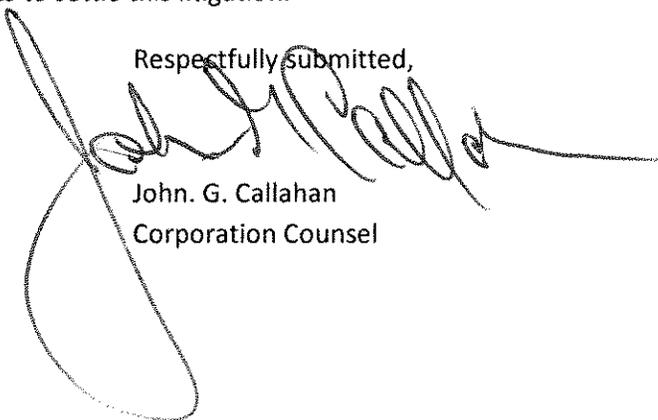
TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS:

South Lexington Venture, LLC. , the owner of real property known as 266 South Lexington Avenue, White Plains, NY, filed for bankruptcy in the Southern District of New York in June 2013. At the time of the filing South Lexington Venture LLC was delinquent on the property taxes. By October 2013, the outstanding City, School and County taxes, including interest and penalties totaled one hundred one thousand nine hundred seventy-eight dollars and thirty-six cents (\$101,978.36).

Disputing the interest and penalties, South Lexington Venture, LLC. filed a motion in Bankruptcy Court seeking to disallow the seven thousand six hundred sixty-four dollars and sixty cents (\$7,664.60) of interest and penalties that accrued. South Lexington Venture, LLC. paid the base tax of ninety-four thousand three hundred thirteen dollars and seventy-six cents (\$94,313.76), and in the interest of settlement offered to pay an additional four thousand dollars (\$4,000.00) to be applied to the interest and penalties for a total payment of ninety-eight thousand three hundred thirteen dollars and seventy-six cents (\$98,313.76).

Pursuant to Real Property Tax Law Section 1182, the City is authorized to waive interest and penalties, in whole or in part. To avoid further costs and the uncertainty of litigation, submitted herewith for your consideration is a resolution that authorizes the Corporation Counsel to accept an amount of not less than four thousand dollars and to sign any necessary documents to settle this litigation.

Respectfully submitted,

  
John. G. Callahan  
Corporation Counsel

Date: May 2, 2016  
For the Common Council Meeting of May 9, 2016

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS REDUCING OR REMITTING, IN PART, INTEREST AND PENALTIES ASSOCIATED WITH THE ACCRUAL OF PAST DUE TAXES AGAINST THE PREMISES KNOWN AS 266 SOUTH LEXINGTON AVENUE.

WHEREAS, South Lexington Venture, LLC owns real property known as 266 South Lexington Avenue, White Plains, NY (the "Subject Property"); and

WHEREAS, South Lexington Venture, LLC (the "Debtor") filed a Bankruptcy petition on June 13, 2013; and

WHEREAS, as the time of the bankruptcy filing, the Debtor had failed to pay the second installment of the 2013 real property taxes that became due on January 1, 2013 in the amount of fifty-four thousand three hundred seventy-two dollars and eighty-three cents (\$54,372.83); and

WHEREAS, as the time of the bankruptcy filing, the Debtor had failed to pay the April 2013 County taxes in the amount of nine thousand seven hundred seven dollars and eighty-eight cents (\$9,707.88); and

WHEREAS, the Debtor failed to pay the first installment of the 2013 real property taxes that became due on July 1, 2013 in the amount of thirty thousand two hundred twenty-three dollars and five cents (\$30,223.05); and

WHEREAS, as of July 1, 2013 the total amount of real property taxes due on the Subject Property totaled ninety four thousand three hundred thirteen dollars and seventy-six cents (\$94,313.76); and

WHEREAS, the Debtor failed to submit payment on the outstanding real property taxes until October 4, 2013 resulting in the accumulation of interest and penalties in the amount of seven thousand six hundred sixty-four dollars and sixty cents (\$7,664.60); and

