

**COMMON COUNCIL  
AGENDA  
REGULAR STATED MEETING  
June 1, 2015  
7:30 P.M.**

**PLEDGE TO THE FLAG:** Hon. Milagros Lecuona

**ROLL CALL:** City Clerk

**APPOINTMENT:**

1. Communication from the Mayor in relation to the appointment of Christopher Gomez as Commissioner of Planning for the City of White Plains. **F/S and affirmed by the Common Council with roll call vote: Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin, Mrs. Smayda and the Mayor - 7 - 0.**

**ADJOURNED**

**PUBLIC HEARINGS:**

2. Public Hearing in relation to the application submitted by Daniel J. Coughlan, Proprietor, on behalf of Coughlan, Inc., for a renewal of a Special Permit to operate a cabaret at The Coliseum located at 15 South Broadway. **Open/Adjourned to July 6, 2015**
3. Public Hearing in relation to the application submitted on behalf of Executive Billiards Inc., ("Applicant") for a Special Permit to operate a cabaret at Executive Billiards located at 109 Mamaroneck Avenue. **Open/Adjourned to July 6, 2015**
4. Public Hearing in relation to the application submitted on behalf of Ron Blacks Beer Hall for a renewal of a Special Permit to operate a Cabaret at Ron Blacks

Beer Hall, located at 181 Mamaroneck Avenue. **Open/Adjourned to July 6, 2015.**

5. Public Hearing in relation to an application submitted on behalf of Ichiro Asian Fusion, Inc., (“Applicant”), for a Special Permit to operate a Cabaret at Ichiro Restaurant, located at 80 Mamaroneck Avenue. **Open/Adjourned to July 6, 2015**
  
6. Public Hearing in relation to an application submitted on behalf of St. Gregory the Enlightener Armenian Church for an amendment to a previously approved site plan to construct a one story, approximately 7,000 sq. ft, addition to the existing Church building which is proposed to house the Church Sunday School, and connected to the existing structure via an enclosed walkway. **Opened/closed. Recusal: Mr. Krolian**

**Items 6 - 19 F/S. Recusal: Mr. Krolian**

7. Communications from City Clerk
8. Commissioner of Building
9. Design Review Board
10. Acting Commissioner of Planning
11. Planning Board
12. Commissioner of Public Safety
13. Commissioner of Public Works
14. Deputy Commissioner, Traffic Division
15. Transportation Commission
16. Commissioner of Parking
17. Conservation Board
18. Westchester County Planning Board
19. Environmental Officer
  
20. Environmental Findings Resolution **Motion to table 5 - 1- Nays: Mrs. Lecuona. Tabled to July 6, 2015. Recusal: Mr. Krolian.**
  
21. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of St. Gregory the Enlightener Armenian Church (“Applicant”), located at 1131 North Street on an environmentally sensitive site, for an amendment to its existing site plan to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children’s Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage all attached to the existing community building; (2) approval of partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance of the City of White Plains, waiving the construction of eighteen (18) parking spaces to provide a total of 61 waived spaces, or 33% (one-third) of the 183 parking spaces required for the Church use; (3) relief from the new fifty

(50) foot restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the Zoning Ordinance. **Motion to table 5 - 1- Nays: Mrs. Lecuona. Tabled to July 6, 2015. Recusal: Mr. Krolian.**

**SECOND READING  
ORDINANCE:**

22. Ordinance of the Common Council of the City of White Plains amending Title IV of the White Plains Municipal Code entitled, "Cabarets" by amending Article 1 of Chapter 4-4 in its entirety and amending Section 4-4-30 of Article II of Chapter 4-4. **Tabled to July 6, 2015.**

**FIRST READING  
ORDINANCES:**

23. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. SW5430, Brookfield Commons Sanitary Sewer Line. **F/S**
24. Communication from Environmental Officer **F/S**
25. Environmental Findings Resolution **Adopted**
26. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by amending Capital Project No. SW5430, Brookfield Commons Sanitary Sewer Line. **Adopted 7 - 0**
27. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5431, Miscellaneous Street Reconstruction FY 2015. **F/S**
28. Communication from Environmental Officer **F/S**
29. Environmental Findings Resolution **Adopted**
30. Resolution of the Common Council of the City of White Plains authorizing the implementation and funding in the first instance 100% of the Federal Aid and State "Marchiselli" Program Aid eligible costs, of a Transportation Federal Aid Project, and appropriating funds therefore. **Adopted**
31. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by amending Capital Project No. C5431, Miscellaneous Street Reconstruction FY 2015. **Adopted 7 - 0**
32. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5452, Prisoner Processing Area Renovations. **F/S**

33. Communication from Environmental Officer **F/S**
34. Environmental Findings Resolution **ADOPTED**
35. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5452, Prisoner Processing Area Renovations. **ADOPTED 7 - 0**
36. Bond Ordinance dated June 1, 2015, authorizing the issuance of \$101,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of reconstruction of Class A Buildings for municipal use. **ADOPTED 7 - 0**
37. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5453, Maple Avenue Storm Water Drain, Phase II. **F/S**
38. Communication from Environmental Officer **F/S**
39. Environmental Findings Resolution **Adopted**
40. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5453, Maple Avenue Storm Water Drain, Phase II. **Adopted 7 - 0**
41. Bond Ordinance dated June 1, 2015, 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. **Adopted 7 - 0**
42. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5450, Local Controller Upgrade Phase I - Traffic. **F/S**
43. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5450, Local Controller Upgrade Phase I. **Adopted 7 - 0**
44. Bond Ordinance dated June 1, 2015, authorizing the issuance of \$141,400 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 of traffic signals and traffic signal systems. **Adopted 7 - 0**
45. Communication from Commissioner of Finance in relation to a bond ordinance in the amount of \$1,000,000 to finance the costs of the acquisition of surveys,

preliminary plans, detailed plans and specifications necessary for future capital improvements to the City's Multimodal Transportation Center. **F/s**

46. Bond Ordinance dated June 1, 2015, authorizing the issuance of \$1,000,000 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 of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to the City's Multimodal Transportation Center. **Adopted 7 - 0**
  
47. Communication from Commissioner of Public Works in relation to a transfer of funds from Reserve for Financing and from the Department of Public Works Operating Budget, for overtime for snow and ice removal, and salt expenses. **F/S**
  
48. Ordinance of the Common Council of the City of White Plains authorizing the transfer of \$497,000 from Reserve for Financing and \$105,000 from the Department of Public Works Operating Budget in relation to snow and ice removal operations overtime and salt expenses incurred by the Department of Public Works. **Adopted 7 - 0**
  
49. Communication from Commissioner of Public Works in relation to the closure of certain public streets and appropriate parking restrictions on July 9, 2015, (with a rain date of July 10, 2015), for the Mental Health Association's Get On Your Mat for Mental Health, Yoga/Health Fair. **F/S**
  
50. Ordinance of the Common Council of the City of White Plains amending ordinances adopted April 6, 2015 and May 4, 2015, changing the date of the City of White Plains Department of Recreation and Parks and the Mental Health Association's Get On Your Mat for Mental Health, Yoga/Health Fair, from June 17, 2015, to a new date of July 9, 2015, with a rain date of July 10, 2015, and a commencement time of 3:00 p.m. instead of 4:00 p.m. **ADOPTED 7 - 0**
  
51. Communication from Commissioner of Public Works in relation to an agreement with the New York City Department of Environmental Protection (NYC DEP) and the Westchester County Water District No. 1, for the City of White Plains to provide technical assistance to formulate a Water Demand Management Plan. **F/S**
  
52. Ordinance of the Common Council authorizing the Mayor or his designee to execute an agreement with the New York City Department of Environmental Protection (NYC DEP) and the Westchester County Water District No. 1 (through its Commissioner of the Department of Environmental Facilities) and for the City of White Plains Department of Public Works to provide technical assistance to formulate a Water Demand Management Plan. **Adopted 7 - 0**

53. Communication from Commissioner of Finance in relation to an amendment to the 2014-15 General Fund Budget to reflect a fee in lieu of lease payment for twenty (20) years by the City to the White Plains Housing Company, Inc., for use of Community Facility Space for educational and community purposes at 1 South Lexington Avenue. **F/S**
54. Ordinance of the Common Council of the City of White Plains authorizing the Mayor to direct the Budget Director to amend the 2014-15 General Fund Budget to reflect a fee in lieu of lease payment for twenty (20) years by the City to the White Plains Housing Company, Inc., for the City's use of Community Facilities Space for educational and community purposes in the new building under construction at 1 South Lexington Avenue, to be paid in full prior to occupancy of said space. **Adopted 7 - 0**
55. Communication from the Police Chief in relation to extending for an additional year an agreement between the City and the Society for the Prevention of Cruelty to Animals of Westchester, Inc. (SPCA). **F/S**
56. Ordinance of the Common Council of the City of White Plains extending for an additional year the City's agreement with the Society for the Prevention of Cruelty to Animals of Westchester, Inc. (SPCA), to provide municipal shelter services for dogs and cats pursuant to the New York State Agriculture and Markets Law. **Adopted 7 - 0**
57. Communication from Director, Youth Bureau, in relation to donations in the amount of \$3,273, to offset expenses for the 2015 Father Daughter and Mother Son Dance. **F/S**
58. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to accept on behalf of the City of White Plains (through its Youth Bureau), donations in the amount of \$3,273 from participants to be used to offset the expenses for the 2015 Father Daughter Dance and Mother Son Dance, and to amend the FY 2014-2015 Youth Bureau General Fund to reflect said donations. **ADOPTED 7 - 0**
59. Communication from Director, Youth Bureau, in relation to funding for a new Summer STEM Camp (Science, Technology, Robotics and Environmental Learning) for middle school students 6<sup>th</sup> through 8<sup>th</sup> grades. **F/S**
60. Ordinance of the Common Council of the City of White Plains approving the sponsorship by the City (through the Youth Bureau) of the Summer STEM Camp for middle school students at Church Street Elementary School, accepting a contribution of \$7,200 from the Friends of the Youth Bureau for the Program, and authorizing the Mayor to direct the Budget

Director to increase the estimated revenue and appropriations, and to amend the Fiscal Year 2014/15 Youth Development Fund. **ADOPTED 7 - 0**

61. Communication from Director, Youth Bureau, in relation to a grant from New York State Department of Labor and extending the award for an additional year. **F/S**
62. Ordinance amending an ordinance adopted August 4, 2014 entitled, "An ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a contract with the York State Department of Labor Program to receive a grant in the amount of \$45,000 to operate the 2014 Summer Youth Employment Program and to authorize the Budget Director to amend the FY2014/15 Youth Development Fund to reflect this grant." **ADOPTED 7 - 0**
63. Communication from Director, Youth Bureau, in relation to an agreement between the City and Berkeley College, 99 Church Street, for the use of space for the Youth Bureau to operate the Entrepreneur Program and the Let's Get Ready SAT Prep Course **F/S**
64. 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 and Let's Get Ready SAT Prep Course, from June 18, 2015 to August 13, 2015, and to authorize a certificate of insurance to Berkeley College for the period June 18, 2015 to August 13, 2015. **ADOPTED 7 - 0**
65. Communication from Personnel Officer in relation to an amendment to Section 2-5-78 of the Municipal Code, Compensation and Leave Plan, by establishing a certain position titled. **F/S**
66. Ordinance amending the White Plains Municipal Code by amending Section 2-5-78 of the Compensation and Leave Plan Ordinance by establishing a certain position title. **ADOPTED 7 - 0**
67. Communication from the Personnel Officer regarding an amendment to the White Plains Municipal Code in relation to appointed, elected, managerial confidential and hourly salaries and additional compensation. **F/S**
68. Ordinance amending various Sections of the White Plains Municipal Code in relation to appointed, elected, managerial confidential and hourly salaries and additional compensation. **ADOPTED 7 - 0**

- 69. Communication from Deputy Commissioner of Parking in relation to proposed amendments to the Traffic Ordinance. **F/S**
- 70. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to creating a Handicapped Parking Space-Streets (Non-metered) on the west side of Jefferson Avenue. **ADOPTED 7 - 0**

**RESOLUTIONS:**

- 71. Communication from Corporation Counsel in relation to a proposed amendment to the Zoning Ordinance to establish a new Light Industrial Mixed Use (LI-M) Zoning District, and re-zoning certain parcels in the Light Industrial (LI) Zoning District, and scheduling a public hearing for July 6, 2015. **F/S**
- 72. Resolution of the Common Council of the City of White Plains scheduling a public hearing for July 6, 2015, in relation to the proposed amendment to the Zoning Ordinance of the City of White Plains creating a new Light Industrial Mixed Use (LI-M) Zoning District, and re-zoning certain properties in the Light Industrial (LI) Zoning District to the Light Industrial Mixed Use (LI-M) Zoning District. **ADOPTED**
- 73. Communication from Corporation Counsel in relation to an application submitted by Hastings Tea Corp., for a Special Permit for Outdoor Dining at 235 Main Street. **F/S**
- 74. Resolution of the Common Council of the City of White Plains scheduling a public hearing for July 6, 2015, in relation to the application submitted on behalf of the applicant, Hastings Tea Corp., d/b/a/ Hastings Tea, for a Special Permit for Outdoor Dining on private property adjacent to the facility located at 235 Main Street. **ADOPTED**

**ITEMS 75 - 85 F/S**

- 75. Communication from Commissioner of Building in relation to a request submitted on behalf of The Salvation Army, for a one year extension to a previously approved site plan at 16 Sterling Avenue.
- 76. Communications from Design Review Board
- 77. Acting Commissioner of Planning
- 78. Planning Board
- 79. Commissioner of Public Safety
- 80. Commissioner of Public Works
- 81. Deputy Commissioner, Traffic Division
- 82. Transportation Commission
- 83. Commissioner of Parking
- 84. Westchester County Planning Board
- 85. Environmental Officer
- 86. Environmental Findings Resolution **ADOPTED**

87. Resolution of the Common Council of the City of White Plains extending for an additional one (1) year the site plan approval granted on June 4, 2012 to the Salvation Army of Greater New York (“Applicant”) for the project known as The Salvation Army located at 16 Sterling Avenue, and extending southerly therefrom along West Post Road to permit the expansion and renovation of an existing approximately 8,700 square foot, two (2) story building in two (2) phases, including the approximately 15,500 square foot two (2) story addition plus attic to the existing residence for a Cleric, office space, classrooms for after-school programs, a basketball court/multi-purpose room, restrooms, a kitchen, a food pantry, storage area, refuse and recycling area, garage for an emergency vehicle, and the construction of a new onsite parking area and outdoor recreational area, the building fronting on West Post Road. **ADOPTED**

**ITEMS 88 - 99 F/S. Recusal: Mr. Kirkpatrick**

88. Communication from Commissioner of Building in relation to a request submitted on behalf of 120 Bloomingdale LLC, The Venue, for a one year extension to a previously approved site plan at 120 Bloomingdale Road.

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|-----|----------------------------|---------------------------------------|
| 89. | <u>Communications</u> from | Design Review Board                   |
| 90. |                            | Acting Commissioner of Planning       |
| 91. |                            | Planning Board                        |
| 92. |                            | Commissioner of Public Safety         |
| 93. |                            | Commissioner of Public Works          |
| 94. |                            | Deputy Commissioner, Traffic Division |
| 95. |                            | Transportation Commission             |
| 96. |                            | Commissioner of Parking               |
| 97. |                            | Conservation Board                    |
| 98. |                            | Westchester County Planning Board     |
| 99. |                            | Environmental Officer                 |

100. Environmental Findings Resolution **ADOPTED. Recusal: Mr. Kirkpatrick**

101. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of 120 Bloomingdale Road, LLC (“Applicant”) for an additional one year extension of an amended site plan approval under Section 7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), granted by the Common Council by resolution adopted May 7, 2013, and extended for one year by resolution adopted July 7, 2014, to construct approximately 47,000 square feet of new upscale retail use to the existing site, currently developed with an approximately 141,427 square foot office building, and for a Special Permit under Section 6 of the Zoning Ordinance to establish restaurants and outdoor dining associated with such restaurants, for approximately 6,000 square feet, for a total of approximately 53,000 square feet of retail/restaurant use, for the new development to be known as “The Venue” to be located at the approximately 5.8 acre site at 120 Bloomingdale Road, an environmentally sensitive site under Section 4.4.25 of the Zoning Ordinance (Section 131.21, Block 3, Lot 2.1). **ADOPTED**

102. Communication from Environmental Officer in relation to the application of Saber White Plains LLC and Chauncey White Plains LLC requesting amendments to the Zoning Ordinance in conjunction with the development of property known as 60-96 Westchester Avenue. **F/S**
103. Communication from Westchester County Planning Board **F/S**
104. Environmental Findings Resolution regarding the application on behalf of Saber White Plains LLC and Chauncey White Plains LLC requesting proposed amendments to the Zoning Ordinance and approvals related to the development of property known as 60-96 Westchester Avenue. **ADOPTED**
105. Communication from Commissioner of Finance in relation to the accrual of certain obligations for Fiscal Year Ending June 30, 2015. **F/S**
106. Resolution of the Common Council of the City of White Plains authorizing the transfer of funds from Code No. A002-9.990, Reserve for Financing, General Fund, to various accounts to record accrued liabilities. **ADOPTED**
107. Communication from the Mayor in relation to authorizing the certification of a Home Rule request from the City of White Plains seeking enactment of New York State legislation amending the Vehicle and Traffic Law, General Municipal Law, and Public Officers Law to enable White Plains to adopt local legislation to impose monetary liability on motor vehicle operators for failure to comply with traffic control indicators. **F/S**
108. Resolution of the Common Council of the City of White Plains authorizing the certification of a Home Rule Request seeking enactment of State legislation amending the Vehicle and Traffic Law, General Municipal Law and Public Officers Law to enable the City of White Plains to establish a five (5) year demonstration program to impose monetary liability on the owners of motor vehicles for an operator's failure to comply with traffic control indicators within the City of White Plains by installing and operating traffic control signal photo violation monitoring devices at no more than twelve (12) intersections at any one time within the City of White Plains (Assembly Bill No. A07730) (Senate Bill No. S05688). **ADOPTED**



**"The Birthplace of the State of New York"  
OFFICE OF THE MAYOR**

**THOMAS M. ROACH  
MAYOR**

**t:914.422.1411  
f:914.422.1395**

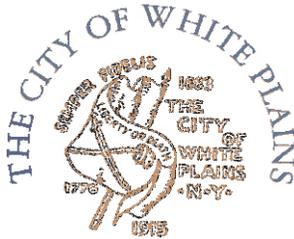
**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL**

I hereby submit the nomination of Christopher Gomez for appointment as Commissioner of Planning for the City of White Plains, effective July 7, 2015. In accordance with Section 8 of the Charter of the City of White Plains, your consent to this nomination is requested.

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Thomas M. Roach  
Mayor

Dated: May 28, 2015  
(For the June 1, 2015 Meeting)



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

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Anne M. McPherson CMC  
City Clerk/Registrar

Teresa Torelli  
Deputy Registrar

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

Attached is a communication submitted on behalf of St. Gregory the Enlightener Armenian Church in relation to an application for an amendment to a previously approved site plan to construct a one story, approximately 7,000 sq. ft. addition to the existing Church building which is proposed to house the Church Sunday School, and expressing applicants agreement with a condition to limit the use of the entire site on weekends to church related functions, such as religious education, religious school functions or activities commonly associated with a Place of Worship, (c.g., fellowship, choir practice, weddings, parish council meetings, children's recreation area, etc.).

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

Sincerely,

Anne M. McPherson, CMC  
City Clerk

DATED: May 27, 2015

JAMES W. GLATTHAAR  
914.287.6159  
JWGLATTHAAR@BPSLAW.COM

May 20, 2015

Hon. Mayor Thomas M. Roach and  
Members of the Common Council  
The City of White Plains  
255 Main Street  
White Plains, NY 10601

**Re: Application of St. Gregory the Enlightener Armenian Church for an  
Amendment to the Approved Site Plan, 1131 North Street, White  
Plains, New York  
Sec. 138.08, Blk. 1, Lot 4**

Honorable Mayor and Members of the Common Council:

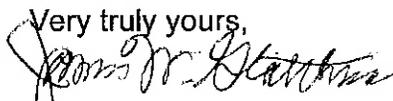
Our firm represents St. Gregory the Enlightener Armenian Church (the "Church"), the owner of the real property located at 1131 North Street, White Plains, New York (the "Property").

I have discussed this matter with St. Gregory's regarding the use of the Property. St. Gregory's agrees to have the following language imposed as a condition of site plan approval:

The Applicant agrees to limit the use of the entire site on weekends to church related functions, such as religious education, religious school functions or activities commonly associated with a Place of Worship (e.g., fellowship, choir practice, weddings, parish council meetings, children's recreation area, etc.)

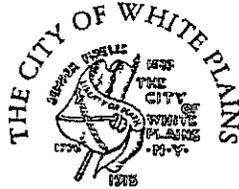
For all the foregoing reasons, the Church respectfully requests that the within application be approved.

Very truly yours,



James W. Glatthaar

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

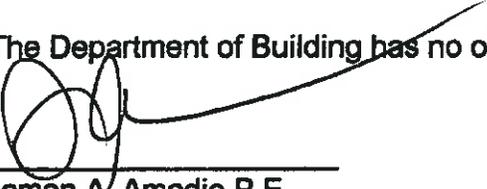
**TO THE HONORABLE THOMAS M. ROACH, MAYOR  
AND MEMBERS OF THE COMMON COUNCIL OF THE  
CITY OF WHITE PLAINS**

Per referral by the Common Council on March 3, 2015 the Department of Building has reviewed an application for an amendment to an original Site Plan approval of the project commonly known as "St Gregory The Enlightener Armenian Church" located at 1311 North Street.

As you are aware, the Common Council approved this request in October 2013 but the site plan approval inadvertently lapsed.

This new application is for the same project with no modifications proposed to the scope of work,. The project entails the construction of a one (1)-story, approximately 7,000 square foot, addition to the existing Church building. The new hall is proposed to house the Church Sunday School and will consist of a large open space with adjacent storage rooms and bathrooms. The new hall will be connected to the existing building via an enclosed walkway.

.The Department of Building has no objection to this site plan being approved.

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

DATED:                    March 20, 2015  
                                  (For the April 2. 2015 Common Council Meeting)

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

8



**DESIGN REVIEW BOARD**

70 Church Street, White Plains, New York 10601

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

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THOMAS M. ROACH

Mayor

DAMON A AMADIO, P.E.

Commissioner of Building

NORMAN DICHIARA, AIA

Chairman

KEVIN M. HODAPP, P.E.

Deputy Commissioner of Building

NICK PUJA

Secretary

March 11, 2015

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on March 9, 2015, reviewed the Site Plan extension / amendment to an original Site Plan approval for St. Gregory The Enlightener Armenian Church located at 1311 North Street, White Plains, NY.

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

**Norman DiChiara**

Norman DiChiara, Chairman

Design Review Board

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<http://www.cityofwhiteplains.com>

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**PLANNING DEPARTMENT**

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

THOMAS M. ROACH  
MAYOR

LINDA K. PUOPLO  
ACTING COMMISSIONER OF PLANNING

March 26, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

**SUBJECT: ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH – 1131 NORTH STREET – SITE PLAN AMENDMENT TO CONSTRUCT A ONE STORY, APPROXIMATELY 7,000 SF, ADDITION TO THE EXISTING CHURCH BUILDING WHICH IS PROPOSED TO HOUSE THE CHURCH SUNDAY SCHOOL, AND CONNECTED TO THE EXISTING STRUCTURE VIA AN ENCLOSED WALKWAY**

On March 3, 2015, the Common Council referred to the Department of Planning a site plan application made by St. Gregory the Enlightener Armenian Church for the construction of a 7,000 square foot addition to the existing church building. The proposed site plan approval was previously approved by the Common Council on October 7, 2013, but expired one year later pursuant to Section of 7.6 of the Zoning Ordinance, which states that a site plan approval “shall expire if substantial construction is not completed within 1 year of approval.”

No changes are proposed to the plan that was previously approved by the Common Council on October 7, 2013, and there have been no changes to either the neighborhood or zoning in the project vicinity. Therefore, the Department of Planning has no objection to approval of the site plan subject to all of the conditions of the original approval, as such remain applicable, or may be amended to reflect current stormwater management regulations.