WHEREAS, the taxes due on the Subject Property including interest and penalties totaled one hundred one thousand nine hundred seventy-eight dollars and thirty-six cents (\$101,978.36); and

WHEREAS, the Debtor submitted payment in the amount of ninety four thousand three hundred thirteen dollars and seventy-six cents (\$94,313.76); and

WHEREAS, the Debtor filed a motion in the United States Bankruptcy Court, Southern District of New York to disallow the City's claim for interest and penalties that accrued on the Subject Property; and

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WHEREAS, after filing opposition papers to the Debtor's motion to disallow the claim for interest and penalties, the Debtor offered to compromise and pay an additional four thousand dollars (\$4,000.00) towards interest and penalty; and

WHEREAS, it is in the best interests of the City to settle this matter for the amount offered and avoid the uncertainty and cost of further litigation.

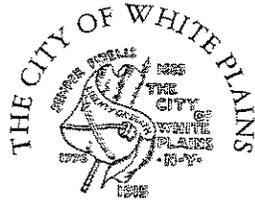
NOW THEREFORE, BE IT

RESOLVED, that the Corporation Counsel is hereby authorized to sign any necessary documents concerning the settlement of this litigation and to accept an amount of not less than four thousand dollars (\$4,000.00) from South Lexington Venture, LLC.; and be it further

RESOLVED, that pursuant to Section 1182 of the Real Property Tax Law, the City of White Plains is hereby authorized to waive, in part, any interest or penalties that may have accrued against said taxes owed to the City of White Plains by South Lexington Venture, LLC. in conjunction with the bankruptcy filed by the Debtor and be it further;

RESOLVED, that this resolution shall take effect immediately.

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

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

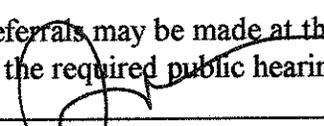
Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is an application for site plan approval of a site bounded by Maple Avenue, West Post Road, Rathbun Avenue and the existing White Plains Nissan facility. The site is comprised of multiple parcels and is approximately 184,000 square feet in size. The applicant, Post Maple 77, LLC, is proposing the redevelopment of the site with a mixed-use building including retail, fitness and restaurant spaces; a 12 unit "townhouse" style building; and a 720 space parking garage.

The Common Council is the approving agency for the following:

- 1.) Site Plan Approval- Section 7.2

We understand that a Storm Water Pollution Prevention Plan (SWPPP) has been submitted to the Department of Public Works and has been accepted as to form.

Referrals may be made at this time to appropriate City departments and boards and for scheduling of the required public hearing.

  
Damon A. Amadio, P.E.  
Commissioner of Building

Dated: April 29, 2016  
(for the May 9, 2016 Common Council meeting)

Documents Submitted: a Cover letter by Mr. Mark Weingarten of DeBello Donnellan Weingarten Wise & Wiederkehr, LLP dated April 27, 2016; a prior cover letter dated January 20, 2016; a Short Form Building Permit Application dated November 19, 2015; a Full Environmental Assessment form dated April 22, 2016; a technical memorandum booklet with a CD and project drawings comprised of site plans prepared by AKRF Engineering, P.C.; landscape plans prepared by IQ Landscape Architects P.C. and architectural plans prepared BLT Architects. All plans are dated April 27, 2016 and are fully enumerated in the Weingarten cover letter.

**DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP**

Mark P. Weingarten  
Partner  
mpw@ddw-law.com

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April 27, 2016

**By Hand Delivery**

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

**Re: Application for Site Plan Approval for "Boulevard" (Property located on  
West Post Road and Maple Avenue, White Plains.**

Dear Mayor Roach and Members of the Common Council:

This firm represents Post Maple 77, LLC (the "Applicant"), a related company of Grid Properties, Inc. in connection with its application for site plan approval to permit the redevelopment of property located near the intersection of West Post Road and Maple Avenue on the southwesterly edge of the City with a mixed-use development of approximately 220,000 leasable square feet of retail and fitness uses, restaurant, twelve (12) "townhome" multi-family dwelling units, and a parking structure containing approximately 720 parking space to serve all uses (the "Project"). As you may remember, an application for site plan approval was initially filed in January, 2016, and the Applicant appeared before the Common Council at its February meeting to present the proposed Project.

Since that time, the Applicant and its consultants have been working to revise and refine the Project plans, and to prepare additional materials required as part of the application. Accordingly, on behalf of the Applicant, we respectfully submit thirty-five (35) sets of revised drawings for the Project. Each set of drawings consists of the following sheets:

| Drawing Number        | Title                     | Prepared By          | Dated or Last Revised |
|-----------------------|---------------------------|----------------------|-----------------------|
| G-000                 | Cover Sheet, Drawing List | BLT Architects       | 04/27/16              |
| <b>Civil Drawings</b> |                           |                      |                       |
| C-101                 | Notes                     | AKRF Engineering, PC | 04/27/16              |
| C-200                 | Existing Conditions Plan  | AKRF Engineering, PC | 04/27/16              |

|                               |   |                             |          |
|-------------------------------|---|-----------------------------|----------|
| C-201                         | Demolition Plan                           | AKRF Engineering, PC        | 04/27/16 |
| C-300                         | Overall Plan                              | AKRF Engineering, PC        | 04/27/16 |
| C-301                         | Site Geometry and Paving Plan Tile 1      | AKRF Engineering, PC        | 04/27/16 |
| C-302                         | Site Geometry and Paving Plan Tile 2      | AKRF Engineering, PC        | 04/27/16 |
| C-401                         | Grading, Drainage and Utility Plan Tile 1 | AKRF Engineering, PC        | 04/27/16 |
| C-402                         | Grading Drainage and Utility Plan Tile 2  | AKRF Engineering, PC        | 04/27/16 |
| C-501                         | Sediment & Erosion Control Plan           | AKRF Engineering, PC        | 04/27/16 |
| C-601                         | Vehicle Movement Plan                     | AKRF Engineering, PC        | 04/27/16 |
| C-602                         | Vehicle Movement Plan                     | AKRF Engineering, PC        | 04/27/16 |
| C-701                         | Driveway Profiles                         | AKRF Engineering, PC        | 04/27/16 |
| C-800                         | Details (1)                               | AKRF Engineering, PC        | 04/27/16 |
| C-801                         | Details (2)                               | AKRF Engineering, PC        | 04/27/16 |
| C-802                         | Details (3)                               | AKRF Engineering, PC        | 04/27/16 |
| C-900                         | Photometric Plan                          | AKRF Engineering, PC        | 04/27/16 |
| <b>Landscape Drawings</b>     |   |                             |          |
| L-201                         | Landscape Materials Plan                  | IQ Landscape Architects, PC | 04/27/16 |
| L-202                         | Planting Plan (Left Half)                 | IQ Landscape Architects, PC | 04/27/16 |
| L-203                         | Planting Plan (Right Half)                | IQ Landscape Architects, PC | 04/27/16 |
| L-204                         | Details Sheet 1                           | IQ Landscape Architects, PC | 04/27/16 |
| L-205                         | Details Sheet 2                           | IQ Landscape Architects, PC | 04/27/16 |
| <b>Architectural Drawings</b> |   |                             |          |
| A-001                         | Lot Area                                  | BLT Architects              | 04/27/16 |
| A-002                         | Building Coverage and Yards               | BLT Architects              | 04/27/16 |
| A-003                         | Average Level of Ground                   | BLT Architects              | 04/27/16 |
| A-004                         | Vehicular Access                          | BLT Architects              | 04/27/16 |
| A-005                         | Pedestrian Access                         | BLT Architects              | 04/27/16 |
| A-006                         | Building Signage                          | BLT Architects              | 04/27/16 |
| A-007                         | Park/Service Signage                      | BLT Architects              | 04/27/16 |
| A-008                         | Tenant Signage                            | BLT Architects              | 04/27/16 |
| A-111                         | +216' Level Floor Plan                    | BLT Architects              | 04/27/16 |
| A-112                         | +226'/227.5' Level Floor Plan             | BLT Architects              | 04/27/16 |
| A-113A                        | +237.5' Level Floor Plan                  | BLT Architects              | 04/27/16 |
| A-113B                        | Valet Parking Plan                        | BLT Architects              | 04/27/16 |
| A-114                         | +247.5' Level Floor Plan                  | BLT Architects              | 04/27/16 |
| A-115A                        | +262.5' Level Floor Plan                  | BLT Architects              | 04/27/16 |
| A-116                         | Roof Plan                                 | BLT Architects              | 04/27/16 |
| A-117                         | Residential Floor Plan                    | BLT Architects              | 04/27/16 |
| A-124                         | Lighting Floor Plan                       | BLT Architects              | 04/27/16 |
| A-201                         | Building Elevations                       | BLT Architects              | 04/27/16 |