Sincerely,

Linda K. Puoplo  
Acting Commissioner  
Department of Planning



## PLANNING BOARD

MUNICIPAL BUILDING ■ 70 CHURCH STREET ■ WHITE PLAINS, NEW YORK 10601  
(914) 422-1300 ■ FAX: (914) 422-1471

THOMAS M. ROACH  
MAYOR

MICHAEL QUINN  
CHAIRMAN

LINDA PUOPLO  
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

March 23, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH – 1131 NORTH STREET – SITE PLAN AMENDMENT TO CONSTRUCT A ONE STORY, APPROXIMATELY 7,000 SF, ADDITION TO THE EXISTING CHURCH BUILDING WHICH IS PROPOSED TO HOUSE THE CHURCH SUNDAY SCHOOL, AND CONNECTED TO THE EXISTING STRUCTURE VIA AN ENCLOSED WALKWAY

At its March 15, 2015 meeting, the Planning Board reviewed the application for a site plan approval for the construction of a 7,000 square foot addition to the existing St. Gregory the Enlightener Armenian Church. The site plan approval that was granted by the Common Council on October 7, 2013 expired after one year because substantial construction had not been completed.

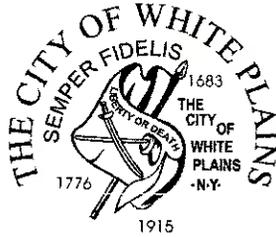
No changes are proposed to the plan that was approved by the Common Council on October 7, 2013. No changes have occurred to the surroundings, and no zoning amendments affecting this property have been approved in the past year.

The Planning Board voted unanimously to send a letter to the Common Council finding no objection to the requested site plan approval, subject to the conditions of the 2013 approval, as such remain applicable.

Planning Board members voting in favor of the motion to find no objection to the site plan extension: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (7); Opposed: None (0); Absent: None (0).

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

11



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

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THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed the plans. There are no objections.

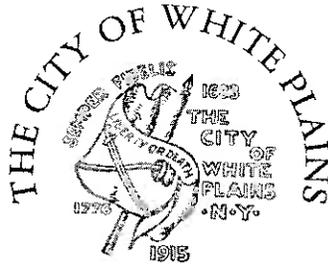
St. Gregory The Enlightener Armenian Church  
1311 North Street  
White Plains, NY



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: March 18, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

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

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

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

We have reviewed the application submitted by St. Gregory, The Enlightener Armenian Church, for the extension of a Site Plan approval for the proposed construction of a Temple or Place of Worship situated at 1131 North Street.

With the understanding that all of our previous comments and concerns are to be addressed, as well as compliance with current federal, state and local regulations (i.e. stormwater requirements of January 29, 2015,) prior to the issuance of any Building Department permit, the Department of Public Works has no objection to the approval of this one year extension.

Respectfully submitted,

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

Dated: April 6, 2015

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

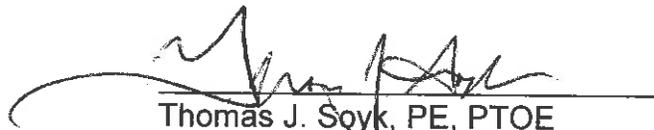
**THOMAS J. SOYK, P.E., PTOE**  
DEPUTY COMMISSIONER/  
CITY TRANSPORTATION ENGINEER

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

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

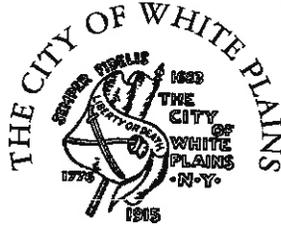
The Department of Parking/Traffic Division has reviewed the application for a site plan amendment of 1311 North Street (St. Gregory The Enlightener Armenian Church) involving a 7000 square foot addition which was referred by the Common Council on March 2, 2015.

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



Thomas J. Soyk, PE, PTOE  
Deputy Commissioner

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



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

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THOMAS M. ROACH  
MAYOR

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

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

The Traffic Commission, at its meeting held on March 18, 2015, reviewed a request from St Gregory The Enlightener Armenian Church, 1311 North Street for a site plan amendment, as referred by the Common Council on March 3, 2015.

The Transportation Commission had no objection to the proposed changes.

Thomas Soyk  
Acting Chairman

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

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**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

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

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

**Re: #51 – St. Gregory the Enlightener Armenian Church Site Plan Extension**

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

The Department of Parking has no objection to this site plan extension.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Date: April 6, 2015



**CONSERVATION BOARD**

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

THOMAS M. ROACH  
MAYOR

LINDA K. PUOPLO, LMSW  
ACTING COMMISSIONER OF PLANNING

ROBERT A. ROSTON  
CHAIRMAN

ROD JOHNSON  
STAFF

**Date:** March 17, 2015

**To:** The Honorable Mayor & Members of the Common Council

**From:** Robert A. Roston, Chairman  
White Plains Conservation Board

**RE:** St. Gregory the Enlightener Armenian Church  
1131 North Street  
Sec.138.08, Blk.1, Lot 4.  
Application for an Amendment to the approved site.

**SITE VISIT:** Performed on Friday, January 22, 2013.

**REASON FOR REFERRAL:**

Environmentally sensitive site because it contains a 1.478 acre wetland and slopes in excess of 20% and rock outcroppings.

This application is requesting re-approval of an expired site plan amendment last approved on October 7, 2013. The Conservation Board's review letter for the original project was dated January 29, 2013.

There are no changes to the original application

**CONCLUSION:**

The Conservation Board approves the application with the suggestion first stated in its prior letter dated January 29, 2013:

"The Church has agreed with two (2) of the residences bordering the Church property to implement some additional tree plantings to serve as additional screening from their view."

Respectfully:

**ROBERT A. ROSTON**

Robert A. Roston, Chairman

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Robert P. Astorino  
County Executive

County Planning Board

March 16, 2015

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

**Subject: Referral File No. WHP 15-004— St. Gregory the Enlightener Sunday School Building  
Amended Site Plan**

Dear Ms. McPherson:

The Westchester County Planning Board has received a notification of an amended site plan application for the proposed construction of a 7,050 square foot Sunday school building on an existing church property. The 10.57-acre property, located at 1131 North Street (County Road 30) is currently developed with a 17,220 square foot church building, a parking lot, children's playground, a single-family house, a barn and a cottage. The proposed Sunday school building will be connected to the main building by an enclosed walkway. 18 new gravel parking spaces are proposed for overflow parking.

This application was granted approval by the White Plains Common Council on October 7, 2013. It is our understanding that the approvals have expired and that the applicant is seeking re-approval for the same plans which were previously approved.

Because the plans have not changed, we offer our previous comments, which were sent to the City in a letter dated January 22, 2013, under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code:

1. **County Road.** North Street is a County road (CR 30). Approval from the Westchester County Department of Public Works and Transportation is required for any work related to the road under Section 239 F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal.

2. **Green building technology.** We encourage the applicant to consider using as much green building technology as possible in the proposed new building.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:   
By:

Edward Burroughs, AICP  
Commissioner

EEB/LH

cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation  
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation



**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

May 20, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH  
1131 NORTH STREET.  
AMENDED SITE PLAN - ENVIRONMENTALLY SENSITIVE SITE

The proposed amendment to the original Site Plan for the St. Gregory the Enlightener Armenian Church at 1131 North Street ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the re-approval of the same project that was first approved by the Common Council on October 7, 2013 ("2013 Approval"). Because the prior site plan approval has expired, the current application is herein addressed as a new application subject to a full environmental review included herewith.

Since this new application involves the same project with no modifications, the original documentation is still valid and shall be used as the basis for review purposes.

As currently developed, the property at 1131 North Street contains:

- A 15,450 square feet of church building including a sanctuary, offices, classrooms, and community rooms.
- Parking facilities approved in 1995 for the existing uses including 122 paved parking spaces, 43 gravel paved spaces for a total of 165 spaces.
- Historic resources include three additional buildings dating from the 18th Century including a main house, an English style barn, and cottage, as well as stone walls and picket fences from the same period
- Environmentally sensitive features including an approximately 1.5-acre wetland area with a 50 ft-wide protected buffer in the southernmost third of the property, steep slopes, and rock outcroppings; and

Proposed Action involves:

- Construction of a 7,421 sq. ft. building addition (for a proposed total of 22,871 sq. ft.) including a

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6,000-square-foot open room that is proposed to be used as a children's Sunday school, an additional 636 sq. ft. of bathrooms and 425 sq. ft. of storage, all attached to the existing community building by a 360 sq. ft. enclosed walkway.

- Construction of 18 new gravel parking spaces to provide a total of 61 gravel parking spaces and 122 paved parking spaces, for a grand total of 183 parking spaces.

The Proposed Action involves the following approval actions:

1. Approval of an amendment to the Site Plan under Section 7 of the Zoning Ordinance, approving the revised site plans to permit construction of an addition to the existing church building.
2. Approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, waiving construction of parking spaces.

The parking facilities approved in 1995 for the existing uses include 43 gravel paved spaces, 122 paved parking spaces, for a total of 166 spaces.

The Proposed Action now includes a waiver of an additional 18 spaces to provide 61 or 33% of the 183 spaces required for the church use as expanded by the proposed building addition.

The Applicant has submitted the following documents:

The Applicant submitted the following documents in regard to the original 2013 Approval:

1. Cover letter prepared by Mr. James Glatthaar, dated December 8, 2012.
2. Building permit application dated March 27th 2012.
3. Full Environmental Assessment form received December 21, 2012.
4. Architectural Drawings AO, AI, A2, A3, A4 and AS dated December 12, 2012 as prepared by Cardarelli Design and Architecture P.C. .
5. Site Engineering Drawings 1 thru 4 dated November 29th 2012, as prepared by Dolph Rotfeld Engineering P. C.

The Applicant has submitted the following documents in support of the current Proposed Action:

1. Cover letter prepared by Mr. James Glatthaar, dated February 17, 2015.
2. A Full Environmental Assessment Form dated February 17, 2015.

The Environmental Officer recommends that the following conditions recommended by the City Departments and included with the 2013 Approval, be included in the current Proposed Action, and are herein considered as part of the Proposed Action (hereinafter referred to as "Conditions"):

1. The Applicant shall be granted a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, to waive construction of sixty-one (61) of the total 183 required off-street parking spaces for the Church use, provided that the Applicant shall submit and execute within sixty (60) days of adoption of this approval resolution herein, (a) a revised site plan demonstrating the location on the site for the 61 waived parking spaces; and (b) a new written guarantee. This new written guarantee,

which must be satisfactory to the Corporation Counsel, insuring the construction of such sixty-one (61) waived spaces, and all necessary storm water quality and quantity improvements associated therewith, as determined by the Commissioner of Public Works, within six (6) months of the date of written notice to the property owner by the Common Council, stating that all or a portion of such spaces have been determined to be necessary and should be so constructed.

2. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the amended Site Plan approval granted herein limits the use of the proposed addition to Church-related functions, including the Sunday School. The use of the hall shall be limited to religious education, religious school functions, or activities commonly associated with a Place of Worship ( e.g. fellowship, choir practice, parish council meetings, etc.). Use of the space for non-religious activities that are not incidental to the approved use shall require a separate approval from the approving agency. The Applicant shall submit revised a site plan to the Commissioner of Building within thirty (30) days of adoption of this approval resolution herein, containing a note delineating the aforementioned restriction.
3. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant must comply at all times to the occupancy restrictions established by the City for the proposed building addition.
4. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, to compensate for the encroachment of the proposed building into the 50-foot restrictive buffer, the functioning wetland area on the property shall be expanded at a ratio of two to one *i.e.* for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan shall be submitted by the Applicant to the Environmental Officer and the Commissioners of Planning and Public Works for review and approval prior to the issuance of a building permit.
5. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant Church shall continue to preserve and maintain the historic buildings and stone walls on the site.
6. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, prior to the issuance of a building permit, the Applicant shall provide documentation to the Commissioner of Building demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards.
7. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, all construction work shall be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan , erosion and sedimentation control measures, hours of operation, parking , site access, etc.
8. To discourage the deposition of waste chemicals and trash into the local waterways via the City's storm water drainage system, all on-site storm water area drains, pavement drains and driveway or road drains and catch basins, shall include the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL STREAM" permanently caste into any metal frame, grate and curb plate.
9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 7, 2013, the seventeen (17) year old wetland boundary was updated by the Applicant so that the limit of disturbance (LOD) could be verified by the Department of Public Works (DPW). A

Wetland Delineation Report prepared by Evans Associates, dated 9/21/12, along with a survey including the wetland boundary prepared by Donnelly Land Surveying, P.C., dated 9/8/12, was provided, and the wetland limits were re-flagged. The Applicant must ensure that all plans submitted for review and construction, reflect the revised wetland boundary and LOD, and so note on the plans.

10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the limit of disturbance (LOD) has been calculated by the applicant's engineer to be 0.68 acres, which does not meet the threshold for a Stormwater Pollution Prevention Plan (SWPPP) requirement, therefore a SWPPP is not required. Should revisions be contemplated affecting the LOD, they must first be provided to DPW for evaluation to determine if the SWPPP threshold is met.
11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, while DPW does not have a general issue regarding construction within the restricted wetland buffer area, to ensure construction stays within the LOD, the LOD depicted on the plans must be staked out by a licensed NYS land surveyor and construction fencing installed, in addition to the requisite silt fencing.
12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the plans indicate that the addition is proposed to be built upon a slab on grade, and that a basement area is not proposed. The Applicant shall not construct the addition of a basement area in this high water table location.
13. As per the communication set forth in the communication of the Commissioner of Public Works dated March 4, 2013, if the Applicant contemplates increasing the size of the water or sanitary sewer services, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular path used to arrive at the necessary size of the water and sanitary sewer lines. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant's New York State licensed design professional responsible for insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the storm water flow from the building, to confirm that the sizes of the water and sewer services are designed to meet current New York State Plumbing Code requirements.
14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, as the plans are refined, the Applicant shall provide further information to the Commissioner of Public Works for review, including, but not limited to, a solid waste management plan, detail of grass pavers in the overflow parking area, etc. Further, DPW must verify the condition of the existing outfalls, detention basin and "stilling" basins prior to construction, which may require maintenance/modifications by the Applicant.
15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant shall include a note on the plan that the contractor must have an employee carry a current NYSDEC issued "trained individual" card, and be present on site at all times during soil disturbing activities, and that the construction of stormwater facilities must be under the supervision of the licensed stormwater engineer of record.
16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant must provide an as-built drawings signed and sealed by a licensed professional engineer or land surveyor. A DPW MS4 stormwater permit must also be obtained by the Applicant prior to issuance of a permit by the Department of Building.

17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City through the Department of Public Works shall receive 20% of all costs as an administrative fee.
18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, all construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.
19. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, prior to issuance of a building permit, the Applicant shall submit to the Commissioner of Public Works for review and approval a final storm water management plan.
20. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated January 23, 2013, the Applicant shall submit a final design to the Design Review Board prior to the issuance of building permit.
21. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, North Street is a County road (CR 30). Approval for this work from the Westchester County Department of Public Works and Transportation under Section 239-F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details must be provided by the Applicant at the time of the Section 239-F submittal.
22. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, the Applicant is encouraged to consider using as much green technology as possible in the proposed new building.
23. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, the fire safety lane from the parking lot to Zion Lane shall be cleared and maintained free of vegetation.
24. As per the communication from James W. Glatthaar, the attorney for the applicant, dated May 20, 2015, the Applicant agrees to limit the use of the entire site on weekends to church related functions, such as religious education, religious school functions or activities commonly associated with a Place of Worship (e.g., fellowship, choir practice, weddings, parish council meetings, children's recreation area, etc.)

The Environmental Officer recommends that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) determine the Proposed Action to be a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

The project site is located in the R1-12.5 zoning district, in which houses of worship are a permitted principal use, and Sunday schools or other similar religious schools and parish houses or rectories are permitted accessory uses. The proposed project is consistent with the use and dimensional requirements of the R1-12.5 district. The project has been reviewed for compliance with the general standards for site plans set forth at Section 7.5 of the Zoning Ordinance, as follows:

#### 7.5 General site plan standards

##### 7.5.1 Conformity with the Comprehensive Plan

The project site is located within the Outer Area of the City. The church use on the project site is consistent with the City's Comprehensive Plan strategies for the Outer Area, which stresses the need to preserve existing residential neighborhoods and environmental resources from encroachment by more intensive uses.

The Land Use Plan for the Outer Area specifically calls for limiting "intrusions or expansions by institutional uses other than religious institutions in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts". Consistent with this policy, the proposed project is an expansion of a religious use. The students attending the proposed Sunday school would not generate additional demand for parking or increased traffic congestion because they would be accompanying their parents on existing trips to the church property.

The Plan also calls for the preservation of the character of the North Street Corridor. Consistent with this policy, no changes on the site will be visible from North Street.

##### 7.5.2 Safe and adequate pedestrian and vehicular traffic conditions

No changes to site access or egress are proposed. The project would not generate additional traffic, since the children already accompany their parents to church and would continue to do so. The plan has been designed to minimize conflicts between pedestrians and vehicular circulation and parking areas

##### 7.5.3 Protection of environmental quality and property values.

A portion of the area of proposed development located between the onsite wetlands and the existing parking lot encroaches upon an approximately 3,760 square foot portion of the mapped "100-foot wetland setback area". This area is highly disturbed and is currently utilized as a playground. To mitigate this loss, St. Gregory's is proposing to add wetland plantings to 9,450 sq. ft., thus expanding the effective wetland buffer by 9,450 sq. ft.

#### 4.4.25 Regulations for Environmentally Sensitive Sites or Features

4.4.25.2 The project shall, to the maximum extent practicable, avoid adverse environmental impacts upon any "environmentally sensitive sites or features" and where such avoidance is not practicable, shall minimize and mitigate such impacts.

The project site contains wetlands, steep slopes, and rock outcroppings. In an attempt to avoid or minimize impacts to these sensitive areas, the City Departments examined potential alternative locations for the proposed building and found that:

- 1) proximity to the existing church buildings is important for parents and for the safety of the

children in the Sunday school;

- 2) clustering the development on the site keeps it at a distance from abutting neighbors;
- 3) shifting the building farther away from the wetland results in the loss of up to 14 parking spaces, which would have to be located elsewhere on the site, potentially affecting steep slopes and/or rock outcroppings;
- 4) re-orienting the proposed building in the same general location to avoid encroachment on the wetland setback area would result in the infringement of a utility easement located in the adjoining parking lot.

Based on the foregoing, the proposed location avoids environmental impacts to the maximum extent practicable.

4.4.25.5.2.2 The wetland shall be maintained and surrounded by a 50-foot-wide protective buffer area with an additional 50-foot-wide restrictive buffer.

The proposed building will not encroach into the 50-foot protective buffer. The proposed building will encroach into approximately 3,760 square feet of the 50-foot restrictive buffer. The area of encroachment is already a highly disturbed area that is currently occupied by the existing playground on the site. In addition, as described above, the Applicant proposes to replace the lost wetland area on-site at a ratio of two to one.

#### Section 8. Off-Street Parking and Loading Regulations

The existing building along with the proposed addition will generate a requirement for 183 parking spaces.

Under Section 8.7.3 f the Zoning Ordinance, the Common Council may grant a partial waiver for improvements for a portion of parking normally required.

The proposed plan maintains the existing 122 paved parking spaces and proposes 61 gravel spaces as overflow parking. This proposal requires a waiver of one third of the required parking by the Common Council.

The Applicant has demonstrated on the site plan that the spaces, if waived, can be constructed if required by the approving agency.

- 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 original site plan approval for the exiting church on was approved by the Common Council on October 4, 1993, and amended on September 5, 1995 ("1995 Approval").

The 1995 Approval included a protected 1.5 acre wetland area with a protected 50 ft. wetland setback and included measures to protect these areas as outlined in the "Wetland Management / Mitigation Plans dated August 17, 1993.

December 6, 2010, the City changed the wetland regulations increasing the required buffer around

wetland areas from a 50 ft. protective buffer to 100 ft. consisting of a 50 ft. protective buffer and an additional 50 ft. restrictive buffer.

As a condition of the Proposed Action, to compensate for encroachment of the proposed building into the expanded 50-foot restrictive buffer, the functioning wetland area on the property should be expanded at a ratio of two to one that is, for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan should be submitted and approved by the Environmental Officer and the Commissioners of Planning and Public Works prior to issuance of a building permit.

The building will occupy 3,587 sq. ft of restrictive wetland buffer area. St. Gregory's will create new wetland buffer area at a 2 to 1 ratio as you requested. Any wetland buffer disturbed during construction, other than the buffer area to be occupied by the building, will also be restored. So the net wetland buffer on the site will increase by 7,174 sq. ft.

A final storm water management plan will be submitted for approval to the Commissioner of Public Works.

A soil erosion and sedimentation control plan has been provided in the site plan drawings and is subject to the approval of the Commissioner of Public Works.

- (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 area of proposed development is located on land that is currently a playground between the onsite wetlands and the existing parking lot.

The protected wetland area delineated by the 1995 Approval will not be disturbed by the placement of the new building addition.

- (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 church has operated at this location since the mid 1990's.

The property contains sensitive historic and environmental resources. The historic structures will be maintained and will not be impacted by the Proposed Action.

Approximately 50% of the overall site is maintained as open space, including the protected wetland areas.

The placement of the new building addition and modifications to the site layout serve to maintain the open area setbacks toward the adjacent residential properties.

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

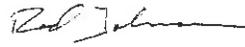
There is no reason to expect any hazard to human health or safety resulting from this Proposed Action. All development is subject to the appropriate municipal safety codes and approved by the

Departments of Building, Public Safety, Public Works and Traffic.

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

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

Respectfully submitted,



Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION) REGARDING THE AMENDED SITE PLAN APPROVAL ON BEHALF OF ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH AT 1131 NORTH STREET

WHEREAS, the proposed amendment to the original Site Plan for the St. Gregory the Enlightener Armenian Church at 1131 North Street ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the re-approval of the same project that was first approved by the Common Council on October 7, 2013; and because the prior site plan approval has expired, the current application is herein addressed as a new application subject to a full environmental review included herewith; and

WHEREAS, since this new application involves the same project with no modifications, the original documentation is still valid and shall be used as the basis for review purposes; and

WHEREAS, as currently developed, the property at 1131 North Street contains:

- A 15,450 square feet of church building including a sanctuary, offices, classrooms, and community rooms.
- Historic resources include three additional buildings dating from the 18th Century including a main house, an English style barn, and cottage, as well as stone walls and picket fences from the same period
- Environmentally sensitive features including an approximately 1.5-acre wetland area with a 50 ft. wide protected buffer in the southernmost third of the property, steep slopes, and rock outcroppings; and

WHEREAS, the Proposed Action involves:

- Construction of a 7,421 sq. ft. building addition (for a proposed total of 22,871 sq. ft.) including a 6,000-square-foot open room that is proposed to be used as a children's Sunday school, an additional 636 sq. ft. of bathrooms and 425 sq. ft. of storage, all attached to the existing community building by a 360 sq. ft. enclosed walkway;
- Construction of 18 new gravel parking spaces to provide a total of 61 gravel parking spaces and 122 paved parking spaces, for a grand total of 183 parking spaces; and

WHEREAS, the Proposed Action involves the following approval actions:

1. Approval of an amendment to the Site Plan under Section 7 of the Zoning Ordinance, approving the revised site plans to permit construction of an addition to the existing church building.
2. Approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, waiving construction of parking spaces.

The parking facilities approved in 1995 for the existing uses include 43 gravel paved spaces, 122 paved parking spaces, for a total of 166 spaces.