Since our last submission in January, 2016, the plans have been revised more specifically as follows:

**Civil Plans:**

1. The building layout has been modified to reflect minor architectural modifications; the building was rotated slightly and the projections modified to prevent extensions over the required setbacks;
2. Garage elevations have been modified;
3. The design of the bioretention basin, detention system and storm system has been further developed;
4. Details for sewer and utility connections have been revised;
5. Proposed site grading has been further refined;
6. Driveway profiles are now included in the plan set;
7. Vehicle movement plans are now included in the plan set;
8. Additional site details and notes are now included in the plan set;
9. Crosswalks have been added along Post Road at the Highland Avenue intersection;
10. The streetscape was modified for consistency with the proposed landscape architecture plans.

**Landscape Plans:**

1. The location of street trees and street lights along Post Road have been modified to align with the variations in the façade layout; trees are now located at the widest area of the sidewalk.
2. The paving pattern of the concrete sidewalk was modified from the previously proposed 2'x4' running bond with brick color band to a 4'x4' grid without a paving band;
3. Special paved areas at the Highland and Brady Place building entrances were modified;
4. The raised granite curbs planter along Rathbun Avenue was replaced with at grade street tree plantings to match the remainder of the Project site and the neighborhood;
5. Outdoor seating has been added at the corner of Rathbun Avenue and Post Road;
6. The utility structure on Maple Avenue is now covered on three (3) sides by a "Green Screen" panel;
7. Bicycle parking previously proposed at the northwest corner of the site has been relocated to the southeast corner of the site (to accommodate the outdoor seating area described above). The proposed walkway has been enlarged to accommodate the bicycle parking area;
8. The existing bus stop has been relocated to the west along Post Road;
9. Light columns along the Brady Place walkway have been removed; it was determined that light from storefronts would provide adequate lighting along Brady Place;
10. Traffic islands at the parking garage deck which were previously proposed to be paved are now proposed to be planted with ornamental grasses and shade trees;
11. Three (3) previously proposed trees in the planting island between the parking access ramp on the south east corner of the site and the building have been removed to improve visibility.

**Architectural Plans:**

1. The zoning chart on the cover sheet has been revised to reflect the modifications to the building layout<sup>1</sup>;
2. The south building along Rathbun Avenue has been reconfigured and the residential footprint reconfigured. In addition, the building coverage has been revised to reflect the reconfigured building layout. These modifications are shown on Drawing A-002; Modifications to the layout are also shown on Drawings A-111, A-112, A-113, A-114, A-115, A-117.
3. The vehicular access plan has been modified to clarify the turning directions. The Maple Avenue access is intended to be right turn in, right turn out for both parking and service; the Rathbun Avenue egress will be right turn exit only; This is shown on Drawing A-004.
4. The Pedestrian Access Plan has been updated to show site access, retail entry, residential entry and pedestrian circulation;
5. A new sheet has been added (A-006) to illustrate building signage location and type;
6. A new sheet has been added (A-007) to illustrate parking and service signage location and type;
7. A new sheet has been added (A-008) to illustrate tenant signage location and type;
8. A lighting plan (A-124) has now been included in the drawing set;
9. Drawing A-116 has been revised to show elevator access to the roof of the south building along Rathbun Avenue;
10. Elevations for Post Road, Brady Walk and Maple Avenue have been updated.