The Proposed Action now includes a waver of an additional 18 spaces to provide 61 or 33% of the

183 spaces required for the church use as expanded by the proposed building addition; and

WHEREAS, the Applicant has submitted the following documents in regard to the original 2013 Approval:

1. Cover letter prepared by Mr. James Glatthaar, dated December 8, 2012.
2. Building permit application dated March 27th 2012.
3. Full Environmental Assessment form received December 21, 2012.
4. Architectural Drawings AO, AI, A2, A3, A4 and AS dated December 12<sup>th</sup> 2012 as prepared by Cardarelli Design and Architecture P.C. .
5. Site Engineering Drawings 1 thru 4 dated November 29th 2012, as prepared by Dolph Rotfeld Engineering P C; and

WHEREAS, the Applicant has submitted the following documents in support of the current Proposed Action:

1. Cover letter prepared by Mr. James Glatthaar, dated February 17, 2015.
2. A Full Environmental Assessment Form dated February 17, 2015; and

WHEREAS, the Environmental Officer recommends that the following conditions recommended by the City Departments and included with the 2013 Approval, be included in the current Proposed Action, and are herein considered as part of the Proposed Action (hereinafter referred to as "Conditions"):

1. The Applicant shall be granted a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, to waive construction of sixty-one (61) of the total 183 required off-street parking spaces for the Church use, provided that the Applicant shall submit and execute within sixty (60) days of adoption of this approval resolution herein, (a) a revised site plan demonstrating the location on the site for the 61 waived parking spaces; and (b) a new written guarantee. This new written guarantee, which must be satisfactory to the Corporation Counsel, insuring the construction of such sixty-one (61) waived spaces, and all necessary storm water quality and quantity improvements associated therewith, as determined by the Commissioner of Public Works, within six (6) months of the date of written notice to the property owner by the Common Council, stating that all or a portion of such spaces have been determined to be necessary and should be so constructed.
2. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the amended Site Plan approval granted herein limits the use of the proposed addition to Church-related functions, including the Sunday School. The use of the hall shall be limited to religious education, religious school functions, or activities commonly associated with a Place of Worship ( e.g. fellowship, choir practice, parish council meetings, etc.). Use of the space for non-religious activities that are not incidental to the approved use shall require a separate approval from the approving agency. The Applicant shall submit revised a site plan to the Commissioner of Building within thirty (30) days of adoption of this approval resolution herein, containing a note delineating the aforementioned restriction.
3. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant must comply at all times to the occupancy restrictions established by the City for the proposed building addition.
4. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, to compensate for the encroachment of the proposed building into the 50-foot restrictive buffer, the functioning wetland area on the property shall be expanded at a ratio of two to

one *i.e.* for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan shall be submitted by the Applicant to the Environmental Officer and the Commissioners of Planning and Public Works for review and approval prior to the issuance of a building permit.

5. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant Church shall continue to preserve and maintain the historic buildings and stone walls on the site.
6. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, prior to the issuance of a building permit, the Applicant shall provide documentation to the Commissioner of Building demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards.
7. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, all construction work shall be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.
8. To discourage the deposition of waste chemicals and trash into the local waterways via the City's storm water drainage system, all on-site storm water area drains, pavement drains and driveway or road drains and catch basins, shall include the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL STREAM" permanently casted into any metal frame, grate and curb plate.
9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 7, 2013, the seventeen (17) year old wetland boundary was updated by the Applicant so that the limit of disturbance (LOD) could be verified by the Department of Public Works (DPW). A Wetland Delineation Report prepared by Evans Associates, dated 9/21/12, along with a survey including the wetland boundary prepared by Donnelly Land Surveying, P.C., dated 9/8/12, was provided, and the wetland limits were re-flagged. The Applicant must ensure that all plans submitted for review and construction, reflect the revised wetland boundary and LOD, and so note on the plans.
10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the limit of disturbance (LOD) has been calculated by the applicant's engineer to be 0.68 acres, which does not meet the threshold for a Stormwater Pollution Prevention Plan (SWPPP) requirement, therefore a SWPPP is not required. Should revisions be contemplated affecting the LOD, they must first be provided to DPW for evaluation to determine if the SWPPP threshold is met.
11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, while DPW does not have a general issue regarding construction within the restricted wetland buffer area, to ensure construction stays within the LOD, the LOD depicted on the plans must be staked out by a licensed NYS land surveyor and construction fencing installed, in addition to the requisite silt fencing.
12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the plans indicate that the addition is proposed to be built upon a slab on grade, and that a basement area is not proposed. The Applicant shall not construct the addition of a basement area in this high water table location.

13. As per the communication set forth in the communication of the Commissioner of Public Works dated March 4, 2013, if the Applicant contemplates increasing the size of the water or sanitary sewer services, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular path used to arrive at the necessary size of the water and sanitary sewer lines. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant's New York State licensed design professional responsible for insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the storm water flow from the building, to confirm that the sizes of the water and sewer services are designed to meet current New York State Plumbing Code requirements.
14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, as the plans are refined, the Applicant shall provide further information to the Commissioner of Public Works for review, including, but not limited to, a solid waste management plan, detail of grass pavers in the overflow parking area, etc. Further, DPW must verify the condition of the existing outfalls, detention basin and "stilling" basins prior to construction, which may require maintenance/modifications by the Applicant.
15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant shall include a note on the plan that the contractor must have an employee carry a current NYSDEC issued "trained individual" card, and be present on site at all times during soil disturbing activities, and that the construction of stormwater facilities must be under the supervision of the licensed stormwater engineer of record.
16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant must provide an as-built drawings signed and sealed by a licensed professional engineer or land surveyor. A DPW MS4 stormwater permit must also be obtained by the Applicant prior to issuance of a permit by the Department of Building.
17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City through the Department of Public Works shall receive 20% of all costs as an administrative fee.
18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, all construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.
19. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, prior to issuance of a building permit, the Applicant shall submit to the Commissioner of Public Works for review and approval a final storm water management plan.
20. As per the recommendation set forth in the communication of the Chair of the Design Review Board

dated January 23, 2013, the Applicant shall submit a final design to the Design Review Board prior to the issuance of building permit.

21. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, North Street is a County road (CR 30). Approval for this work from the Westchester County Department of Public Works and Transportation under Section 239-F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details must be provided by the Applicant at the time of the Section 239-F submittal.
22. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, the Applicant is encouraged to consider using as much green technology as possible in the proposed new building.
23. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, the fire safety lane from the parking lot to Zion Lane shall be cleared and maintained free of vegetation;.
24. As per the communication from James W. Glatthaar, the attorney for the applicant, dated May 20, 2015, the Applicant agrees to limit the use of the entire site on weekends to church related functions, such as religious education, religious school functions or activities commonly associated with a Place of Worship (e.g., fellowship, choir practice, weddings, parish council meetings, children's recreation area, etc.); and

WHEREAS, the Environmental Officer has recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) determine the Proposed Action to be a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; and (c) find that the Proposed Action will not have a significant effect on the environment; and

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

WHEREAS, the Common Council has considered the application, Application Materials, the Environmental Assessment Form, Conditions and reports from the various departments, boards, commissions, and interested agencies, and public comments which, when considered together, constitute the Environmental Review Record which serves as a basis for the SEQR determination; now, therefore, be it

RESOLVED, based on the above, the Common Council designates itself as the Lead Agency for the environmental review; and be it further

RESOLVED, based on the above, the Common Council determines the Proposed Action to be a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; and be it further

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

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

The project site is located in the R1-12.5 zoning district, in which houses of worship are a permitted principal use, and Sunday schools or other similar religious schools and parish houses or rectories are permitted accessory uses. The proposed project is consistent with the use and dimensional requirements of the R1-12.5 district. The project has been reviewed for compliance with the general standards for site plans set forth at Section 7.5 of the Zoning Ordinance, as follows:

#### 7.5 General site plan standards

##### 7.5.1 Conformity with the Comprehensive Plan

The project site is located within the Outer Area of the City. The church use on the project site is consistent with the City's Comprehensive Plan strategies for the Outer Area, which stresses the need to preserve existing residential neighborhoods and environmental resources from encroachment by more intensive uses.

The Land Use Plan for the Outer Area specifically calls for limiting "intrusions or expansions by institutional uses other than religious institutions in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts". Consistent with this policy, the proposed project is an expansion of a religious use. The students attending the proposed Sunday school would not generate additional demand for parking or increased traffic congestion because they would be accompanying their parents on existing trips to the church property.

The Plan also calls for the preservation of the character of the North Street Corridor. Consistent with this policy, no changes on the site will be visible from North Street.

##### 7.5.2 Safe and adequate pedestrian and vehicular traffic conditions

No changes to site access or egress are proposed. The project would not generate additional traffic, since the children already accompany their parents to church and would continue to do so. The plan has been designed to minimize conflicts between pedestrians and vehicular circulation and parking areas

##### 7.5.3 Protection of environmental quality and property values.

A portion of the area of proposed development located between the onsite wetlands and the existing parking lot encroaches upon an approximately 3,760 square foot portion of the mapped "100-foot wetland setback area". This area is highly disturbed and is currently utilized as a playground. To mitigate this loss, St. Gregory's is proposing to add wetland plantings to 9,450 sq. ft., thus expanding the effective wetland buffer by 9,450 sq. ft.

#### 4.4.25 Regulations for Environmentally Sensitive Sites or Features

4.4.25.2 The project shall, to the maximum extent practicable, avoid adverse environmental impacts upon any "environmentally sensitive sites or features" and where such avoidance is not practicable, shall minimize and mitigate such impacts.

The project site contains wetlands, steep slopes, and rock outcroppings. In an attempt to avoid or minimize impacts to these sensitive areas, the City Departments examined potential alternative locations for the proposed building and found that:

- 1) proximity to the existing church buildings is important for parents and for the safety of the children in the Sunday school;

- 2) clustering the development on the site keeps it at a distance from abutting neighbors;
- 3) shifting the building farther away from the wetland results in the loss of up to 14 parking spaces, which would have to be located elsewhere on the site, potentially affecting steep slopes and/or rock outcroppings;
- 4) re-orienting the proposed building in the same general location to avoid encroachment on the wetland setback area would result in the infringement of a utility easement located in the adjoining parking lot.

Based on the foregoing, the proposed location avoids environmental impacts to the maximum extent practicable.

4.4.25.5.2.2. The wetland shall be maintained and surrounded by a 50-foot-wide protective buffer area with an additional 50-foot-wide restrictive buffer.

The proposed building will not encroach into the 50-foot protective buffer. The proposed building will encroach into approximately 3,760 square feet of the 50-foot restrictive buffer. The area of encroachment is already a highly disturbed area that is currently occupied by the existing playground on the site. In addition, as described above, the Applicant proposes to replace the lost wetland area on-site at a ratio of two to one.

#### Section 8. Off-Street Parking and Loading Regulations

The existing building along with the proposed addition will generate a requirement for 183 parking spaces.

Under Section 8.7.3 f the Zoning Ordinance, the Common Council may grant a partial waiver for improvements for a portion of parking normally required.

The proposed plan maintains the existing 122 paved parking spaces and proposes 61 gravel spaces as overflow parking. This proposal requires a waiver of one third of the required parking by the Common Council.

The Applicant has demonstrated on the site plan that the spaces, if waived, can be constructed if required by the approving agency.

- 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 original site plan approval for the exiting church on was approved by the Common Council on October 4, 1993, and amended on September 5, 1995 ("1995 Approval").

The 1995 Approval included a protected 1.5 acre wetland area with a protected 50 ft. wetland setback buffer and included measures to protect these areas as outlined in the "Wetland Management / Mitigation Plans dated August 17, 1993.

On December 6, 2010, the City changed the wetland regulations increasing the required buffer around wetland areas from a 50 ft. protective buffer to 100 ft. consisting of a 50 ft. protective buffer

and an additional 50 ft. restrictive buffer.

As a condition of the Proposed Action, to compensate for encroachment of the proposed building into the expanded 50-foot restrictive buffer, the functioning wetland area on the property should be expanded at a ratio of two to one that is, for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan should be submitted and approved by the Environmental Officer and the Commissioners of Planning and Public Works prior to issuance of a building permit

The building will occupy 3,587 sq. ft of restrictive wetland buffer area. St. Gregory's will create new wetland buffer area at a 2 to 1 ratio as you requested. Any wetland buffer disturbed during construction, other than the buffer area to be occupied by the building, will also be restored. So the net wetland buffer on the site will increase by 7,174 sq. ft.

A final storm water management plan will be submitted for approval to the Commissioner of Public Works.

A soil erosion and sedimentation control plan has been provided in the site plan drawings and is subject to the approval of the Commissioner of Public Works.

- (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 area of proposed development is located on land that is currently a playground between the onsite wetlands and the existing parking lot.

The protected wetland area delineated by the 1995 Approval will not be disturbed by the placement of the new building addition.

- (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 church has operated at this location since the mid 1990's.

The property contains sensitive historic and environmental resources. The historic structures will be maintained and will not be impacted by the Proposed Action.

Approximately 50% of the overall site is maintained as open space, including the protected wetland areas.

The placement of the new building addition and modifications to the site layout serve to maintain the open area setbacks toward the adjacent residential properties.

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

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

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

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

RESOLVED that the Environmental Officer is directed to file and otherwise deal with the Negative Declaration as required by SEQR.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF ST. GREGORY THE ENLIGHTENER ARMENIAN CHURCH (“APPLICANT”) LOCATED AT 1131 NORTH STREET ON AN “ENVIRONMENTALLY SENSITIVE” SITE FOR AN AMENDMENT TO ITS EXISTING SITE PLAN TO ALLOW: (1) THE CONSTRUCTION OF AN APPROXIMATELY 7,421 SQUARE FOOT BUILDING ADDITION, INCLUDING A 6,000 SQUARE FOOT OPEN ROOM THAT IS PROPOSED TO BE USED AS A CHILDREN’S SUNDAY SCHOOL, AN ADDITIONAL 636 SQUARE FEET OF BATHROOMS AND 425 SQUARE FEET OF STORAGE, ALL ATTACHED TO THE EXISTING COMMUNITY BUILDING;(2) APPROVAL OF A PARTIAL WAIVER OF IMPROVEMENT UNDER SECTION 8.7.3 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS (“ZONING ORDINANCE”) WAIVING THE CONSTRUCTION OF EIGHTEEN (18) PARKING SPACES TO PROVIDE A TOTAL OF 61 WAIVED SPACES OR 33% (ONE-THIRD) OF THE 183 PARKING SPACES REQUIRED FOR THE CHURCH USE; AND (3) RELIEF FROM THE NEW FIFTY (50) FOOT RESTRICTIVE BUFFER AREA SETBACK REQUIREMENT UNDER SECTION 4.4.25.5.2.2 OF THE ZONING ORDINANCE.

WHEREAS, at a meeting held on October 7, 2013, the Common Council of the City of White Plains, after adopting environmental findings, approved an application submitted on behalf of St. Gregory the Enlightener Armenian Church located at 1131 North Street on an “environmentally sensitive site” in accordance with Sections 4.4.25, 7 and 8 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), for an amendment to its existing Site Plan to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children’s Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage, all attached to the existing community building; (2) approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance waiving the construction of eighteen (18 ) parking spaces to provide a total of 61 waived spaces or 33% (one-third) of the 183 parking spaces required for Church use; and (3) relief from the new fifty (50) foot restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the

Zoning Ordinance; and

WHEREAS, the aforementioned approval resolution adopted October 7, 2013, was subject to the Applicant's compliance with the following twenty-three (23) conditions:

1. As per the recommendation set forth in the Environmental Officer's communication dated September 30, 2013 and findings in this approval resolution herein, the Applicant shall be granted a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance, to waive construction of sixty-one (61) of the total 183 required off-street parking spaces for the Church use, provided that the Applicant shall submit and execute within sixty (60) days of adoption of this approval resolution herein, (a) a revised site plan demonstrating the location on the site for the 61 waived parking spaces; and (b) a new written guarantee. This new written guarantee must be satisfactory to the Corporation Counsel, insuring the construction of such sixty-one (61) waived spaces, and all necessary storm water quality and quantity improvements associated therewith, as determined by the Commissioner of Public Works, within six (6) months of the date of written notice to the property owner by the Common Council, stating that all or a portion of such spaces have been determined to be necessary and should be so constructed.

2. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the amended Site Plan approval granted herein limits the use of the proposed addition to Church-related functions, including the Sunday School. The use of the hall shall be limited to religious education, religious school functions, or activities commonly

associated with a Place of Worship ( e.g. fellowship, choir practice, parish council meetings, children's recreation area, etc.). Use of the space for non-religious activities that are not incidental to the approved use shall require a separate approval from the approving agency. The Applicant shall submit a revised site plan to the Commissioner of Building within thirty (30) days of adoption of this approval resolution herein, containing a note delineating the aforementioned restriction.

3. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant must comply at all times to the occupancy restrictions established by the City for the proposed building addition.

4. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, to compensate for the encroachment of the proposed building into the 50-foot restrictive buffer, the functioning wetland area on the property shall be expanded at a ratio of two to one *i.e.* for every one square foot of wetland buffer area that is encroached upon, the Applicant must provide two square feet of enhanced wetland area elsewhere on the site. A Wetlands Enhancement Plan shall be submitted by the Applicant to the Environmental Officer and the Commissioners of Planning and Public Works for review and approval prior to the issuance of a building permit.

5. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, the Applicant Church shall continue to preserve and maintain the historic buildings and stone walls on the site.

6. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, prior to the issuance of a building permit, the Applicant shall provide documentation to the Commissioner of Building demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards.

7. As per the recommendation set forth in the Commissioner of Planning's communication dated September 26, 2013, all construction work shall be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking , site access, etc.

The requirements for the White Plains Construction Management Protocol for the proposed addition to St. Gregory the Enlightener Armenian Church ("Proposed Project") are set forth below:

- A. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of

operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

- B. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required,

separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting.) In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.

- C. The Construction Management Plan for the Proposed Project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot or parking garage is proposed for construction worker

parking.

- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
  
- E. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
  
- F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
  - 1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner

of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

2. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
3. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
4. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and

similar equipment.

5. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

- H. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.

- I. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
  
- J. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
  
- K. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
  
- L. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.

- M. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
- N. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
- O. The Applicant or any of its successor(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.

8. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, to discourage the deposition of waste chemicals and trash into the local waterways via the City's storm water drainage system, all on-site storm water area drains, pavement drains and driveway or road drains and catch basins, shall include the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL STREAM" permanently cast into any metal frame, grate and curb plate.

9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 7, 2013, the seventeen (17) year old wetland boundary was updated by the Applicant so that the limit of disturbance (LOD) could be verified by the Department of

Public Works (DPW). A Wetland Delineation Report prepared by Evans Associates, dated 9/21/12, along with a survey including the wetland boundary prepared by Donnelly Land Surveying, P.C., dated 9/8/12, was provided, and the wetland limits were re-flagged. The Applicant must ensure that all plans submitted for review and construction, reflect the revised wetland boundary and LOD, and so note on the plans.

10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the limit of disturbance (LOD) has been calculated by the applicant's engineer to be 0.68 acres, which does not meet the threshold for a Stormwater Pollution Prevention Plan (SWPPP) requirement, therefore a SWPPP is not required. Should revisions be contemplated affecting the LOD, they must first be provided to DPW for evaluation to determine if the SWPPP threshold is met.

11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, while DPW does not have a general issue regarding construction within the restricted wetland buffer area, to ensure construction stays within the LOD, the LOD depicted on the plans must be staked out by a licensed NYS land surveyor and construction fencing installed, in addition to the requisite silt fencing.

12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the plans indicate that the addition is proposed to be built upon a slab on grade, and that a basement area is not proposed. The Applicant shall not construct

the addition of a basement area in this high water table location.

13. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, if the Applicant contemplates increasing the size of the water or sanitary sewer services, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular path used to arrive at the necessary size of the water and sanitary sewer lines. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant's New York State licensed design professional responsible for insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the storm water flow from the building, to confirm that the sizes of the water and sewer services are designed to meet current New York State Plumbing Code requirements.

14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, as the plans are refined, the Applicant shall provide further information to the Commissioner of Public Works for review, including, but not limited to, a solid waste management plan, detail of grass pavers in the overflow parking area, etc. Further, DPW must verify the condition of the existing outfalls, detention basin and "stilling" basins prior to construction, which may require maintenance/modifications by the Applicant.

15. As per the recommendation set forth in the communication of the Commissioner

of Public Works dated March 4, 2013, the Applicant shall include a note on the plan that the contractor must have an employee carry a current NYSDEC issued “trained individual” card, and be present on site at all times during soil disturbing activities, and that the construction of stormwater facilities must be under the supervision of the licensed stormwater engineer of record.

16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, the Applicant must provide an as-built drawings signed and sealed by a licensed professional engineer or land surveyor. A DPW MS4 stormwater permit must also be obtained by the Applicant prior to issuance of a permit by the Department of Building.

17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated March 4, 2013, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City’s local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City through the Department of Public Works shall receive 20% of all costs as an administrative fee.

18. As per the recommendation set forth in the communication of the Commissioner

of Public Works dated March 4, 2013, all construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.

19. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, prior to issuance of a building permit, the Applicant shall submit to the Commissioner of Public Works for review and approval a final storm water management plan.

20. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated January 23, 2013, the Applicant shall submit a final design to the Design Review Board prior to the issuance of building permit.

21. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, North Street is a County road (CR 30). Approval for this work from the Westchester County Department of Public Works and Transportation under Section 239-F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details must be provided by the Applicant at the time of the Section 239-F submittal.

22. As per the recommendation set forth in the communication from the Westchester County Planning Board dated January 22, 2013, the Applicant is encouraged to consider using as much green technology as possible in the proposed new building.