In addition to the revised plans and in support of our application we have also included the following additional materials:

1. A copy of our previously submitted application cover letter to the Common Council dated January 20, 2106 summarizing the proposed project which we have included for the Council's convenience;
2. A full Environmental Assessment Form, Part I and Technical Memorandum, together with Figures and Appendices and a compact disc containing all site plan materials, prepared by AKRF and dated April, 2106. Included in the Appendices are the following documents:
  - a. Tree Assessment
  - b. Geotechnical Report
  - c. Traffic Impact Study
  - d. Draft Parking Management Plan
  - e. BCP Acceptance Letter
  - f. Phase I for 55 and 77 West Post Road
  - g. Phase I for 87 and 95 West Post Road

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<sup>1</sup> We note that there is an error in the zoning chart on the cover sheet regarding parking; this error was noted after the plans had been printed. This error will be corrected and a new cover sheet submitted under separate cover. We apologize for the inconvenience.

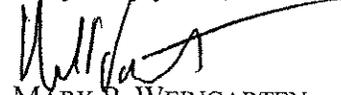
- h. Remedial Investigation Report
- i. Correspondence from the Natural Heritage Program
- j. Correspondence from SHPO

3. A Stormwater Pollution Prevention Plan prepared by AKRF Engineering, P.C., and dated March 25, 2016<sup>2</sup>; and

4. The preliminary cost estimate for the right-of-way and stormwater management improvements.

On behalf of the Applicant, we respectfully request that this matter be placed on the May 2, 2016 agenda of the Common Council for continued review, and for referral to all City boards, departments and agencies. We look forward to meeting with the Council on May 2 and to our continued discussion of this significant "gateway" project. In the meantime, please do not hesitate to contact me if you have any questions or if you would like any additional information.

Very truly yours,



MARK P. WEINGARTEN

#### Enclosures

cc: (with enclosures)

John Callahan, Esq., Corporation Counsel and Chief of Staff  
Damon Amadio, Commissioner of Building  
Christopher Gomez, AICP, Commissioner of Planning  
Anne M. McPherson, City Clerk

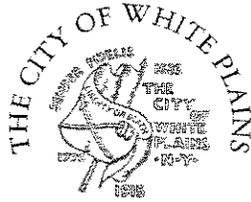
(without enclosures)

Drew Greenwald  
Scott Auster  
Jim Tuman  
Nina Peek, AICP  
Peter Feroe, AICP  
Peter J. Wise, Esq.  
Janet Giris, Esq.

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<sup>2</sup> Due to the voluminous and technical nature of this document, we have provided 3 copies. This document is included in electronic form on the enclosed compact disc. We are happy to provide additional hard copies of this document upon request.

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

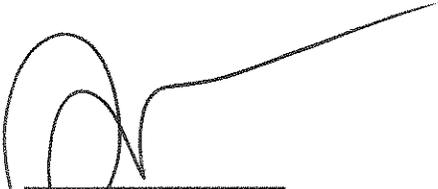
TO THE HONORABLE THOMAS M. ROACH MAYOR  
AND MEMBERS OF THE COMMON COUNCIL OF THE  
CITY OF WHITE PLAINS

Submitted herewith, for your review and appropriate action, pursuant to Section 7.7 (Amendments) of the White Plains Zoning Ordinance, is an amendment dated April 18, 2016 to a previously approved site plan at 125 Westchester Avenue. The building is located in the B-6 zoning district. The applicant, Simon Property Group, is requesting permission to make certain exterior modifications to the building.

In general the proposed modifications include:

1. Updating the exterior façade finishes.
2. Replace certain doors and windows with new.
3. A new second floor outdoor terrace dining area oriented towards the intersection of Westchester Avenue and South Broadway.
4. New exterior signage.
5. New vehicular and pedestrian way-finding signage.