23. As per the recommendation set forth in the communication of the Environmental Officer dated September 30, 2013, the fire safety lane from the parking lot to Zion Lane shall be cleared and maintained free of vegetation; and

WHEREAS, the aforementioned site plan amendment approval expired, as substantial construction had not completed on the Church within one year of the approval, and no timely application had been made for an extension of the site plan amendment approval pursuant to Section 7.6 of the Zoning Ordinance; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on March 2, 2015, received a communication from the Commissioner of Building, dated February 20, 2015, forwarding an application for a Site Plan amendment (“Application”), submitted on behalf of St. Gregory the Enlightener Armenian Church (“Church”) located at 1131 North Street (hereinafter “Applicant”) in accordance with Sections 4.4.25, 7 and 8 of the Zoning Ordinance, to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children’s Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage, all attached to the existing community building; (2) approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) waiving the construction of eighteen (18 ) parking spaces (which the Applicant is proposing to construct as overflow parking with grass pavers) along with the 43 spaces for which construction was waived pursuant to Zoning Ordinance Section 8.7.3 in the September 5, 1995 amended site plan approval, to provide 61 waived spaces or 33% (one-third) of the 183 parking spaces required for the Church use; and (3) relief from the new fifty (50) foot

restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the Zoning Ordinance; and

WHEREAS, the Applicant is the owner of the property located at 1131 North Street and designated on the Tax Assessment Map of the City of White Plains as Section 138.08, Block 1, Lot 49 (the “premises”); and

WHEREAS, the subject premises contains approximately 10.6 acres of land, located on the west side of North Street abutting the Hutchinson River Parkway and is situated in the R1-12.5 (Residential One Family) Zoning District which permits as a principal use “churches and other places of worship;” and

WHEREAS, churches and other houses of worship are Permitted Principal Uses in all single family Zoning Districts and are subject to review by the Common Council where fifty (50) or more parking spaces are required; and

WHEREAS, the subject premises is located on an “environmentally sensitive site” because it contains a 1.48 acre wetland in the southernmost third of the property, slopes in excess of 15% and rock outcroppings; and

WHEREAS, on October 4, 1993, the Common Council granted site plan approval to the Church for the construction of an Armenian Church with accessory parking and landscaping, and

WHEREAS, on September 5, 1995, the Common Council granted an amendment to

the approved site plan, which included, *inter alia*, approval for parking facilities for existing uses, consisting of 122 paved parking spaces and 43 waived spaces for a total of 165 spaces, placing the buildings in a more centralized location on the site, increasing the side and rear yard setbacks to the adjacent single-family residents, and providing a protected 1.48 acre wetland area with a protected fifty (50) foot wetland setback, and measures to protect these areas as outlined in the "Wetland Management/Mitigation Plans, dated August 17, 1993; and

WHEREAS, on December 6, 2010, while the Applicant was in the process of revising its site plans for the Church, the City of White Plains amended the Zoning Ordinance in relation to wetland regulations, adding to the fifty (50) foot protective buffer an additional fifty (50) foot restrictive buffer; and

WHEREAS, the property is currently improved with the Church building containing approximately 17,220 square feet of gross floor area, a parking lot, a children's playground, a main house, an English-style barn and a cottage dating from the 18<sup>th</sup> Century, as well as stone walls and picket fences from the same period; and

WHEREAS, the Application includes the following documents:

A. A cover letter from James W. Glatthaar, Esq. of the law firm of Bleakley Platt & Schmidt, LLP, dated February 17, 2015, transmitting the Application; and

B. A Building Permit application dated March 27, 2012; and

C. A thirteen (13) page Full Environmental Assessment Form (EAF) dated February 17, 2015, verified by James W. Glatthaar, Esq., on behalf of the Applicant; and

D. Architectural drawings, generally entitled, "St. Gregory Church," as prepared by Cardarelli Design and Architecture P.C., consisting of the following:

| <u>Drawing No.</u> | <u>Title</u>                      | <u>Last Revised</u>    |
|--------------------|-----------------------------------|------------------------|
| A0                 | Cover Sheet                       | December 12, 2012      |
| A1                 | Proposed Floor Plan               | December 12, 2012      |
| A2                 | Proposed Roof Plan                | December 12, 2012      |
| A3                 | Proposed Elevations               | December 12, 2012      |
| A4                 | Proposed Elevations               | December 12, 2012      |
| A5                 | Proposed Int. Elevations/Sections | December 12, 2012; and |

E. Site Engineering Drawings, generally entitled, "St. Gregory Armenian Church of Westchester," as prepared by Dolph Rotfeld Engineering P.C., consisting of the following:

| <u>Drawing No.</u> | <u>Title</u>                  | <u>Last Revised</u>    |
|--------------------|-------------------------------|------------------------|
| 1                  | Overall Site Plan             | November 29, 2012      |
| 2                  | Sanitary Sewer Improvements   | November 29, 2012      |
| 3                  | Sediment&Erosion Control Plan | November 29, 2012      |
| 4                  | Site Details                  | November 29, 2012; and |

WHEREAS, in Applicant's counsel's letter dated February 17, 2015, transmitting the application to Common Council, Mr. Glatthaar states that the site plan amendment remains

unchanged from the application approved by the Common Council on October 7, 2013, and that the Applicant is not requesting any change to any of the conditions set forth in the October 7, 2013 approval resolution; and

WHEREAS, the Application was referred by the Common Council to all necessary City departments, boards, commissions, and officers and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, at the Common Council meeting of March 2, 2015, prior to the aforementioned referral, Councilman Dennis Krolian stated for the official record that he would be recusing himself from participation in the consideration of the Application due to his membership and association with St. Gregory the Enlightener Armenian Church; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on March 2, 2015, adopted a resolution scheduling a public hearing on the Application for April 6, 2015, pursuant to Section 4.4.25.4.3 of the Zoning Ordinance, since the Application involves an “environmentally sensitive site” under the Zoning Ordinance as defined by Chapter 3-5 of the White Plains Municipal Code due to the wetlands, steep slopes (15%), and rock outcroppings located on the premises; and

WHEREAS, at the April 6, 2015 meeting, the Common Council received a communication from the City Clerk dated April 2, 2015, transmitting a letter dated April 2, 2015 from the Applicant’s counsel, James W. Glatthaar, Esq., requesting that the public hearing on the

application being adjourned to the May 4, 2015 meeting of the Common Council; and

WHEREAS, at the April 6, 2015 meeting, the duly noticed public hearing on the amended Site Plan application was opened, the Applicant and the public were afforded the opportunity to present testimony regarding the application, and the public hearing was adjourned to May 4, 2015 at the request of the Applicant; and

WHEREAS, at the May 4, 2015 meeting, the duly noticed adjourned public hearing on the amended Site Plan application was opened, the Applicant and the public were afforded the opportunity to present testimony regarding the application, and the public hearing was adjourned to June 1, 2015 at the request of the Applicant; and

WHEREAS, at the June 1, 2015 meeting, the duly noticed adjourned public hearing on the amended Site Plan application was opened, testimony was proffered from representatives of the Applicant and members of the public, and the public hearing was closed; and

WHEREAS, at the June 1, 2015 meeting, the Common Council received communications from the Commissioner of Building, dated March 20, 2015; Commissioner of Public Works, dated April 6, 2015; the Acting Commissioner of Planning, dated March 26, 2015; the Commissioner of Public Safety, dated March 18, 2015; the Commissioner of Parking, dated April 6, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated March 25, 2015; the Chair of the Planning Board, dated March 23, 2015; the Chair of the Design Review Board, dated March 11, 2015; the Acting Chair of the Transportation Commission, dated March 26,

2015, the Environmental Officer, dated May 20, 2015; and the Westchester County Planning Board, dated March 16, 2015; and

WHEREAS, at the June 1, 2015 meeting, the Common Council also received a communication from the City Clerk dated May 27, 2015, forwarding a letter dated May 20, 2015 from James Glatthaar, Esq., counsel for the Applicant, stating that the Applicant agrees to limit the use of the entire site on weekends to church-related functions, such as religious education, religious school functions or activities commonly associated with a Place of Worship (*e.g.* fellowship, choir practice, weddings, parish council meetings, children's recreation area, etc.); and

WHEREAS, in connection with this Application, the Common Council, at its meeting held on June 1, 2015, declared itself as Lead Agency for the environmental review of this Application pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), classified this proposal a Type I Action due to the existence of environmentally sensitive features, and adopted environmental findings, including a negative declaration; and

WHEREAS, the proposed development is consistent with the use and dimensional requirements of the R1-12.5 Zoning District; and

WHEREAS, the Common Council has reviewed and considered the comments and recommendations from the various City departments, boards, commissions and officers and the Westchester County Planning Board, and has reviewed and considered the Application, with respect

to the standards set forth in Sections 4, 7 and 8 of the Zoning Ordinance and the 1997 Comprehensive Plan and the 2006 Plan Update adopted July 11, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the following findings are hereby adopted in accordance with the Zoning Ordinance:

**Section 4.4.25 of the Zoning Ordinance**

**Regulations for Environmentally Sensitive Sites or Features**

*4.4.25.2 In reviewing applications and granting any approvals under Section 4.4.25 of this Ordinance, the approving agency shall, to the maximum extent practicable, avoid adverse environmental impacts upon any "environmentally sensitive sites or features" and where such avoidance is not practicable, shall minimize and mitigate such impacts.*

The project site contains wetlands, steep slopes, and rock outcroppings. In an attempt to avoid or minimize impacts to these sensitive areas, the Common Council has examined the potential alternative locations for the proposed building and concurs with the recommendations set forth in the communications of the Environmental Officer, dated March 24, 2015 and September 30, 2013, and the Commissioner of Planning, dated September 26, 2013, that:

- a. proximity to the existing Church buildings is important for parents and for the safety of the children in the Sunday School;
- b. clustering the development on the site keeps it at a distance from abutting neighbors;
- c. shifting the building further away from the wetland results in the loss of up to 14 parking spaces, which would have to be located elsewhere on the site, potentially affecting steep slopes and/or rock outcroppings;
- d. re-orienting the proposed building in the same general location to avoid

encroachment on the wetland setback area would result in the infringement of a utility easement located in the adjoining parking lot.

Based on the above findings, the Common Council is satisfied that the proposed location avoids environmental impacts to the maximum extent practicable.

*4.4.25.5.2.2 The wetland shall be maintained and surrounded by a fifty (50) foot wide protective buffer area with an additional fifty (50) foot wide restrictive buffer.*

Based upon the recommendations of the Commissioner of Planning set forth in a communication dated September 26, 2013, and by the Environmental Officer, in communications dated March 24, 2015 and September 30, 2013, the Common Council finds that the proposed building will not encroach into the fifty (50) foot protective buffer. The proposed building will encroach into approximately 3,760 square feet of the fifty (50) foot restrictive buffer. The area of encroachment is already a highly disturbed area that is currently occupied by the existing playground on the site. In addition, as set forth *infra*, the Applicant proposes to replace the lost wetland area on-site at a ratio of no less than two to one.

### **Section 7.5 of the Zoning Ordinance**

#### *7.5.1 Conformity with the Comprehensive Plan*

1. The Common Council finds that the site plan amendment herein is consistent with the 1997 Comprehensive Plan and the 2006 Plan Update (“Comprehensive Plan”). The project site is located within the Outer Area of the City. The church use on the project site is consistent with the City’s Comprehensive Plan strategies for the Outer Area, which stresses the need to preserve existing

residential neighborhoods and environmental resources from encroachment by more intensive uses.

2. The Land Use Plan for the Outer Area specifically envisions limiting “intrusions or expansions by institutional uses other than religious institutions in the Outer Area neighborhoods, particularly with reference to traffic and off-site parking impacts.” Consistent with this policy, the proposed project is an expansion of a religious use. The students attending the proposed Sunday School would not generate additional demand for parking or increased traffic congestion because they would be accompanying their parents on existing trips to the Church property.

3. The Land Use Plan also calls for the preservation of the character of the North Street Corridor. Consistent with this policy, no changes on the site will be visible from North Street.

#### *7.5.2 Safe and adequate pedestrian and vehicular traffic conditions*

1. Subject to the Applicant’s compliance with the applicable conditions set forth in this approval resolution herein, the vehicular and traffic circulation both within and without the site have been reviewed and are considered safe, adequate and convenient in accordance with Section 7.5.2 of the Zoning Ordinance, based upon the reports from the Transportation Commission, the then Traffic Commission and the Deputy Commissioner of Parking for Traffic Engineering. This Finding specifically includes, but is not limited to, consideration of: the effect of the development on traffic conditions on existing “streets;” vehicular and pedestrian access drives and walkways; visibility at the exit of the site, including North Street and Zion Lane; arrangements for on and off-street parking facilities, including the driveways connecting such facilities; patterns of vehicular and pedestrian

circulation; facilities for the physically challenged; and adequacy of emergency access.

2. No changes to site access or egress are proposed by the Applicant. The project would not generate additional traffic, since the children already accompany their parents to Church and would continue to do so. The site plan has been designed to minimize conflicts between pedestrians and vehicular circulation and parking areas.

3. Based on the above, the Common Council finds that the Application satisfies the requirements of Section 7.5.2 of the Zoning Ordinance.

#### *7.5.3 Protection of environmental quality and property values*

1. Subject to the Applicant's compliance with the applicable conditions contained in this approval resolution herein, the design of the proposed Church building is in harmony with adjacent uses and will preserve property values and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance, based upon the proposed landscaping, the distance to adjacent residences and the central location of the church buildings on this approximately 10.6 acre property. In addition, consideration has been given to architectural design of the structures, preservation of retaining walls where possible and where not possible, the reuse of stones from the retaining walls from the retaining walls on site, rehabilitation of existing residential structures at the perimeter of the property to maintain residential character and appropriate design and use of lighting, storm and surface water drainage facilities.

2. A portion of the area of proposed development located between the onsite

wetlands and the existing parking lot encroaches upon the approximately 3,760 square foot portion of the mapped “100-foot wetland setback area.” This area is highly disturbed and is currently utilized as a playground. To mitigate this loss, the Applicant is proposing to add wetland plantings at a ratio of no less than two to one, thus expanding the effective wetland buffer.

3. Based on the above, the Common Council finds that the Application satisfies the requirements of Section 7.5.3 of the Zoning Ordinance.

#### *7.5.4 Quality of “building” design and overall site design*

Subject to the Applicant’s compliance with the applicable conditions set forth in this approval resolution herein, in accordance with Section 7.5.4 of the Zoning Ordinance, upon consideration of the recommendation of the Design Review Board, the architectural design of the Church building will enhance and protect the character and property values of the neighborhood.

#### *Section 8 Off-Street Parking and Loading*

1. The existing building along with the proposed addition will generate a requirement of 183 parking spaces. Under Section 8.7.3 of the Zoning Ordinance, the Common Council may grant a partial waiver for improvements for a portion of parking normally required. The Applicant seeks approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance waiving the construction of eighteen (18 ) parking spaces (which the Applicant is proposing to construct as overflow parking with grass pavers) along with the 43 spaces for which construction

was waived pursuant to Section 8.7.3 of the Zoning Ordinance in the September 5, 1995 amended site plan approval, to provide 61 waived spaces or 33% (one-third) of the 183 parking spaces required for the Church use.

2. The Common Council, in reviewing site plan applications, tries to balance the need for parking with the preservation of open space and landscaping on the individual sites. Section 8.7.3 of the Zoning Ordinance authorizes the approving agency of a site plan to waive the construction of up to one third (1/3) of the required parking spaces for a use upon a finding by the approving agency that less than the required number of parking or loading spaces will satisfy the intent of the Ordinance. However, the applicant must demonstrate “that sufficient space remains for the provision of the total number of off-‘street’ parking requirement and the ‘site plan’ shall bear such designation.” The Ordinance further provides that the unimproved parking area should be “used and maintained as additional landscaped grounds until required for parking.” A written guarantee of the construction of the waived parking upon a written notice of the need for such parking by the approving agency ensures that the parking will be constructed if required.

3. The Common Council finds that the waiver of the construction of an additional 18 parking spaces, as shown on the final site plan drawings, subject to Applicant’s compliance with Condition No. 1 set forth in the October 7, 2013 approval resolution requiring the Applicant to provide to the City within sixty (60) days a revised site plan demonstrating the location of the waived parking spaces and a written guarantee of construction of the parking spaces satisfactory to the Corporation Counsel, is appropriate and consistent with Section 7.5.2.4 of the Zoning Ordinance and in the best interests of the City in that landscaped open space on the site will be preserved; and

be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 4.4.25, 7 and 8 of the Zoning Ordinance have been satisfied and that the amendment to the existing approved Site Plan to allow: (1) the construction of an approximately 7,421 square foot building addition, including a 6,000 square foot open room that is proposed to be used as a children's Sunday School, an additional 636 square feet of bathrooms and 425 square feet of storage, all attached to the existing community building; (2) approval of a partial waiver of improvement under Section 8.7.3 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") waiving the construction of eighteen (18 ) parking spaces (which the Applicant is proposing to construct as overflow parking with grass pavers) along with the 43 spaces for which construction was waived pursuant to Zoning Ordinance Section 8.7.3 in the September 5, 1995 amended site plan approval, to provide 61 waived spaces or 33% (one-third) of the 183 parking spaces required for the Church use; and (3) relief from the new fifty (50) foot restrictive buffer area setback requirement under Section 4.4.25.5.2.2 of the Zoning Ordinance, be and hereby is granted, and shall expire on June 6, 2016, and shall be subject to all of the applicable conditions set forth in the approval resolution adopted by the Common Council on October 7, 2013, and the following additional conditions:

1. As per the communication of the Commissioner of Public Works dated April 6, 2015, the Applicant shall comply with all current federal, state and local regulations (*i.e.* stormwater requirements of January 29, 2015).

2. As per the letter dated May 20, 2015 from James Glatthaar, Esq., attorney for the Applicant, the Applicant has agreed to limit the use of the entire site on weekends to church-related functions, such as religious education, religious school functions or activities commonly associated with a Place of Worship (*e.g.* fellowship, choir practice, weddings, parish council meetings, children's recreation area, etc.).

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

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

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

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

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

B. Sec. 4-4-2 Definitions.

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

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

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

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

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

"Net Floor Area"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Sec 4-4-8 Employee Roster.

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. This ordinance shall take effect immediately.



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

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

Improvements primarily related to the replacement/reconstruction of sanitary sewer lines at the Brookfield Commons complex to be constructed, have been designed by the Department of Public Works, recommended by the Capital Projects Board and were incorporated in the current Capital Improvement Program. On August 4, 2014, the Common Council authorized the work to proceed and Westchester County has been reimbursing the City for both construction and engineering services. This project was needed to allow for the construction of seven towers of housing. As the \$1,100,000 project evolved, The County requested more support from our DPW Engineering Bureau, and is offering to compensate us for engineering services.

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 No. SW5430, entitled "**Brookfield Commons Sanitary Sewer Line**," with a budget as follows:

REVENUES

|              |                    |                  |
|--------------|--------------------|------------------|
| SW5430-02253 | Westchester County | <u>\$ 40,000</u> |
|--------------|--------------------|------------------|

EXPENDITURES

|              |                       |                  |
|--------------|-----------------------|------------------|
| SW5430-8.206 | Sanitary Sewer System | <u>\$ 40,000</u> |
|--------------|-----------------------|------------------|

Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the Sewer Rent Fund pending the receipt of County funds and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor

Chairman, Capital Projects Board

June 1, 2015

*"The Birthplace of the State of New York"*

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**ENVIRONMENTAL OFFICER**

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601  
(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

May 28, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. SW5430  
BROOKFIELD COMMONS SANITARY SEWER LINE

Capital Project No. SW5430, entitled "Brookfield Commons Sanitary Sewer Line," (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves replacement/reconstruction of existing sanitary sewer lines located within the municipal utility easement area at the Brookfield Commons residential complex.

The Proposed Action represents a Type II Action under SEQR regulations in that it involves maintenance or repair involving no substantial changes in an existing structure or facility. Type II actions are determined under SEQR not to have a significant effect on the environment.

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT No. SW5430  
BROOKFIELD COMMONS SANITARY SEWER LINE

WHEREAS, Capital Project No. SW5430, entitled “Brookfield Commons Sanitary Sewer Line,” (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves replacement/reconstruction of existing sanitary sewer lines located within the municipal utility easement area at the Brookfield Commons residential complex; 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 TO AMEND THE CAPITAL PROJECTS FUND BY AMENDING CAPITAL PROJECT NO. SW5430 ENTITLED, "BROOKFIELD COMMONS SANITARY SEWER LINE."**

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

Section 1. Improvements primarily related to the replacement/reconstruction of sanitary sewer lines at the Brookfield Commons complex to be constructed, have been designed by the Department of Public Works, recommended by the Capital Projects Board, and were incorporated in the current Capital Improvement Program. On August 4, 2014, the Common Council authorized the work to proceed and Westchester County has been reimbursing the City for both construction of seven towers of housing. As the \$1,100,000 project evolved, the County requested more support from the City Department of Public Works' Engineering Bureau, as is offering to compensate the City for engineering services.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, for the project. 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. SW5430, entitled, "Brookfield Commons Sanitary Sewer Line," with a budget as follows:

**REVENUES:**

|              |                    |                 |
|--------------|--------------------|-----------------|
| SW5430-02253 | Westchester County | <u>\$40,000</u> |
|--------------|--------------------|-----------------|

**EXPENDITURES:**

|              |                       |                 |
|--------------|-----------------------|-----------------|
| SW5430-8.206 | Sanitary Sewer System | <u>\$40,000</u> |
|--------------|-----------------------|-----------------|

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to advance funds, as necessary, from the Sewer Rent Fund, pending the receipt of County funds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.



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

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

Included in FY 2015 Capital Improvement Program is a project to reconstruct portions of various streets. The main focus of this year's work is the reconstruction of various street segments in the City's downtown. This communication requests funding for reconstruction and paving, but can include drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, traffic signals, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts as required to complete the capital improvements. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by amending Capital Project No. C5431, entitled "**Miscellaneous Street Reconstruction FY 2015**" as follows:

**INCREASE REVENUES**

|             |                                       |                  |
|-------------|---------------------------------------|------------------|
| C5431-02238 | NYS CHIPs                             | \$795,747        |
| C5431-02291 | NYS Department of Transportation      | 30,078           |
| C5431-02292 | Metropolitan Transportation Authority | <u>107,500</u>   |
|             |                                       | <u>\$933,325</u> |

**INCREASE EXPENDITURES**

|              |                      |                  |
|--------------|----------------------|------------------|
| C5431-8.203  | Street/Rights-of-Way | \$683,325        |
| C5431- 8.204 | Sidewalks-Curbs      | <u>250,000</u>   |
|              |                      | <u>\$933,325</u> |

It is further requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

June 1, 2015



**ENVIRONMENTAL OFFICER**

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601  
(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

May 28, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT C5431,  
MISCELLANEOUS STREET RECONSTRUCTION FY 2015

Capital Project No. C5431, Miscellaneous Street Reconstruction FY 2015 (hereinafter referred to as the Proposed Action) have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the reconstruction of portions of various street segments, particularly in the downtown area. The work includes reconstruction and paving, as well as drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes.

This represents a Type II Action under SEQR regulations in that it involves maintenance or repair involving no substantial changes in an existing structure or facility. Type II actions are determined under SEQR not to have a significant effect on the environment.

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO.C5431,  
MISCELLANEOUS STREET RECONSTRUCTION FY 2015

WHEREAS, Capital Project No. C5431, Miscellaneous Street Reconstruction FY 2015 (hereinafter referred to as the Proposed Action) have been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the reconstruction of portions of various street segments, particularly in the downtown area. The work includes reconstruction and paving, as well as drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes; 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.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS  
AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE  
100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID  
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND  
APPROPRIATING FUNDS THEREFORE.

WHEREAS, a project for Emergency Repair Work - Traffic Signal Damage related to Hurricane Sandy in the City of White Plains, Westchester County, identified as PIN 8702.08 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the City of White Plains desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction.

NOW, THEREFORE, the Common Council of the City of White Plains does hereby

RESOLVE, that the White Plains Common Council hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the White Plains Common Council hereby authorizes the City of White Plains to pay in the first instance 100% of the federal and non-federal share of the cost of construction work for the Project of portions thereof; and be it further

RESOLVED, that the sum of \$30,078 from Capital Project No. C5431 is hereby

appropriated and made available to cover the cost of participation in the above phase of the Project;  
and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the White Plains Common Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof; and be it further

RESOLVED, that the Mayor of the City of White Plains be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of White Plains with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that in addition to the Mayor, the following municipal titles: Commissioner of Public Works, City Engineer or Commissioner of Finance, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the City of White Plains, with the New York State Department of Transportation (NYSDOT) in connection with the advancement or approval of the Project identified in the State/Local Agreement; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that this resolution shall take effect immediately.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY AMENDING CAPITAL PROJECT NO. C5431, ENTITLED, "MISCELLANEOUS STREET RECONSTRUCTION FY 2015."**

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

Section 1. Included in the FY adopted Capital Improvement Program is a project to reconstruct portions of various streets. The main focus of this year's work is the reconstruction of various street segments in the City's downtown. In addition to funding for reconstruction and paving, drainage and other related underground utility installations and improvements along with curbing, sidewalk, streetscape items, street lighting, tree replacement, signage, guiderail and routine re-grading and re-shaping of the pavement cross section and minor realignment changes can be included.

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

Section 3. The Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by amending Capital Project No. C5431, entitled, "**Miscellaneous Street Reconstruction FY 2015**," as follows:

**REVENUES:**

|             |                                       |                  |
|-------------|---------------------------------------|------------------|
| C5431-02238 | NYS CHIPS                             | \$ 795,747       |
| C5431-02291 | NYS Department of Transportation      | 30,078           |
| C5431-02292 | Metropolitan Transportation Authority | <u>107,500</u>   |
|             |                                       | <u>\$933,325</u> |

**INCREASE EXPENDITURES:**

|             |                      |                   |
|-------------|----------------------|-------------------|
| C5431-8.203 | Street/Rights-of-Way | \$ 683,325        |
| C5431-8.204 | Sidewalks-Curbs      | <u>250,000</u>    |
|             |                      | <u>\$ 933,325</u> |

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.



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

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

The Capital Projects Board has recommended renovations to the prisoner processing area as part of the FY 2014-2015 Capital Improvement Program. This project is for the renovation and upgrade to the prisoner processing area in the Public Safety Building (77 South Lexington Avenue). This would improve security and safety in the prisoner holding area and replace the aging booking desk, among other improvements.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts as required to complete the capital improvements. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5452, entitled "**Prisoner Processing Area Renovations,**" as follows:

REVENUES

|             |              |                  |
|-------------|--------------|------------------|
| C5452-08810 | Serial Bonds | <u>\$101,000</u> |
|-------------|--------------|------------------|

EXPENDITURES

|             |                              |                  |
|-------------|------------------------------|------------------|
| C5452-4.005 | Finance and Auditing         | \$ 1,000         |
| C5452-8.106 | Major Additions-Improvements | <u>100,000</u>   |
|             |                              | <u>\$101,000</u> |

It is further requested that issuance of \$101,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

June 1, 2015



**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

May 28, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5452  
PRISONER PROCESSING AREA RENOVATIONS

The proposed Capital Project No. C5452, Prisoner Processing Area Renovations, (“Proposed Action”) has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

This involves the renovation and upgrades to the prisoner processing area in the Public Safety Building (77 South Lexington Avenue) to improve security and safety in the prisoner holding area and replace the aging booking desk, among other improvements.

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. C5452, PRISONER PROCESSING AREA RENOVATIONS.

WHEREAS, the proposed Capital Project No. C5452, Prisoner Processing Area Renovations, (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the renovation and upgrades to the prisoner processing area in the Public Safety Building (77 South Lexington Avenue) to improve security and safety in the prisoner holding area and replace the aging booking desk, among other improvements; 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 ESTABLISHING CAPITAL PROJECT NO. C5452, ENTITLED, "PRISONER PROCESSING AREA RENOVATIONS."**

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

Section 1. The Capital Projects Board has recommended renovations to the prisoner processing area as part of the FY 2014-2015 Capital Projects Improvement Program. This project is for the renovation and upgrade to the prisoner processing area at the Public Safety Building (77 South Lexington Avenue). This would improve security and safety in the prisoner holding area and replace the aging booking desk, among other improvements.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5452, entitled, "**Prisoner Processing Area Renovations**," with a budget as follows:

**REVENUES:**

|             |              |                  |
|-------------|--------------|------------------|
| C5452-08810 | Serial Bonds | <u>\$101,000</u> |
|-------------|--------------|------------------|

**EXPENDITURES:**

|             |                              |                   |
|-------------|------------------------------|-------------------|
| C5452-4.005 | Finance and Auditing         | \$ 1,000          |
| C5452-8.106 | Major Additions-Improvements | <u>100,000</u>    |
|             |                              | <u>\$ 101,000</u> |

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$101,000 and to advance funds for this project, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED JUNE 1, 2015, AUTHORIZING THE  
ISSUANCE OF \$101,000 AGGREGATE PRINCIPAL AMOUNT SERIAL  
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF  
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS  
OF RECONSTRUCTION OF CLASS A BUILDINGS FOR MUNICIPAL  
USE.**

WHEREAS, the Common Council of the City of White Plains (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of reconstruction of Class A buildings, 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, 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 \$101,000, pursuant to the Local Finance Law, in order to finance the reconstruction of Class A buildings (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 \$101,000, (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 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of “Class A” construction as that term is defined in the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

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

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

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

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

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

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

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

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



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

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

The Capital Projects Board has recommended reconstruction of storm water drain for Maple Avenue (Hale Avenue to South Broadway) as part of the FY 2014-2015 Capital Improvement Program. This project is for the installation and/or rehabilitation of drain pipes, as well as related paving and curbing, along with the replacement of slab return (D-1 type) catch basins.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts as required to complete the capital improvements. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5453 entitled "**Maple Avenue Storm Water Drain, Phase II,**" as follows:

REVENUES

|             |              |                  |
|-------------|--------------|------------------|
| C5453-08810 | Serial Bonds | <u>\$404,000</u> |
|-------------|--------------|------------------|

EXPENDITURES

|             |                      |                  |
|-------------|----------------------|------------------|
| C5453-4.005 | Finance and Auditing | \$ 4,000         |
| C5453-8.207 | Storm Water Drains   | <u>400,000</u>   |
|             |                      | <u>\$404,000</u> |

It is further requested that issuance of \$404,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

June 1, 2015



**ENVIRONMENTAL OFFICER**

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

May 28, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5453  
MAPLE AVENUE STORM WATER DRAIN, PHASE II

The proposed Capital Project No. C5453, entitled "Maple Avenue Storm Water Drain, Phase II, has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves the installation and/or rehabilitation of drain pipes, as well as related paving and curbing, along with the replacement of slab return (D-1 type) catch basins for Maple Avenue (Hale Avenue to South Broadway).

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. C5453  
ENTITLED "MAPLE AVENUE STORM WATER DRAIN, PHASE II,

WHEREAS, the proposed Capital Project No. C5453, entitled "Maple Avenue Storm Water Drain, Phase II("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the installation and/or rehabilitation of drain pipes, as well as related paving and curbing, along with the replacement of slab return (D-1 type) catch basins for Maple Avenue (Hale Avenue to South Broadway); 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 TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5453 ENTITLED, "MAPLE AVENUE STORM WATER DRAIN, PHASE II."**

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

Section 1. The Capital Projects Board has recommended reconstruction of a storm water drain for Maple Avenue (Hale Avenue to South Broadway) as part of the FY 2014-2015 Capital Improvement Program. This project is for the installation and/or rehabilitation of drain pipes, as well as related paving and curbing, along with the replacement of slab return (D-1 type) catch basins.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5453, entitled, "**Maple Avenue Storm Water Drain, Phase II,**" with a budget as follows:

**REVENUES:**

|             |              |                   |
|-------------|--------------|-------------------|
| C5453-08810 | Serial Bonds | <u>\$ 404,000</u> |
|-------------|--------------|-------------------|

**EXPENDITURES:**

|             |                      |                   |
|-------------|----------------------|-------------------|
| C5453-4.005 | Finance and Auditing | \$ 4,000          |
| C5453-8.207 | 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, 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 JUNE 1, 2015, 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 forty (40) years. The serial bonds authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on

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

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed,

or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by 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, NY 10601  
Ph. (914) 422-1206 Fax: (914) 422-1269**

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

The Capital Projects Board has recommended a project "Local Controller Upgrade Phase I" in the Capital Improvement Program for 2014-15. This project includes the design and installation of replacement traffic signal controller units at various locations throughout the City. These traffic signal improvements will improve traffic safety and reliability throughout the City.

Submitted herein is legislation which would authorize the Mayor to direct the Commissioners of Purchase and the Deputy Commissioner of Parking to enter into various contracts, as necessary, to specify, purchase and install traffic signal controllers and cabinets for the first construction phase which would involve the installation of a new controllers and communications hardware at some locations and entire controller cabinets at a select number of locations.

The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5450 , entitled "Local Controller Upgrade Phase I" and to establish a project budget as follows:

**REVENUES:**

|             |              |                  |
|-------------|--------------|------------------|
| C5450-08810 | Serial Bonds | <u>\$141,400</u> |
|-------------|--------------|------------------|

**EXPENDITURES**

|             |                            |                  |
|-------------|----------------------------|------------------|
| C5450-4.005 | Finance and Auditing       | \$ 1,400         |
| C5450-8.209 | Traffic Equipment/Fixtures | <u>140,000</u>   |
|             |                            | <u>\$141,400</u> |

It is also requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$141,400 of serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

May 12, 2015

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5450 ENTITLED, "LOCAL CONTROLLER UPGRADE PHASE I."**

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

Section 1. The Capital Projects Board has recommended a project "Local Controller Upgrade Phase I" in the Capital Improvement Program for 2014-15. This project includes the design and installation of replacement traffic signal controller units at various locations throughout the City of White Plains. These traffic signal improvements will improve traffic safety and reliability throughout the City.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Purchase and the Deputy Commissioner of Parking to enter into various contracts, as necessary, to specify, purchase and install traffic signal controllers and cabinets for the first construction phase which would involve the installation of a new controllers and communications hardware at some locations and entire controller cabinets at a select number of locations. Said contract(s) shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5450, entitled, "**Local Controller Upgrade Phase I,**" with a budget as follows:

**REVENUES:**

|             |              |                  |
|-------------|--------------|------------------|
| C5450-08810 | Serial Bonds | <u>\$141,400</u> |
|-------------|--------------|------------------|

**EXPENDITURES:**

|             |                       |                  |
|-------------|-----------------------|------------------|
| C5450-4.005 | Finance and Auditing  | \$ 1,400         |
| C5450-8.209 | Traffic and Equipment | <u>140,000</u>   |
|             |                       | <u>\$141,400</u> |

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$141,400 and to advance funds for this project, as necessary, from the proceeds of the debt issuance, pending receipt of grant proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED JUNE 1, 2015, AUTHORIZING THE  
ISSUANCE OF \$141,400 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 OF TRAFFIC SIGNALS AND TRAFFIC SIGNAL  
SYSTEMS.**

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 of traffic signals and traffic signal systems, 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 \$141,400, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the "Project");

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$141,400 pursuant to the Local Finance Law, in order to finance the costs of the Project.

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$141,400 (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 72 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. The serial bonds authorized herein shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any

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

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance

proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure

agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



**DEPARTMENT OF FINANCE**

Municipal Building – 255 Main Street – Suite 102 – 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:**

Attached please find an ordinance prepared by bond counsel for authorization to issue \$1,000,000 of debt for Acquisition of Surveys, Preliminary Plans, Detailed Plans and Specifications Necessary for Future Capital Improvements to the City's Multimodal Transportation Center.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Genito".

Michael A. Genito  
Commissioner of Finance

Dated: May 13, 2015

(For the Common Council Meeting of June 1, 2015)

**BOND ORDINANCE, DATED JUNE 1, 2015 AUTHORIZING THE ISSUANCE OF \$1,000,000 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 OF SURVEYS, PRELIMINARY PLANS, DETAILED PLANS AND SPECIFICATIONS NECESSARY FOR FUTURE CAPITAL IMPROVEMENTS TO THE CITY'S MULTIMODAL TRANSPORTATION CENTER**

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 of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to the City's multimodal transportation center, 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 \$1,000,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law, and the cost of such plans and specifications are to be financed as part of the cost of the capital improvement in connection with which they are prepared (the "Project");

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$1,000,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to the City's multimodal transportation center, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto.

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 \$1,000,000, (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 subdivisions 20 (c) and (d) pursuant to subdivision 62 a. of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes,

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

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

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

shall become due.

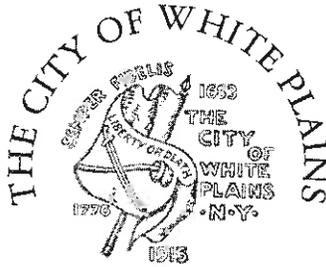
Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders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

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

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

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

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



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

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

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

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

Due to this winter's extremely harsh weather conditions, the Department of Public Works required more than was originally budgeted for snow removal and salt expenses related to snow removal operations.

Accordingly, it is requested that the Mayor be authorized to direct the Budget Director to transfer \$497,000 from Reserve for Financing and \$105,000 from the Department of Public Works operating budget to the appropriate 2014/2015 Department of Public Works expense lines, as outlined below:

TRANSFER FROM

|              |                       |                  |
|--------------|-----------------------|------------------|
| A002 - 9.990 | Reserve for Financing | \$497,000        |
| B004 - 3.601 | Electric              | 30,000           |
| C003 - 3.403 | Diesel Fuel           | 50,000           |
| D014 - 3.111 | Land Maint. Supplies  | 10,000           |
| E03P - 3.402 | Gasoline/Natural Gas  | 15,000           |
|              |                       | <u>\$602,000</u> |

TRANSFER TO:

|              |                     |                  |
|--------------|---------------------|------------------|
| D005 - 1.151 | Managerial Overtime | \$ 14,085        |
| D005 - 1.201 | CSEA Overtime       | 366,000          |
| D005 - 1.501 | Sanitation Overtime | 43,456           |
| D005 - 2.001 | Social Security     | 32,400           |
| D005 - 2.020 | MTA Tax             | 1,440            |
| D005 - 2.101 | NYS Pension         | 79,619           |
| D005 - 3.114 | Salt                | 65,000           |
|              |                     | <u>\$602,000</u> |

Respectfully submitted,

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

for the June 1, 2015 Calendar

47

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE TRANSFER OF \$497,000 FROM RESERVE FOR FINANCING AND \$105,000 FROM THE DEPARTMENT OF PUBLIC WORKS OPERATING BUDGET IN RELATION TO SNOW AND ICE REMOVAL OPERATIONS OVERTIME AND SALT EXPENSES INCURRED BY THE DEPARTMENT OF PUBLIC WORKS.**

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

Section 1. Due to this past winter's extreme winter weather conditions, the Department of Public Works exceeded its budgeted overtime and salt expenses related to snow and ice removal operations in the total amount of \$602,000.

Section 2. To provide the necessary funding for the overtime and salt expenses incurred by the Department of Public Works related to snow and ice removal operations, the Mayor is hereby authorized to direct the Budget Director to transfer \$497,000 from the General Fund Reserve for Financing for FY2014-2015 and \$105,000 from the Department of Public Works as follows:

**TRANSFER FROM:**

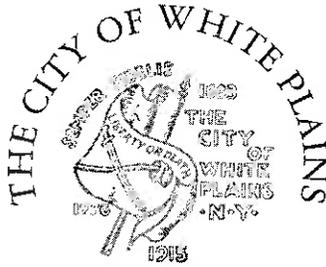
|            |                           |                  |
|------------|---------------------------|------------------|
| A002-9.990 | Reserve for Financing     | \$497,855        |
| B004-3.601 | Electric                  | 30,000           |
| C003-3.403 | Diesel Fuel               | 50,000           |
| D014-3.111 | Land Maintenance Supplies | 10,000           |
| E03P-3.402 | Gasoline/Natural Gas      | <u>15,000</u>    |
|            |                           | <u>\$602,000</u> |

48

**TRANSFER TO:**

|            |                     |                  |
|------------|---------------------|------------------|
| D005-1.151 | Managerial Overtime | \$ 14,117        |
| D005-1.201 | CSEA Overtime       | 366,000          |
| D005-1.501 | Sanitation Overtime | 43,456           |
| D005-2.001 | Social Security     | 32,400           |
| D005-2.020 | MTA Tax             | 1,440            |
| D005-2.101 | NYS Pension         | 79,619           |
| D005-3.114 | Salt                | <u>65,000</u>    |
|            |                     | <u>\$602,000</u> |

Section 3. This ordinance shall take effect immediately.



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

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

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

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

We have received a request from the Department of Recreation and Parks and The Mental Health Association to change the date of its "Get On Your Mat for Mental Health" Yoga/Health Fair from the previously approved Wednesday, June 17, 2015 to a new date of Thursday, July 9, 2015, with a rain date of Friday, July 10, 2015.

**Event time: 3 p.m. – 10 p.m., including set up and break down**  
**Street to be closed: Court Street between Main Street and Martine Avenue**  
**Special Request: Use of the Showmobile**

In addition, The Mental health Association will reimburse all costs related to the Department of Public Works and Public Safety in regards to this event.

The sponsoring agency will again secure insurance for the event, and it is understood that the Common Council continues to desire to waive all Department of Public Works deposits and permit fees.

Submitted for your deliberation is legislation authorizing the Mayor to direct the Commissioner of Public Works to issue the necessary permits for closure(s) of the portions of public rights-of-way.

Respectfully yours,

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

for the June 1, 2015 Calendar

49

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING ORDINANCES ADOPTED APRIL 6, 2015 AND MAY 4, 2015, CHANGING THE DATE OF THE CITY OF WHITE PLAINS DEPARTMENT OF RECREATION AND PARKS AND THE MENTAL HEALTH ASSOCIATION'S "GET ON YOUR MAT FOR MENTAL HEALTH" YOGA/HEALTH FAIR FROM JUNE 17, 2015 TO A NEW DATE OF JULY 9, 2015, WITH A RAIN DATE OF JULY 10, 2015, AND A COMMENCEMENT TIME OF 3:00 P.M. INSTEAD OF 4:00 P.M.

WHEREAS, the Common Council of the City of White Plains adopted ordinances on April 6, 2015 and May 4, 2015, in relation to an event sponsored by the City's Department of Recreation and Parks and the Mental Health Association's event entitled, "Get on Your Mat for Mental Health" Yoga/Health Fair; and

WHEREAS, the aforementioned ordinances approved Wednesday, June 17, 2015, with a rain date of Thursday, June 18, 2015, for the "Get on Your Mat for Mental Health" Yoga/Health Fair; and

WHEREAS, the ordinance adopted April 6, 2015, approved a 4:00 p.m. commencement time for the event; and

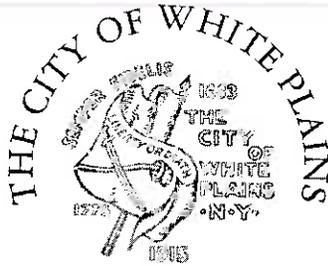
WHEREAS, the City's Department of Recreation and Parks and the Mental Health Association have requested a change of date for the event to Thursday, July 9, 2015, with a rain date of July 10, 2015, for the "Get on Your Mat for Mental Health" Yoga/Health Fair, and a commencement time of 3:00 p.m. instead of 4:00 p.m.; now, therefore

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

Section 1. Ordinances adopted by the Common Council of the City of White Plains on April 6, 2015 and May 4, 2015 setting a date of Wednesday, June 17, 2015, with a raindate of June 18, 2015 for the “Get on Your Mat for Mental Health” Yoga/Health Fair, are hereby amended by setting a new date for same for Thursday, July 9, 2015, with a raindate of Friday, July 10, 2015. The commencement time for the event set forth in the ordinance adopted April 6, 2015, is hereby amended to be 3:00 p.m. instead of 4:00 p.m.

Section 2. All other aspects of said ordinances adopted April 6, 2015 and May 4, 2015 remain in full force and effect.

Section 3. This ordinance shall take effect immediately.



## DEPARTMENT OF PUBLIC WORKS

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

**THOMAS M. ROACH**  
MAYOR

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

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

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

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

The City of White Plains, Department of Public Works, Bureau of Water, is responsible for all of our potable water used for human consumption, as well as for firefighting. Under strict regulations administered by the Federal and State Governments (US EPA and NYS DOH) we treat and distribute this water throughout the City. Untreated (“raw”) water is supplied to us by the New York City Department of Environmental Protection (NYC DEP) via a contract with Westchester County Water District No. 1. After we administer a variety of treatments, (chlorine, fluoride, phosphate, etc.) this water is tested and is deemed safe to drink; and can be labeled as “finished” water. In an effort to minimize demand for their raw water resources, NYC DEP has initiated a no-cost program to assist their wholesale customers (i.e. City of White Plains) with advice to reduce consumption by approximately five percent (5%) by 2019. Further, NYC DEP desires to provide its municipal customers with the ability to curtail consumption as needed in a major water shortage event.

In this initial stage, NYC DEP will propose a series of site-specific, optimal conservation initiatives; from educational and literature programs to physical retrofits, such as a replacement of inefficient fixtures with EPA “WaterSense” certified models. There is no cost or obligation on the part of the City of White Plains to draw up this plan, or to enact any of its subsequent proposals. Should any or all of the ideas in the NYC DEP plan seem appealing to the City, we can mutually agree to undertake some of these initiatives, which would be funded in whole or part by NYC DEP, under a future agreement as authorized by the White Plains Common Council.

Submitted herewith for your deliberation is an ordinance which authorizes the Mayor, or his designee, to enter into an agreement with the NYC DEP and Westchester County Water District No. 1 (through its Commissioner of the Department of Environmental Facilities,) and, for the Commissioner of Public Works to provide technical assistance to formulate a Water Demand Management Plan. This will be in a form as approved by the White Plains Corporation Counsel.

Respectfully submitted,

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

for the June 1, 2015 Calendar

51

AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYC DEP) AND THE WESTCHESTER COUNTY WATER DISTRICT NO 1. (THROUGH ITS COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL FACILITIES) AND FOR THE CITY OF WHITE PLAINS DEPARTMENT OF PUBLIC WORKS TO PROVIDE TECHNICAL ASSISTANCE TO FORMULATE A WATER DEMAND MANAGEMENT PLAN.

WHEREAS, the City of White Plains Department of Public Works, Bureau of Water, is responsible for all of the City's potable water used for human consumption, as well as for firefighting; and

WHEREAS, under strict regulations administered by the Federal and State governments (United States Environmental Protection Agency and New York State Department of Health), the City of White Plains treats and distributes this water throughout the City; and

WHEREAS, untreated ("raw") water is applied to the City of White Plains by the New York City Department of Environmental Protection (NYC DEP) via a contract with the Westchester County Water District No. 1; and

WHEREAS, after the City of White Plains administers a variety of treatments (chlorine, fluoride, phosphate, etc.), this water is tested and is deemed safe to drink, and can be labeled as "finished" water; and

WHEREAS, in an effort to minimize demand for its raw water resources, NYC DEP has initiated a no-cost program to assist its wholesale customers (*i.e.* City of White Plains) with advice to reduce consumption by approximately five percent (5%) by 2019; and

WHEREAS, further NYS DEP desires to provide its municipal customers with the ability to curtail consumption as needed in a major water shortage event; and

WHEREAS, in this initial stage, NYS DEP will propose a series of site-specific, optimal conservation initiatives, from educational and literature programs to physical retrofits, such as a replacement of insufficient fixtures with EPA “WaterSense” certified models; and

WHEREAS, there is no cost or obligation on the part of the City of White Plains to draw up this plan, or to enact any of its subsequent proposals; should any or all of the ideas in the NYC DEP plan seem appealing to the City of White Plains, the City can mutually agree to undertake some of these initiatives, which would be funded in whole or part by NYC DEP, under a future agreement as authorized by the Common Council of the City of White Plains; now, therefore,

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

Section 1. The Mayor or his designee is hereby authorized to execute an agreement on behalf of the City of White Plains, with the NYC DEP and Westchester County Water District No. 1 (through its Commissioner of the Department of Environmental Facilities) to formulate a water

Demand Management Plan. The City of White Plains Commissioner of Public Works is further authorized to provide technical assistance in relation to formulating the aforementioned Water Demand Management Plan.

Section 2. The aforementioned agreement shall be in a form approved by the Corporation Counsel for the City of White Plains.

Section 3. 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 of the City of White Plains**

The Common Council, by resolution adopted on August 6, 2012, approved the application of the White Plains Housing Authority (WPHA) to construct a one hundred and four (104) unit rental project. Part of the project included the construction of a community facility space for educational and community purposes. On November 3, 2013 an ordinance was adopted approving a lease between the City of White Plains and the WP Housing Company, Inc. In the lease the City is to pay a fee in lieu of lease payments for twenty years in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) to paid in full prior to occupancy of said space.

It requested that the Mayor be authorized to direct the Budget Director to amend the 2014-15 General Fund budget as follows:

**REVENUES:**

|            |                               |                    |
|------------|-------------------------------|--------------------|
| A021-09999 | Appropriation of Fund Balance | <u>\$1,500,000</u> |
|------------|-------------------------------|--------------------|

**EXPENDITURES:**

|            |                  |                     |
|------------|------------------|---------------------|
| A021-4.023 | Program Services | <u>\$ 1,500,000</u> |
|------------|------------------|---------------------|

Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary.

Respectfully submitted,

Michael A. Genito  
Commissioner of Finance

Dated: May 12, 2015  
(For the Common Council Meeting of June 1, 2015)

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO DIRECT THE BUDGET DIRECTOR TO AMEND THE 2014-15 GENERAL FUND BUDGET TO REFLECT A FEE IN LIEU OF LEASE PAYMENT FOR TWENTY (20) YEARS BY THE CITY TO THE WHITE PLAINS HOUSING COMPANY, INC., FOR THE CITY'S USE OF COMMUNITY FACILITY SPACE FOR EDUCATIONAL AND COMMUNITY PURPOSES IN THE NEW BUILDING UNDER CONSTRUCTION AT 1 SOUTH LEXINGTON AVENUE, TO BE PAID IN FULL PRIOR TO OCCUPANCY OF SAID SPACE.

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

Section 1. The Common Council of the City of White Plains, by a resolution adopted August 6, 2012, approved the application of the White Plains Housing Authority (WPHA) to construct a one hundred and four (104) unit rental project at 1 South Lexington Avenue. Part of the project included the construction of a community facility space for educational and community purposes. On November 3, 2013, the Common Council adopted an ordinance approving a lease between the City of White Plains and the WP Housing Company, Inc., an affiliate of the WPHA. By the terms of the lease, the City of White Plains is to pay a fee in lieu of lease payments for twenty years in the amount of one million five hundred thousand dollars (\$1,500,000) to be paid in full prior to the occupancy of said space by the City.

Section 2. The Mayor is hereby authorized to direct the Budget Director to amend the 2014-15 General Fund budget as follows:

**REVENUES:**

|            |                               |                    |
|------------|-------------------------------|--------------------|
| A021-09999 | Appropriation of Fund Balance | <u>\$1,500,000</u> |
|------------|-------------------------------|--------------------|

**EXPENDITURES:**

|            |                  |                    |
|------------|------------------|--------------------|
| A021-4.023 | Program Services | <u>\$1,500,000</u> |
|------------|------------------|--------------------|

Section 3. The Mayor is hereby authorized to direct the Commissioner of Finance to advance funds, as necessary.