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



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Damon A. Amadio P.E.  
Commissioner of Building

**DATED:** April 27, 2016  
(for the May 9, 2016 Common Council Meeting)

**DOCUMENTS  
SUBMITTED:** A cover letter prepared Mr Paul Bergins dated April 18 2016; a  
Short Form Building Permit Application dated April 18, 2016; a  
Short Environmental Assessment Form dated April 18, 2016; and  
drawings all dated April 18, 2016 as prepared by JPRA Architects.

PAUL B. BERGINS  
ATTORNEY AT LAW  
6 CHESTER AVENUE  
WHITE PLAINS, NEW YORK 10601  
(914) 681-0007

FAX: (914) 428-2647

April 18, 2016

EMAIL: PBBLTR@AOL.COM

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

RECEIVED

APR 18 2016

CITY OF WHITE PLAINS  
DEPT OF BUILDING

Dear Mayor Roach and Council Members:

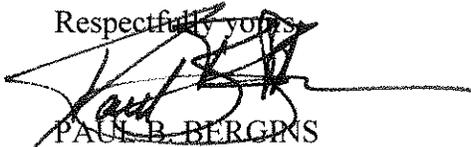
This office represents Simon Property Group, owner and operator of The Westchester Mall in White Plains. Simultaneously herewith we have submitted to the Commissioner of Building of the City of White Plains, for transmittal to the Mayor and Council, an amended Site Plan of The Westchester which contemplates a number of proposed renovations to the exterior of the Mall, installation of additional exterior signage at the perimeter of the Mall and reconstruction of the Food Hall. The submission consists of this letter, the requisite EAF and Building Permit forms, a set of Site Plan drawings with accompanying color renderings and signage details, and the architects' narrative summary of the proposed alterations.

The Westchester has for the past 20 years served as the cornerstone of the western boundary of the downtown and has contributed greatly to White Plains' preeminence as the center for quality retailing in the County of Westchester. The Amended Site Plan, by providing updated exterior materials and new signage and logos, as well as a covered terrace dining area as part of the Food Hall, will provide a significantly improved exterior appearance and modern and appealing shopping experience.

Simon Property Group believes this project, which complements the ongoing interior renovations, is an exciting proposal which will enhance The Westchester's significant contribution to the economic strength and vitality of the City and help to assure the continued success of the City's downtown.

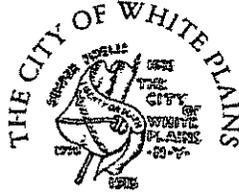
Your approval of the Amended Site Plan for The Westchester is respectfully requested.

Respectfully yours,

  
PAUL B. BERGINS

PBB;hs  
Encl.

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 an application for a minor amendment dated April 26, 2016 to a previously approved site plan at 15 Bank Street. The building is located in the Central Business (CB-4) zoning district. The applicant, The Brickman Group is requesting permission to make certain landscape and hardscape modifications to the exterior plaza between the two residential towers.

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 modifications result in no increase in mandatory parking.*

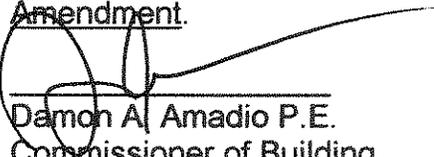
- b) There is no increase in "use" and no new "use" is established.

*The proposed modifications do 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 the proposed exterior changes do not change the essential characteristics of the site as a whole.*

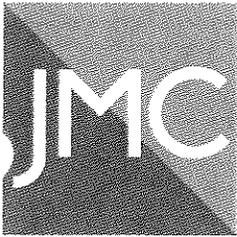
If the Common Council does not object to this application being considered a Minor Amendment, within the next thirty (30) days or at their next occurring meeting, the Commissioner of Building shall facilitate appropriate review and approval of such Minor Amendment.