Section 4. This ordinance shall take effect immediately.



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

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DAVID E. CHONG  
Commissioner  
422-6350

JAMES M. BRADLEY  
Chief of Police  
422-6230

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

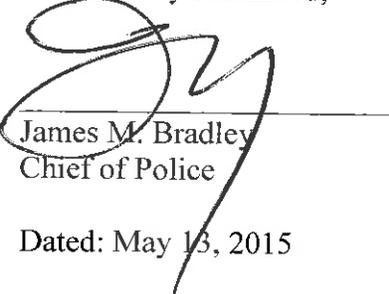
Dear Mayor and Council Members:

The Department of Public Safety is requesting the Common Council's permission for the City to again exercise its option to extend for an additional one (1) year an agreement retaining the professional services of the Society for the Prevention of Cruelty to Animals of Westchester, Inc. (SPCA), located at 590 North State Road, Briarcliff Manor, New York, to provide and maintain a shelter for dogs and cats as set forth in Section 115 of the New York State Agriculture and Markets Law and to provide other services in relation to stray, sick, injured or unwanted dogs and cats; dogs or cats ordered confined; and decrease dogs and cats. In addition, the SPCA will harbor dogs seized by the City under Section 118 of the Agriculture and Markets Law or until redeemed or adopted, as provided in the agreement.

The additional one year agreement contains the same terms and conditions. The City will pay the SPCA the annual sum of \$44,892.00, payable in equal installments of \$3,741.00. Funds have been provided in the Department of Public Safety's budget for fiscal year 2015-2016.

Attached for your consideration is an Agreement Between the City of White Plains and the Society for the Prevention of Cruelty to Animals of Westchester, Inc., for a period commencing on August 1, 2015 and terminating on July 31, 2016.

Respectfully submitted,

  
James M. Bradley  
Chief of Police

Dated: May 13, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS EXTENDING FOR AN ADDITIONAL YEAR THE CITY'S AGREEMENT WITH THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OF WESTCHESTER, INC. (SPCA) TO PROVIDE MUNICIPAL SHELTER SERVICES FOR DOGS AND CATS PURSUANT TO THE NEW YORK STATE AGRICULTURAL AND MARKETS LAW.

WHEREAS, the Common Council of the City of White Plains adopted an ordinance on July 2, 2012, authorizing the Mayor to enter into a agreement with the Society for Prevention of Cruelty to Animals of Westchester, Inc. (SCPA), to provide contractual services to the City of White Plains for seizure and impounding of dogs and cats in the City for a period of one year, effective August 1, 2012, with the City's option to extend same for two (2) years on the same terms, conditions and costs; and

WHEREAS, the Common Council, at a meeting held on July 1, 2013, adopted an ordinance exercising the City's option to extend said agreement for an additional year, from August 1, 2013 to July 31, 2014, on the same terms, conditions, and costs; and

WHEREAS, the Common Council, at a meeting held on July 7, 2014, adopted an ordinance exercising the City's option to extend said agreement for an additional year, from August 1, 2013 to July 31, 2014, on the same terms, conditions, and costs; and

WHEREAS, the City of White Plains and the SCPA wish to extend said agreement for an additional year, from August 1, 2015 to July 31, 2016, on the same terms, conditions, and costs; now, therefore

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

Section 1. The Mayor of the City of White Plains or his designee is hereby authorized to enter into an agreement for an additional year with the Society for the Prevention of Cruelty to Animals of Westchester, Inc. (SCPA), to provide contractual services to the City of White Plains for the seizure and impounding of dogs and cats in the City, on the same terms, conditions, and costs previously authorized by ordinances adopted July 2, 2012, July 1, 2013, and July 7, 2014, for a period effective August 1, 2015, and terminating on July 31, 2016. The annual cost to the City will be \$44,892, payable in equal monthly installments of \$3,741.00. The subject contract shall be in a form approved by the Corporation Counsel.

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

May 11, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The City of White Plains Youth Bureau has collected \$3,273 from participants to offset the expenses for the 2015 Father Daughter Dance and Mother Son Dance. We are requesting that the Mayor and Common Council accept the funds. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2014/15 Youth Bureau General Fund as follows.

**Increased Estimated Revenue:**

|              |                |                |
|--------------|----------------|----------------|
| F013 - 06275 | Contributions. | <u>\$3,273</u> |
|--------------|----------------|----------------|

**Increase Appropriations:**

|              |                  |         |
|--------------|------------------|---------|
| F013 - 3.011 | Program Supplies | \$2,248 |
| F013 - 4.023 | Program Services | \$1,025 |

|       |                |
|-------|----------------|
| TOTAL | <u>\$3,273</u> |
|-------|----------------|

Respectfully submitted,

Frank Williams, Jr.  
 Director Youth Bureau

For : June 1, 2015 Common Council

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ACCEPT ON BEHALF OF THE CITY OF WHITE PLAINS (THROUGH ITS YOUTH BUREAU), DONATIONS IN THE AMOUNT OF \$3,273 FROM PARTICIPANTS TO BE USED TO OFFSET THE EXPENSES FOR THE 2015 FATHER DAUGHTER DANCE AND MOTHER SON DANCE AND TO AMEND THE FY 2014/15 YOUTH BUREAU GENERAL FUND TO REFLECT SAID DONATIONS.

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

Section 1. The Mayor, or his designee, is hereby authorized to accept on behalf of the City of White Plains (through its Youth Bureau), donations in the amount of \$3,273 from participants to be used to offset the expenses for the 2015 Father Daughter Dance and Mother Son Dance.

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

**Increase Estimated Revenue:**

|            |               |                |
|------------|---------------|----------------|
| F013-06275 | Contributions | <u>\$3,273</u> |
|------------|---------------|----------------|

**Increase Appropriations:**

|            |                  |                |
|------------|------------------|----------------|
| F013-3.011 | Program Supplies | \$ 2,248       |
| F013-4.023 | Program Services | <u>1,025</u>   |
|            |                  | <u>\$3,273</u> |

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

Section. 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  
[www.WhitePlainsYouthBureau.org](http://www.WhitePlainsYouthBureau.org)

THOMAS M. ROACH  
Mayor

FRANK WILLIAMS, JR.  
Executive Director

May 14, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Youth Bureau is running a new summer STEM Camp for middle school students 6<sup>th</sup> through 8<sup>th</sup> grades at Church Street Elementary School. The program will provide students' exposure to Science, Technology, Robotics and Environmental Learning. 25 students will be recruited for the program with a proposed fee of \$700 (seven hundred dollars) per student. For income eligible families, scholarships will be made available at \$420 (four hundred twenty dollars) per student. The anticipated revenue from fees is \$10,500 (ten thousand five hundred dollars) in addition; the Friends of the White Plains Youth Bureau will be contributing \$7,200 (seven thousand two hundred dollars) to the program. We are requesting to offset some of the expenses with the revenue received. I am requesting that the Mayor and Common Council approve the sponsoring of the summer STEM Camp to the Middle School students. It is also requested that the Mayor authorize the Budget Director to increase the estimated revenue and appropriations and amend the Fiscal Year 2014/15 Youth Development Fund as follows:

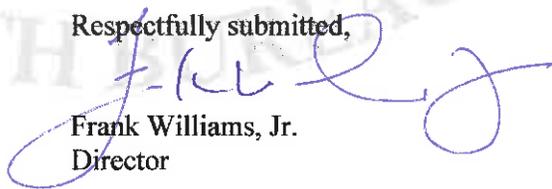
Increase Estimated Revenue:

|              |               |                        |
|--------------|---------------|------------------------|
| STEM - 03655 | Camp fees     | \$10,500               |
| STEM - 06275 | Contributions | <u>\$7,200</u>         |
|              | <b>Total</b>  | <b><u>\$17,700</u></b> |

Increase Appropriations:

|              |                    |                        |
|--------------|--------------------|------------------------|
| STEM - 4.910 | Program Supplies   | \$2,500                |
| STEM - 4.940 | Consultant Service | \$7,200                |
| STEM - 4.970 | Travel             | <u>\$8,000</u>         |
|              | <b>Total</b>       | <b><u>\$17,700</u></b> |

Respectfully submitted,

  
Frank Williams, Jr.  
Director

For: June 01, 2015 Common Council Meeting

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE SPONSORSHIP BY THE CITY (THROUGH THE YOUTH BUREAU) OF THE SUMMER STEM CAMP FOR MIDDLE SCHOOL STUDENTS AT CHURCH STREET ELEMENTARY SCHOOL, ACCEPTING A CONTRIBUTION OF \$7,200 FROM THE FRIENDS OF THE YOUTH BUREAU FOR THE PROGRAM, AND AUTHORIZING THE MAYOR TO DIRECT THE BUDGET DIRECTOR TO INCREASE THE ESTIMATED REVENUE AND APPROPRIATIONS, AND TO AMEND THE FISCAL YEAR 2014/15 YOUTH DEVELOPMENT FUND.

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

Section 1. The Youth Bureau is running a new summer STEM Camp for the middle school students 6<sup>th</sup> through 8<sup>th</sup> grades at Church Street Elementary School. The program will provide students exposure to Science, Technology, Robotics and Environmental Learning. Twenty five (25) students will be recruited for the program with a proposed fee of \$700 (seven hundred dollars) per student. For income eligible families, scholarships will be made available at \$420 (four hundred twenty dollars) per student. The anticipated revenue from the fees is \$10,500 (ten thousand five hundred dollars). In addition, the Friends of the White Plains Youth Bureau will be contributing \$7,200 (seven thousand two hundred dollars) to the program. The Common Council hereby approves the sponsoring of the summer STEM Camp to the Middle School students to offset some of the expenses with the revenue received.

Section 2. The Mayor is hereby authorized to direct the Budget Director to increase the estimated revenue and appropriations and amend the Fiscal Year 2014/15 Youth Development Fund as follows:

**INCREASE ESTIMATED REVENUE:**

|            |               |                 |
|------------|---------------|-----------------|
| STEM-03655 | Camp Fees     | \$10,500        |
| STEM-06272 | Contributions | <u>7,200</u>    |
|            |               | <u>\$17,700</u> |

**INCREASE APPROPRIATIONS:**

|            |                    |                 |
|------------|--------------------|-----------------|
| STEM-4.910 | Program Supplies   | \$ 2,500        |
| STEM-4.940 | Consultant Service | 7,200           |
| STEM-4.970 | Travel             | <u>8,000</u>    |
|            |                    | <u>\$17,700</u> |

Section 3. The Commissioner of Finance is hereby authorized to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect immediately.



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

THOMAS M. ROACH  
Mayor  
May 11, 2015

FRANK WILLIAMS, JR.  
Executive Director

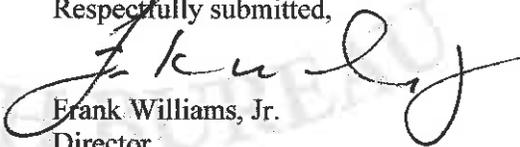
TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On August 4<sup>th</sup> 2014, the Common Council enacted an ordinance accepting forty five thousand dollars (\$45,000) from New York State Department of Labor to operate the Youth Employment Program. The contract period is April 01, 2014 to March 31, 2015. The New York State Department of Labor has agreed to extend the award from March 31, 2015 to March 31, 2016 for the remainder of the funds.

The Youth Bureau is requesting to amend the New York State Labor Department Contract to an additional one year by extending the end date to March 31, 2016 from the original end date of March 31, 2015 with the funds remaining the same as forty five thousand dollars. I am requesting that the Mayor and Common Council approve this amendment. It is also requested that the Mayor authorize the Budget Director to amend the Youth Development Fund as follows:

|                                    |                    | Current modified<br>Budget | New Budget             |
|------------------------------------|--------------------|----------------------------|------------------------|
| <u>Increase Estimated Revenue:</u> |                    |                            |                        |
| DL15 - 02225                       | NYS Dept. of Labor | <u>\$45,000</u>            | <u>\$45,000</u>        |
| <u>Increase Appropriations:</u>    |                    |                            |                        |
| DL15 - 1.800                       | Part time Salaries | \$39,397                   | \$39,237               |
| DL15 - 2.001                       | FICA               | \$3,015                    | \$3,002                |
| DL15 - 2.020                       | MTA PR Tax         | \$134                      | \$134                  |
| DL15 - 4.910                       | Program Supplies   | \$2,454                    | \$2,627                |
|                                    | <b>Total</b>       | <b><u>\$45,000</u></b>     | <b><u>\$45,000</u></b> |

Respectfully submitted,

  
Frank Williams, Jr.  
Director

For: June 1, 2015 Common Council Meeting

**AN ORDINANCE AMENDING AN ORDINANCE ADOPTED AUGUST 4, 2014, ENTITLED, "AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OF HIS DESIGNEE TO ENTER INTO A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF LABOR PROGRAM TO RECEIVE A GRANT IN THE AMOUNT OF \$45,000 TO OPERATE THE 2014 SUMMER YOUTH EMPLOYMENT PROGRAM AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2014/15 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT."**

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

Section 1. Section 1 of an ordinance adopted by the Common Council on August 4, 2014, is hereby amended to read as follows:

The Mayor, or his designee, is hereby authorized to enter into a contract with the New York State Department of Labor to receive a grant awarded to the City of White Plains (Youth Bureau) in the amount of \$45,000 to operate the [2014 Summer] Youth Employment Program. The contract period is April 1, 2014 to [March 31, 2015] March 31, 2016. Said contract shall be in a form acceptable to the Corporation Counsel.

Section 2. Section 2 of an ordinance adopted by the Common Council on August 4, 2014, is hereby amended in its entirety to read as follows:

The Mayor is further authorized to direct the Budget Director to amend the FY Youth Development Fund as follows:

**Increase Estimated Revenue:**

|            |                         |                 |
|------------|-------------------------|-----------------|
| DL15-02225 | NYS Department of Labor | <u>\$45,000</u> |
|------------|-------------------------|-----------------|

**Increase Appropriations:**

|            |                    |                 |
|------------|--------------------|-----------------|
| DL15-1.800 | Part Time Salaries | \$39,237        |
| DL15-2.001 | FICA               | 3,002           |
| DL15-2.020 | MTA PR Tax         | 134             |
| DL15-4.910 | Program Supplies   | <u>2,627</u>    |
|            |                    | <u>\$45,000</u> |

Section 3. All other provisions of the aforementioned ordinance adopted August 4, 2014, shall remain in full force and effect.

Section 4. This ordinance shall take effect April 1, 2014.



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

THOMAS M. ROACH  
Mayor

FRANK WILLIAMS, JR.  
Executive Director

May 21, 2015

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 18, 2015 to August 13, 2015 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

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 18, 2015 to August 13, 2015.

Respectfully submitted,

Frank Williams, Jr.  
Director

For: June 01, 2015 Common Council Meeting

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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 AND LETS GET READY-SAT PREP COURSE FROM JUNE 18, 2015 TO AUGUST 13, 2015 AND TO AUTHORIZE A CERTIFICATE OF INSURANCE TO BERKELEY COLLEGE FOR THE PERIOD JUNE 18, 2015 TO AUGUST 13, 2015.

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. and Lets Get Ready-SAT Prep Course, Tuesdays and Thursdays from 5:30 p.m. to 9:00 p.m., June 18, 2015 through August 13, 2015; 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 June 18, 2015-August 13, 2015 for the above described programs; now, therefore

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

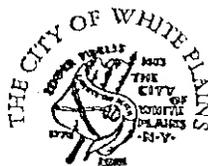
Section 1. The Mayor or his designee is hereby authorized on behalf of the City of

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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. and Lets Get Ready-SAT Prep Course, Tuesdays and Thursdays from 5:30 p.m. to 9:00 p.m., June 18, 2015 through August 13, 2015. 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 18, 2015-August 13, 2015 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:

It is recommended that the title of Planner II be established as part of the New York State Energy Research and Development Authority grant for the White Plains Multimodal Transportation Center Redevelopment Project. All costs associated with this position will be funded by the grant, and the position will be deleted from the Compensation Ordinance upon completion of the grant.

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

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: June 1, 2015

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

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

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

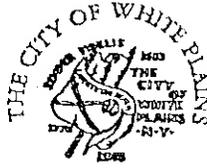
3a. Various Grant Programs

**ADD**

| <u>Title</u> | <u>Salary</u> |
|--------------|---------------|
| Planner II   | As Per Grant  |

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

§3. This ordinance shall take effect immediately.



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:

Attached for your consideration is an Ordinance amending the salaries of Appointed, Elected, Managerial/Confidential, and Hourly positions, and certain additional compensation.

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: June 1, 2015

67

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE WHITE PLAINS MUNICIPAL CODE IN RELATION TO APPOINTED, ELECTED, MANAGERIAL CONFIDENTIAL AND HOURLY SALARIES AND ADDITIONAL COMPENSATION.**

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

**Section 2. ARTICLE III, COMPENSATION AND LEAVE PLAN, Sec. 2-5-76, APPENDIX 1, elected and appointed officials,** of the White Plains Municipal Code is hereby amended as follows:

**Sec. 2-5-76. Appendix 1 elected and appointed officials.**

(A) Appendix 1 is hereby amended to read as follows:

**1. Appointed Officials:**

| <b>Department</b>      | <b>Position Title</b>            | <b>Salaries</b> |
|------------------------|----------------------------------|-----------------|
| Assessor               | Assessor                         | \$136,796       |
| Budget                 | Budget Director                  | 0               |
|                        | Deputy Budget Director           | 0               |
| Building               | Commissioner of Building         | 152,413         |
|                        | Deputy Commissioner              | 135,718         |
| City Clerk             | City Clerk                       | 108,790         |
|                        | Deputy City Clerk                | 0               |
| Finance                | Commissioner                     | 161,569         |
|                        | Deputy Commissioner              | 139,488         |
| Information Technology | Chief Information Officer        | 140,026         |
| Law                    | Corporation Counsel              | 202,648         |
|                        | Chief Deputy Corporation Counsel | 170,186         |
|                        | Deputy Corporation Counsel       | 162,646         |

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|                    |                          |         |
|--------------------|--------------------------|---------|
| Mayor              | Chief of Staff           | 0       |
| Personnel          | Personnel Officer        | 160,492 |
|                    | Deputy Personnel Officer | 98,354  |
| Planning           | Commissioner             | 145,000 |
|                    | Deputy Commissioner      | 131,000 |
| Public Library     | Director                 | 151,874 |
| Public Safety      | Commissioner             | 190,103 |
| Purchase           | Commissioner             | 119,561 |
| Public Works       | Commissioner             | 175,000 |
|                    | Deputy Commissioner I    | 148,644 |
|                    | Deputy Commissioner II   | 135,179 |
| Parking            | Commissioner             | 158,338 |
|                    | Deputy Commissioner I    | 132,001 |
|                    | Deputy Commissioner II   | 138,949 |
| Recreation & Parks | Commissioner             | 148,038 |
|                    | Deputy Commissioner      | 127,583 |
| Youth Bureau       | Director                 | 132,486 |

These salaries shall take effect as of July 1, 2015, with the exception of the salary of the Commissioner of Public Works whose salary shall become effective June 1, 2015.

(B) Appendix 1b is hereby amended to read as follows:

**1b. Other Appointed Officials:**

| <b>Department</b> | <b>Position</b> | <b>Salary</b> |
|-------------------|-----------------|---------------|
| Public Safety     | Physician       | \$53,318      |

This salary shall take effect as of July 1, 2015.

(C) Appendix 1c is hereby amended to read as follows:

| Position Title        | Salary    |
|-----------------------|-----------|
| Mayor                 | \$151,000 |
| Common Council Member | 36,471    |

The common council president shall receive an additional two thousand five hundred dollars (\$2,500.00) annual stipend

These salaries shall take effect as of July 1, 2015.

(D) Appendix 1d is hereby amended to read as follows:

**1d. Additional Compensation**

| Position Title       | Salary   |
|----------------------|----------|
| Chief Fiscal Officer | \$20,000 |

**Section 5. ARTICLE III, COMPENSATION AND LEAVE PLAN, Sec. 2-5-77, Appendix 2, managerial/confidential,** of the White Plains Municipal Code is hereby amended as follows:

**Sec. 2-5-77. Appendix 2, managerial/confidential.**

A) Appendix 2a Managerial/Confidential Salary Ranges, is hereby amended to read as follows:

Effective July 1, 2015

| Grade | 01     | 02     | 03     | 04     | 05     | 06     |
|-------|--------|--------|--------|--------|--------|--------|
| 01    | 38,343 | 40,728 | 43,153 | 45,505 | 46,956 | 50,278 |
| 02    | 39,917 | 42,399 | 44,884 | 47,372 | 49,860 | 52,336 |
| 03    | 42,446 | 44,942 | 47,443 | 49,943 | 52,446 | 54,947 |
| 04    | 43,743 | 46,497 | 49,248 | 51,992 | 54,742 | 57,486 |
| 05    | 45,764 | 48,665 | 51,548 | 54,518 | 57,336 | 60,236 |

|    |         |         |         |         |         |         |
|----|---------|---------|---------|---------|---------|---------|
| 06 | 47,068  | 50,137  | 53,195  | 56,263  | 59,334  | 62,391  |
| 07 | 49,343  | 52,610  | 55,867  | 59,130  | 62,389  | 65,653  |
| 08 | 52,029  | 55,485  | 58,936  | 62,403  | 65,861  | 69,319  |
| 09 | 55,263  | 59,032  | 62,802  | 66,578  | 70,350  | 74,118  |
| 10 | 59,625  | 63,653  | 67,681  | 71,697  | 75,723  | 79,751  |
| 11 | 63,500  | 67,777  | 72,056  | 76,341  | 80,622  | 84,907  |
| 12 | 68,312  | 73,023  | 77,719  | 82,428  | 87,130  | 91,830  |
| 13 | 73,143  | 78,283  | 83,427  | 88,558  | 93,700  | 98,843  |
| 14 | 78,042  | 83,543  | 89,050  | 94,556  | 100,056 | 105,563 |
| 15 | 82,964  | 88,822  | 94,706  | 100,572 | 106,438 | 112,320 |
| 16 | 87,845  | 94,128  | 100,409 | 106,697 | 112,978 | 119,258 |
| 17 | 96,094  | 102,833 | 109,576 | 116,316 | 123,055 | 129,791 |
| 18 | 104,649 | 111,764 | 118,882 | 125,995 | 133,115 | 140,231 |
| 19 | 113,103 | 120,702 | 128,287 | 135,875 | 143,468 | 151,060 |
| 20 | 121,624 | 129,890 | 138,142 | 146,382 | 154,668 | 162,928 |

B) Appendix 2c Managerial/Confidential - Fire, is hereby amended to read as follows:

| Position Title |                        | Salary    |
|----------------|------------------------|-----------|
| Fire Chief     | Effective July 1, 2015 | \$172,511 |

C) Appendix 2d Managerial/Confidential - Police, is hereby amended to read as follows:

| Position Title         |                        | Salary    |
|------------------------|------------------------|-----------|
| Police Chief           | Effective July 1, 2015 | \$172,511 |
| Assistant Police Chief | Effective July 1, 2015 | \$157,940 |

**Section 6. ARTICLE III, COMPENSATION AND LEAVE PLAN, Sec. 2-5-80, Appendix 5, Hourly** of the White Plains Municipal Code is hereby amended to include the following:

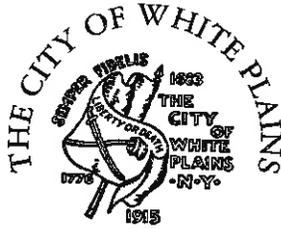
**Sec. 2-5-80. Appendix 5, hourly.**

Hourly Pay Scale: Chief Deputy Budget Director \$93.90

This section shall take effect July 1, 2015.

**Section 7.** The Mayor is hereby authorized to direct the Budget Director to transfer funds from the Fiscal Year 2015-2016 Reserve for Financing to fund the provisions of this ordinance.

**Section 8.** This ordinance shall take effect as of July 1, 2015.



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 (Non Metered)" on the west side of Jefferson Avenue as described in Section 755-A Subdivision 16.

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

Thomas Soyk  
Acting Chairman

Dated: May 21, 2015 (for the June 1, 2015 Common Council Meeting)

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**AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING A “HANDICAPPED PARKING SPACE-STREETS (NON-METERED)” ON THE WEST SIDE OF JEFFERSON AVENUE.**

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

**Designated Handicapped Parking Spaces-Streets (Non-Metered)**

Section 1. Article VII-A, Section 755-A 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 1st day of December 2014, is hereby amended by adding a new Subdivision 16 to read as follows:

16. Jefferson Avenue, on the west side, approximately 80 feet south of Chatterton Avenue, for approximately 20 feet.

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

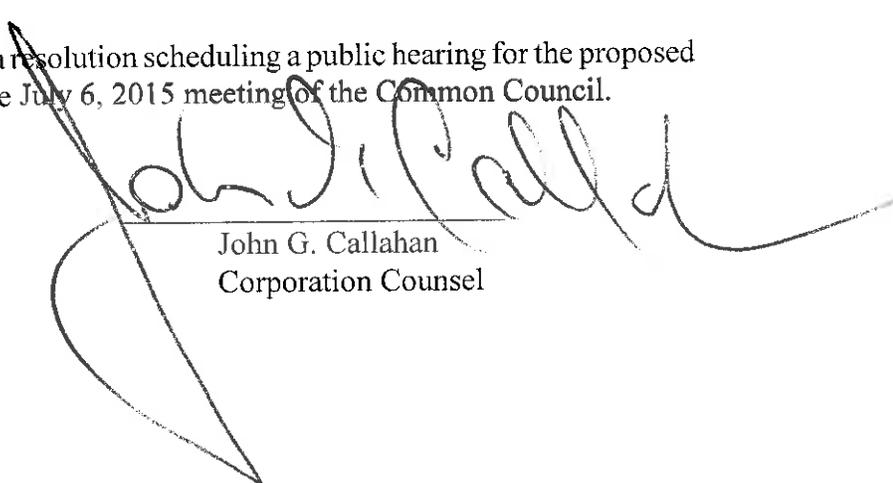
**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

At its March 2, 2015 meeting, the Common Council received and referred legislation submitted by the Acting Commissioner of Planning to amend the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") to the Law Department, Planning Board and Environmental Officer, and other appropriate departments, boards and commissions pursuant to Section 12 of the Zoning Ordinance. The Zoning Ordinance amendment, as proposed, would create a new Light Industrial-Mixed Use (LI-M) Zoning District and re-zone certain properties in the Light Industrial (L-I) Zoning District to the Light Industrial-Mixed Used Zoning District.

The Planning Board, in a communication dated May 20, 2015, did not object to the form of the proposed amendment. 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 July 6, 2015 meeting of the Common Council.



John G. Callahan  
Corporation Counsel

Dated: May 26, 2015  
(For the Common Council Meeting  
of June 1, 2015)

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR JULY 6, 2015, IN RELATION TO THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS CREATING A NEW LIGHT INDUSTRIAL-MIXED USE (LI-M) ZONING DISTRICT AND RE-ZONING CERTAIN PROPERTIES IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO LIGHT INDUSTRIAL-MIXED USE (LI-M) ZONING DISTRICT.

RESOLVED, that a public hearing in relation to the proposed amendment to the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") to: (a) create a new Light Industrial-Mixed Use (LI-M) Zoning District; and (b) re-zone certain properties in the Light Industrial (LI) Zoning District to the Light Industrial-Mixed Use (LI-M) Zoning District, will be held before the Common Council of the City of White Plains on July 6, 2015 at 7:30 p.m. in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York; and be it further

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



**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

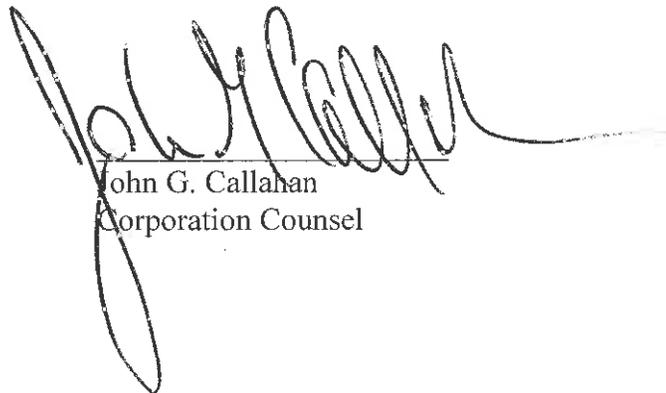
**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**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 Hastings Tea Corp. d/b/a Hastings Tea (“Applicant”) for a Special Permit for “outdoor dining” on private property adjacent to the facility located at 235 Main Street.

Special permits require a public hearing to be held prior to taking action. Accordingly, a resolution scheduling a public hearing for July 6, 2015, is submitted for your consideration.



John G. Callahan  
Corporation Counsel

Dated: May 26, 2015  
(For the Common Council Meeting  
of June 1, 2015)

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RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS  
SCHEDULING A PUBLIC HEARING FOR JULY 6, 2015 IN RELATION TO THE  
APPLICATION SUBMITTED ON BEHALF OF THE APPLICANT HASTINGS TEA  
CORP. D/B/A HASTINGS TEA FOR A SPECIAL PERMIT FOR OUTDOOR DINING  
ON PRIVATE PROPERTY ADJACENT TO THE FACILITY LOCATED AT 235 MAIN  
STREET.

RESOLVED, that a public hearing in relation to the application submitted on behalf of Hastings Tea Corp. d/b/a Hastings Tea ("Applicant") for a Special Permit to allow Outdoor Dining on private property in front of the facility located at 235 Main Street, will be held before the Common Council on July 6, 2015, at 7:30 p.m., in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is required to give notice of said public hearing pursuant to 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 hereby directed to forward a certified copy of this resolution to the Applicant.

THOMAS M. ROACH  
MAYOR



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

Damon A. Amadio, P.E.  
Commissioner

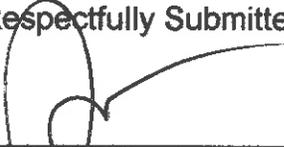
Kevin M. Hodapp, P.E.  
Deputy Commissioner

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

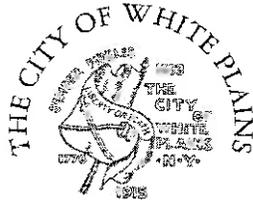
Per referral by the Common Council on May 5, 2015, the Department of Building has reviewed a request by The Salvation Army of Greater New York for an extension to the site plan approval for their project at 16 Sterling Avenue commonly known as "The Salvation Army".

This department has no objection to the extension being granted.

Respectfully Submitted,

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

Dated: May 20, 2015  
(for the June 1, 2015 Common Council Meeting)



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH  
Mayor

NORMAN DICHIARA, AIA  
Chairman

DAMON A AMADIO, P.E.  
Commissioner of Building

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

NICK PUJA  
Secretary

May 28, 2015

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

Dear Mayor and Council Members:

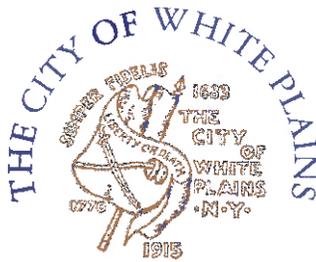
The Design Review Board, at its meeting on May 27, 2015, reviewed a request by The Salvation Army of Greater New York for a one (1) year extension to the Site Plan approval for their project located at 16 Sterling Ave, White Plains, NY. (Commonly known as "The Salvation Army")

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

Norman DiChiara

Norman DiChiara, Chairman  
Design Review Board

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TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: SALVATION ARMY - 16 STERLING AVENUE - ONE YEAR EXTENSION  
OF THE SITE PLAN APPROVAL

On June 4, 2012 the Common Council granted site plan approval for renovation and expansion of the Salvation Army church building located at Post Road and Sterling Avenue. The project involves the renovation of the existing 8,700 square foot building and an addition of approximately 15,500 square feet for the purpose of upgrading facilities to meet existing and projected programming needs. The expanded building and associated parking will extend onto four vacant lots located at 150-168 West Post Road.

On July 1, 2013, the Common Council granted a one year extension of the site plan approval, subject to the conditions of the original approval.

On April 21, 2014, an application was submitted to the Department of Building requesting a minor amendment to the site plan to allow exterior changes to the building addition that were necessary to address operational and engineering issues as follows:

- a) Wider roof dormers were needed to provide sufficient fresh air intake to meet the engineering requirements of the HVAC equipment in the attic.
- b) An additional egress stair was required and other stairs were reconfigured to satisfy the Child Care Council requirements for the use of the building.
- c) Certain window sizes were required to be modified to meet New York State code requirements.
- d) Roof eave pocket areas were removed to eliminate possible damage to the roof due to the potential for snow and ice accumulation.

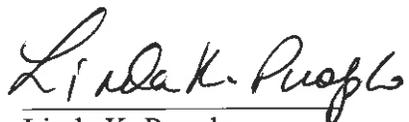
The application for a minor site plan amendment was submitted to the Common Council and placed on the consent agenda of the May 5, 2014 meeting. The Common Council did not object to approval of the minor site plan amendment, and, pursuant to Section 7.7.1.3 of the Zoning Ordinance, the proposed changes were deemed approved on June 4, 2014. This de facto approval of the site plan amendment established a new approval date of June 4, 2014; therefore, the current application is the first extension request for the amended site plan.

On April 2, 2015, the applicant submitted a petition for a one year extension of the site plan approval granted by the Common Council on June 4, 2012, as amended in 2014.

There have been no substantial changes to the project as approved in 2012, and there have been no changes to either the neighborhood or zoning in the project vicinity that would cause the Planning Department to reconsider its findings and recommendations that became part of the original approval conditions.

Therefore, the Department of Planning has no objection to granting a One Year Extension of the Site Plan Approval subject to all of the conditions of the original approval.

Sincerely,

A handwritten signature in cursive script that reads "Linda K. Puoplo".

Linda K. Puoplo  
Acting Commissioner  
Department of Planning



**PLANNING BOARD**

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

THOMAS M. ROACH  
MAYOR

MICHAEL QUINN  
CHAIRMAN

LINDA PUOPLO  
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

May 20, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE SALVATION ARMY - 16 STERLING AVENUE - ONE YEAR  
EXTENSION OF A PREVIOUSLY APPROVED SITE PLAN

At its May 19, 2015 meeting, the Planning Board reviewed the application made by the Salvation Army for a one year extension of its site plan approval.

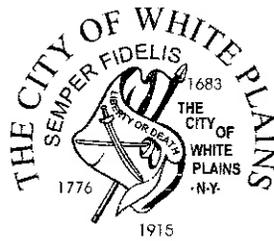
The project has no proposed changes, and there have been no changes to either the neighborhood or zoning in the project vicinity which would cause the Board to reconsider its previous finding of no objection to approval.

Construction of the project is anticipated to begin later this year, and the applicant has agreed to clean up and maintain the vacant lots that are a part of the project site until construction commences. Therefore, the Board has no objection to granting the requested one year extension.

Planning Board members voting in favor of the motion to find no objection to approval of a one year extension: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and (6); Opposed: None (0); Absent: J. Westlund (1).

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

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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed the following plans.  
There are no objections.

Salvation Army  
Site Plan Extension  
16 Sterling Ave.



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: May 19, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

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

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

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

We have reviewed the application for a Site Plan extension submitted by Cuddy & Feder LLP on behalf of the applicant, The Salvation Army of Greater New York, for the project known as "The Salvation Army" located at 16 Sterling Avenue, to permit the expansion and renovation of an existing two story building in two phases. The 14,000 SF two story addition to the existing 8,700 SF building will contain among other items, a kitchen and refuse & recycling area. Included is the construction of a new onsite parking area and outdoor recreational area.

Regulations governing stormwater have become progressively more strict (as recently as January 29, 2015,) therefore any and all new Federal, State or Local requirements and fees in effect at the time of subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City or the New York State Department of Environmental Conservation (NYSDEC).

With the understanding that all of our previous comments and concerns are to be addressed, as well as due consideration to our current comments prior to the issuance of any Building Department permit, the Department of Public Works has no objection to the approval of this one year extension.

Respectfully submitted,

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

for the June 1, 2015 Calendar

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**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

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

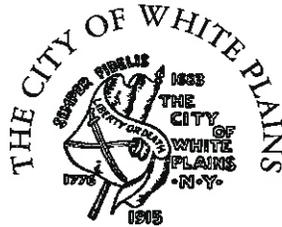
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS  
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/Traffic Division has reviewed the request for a Site Plan extension for the Salvation Army site (16 Sterling Avenue) which was referred by the Common Council on May 4, 2015.

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

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

Dated: May14, 2015  
(for the June 1, 2015 Common Council Meeting)



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

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THOMAS M. ROACH  
MAYOR

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

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

The Traffic Commission, at its meeting held on May 20, 2015 reviewed a request for an extension to the site plan from Salvation Army, (16 Sterling Avenue), as referred by the Common Council on May 5, 2015.

The Transportation Commission had no objections to the extension.

Thomas Soyk  
Acting Chairman

Dated: May 21, 2015 (for the June 1, 2015 Common Council Meeting)

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

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

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

**RE: #85 – The Salvation Army, 16 Sterling Avenue -  
Extension for Site Plan Approval**

The Department of Parking has received and reviewed the above-noted request for an extension for site plan approval for their project at 16 Sterling Avenue (commonly known as "The Salvation Army.")

The Parking Department has no objection to approval of this request.

Respectfully submitted,

John P. Larson,  
Commissioner of Parking

Date: June 1, 2015

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Robert P. Astorino  
County Executive

County Planning Board

May 12, 2015

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

Dear Ms. McPherson:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: **Salvation Army — WHP 15-009**  
Action: **One-Year Extension of Site Plan Approval**  
Location: **16 Sterling Avenue**

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

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:   
By:

Edward Burroughs, AICP  
Commissioner

EEB:LH

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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

May 19, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

**SUBJECT: SALVATION ARMY  
16 STERLING AVENUE AND 150-168 WEST POST ROAD  
SITE PLAN APPROVAL EXTENSION**

The application for a one year extension of the current site plan approval (hereinafter referred to as the "Proposed Action" or "Project") on behalf of The Salvation Army of Greater New York ( "Salvation Army" or "Applicant"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

At its June 4, 2012 meeting, the Common Council completed the environmental review and granted Site Plan approval ("2012 Approval") on behalf of The Salvation Army of Greater New York ( "Salvation Army" or "Applicant") regarding expansion of the existing legally nonconforming Church located at 16 Sterling Avenue.

At its July 1, 2013 meeting, the Common Council completed the environmental review and granted a one (1) year the extension of the site plan approval granted on June 4, 2012 ("2013 Approval").

The Application for Minor Site Plan Approval on behalf of The Salvation Army, dated April 12, 2014, to permit proposed minor changes to the site plans approved on June 4, 2012, was submitted to the Common Council at its meeting on May 5, 2014, by the letter from Damon A. Amadio P.E, Commissioner of Building, dated April 21, 2014, which Application for Minor Site Plan Approval was deemed approved by Commissioner of Building as of the June 4, 2014, having received no objections within the 30-day period from the Common Council ("2014 Approval")

Under Section 7.6 of the Zoning Ordinance, Special Permit and Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue.

The 2012, 2013 and 2014 Approvals and the Proposed Action involve (a) demolition of four existing residential buildings on previously acquired lots along West Post Road; (b) renovation of the existing two story, approximately 9,039 square feet building along Sterling Avenue and construction of a proposed 15,521 square feet two story addition for a total new gross floor area of 24,560 square; and (c) construction of a new parking lot with 17 spaces (16 standard size and one Handicap size spaces) which has adequate area for 17 additional stacked spaces for a total of 34 spaces.

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The 2014 Approval involved minor changes to the building due to operational and engineering issues, including the following:

- A. Wider roof dormers were needed to provide sufficient fresh air intake to meet the engineering requirements of the HVAC equipment in the attic.
- B. An additional egress stair was required and other stairs were reconfigured to satisfy the Child Care Council requirements for the use of the building.
- C. Certain window sizes were needed to be modified to meet New York State code requirements.
- D. Roof eave pocket areas were removed to eliminate possible damage to the roof due to the potential for snow and ice accumulation.

The premises includes the original church property at 16 Sterling Avenue (Section 130.42, Block 2, Lot 1) and five additional lots acquired over time at 150 - 168 West Post Road (Section 130.42, Block 2, Lots 2, 3, 4, 5, and 6).

The proposed improvements are intended to serve the existing programmatic needs of this place of worship, enhancing - but not materially changing - the essential components of the Salvation Army's current facilities that are overburdened.

The site with approximately 38,213 square feet of land area is situated within two Zoning Districts. Approximately 8,044 square feet of the site with frontage on Sterling Avenue and Lynton Place is located in the R2-4 Zoning District. Approximately 30,169 square feet of the site with frontage on West Post Road is located in the RM-1.5T Zoning District.

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The Environmental Officer recommends that all of the conditions included in the 2012, 2013 and 2014 Approvals be continued as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

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16. As per the communication of the Commissioner of Planning dated March 28, 2012 and the communication of the Chair of Planning Board dated January 31, 2012, the Applicant shall be required to revise its landscaping plan, Plan Sheet SP-3 dated 7/14/11, to reflect the tree planting and fencing it has committed to provide abutting the adjacent residential neighbors, as described at the Planning Board meeting of November 15, 2011, and generally as shown on Exhibit Detached to the Commissioner of Planning's communication dated March 28, 2012, and the Applicant shall submit same for approval to the Tree Preservation Committee. The Tree Committee will review the selection of plant materials to ensure that, to the maximum extent practicable such plants and trees are native species, and are located in a manner so as to have maximum success in growing as well as maximum screening.

17. As per the communication of the Commissioner of Planning dated March 28, 2012, Section 4.4.19.3 of the Zoning Ordinance provides that "all required landscaping shall be properly trimmed and maintained in good condition at all times." Accordingly, the Applicant shall maintain all landscaping properly trimmed and in good conditions at all times.

18. As per the communication of the Commissioner of Planning dated March 28, 2012, the Applicant shall demonstrate on the final landscaping plan to be approved by the Tree Preservation Committee that all fences proposed to be located on the property comply with the requirements for a fence in Section 4.4.16 of the Zoning Ordinance.

19. As per the communication of the Commissioner of Planning dated March 28, 2012, consistent with the City's policy to ensure that landscaping approved by the City is installed in a timely manner and maintained, after the final landscaping plan has been approved by the Tree Preservation Committee, the Applicant shall post a bond for the value of landscaping material and its installation to ensure that it is properly maintained and replaced if it dies or is damaged.

20. As per the communication of the Commissioner of Planning dated March 28, 2012, the Applicant shall be required to prepare, obtain approval of and manage the construction of the proposed modifications and addition to the Salvation Army Church located at 16 Sterling Avenue ("Proposed Project") pursuant to the City's Construction Management Plan which contains all the elements specified in the City's Construction Management Protocol. All work on the Proposed Project will be subject to the City's Construction Management Protocol.

21. As per the Commissioner of Planning's communication dated March 28, 2012, the Common Council does not approve the exterior lighting as proposed in the Application. The Applicant shall meet with the Commissioners of Planning and Building, and the Environmental Officer to examine appropriate exterior lighting for the site, such final lighting plan shall be subject to the approval of the Commissioners of Planning and Building and the Environmental Officer.

22. As per the communication of the Commissioner of Planning dated March 28, 2012, the third floor mechanical room shall be sound attenuated and any other equipment located outside that mechanical room, including elevator equipment, air conditioning equipment, generators, etc. also be sound attenuated.

23. As per the communication of the Commissioner of Planning dated March 28, 2012 and in accordance with the recommendations of the Design Review Board in a communication dated September 13, 2011, the Applicant shall continue to work with the Design Review Board and the neighborhood to match the color of materials on the addition to the existing building and determine an appropriate lighting level for the Rose Window illumination.

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26. As per the communication of the Design Review Board dated September 13, 2011, the Applicant shall submit any material changes or design changes to the Design Review Board.

Regarding the 2012 Approval, the Common Council determined that the project was consistent with the Comprehensive Plan, conformed to the dimensional regulations and Site Plan standards of the White plains Zoning Ordinance, and determined that the project would not have a significant effect on the environment.

Since the 2012 Approval, the project has not been changed and there are no other relevant changes in circumstances related to the project.

Based on the above discussion, it is recommended that the Common Council find that:

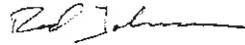
1. The project continues to be consistent with the Comprehensive Plan and the Zoning Ordinance.
2. The conditions contained in the 2012, 2013 and 2014 Approvals should remain in full force and effect.
4. That are no relevant changes in circumstances related to the project that would require an amendment to the 2012 and 2013 SEQRF Findings as amended by the project extensions.

SEQR Findings

It is recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the 2012, 2013 and 2014 Approvals; (d) reconfirm the SEQR findings last adopted July 1, 2013; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment.

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

Respectfully submitted,



Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
AN EXTENSION OF THE SITE PLAN APPROVAL ON BEHALF OF THE SALVATION ARMY  
AT 16 STERLING AVENUE AND 150 - 168 WEST POST ROAD.

WHEREAS, the application for a one year extension of the current site plan approval (hereinafter referred to as the "Proposed Action" or "Project") on behalf of The Salvation Army of Greater New York ("Salvation Army" or "Applicant"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, at its June 4, 2012 meeting, the Common Council completed the environmental review and granted Site Plan approval ("2012 Approval") on behalf of The Salvation Army of Greater New York ("Salvation Army" or "Applicant") regarding expansion of the existing legally nonconforming Church located at 16 Sterling Avenue; and

WHEREAS, at its July 1, 2013 meeting, the Common Council completed the environmental review and granted a one (1) year the extension of the site plan approval granted on June 4, 2012 ("2013 Approval"); and

WHEREAS, the Application for Minor Site Plan Approval on behalf of The Salvation Army, dated April 12, 2014, to permit proposed minor changes to the site plans approved on June 4, 2012, was submitted to the Common Council at its meeting on May 5, 2014, by the letter from Damon A. Amadio P.E, Commissioner of Building, dated April 21, 2014, which Application for Minor Site Plan Approval was deemed approved by Commissioner of Building as of the June 4, 2014, having received no objections within the 30-day period from the Common Council ("2014 Approval"); and

WHEREAS, under Section 7.6 of the Zoning Ordinance, Special Permit and Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue; and

WHEREAS, the 2012, 2013 and 2014 Approvals and the Proposed Action involve (a) demolition of four existing residential buildings on previously acquired lots along West Post Road; (b) renovation of the existing two story, approximately 9,039 square feet building along Sterling Avenue and construction of a proposed 15,521 square feet two story addition for a total new gross floor area of 24,560 square; and (c) construction of a new parking lot with 17 spaces (16 standard size and one Handicap size spaces) which has adequate area for 17 additional stacked spaces for a total of 34 spaces; and

WHEREAS, the 2014 Approval involved minor changes to the building due to operational and engineering issues, including the following:

- A. Wider roof dormers were needed to provide sufficient fresh air intake to meet the engineering requirements of the HVAC equipment in the attic.
- B. An additional egress stair was required and other stairs were reconfigured to satisfy the Child Care Council requirements for the use of the building.
- C. Certain window sizes were needed to be modified to meet New York State code requirements.
- D. Roof eave pocket areas were removed to eliminate possible damage to the roof due to the potential for snow and ice accumulation; and

WHEREAS, the premises includes the original church property at 16 Sterling Avenue (Section 130.42, Block 2, Lot 1) and five additional lots acquired over time at 150 - 168 West Post Road (Section 130.42, Block 2, Lots 2, 3, 4, 5, and 6); and

WHEREAS, the proposed improvements are intended to serve the existing programmatic needs of this place of worship, enhancing - but not materially changing - the essential components of the Salvation Army's current facilities that are overburdened; and

WHEREAS, the site with approximately 38,213 square feet of land area is situated within two Zoning Districts. Approximately 8,044 square feet of the site with frontage on Sterling Avenue and Lynton Place is located in the R2-4 Zoning District. Approximately 30,169 square feet of the site with frontage on West Post Road is located in the RM-1.5T Zoning District; and

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25. As per the communication of the Westchester County Planning Board dated September 30, 2011, Post Road (NYS Route 22) is a County road (CR 53). Because a new curb cut into Post Road is shown on the plans, approval for the work from the Westchester County department of Public Works and transportation under Section 239-f of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details need to be provided by the Applicant at the time of Section 239-f submittal. The driveway must also be designed in accordance with current County, State and AASHTO standards.