Damon A. Amadio P.E.  
Commissioner of Building

DATED: April 28, 2016  
(for the May 9, 2016 Common Council Meeting)

DOCUMENTS  
SUBMITTED: A cover letter prepared by Mr. Joseph Modafferi Jr dated April 22, 2016; a Short Form Building Permit Application dated April 26, 2016; a Short Environmental Assessment Form dated April 21, 2016; and drawings CD-1 thru CD-11 all dated April 22, 2016 as prepared by John Meyer Consulting.



|                            |                       |
|----------------------------|-----------------------|
| Site Planning              | Environmental Studies |
| Civil Engineering          | Entitlements          |
| Landscape Architecture     | Construction Services |
| Land Surveying             | 3D Visualization      |
| Transportation Engineering | Laser Scanning        |

April 22, 2016

Commissioner Damon Amadio  
 City of White Plains  
 Building Department  
 70 Church Street  
 White Plains, NY 10601

RECEIVED

APR 26 2016

CITY OF WHITE PLAINS  
 DEPT OF BUILDING

RE: JMC Project 15139  
 Entry Plaza Improvements  
 15 Bank Street  
 City of White Plains, NY

**Minor Site Plan and Building Permit Applications**

Dear Commissioner Amadio:

As you are aware, JMC represents the property manager/owner of the above referenced project site, Bozzuto, and the contractor, Brickman, regarding the proposed improvements to the entry plaza. In accordance with our conversations, we are pleased to submit fifteen (15) copies of the following documents for your review, approval, and issuance of a permit to construct the improvements:

1. "City of White Plains Building Permit Application (Short Form)", for the work associated with the exterior wall modification and site improvements, signed and dated 04/22/2016.
2. Short Environmental Assessment Form (EAF), signed and dated 04/21/2016
3. Drawings prepared by JMC and Ewing Cole:

| <u>Dwg.</u> | <u>Title</u>   | <u>Rev./Date</u> |
|-------------|--|------------------|
| CD-1        | "Cover Sheet"  | 04/22/2016       |
| CD-2        | "Site Existing Conditions Map"                                   | 04/22/2016       |
| CD-3        | "Site Demolition Plan"   | 04/22/2016       |
| CD-4        | "Site Layout Plan"   | 04/22/2016       |
| CD-5        | "Site Grading, Utilities, and Erosion and Sediment Control Plan" | 04/22/2016       |
| CD-6        | "Site landscaping Plan"  | 04/22/2016       |
| CD-7        | "Site Lighting Plan"   | 04/22/2016       |
| CD-8        | "Construction Details"   | 04/22/2016       |
| CD-9        | "Construction Details"   | 04/22/2016       |

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC | JMC Site Development Consultants, LLC

CD-10  
CD-11

"Construction Details"  
"Construction Details"

04/22/2016  
04/22/2016

4. The Brickman Group, LTD. Check No. 1862, made payable to "City of White Plains", dated 04/22/2016, in the amount of \$250.00 for the initial permit review fee.
5. Brickman Insurance Certificates.

As you know, this application is being submitted to your Department as a "Minor Amendment" (to the previously approved Site Plan) under Section 7.7.1 of the City Zoning Ordinance. It is our understanding that your office shall transmit notice of this Minor Amendment to the Common Council, pursuant to Section 7.7.1.3 of the Zoning Ordinance, for its acknowledgement and consent to this matter being processed by your department. It is our hope that this item can be placed on the Common Council's May 2, consent agenda.

We look forward to being notified of any comments the City may have, as well as the date we will be requested to appear in front of the Design Review Board. As you complete your review, if you have questions or require additional information, please do not hesitate to contact our office at (914) 273-5225. We would be happy to meet with you to review these documents if you feel it would be helpful in expediting the process. Thank you in advance for your assistance with this project.

Sincerely,

JMC Planning Engineering Landscape Architecture and Land Surveying, PLLC



Joseph P. Modafferi, Jr., RLA  
Senior Project Manager

cc: Mr. James Slutter, w/enc.  
Ms. Karyn DiSalvo, w/enc.

F:\2015\15139\ltAmadio 04-22-2016.docx



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, 2016.

  
\_\_\_\_\_  
Michael A. Genito  
Budget Director

Dated: April 18, 2016  
(For the Common Council meeting of May 9, 2016)

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**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, 2016.

Michael A. Genito  
Commissioner of Finance

Dated: April 19, 2016  
(For the Common Council meeting of May 9, 2016)