26. As per the communication of the Design Review Board dated September 13, 2011, the Applicant shall submit any material changes or design changes to the Design Review Board.

WHEREAS, the Environmental Officer has recommended that the Common (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the 2012, 2013 and 2014 Approvals; (d) reconfirm the SEQR findings last adopted July 1, 2013; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the 2012, 2013 and 2014 Approvals; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby reconfirms the SEQR findings last adopted July 1, 2013; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby reconfirms 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 distribute the appropriate notice as required by SEQR.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS EXTENDING FOR AN ADDITIONAL ONE (1) YEAR THE SITE PLAN APPROVAL GRANTED ON JUNE 4, 2012 TO THE SALVATION ARMY OF GREATER NEW YORK ("APPLICANT") FOR THE PROJECT KNOWN AS "THE SALVATION ARMY" LOCATED AT 16 STERLING AVENUE AND EXTENDING SOUTHERLY THEREFROM ALONG WEST POST ROAD TO PERMIT THE EXPANSION AND RENOVATION OF AN EXISTING APPROXIMATELY 8,700 SQUARE FOOT, TWO (2) STORY BUILDING IN TWO (2) PHASES, INCLUDING THE APPROXIMATELY 15,500 SQUARE FOOT TWO (2) STORY ADDITION PLUS ATTIC TO THE EXISTING BUILDING WHICH WILL CONTAIN, *INTER ALIA*, A TWO (2) BEDROOM RESIDENCE FOR A CLERIC, OFFICE SPACE, CLASSROOMS FOR AFTER-SCHOOL PROGRAMS, A BASKETBALL COURT/MULTI-PURPOSE ROOM, RESTROOMS, A KITCHEN, A FOOD PANTRY, STORAGE AREA, REFUSE AND RECYCLING AREA, GARAGE FOR AN EMERGENCY VEHICLE AND THE CONSTRUCTION OF A NEW ONSITE PARKING AREA AND OUTDOOR RECREATIONAL AREA, THE BUILDING FRONTING ON WEST POST ROAD.

WHEREAS, on June 4, 2012, the Common Council of the City of White Plains, after adopting environmental findings, approved an application submitted on behalf of the Salvation Army of Greater New York ("Applicant") for a project known as "The Salvation Army" located at 16 Sterling Avenue and extending southerly therefrom along West Post Road to permit the expansion and renovation of an existing approximately 8,700 square foot, two (2) story building in two (2) phases, including the approximately 15,500 square foot two (2) story addition plus attic to the existing building which will contain, *inter alia*, a two (2) bedroom residence for a cleric, office space, classrooms for after-school programs, a basketball court/multi-purpose room, restrooms, a kitchen, a food pantry, storage area, refuse and recycling area, garage for an emergency vehicle and the construction of a new onsite parking area and outdoor recreational area, the building fronting on West Post Road; and

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WHEREAS, the Site Plan approval granted on June 4, 2012, contained the following conditions:

1. The Applicant shall be bound by the provisions of the Traffic Management Plan, last revised March 21, 2012, as further revised herein. As per the communication of the Chair of the Traffic Commission dated March 22, 2012, in summary, the revised Traffic Management Plan, dated March 21, 2012, provides that people parking cars on the street for the Salvation Army's After School and Day Camp programs will be directed to do so only on the one-block section of Sterling Avenue nearest the Post Road (and nearest the Salvation Army building) so that the parked cars will not spill out into the rest of the residential area. As provided in the revised Traffic Management Plan, dated March 21, 2012, as further revised herein, the Applicant Salvation Army will monitor four (4) times a year, the number of parked cars in the area, and the Applicant will report these figures to the City along with enrollment statistics and a description of the programs offered at the school. These quarterly reports will continue at intervals established in the revised Traffic Management Plan, dated March 21, 2012, as further revised herein, until the After School program reaches a sixty (60) child capacity. If overflow parking does result beyond Sterling Avenue, the Traffic Management Plan contains procedures, including implementing a new parking plan, on-site, if necessary. Other amendments to the revised Traffic Management Plan, last revised March 21, 2012, help to clarify how the on-site attended parking will operate during special events.

2. As per the communication of the Commissioner of Public Works dated February 6, 2012, the applicant's Engineer Of Record (EOR) for the building's mechanical systems submitted

design calculations disclosing the necessary size of the water and sanitary sewer service lines. The EOR is the Applicant's New York State licensed design professional responsible for insuring the project's service lines are adequate for its intended inhabitants and uses. There is concern with the larger replacement proposed for the Applicant's current sanitary sewer service line, and the potential impact on the City's municipal infrastructure. Additional evaluation will be required by the Applicant's EOR to further analyze the building's requirements and whether the existing smaller diameter service can be utilized. The Commissioner of Public Works shall have sole discretion to determine if upgrading to the City's infrastructure is required to accommodate the proposed addition. If upgrades are required, such improvements are to be the responsibility of the Applicant. If the larger sanitary service is permitted, a manhole must be constructed at the connection to the 8" municipal pipe.

3. As per the communication of the Commissioner of Public Works dated February 6, 2012, the latest solid waste and recycling drawing indicated in the revised parking lot layout for the Traffic Management Plan After School Program appears sufficient to accommodate the refuse and recycling needs for the project, thereby enabling municipal collection. Prior to the issuance of a Building Permit, the Applicant must provide the City's Solid Waste Management form to accompany the design.

4. As per the communication of the Commissioner of Public Works dated February 6, 2012, right-of-way improvements include the installation of new sidewalk and granite curbing,

as well as the installation of trees and lighting standards along the Post Road frontage. The lighting must be adequate to provide for a uniform lighting output, therefore the Commissioner of Public Works will review the number required and locations of the proposed lighting units (including “wrought iron” sidewalk type along West Post Road) within the right-of-way (ROW). Municipal trees must be native species or as approved by the Commissioner. Shrubbery and other plantings placed in the public ROW, shall be maintained by the Applicant.

5. As per the communication of the Commissioner of Public Works dated February 6, 2012, there are technical items that can be addressed prior to the issuance of permits *i.e.* storm water modifications, dewatering, water valve configurations & pipe sizing, possible grease trap, discharge pipe sizing for the backflow preventer, driveway profile, grading issues, etc. All construction under the jurisdiction of the Department of Public Works (DPW) must be in conformance with DPW standards regardless of what may be shown or omitted on the plan.

6. As per the communication of the Commissioner of Public Works dated February 6, 2012, due to the site’s water table level and possible soil characteristics, there are concerns with the functioning of this particular proposed deep section porous pavement. While the Commissioner of Public Works strongly encourages the use of such practices, the design must function as required when installed, as well as in the future. Additionally, the parking area will be constructed in the location of the house demolition sites, which will require a large amount of fill. The compaction and type of material provided under the porous parking area is critical, and the Commissioner of Public

Works will take the as-built percolation results in consideration when giving final approval of the stormwater mitigation plan. For these reasons, as well as City of White Plains guidelines, a portion of the detention credit can be taken for the installation of porous pavements, when water quality has been mitigated. To ensure the functioning of the pavement, geotechnical testing must be performed and witnessed by the Department of Public Works, and onsite drainage inlet(s) must also be provided as secondary measures.

7. As per the communication of the Commissioner of Public Works dated February 6, 2012, the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer Of Record. An as-built of the stormwater facilities as well as all work under the jurisdiction of the Commissioner of Public Works must be provided, signed and sealed by this engineer, or by a New York State licensed land surveyor.

8. As per the communication of the Commissioner of Public Works dated February 6, 2012, a Department of Public Works MS4 stormwater permit is required prior to the issuance of any permits. A required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's Local Law requirements and coordinated with the Corporation Counsel. A typical escrow account must be established for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account

to perform maintenance work should the owner fail to be responsive. Further, the Department of Public Works shall receive 20% of all costs as an administrative fee.

9. As per the communication of the Commissioner of Planning dated March 28, 2012, and as proposed in the Applicant's revised Traffic Management Plan, dated March 21, 2012, the City, through the Department of Traffic, shall stripe the appropriate spaces and designate non-parking areas near the corners of West Post Road and Sterling Avenue to ensure that traffic flow at the intersections does not deteriorate in level of service and the good visibility for parents and children crossing Sterling Avenue to cars parked on the east side of the street continues is provided, and parking that would block the driveways of the two residences on the east side of Sterling Avenue is avoided.

10. As per the communication of the Commissioner of Planning dated March 28, 2012, the following modifications shall be made by the Applicant to the Traffic Management Plan:

- a) Any school buses carrying children to the After School or Day Camp Program from outside ~~with~~ the White Plains School District will be ~~requested~~ directed to drop off the children/program participants on Sterling Avenue and not Lynton Place. (Note, there are currently no After School program participants from outside the White Plains School District and therefore there are no unauthorized buses

dropping of participants on Lynton Place.)

- b) Parents picking-up their children from the After School or Day Camp Program by car will be directed to turn right onto Lynton Place to reach Post Road. The direction of the Salvation Army traffic exiting Sterling Avenue will also be recorded during the parking survey. These directions (in writing) will be provided at the time of Program Registration and at the start of the Program Year in September for the After School Program and at the beginning of the Summer Day Camp Program.

11. As per the communication of the Commissioner of Planning dated March 28, 2012, since programs that use the multipurpose room are scheduled supervised programs, the rear entrance into said room shall not be used as an unsupervised program entrance or entrance for visitors. Unsupervised program attendees and visitors shall enter the building at the main entrance. It is understood that the rear doors off the multipurpose room will be used to access the outside for youth activities and for leaving the building if the parking lot child pick up is instituted. This would only be done under the Traffic Management Plan if pick up can not be handled off of Sterling Avenue. There shall be no regular ingress or egress from the rear of the building after 9 PM to avoid impacts to the abutting residential homes.

12. As per the communication of the Commissioner of Planning dated March 28, 2012, sidewalks and handicapped curb cuts shall be improved by the Applicant Salvation Army to meet City standards.

13. As per the communication of the Commissioner of Planning dated March 28, 2012, to ensure that there is not a conflict for parking on weekdays, the schedules for the morning programs using the multipurpose room shall be clearly established to end before Day Camp begins in the morning, and that all evening programs which use the multipurpose room be clearly scheduled not to begin until the After School and Day Camp Program children have left. A copy of the schedule shall be made available by the Applicant to the Commissioner of Traffic.

14. As per the communication of the Commissioner of Planning dated March 28, 2012, the Applicant's revised Traffic Management Plan, dated March 21, 2012, shall provide that any off-street loading by the Applicant shall be arranged to be done from the parking lot not during AM or PM peak periods for either commuter or school traffic.

15. As per the communication of the Commissioner of Planning dated March 28, 2012, the Applicant's landscaping plan, Plan Sheet SP-3 dated 7/14/2011 is not approved. To ensure that the final landscaping plan reflects the modifications made by the Applicant at the request of City staff and boards and abutting owners, the Applicant is required to submit to the Tree Preservation Committee within sixty (60) days of adoption of this approval resolution herein, a revised

landscaping plan which represents the changes made to the landscaping as presented to the Planning Board at its meeting of November 15, 2011, subject to the final approval of the Tree Preservation Committee (the Commissioners of Planning and Public Works, and the Environmental Officer), in consultation with the abutting owners.

16. As per the communication of the Commissioner of Planning dated March 28, 2012 and the communication of the Chair of Planning Board dated January 31, 2012, the Applicant shall be required to revise its landscaping plan, Plan Sheet SP-3 dated 7/14/11, to reflect the tree planting and fencing it has committed to provide abutting the adjacent residential neighbors, as described at the Planning Board meeting of November 15, 2011, and generally as shown on Exhibit E attached to the Commissioner of Planning's communication dated March 28, 2012, and the Applicant shall submit same for approval to the Tree Preservation Committee. The Tree Committee will review the selection of plant materials to ensure that, to the maximum extent practicable such plants and trees are native species, and are located in a manner so as to have maximum success in growing as well as maximum screening.

17. As per the communication of the Commissioner of Planning dated March 28, 2012, Section 4.4.19.3 of the Zoning Ordinance provides that "all required landscaping shall be properly trimmed and maintained in good condition at all times." Accordingly, the Applicant shall maintain all landscaping properly trimmed and in good conditions at all times.

18. As per the communication of the Commissioner of Planning dated March 28, 2012, the Applicant shall demonstrate on the final landscaping plan to be approved by the Tree Preservation Committee that all fences proposed to be located on the property comply with the requirements for a fence in Section 4.4.16 of the Zoning Ordinance.

19. As per the communication of the Commissioner of Planning dated March 28, 2012, consistent with the City's policy to ensure that landscaping approved by the City is installed in a timely manner and maintained, after the final landscaping plan has been approved by the Tree Preservation Committee, the Applicant shall post a bond for the value of landscaping material and its installation to ensure that it is properly maintained and replaced if it dies or is damaged.

20. As per the communication of the Commissioner of Planning dated March 28, 2012, the Applicant shall be required to prepare, obtain approval of and manage the construction of the proposed modifications and addition to the Salvation Army Church located at 16 Sterling Avenue ("Proposed Project") pursuant to the City's Construction Management Plan which contains all the elements specified in the City's Construction Management Protocol. All work on the Proposed Project will be subject to the City's Construction Management Protocol. This Protocol is summarized below for the purpose of fully disclosing the obligations it imposes.

The requirements for the White Plains Construction Management Protocol for the proposed modifications and addition to the Salvation Army Church located at 16 Sterling Avenue ("Proposed Project") are set forth below:

- A. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
- B. Since vibration from excavation and construction equipment and work could have

negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting. In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.

- C. The Construction Management Plan for the Proposed Project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers which designates the location(s) construction workers are to park and designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a

parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot or parking garage is proposed for construction worker parking.

- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless given written approval as to time and location by the Commissioners of Public Works and Public Safety.
  
- E. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer. This is of particular importance in this case due to the close proximity of the abutting residential homes.
  
- F. Due to the proximity of sensitive receptors, such as the abutting residents and Post Road School, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:

1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines and better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
  
2. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
  
3. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more

than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel. Documentation shall be provided to the Commissioner of Building.

4. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.

5. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

G. Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

- H. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.
  
- I. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
  
- J. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
  
- K. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.

- L. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
- M. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
- N. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
- O. The Applicant or any of its successor(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.

21. As per the Commissioner of Planning's communication dated March 28, 2012, the Common Council does not approve the exterior lighting as proposed in the Application. The Applicant shall meet with the Commissioners of Planning and Building, and the Environmental Officer to examine appropriate exterior lighting for the site, such final lighting plan shall be subject to the approval of the Commissioners of Planning and Building and the Environmental Officer.

22. As per the communication of the Commissioner of Planning dated March 28, 2012, the third floor mechanical room shall be sound attenuated and any other equipment located outside that mechanical room, including elevator equipment, air conditioning equipment, generators, etc. shall also be sound attenuated.

23. As per the communication of the Commissioner of Planning dated March 28, 2012 and in accordance with the recommendations of the Design Review Board in a communication dated September 13, 2011, the Applicant shall continue to work with the Design Review Board and the neighborhood to match the color of materials on the addition to the existing building and determine an appropriate lighting level for the Rose Window illumination.

24. As per the communication of the Chair of the Planning Board dated January 31, 2012, the Applicant shall be required to provide forty-eight (48) hours notice to the City's Department of Public Safety before special events at the Church.

25. As per the communication of the Westchester County Planning Board dated September 30, 2011, Post Road (NYS Route 22) is a County road (CR 53). Because a new curb cut into Post Road is shown on the plans, approval for the work from the Westchester County Departments of Public Works and Transportation under Section 239-f of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details need to be provided by the Applicant at the time of Section 239-f submittal. The driveway must also be designed in

accordance with current County, State and AASHTO standards.

26. As per the communication of the Design Review Board dated September 13, 2011, the Applicant shall submit any material changes or design changes to the Design Review Board; and

WHEREAS, the Common Council, at a meeting held on June 3, 2013, received a communication from the Commissioner of Building, dated May 23, 2013, forwarding a letter from William S. Null, Esq., of the law firm of Cuddy & Feder LLP, counsel for the Applicant, requesting a one (1) year extension of the Site Plan approval of the project granted by the Common Council by resolution adopted on June 4, 2012 (“Application”), in anticipation of the Applicant’s failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”); and

WHEREAS, after making environmental findings, the Common Council, at a meeting held on July 1, 2013, adopted a resolution granting a one (1) year extension of the Site Plan approval granted on June 4, 2012 for the project known as “the Salvation Army, subject to all of the applicable conditions set forth in the June 4, 2012 approval resolution and the following additional condition recommended in the communication of the Commissioner of Public Works dated July 1, 2013:

Regulations governing stormwater have become progressively more strict, therefore any and all new Federal, State or local requirements and fees in effect at the time of

subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City of White Plains and/or the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, at a meeting held on May 5, 2014, the Common Council received a communication from the Commissioner of Building dated April 21, 2014, forwarding an application submitted on behalf of The Salvation Army of Greater New York, for a minor amendment to make certain exterior changes to their building addition, designed to address construction issues, engineering functionality and code compliance; and

WHEREAS, having received no objection from the Common Council as to the minor amendment application, the Commissioner of Building granted Applicant's request for said minor amendment on or about June 2, 2014; and

WHEREAS, the Common Council, at a meeting held on May 4, 2015, received a communication from the Commissioner of Building, dated April 22, 2015, forwarding a letter dated April 2, 2015, from William S. Null, Esq., of the law firm of Cuddy & Feder LLP, counsel for the Applicant, requesting an additional one (1) year extension of the Site Plan approval of the project granted by the Common Council by resolution adopted on June 4, 2012 ("Application"), extended by a resolution adopted July 1, 2013, and by a minor amendment granted June 2, 2014, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance");

and

WHEREAS, the aforementioned site plan extension application also included a Short Form Building Permit application dated April 2, 2015; a Short Environmental Assessment Form dated April 2, 2015, and certified by William S. Null, Esq.; a copy of the resolution adopted by the Common Council on July 1, 2013, granting a one (1) year extension of the Site Plan approval adopted by the Common Council on June 4, 2012; and a copy of a letter from the Commissioner of Building, dated November 21, 2014, confirming the minor site plan amendment in June of 2014; and

WHEREAS, the request for the extension of the approved Site Plan was referred by the Common Council at its May 4, 2015 meeting to the Departments of Law, Building, Planning, Public Safety, Public Works, and Parking, and the Planning Board, Design Review Board, Transportation Commission, Environmental Officer and the Westchester County Planning Board for review, comments and recommendations; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, officers, commissions and boards, and the Westchester County Planning Board in relation to the request for the one (1) year extension of the approved Site Plan; and

WHEREAS, Applicant's counsel in his April 2, 2015 letter states that there has been no material change in circumstances since the issuance of the Site Plan approval on June 4, 2012 that would affect the basis for the approval; and

WHEREAS, Applicant's counsel in his April 2, 2015 further states that the Salvation Army has focused on the improvement of the White Plains' facilities in the context of improving its Westchester facilities, including White Plains, Sleepy Hollow, and Port Chester; and

WHEREAS, Applicant's counsel also notes in his April 2, 2015 letter, that concurrent with selection of the design-build team, the Salvation Army has been working closely with the neighborhood regarding details of the construction and also has needed to coordinate details for accommodating the White Plains' congregation, staff, facilities and programs during construction operations; and

WHEREAS, Applicant's counsel also states in his April 2, 2015 letter that having taken these necessary steps over the past year, the Salvation Army has undertaken on-site abatement and demolition work, so that the redevelopment of the facilities may proceed, and that the Applicant affirms that the several conditions contained in the June 4, 2012 and July 1, 2013 resolutions continue to be binding upon the Applicant's modifications and will be satisfied; and

WHEREAS, the Common Council has reviewed and considered the comments and recommendations from the various City departments, boards, commissions and officers and the Westchester County Planning Board, and has reviewed the one (1) year Site Plan extension in light of the 1997 Comprehensive Plan and the 2006 Plan Update adopted July 11, 2006, and the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 4, 7 and 8; and

WHEREAS, in connection with this instant application, the Common Council, at its meeting held on June 1, 2015, adopted an environmental findings resolution, which re-confirmed the Common Council as Lead Agency for the environmental review of this application to extend approval of the Site Plan for one (1) year pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”); re-confirmed that the Proposed Action is an Unlisted Action; found that there is no new environmental information of any importance with regard to the site that has been discovered since the Common Council’s consideration of the Site Plan approval; found no relevant changes in circumstances related to the project that would require an amendment to the June 4, 2012 approval or July 1, 2013 extension; re-confirmed the SEQRA findings adopted June 4, 2012 and July 1, 2013; re-confirmed the Proposed Action, with the conditions contained in the Site Plan approval adopted June 4, 2012, and Site Plan extension adopted July 1, 2013, will not have a significant effect on the environment; now, therefore be it

RESOLVED, that the Common Council hereby extends until June 6, 2016, the Site Plan Approval of a project known as “The Salvation Army” located at 16 Sterling Avenue and extending southerly therefrom along West Post Road to permit the expansion and renovation of an existing approximately 8,700 square foot, two (2) story building in two (2) phases, including the approximately 15,500 square foot two (2) story addition plus attic to the existing building which will contain, *inter alia*, a two (2) bedroom residence for a cleric, office space, classrooms for after-school programs, a basketball court/multi-purpose room, restrooms, a kitchen, a food pantry, storage area, refuse and recycling area, garage for an emergency vehicle and the construction of a new onsite parking area and outdoor recreational area, the building fronting on West Post Road, subject to the

Applicant's compliance with all of the applicable conditions contained in the June 4, 2012 resolution, the July 1, 2013 extension resolution, and subject to the Applicant's compliance with the following additional condition:

As per the communication of the then Commissioner of Public Works prepared for the Common Council meeting of June 1, 2015, regulations governing stormwater have become progressively more strict (as recently as January 29, 2015) and therefore, any and all new Federal, State or local requirements and fees in effect at the time of the subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City of White Plains or the New York State Department of Environmental Conservation.

THOMAS M. ROACH  
MAYOR



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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

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

Per referral by the Common Council on May 5, 2015, the Department of Building has reviewed a request by 120 Bloomingdale Road LLC, the current owner of the property, for an extension to the site plan approval for their project at 120 Bloomingdale Road (commonly known as "The Venue"). A letter petition, dated April 14, 2015, prepared by Cuddy and Feder on behalf of 120 Bloomingdale LLC has been submitted for a one (1) year extension to the Common Council Resolution adopted on May 5<sup>th</sup> 2008.

This department has no objection to this extension being granted.

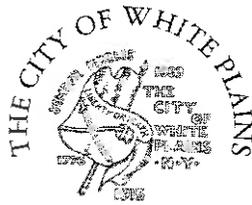
Respectfully Submitted,

Damon A. Amadio P.E.  
Commissioner of Building

Dated: May 19, 2015  
(for the June 1, 2015 Common Council Meeting)

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

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THOMAS M. ROACH  
Mayor

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

NORMAN DICHIARA, AIA  
Chairman

KEVIN M. HODAPP, P.E.  
Deputy Commissioner of Building  
NICK PUJA  
Secretary

May 28, 2015

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on May 27, 2015, reviewed a request by 120 Bloomingdale Rd LLC, for a one (1) year extension of the Site Plan approval for their project located at 120 Bloomingdale Rd, White Plains, NY. (Commonly known as "The Venue")

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

Norman DiChiara

Norman DiChiara, Chairman  
Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

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

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

**RE:** THE VENUE ON BLOOMINGDALE ROAD - 120 BLOOMINGDALE ROAD – ONE YEAR RENEWAL OF THE SPECIAL PERMIT/SITE PLAN APPROVAL TO CONSTRUCT NEW RETAIL SPACE AND RESTAURANT WITH OUTDOOR DINING, ON AN ENVIRONMENTALLY SENSITIVE SITE AND IN A SPECIAL “S” ZONE

#### **Application**

By letter dated April 14, 2015, William Null, on behalf of 120 Bloomindale Road LLC (the "Applicant"), submitted an application for the extension of a Special Permit and Site Plan approval that was granted by the Common Council on May 5, 2014, for development of a retail and restaurant space known as "The Venue" on Bloomingdale Road. The Planning Department has reviewed the application, and offers the following comments and recommendations for Common Council consideration.

#### **Project Summary**

The Venue on Bloomingdale Road is an approved retail and restaurant development with approximately 53,000 square feet of space and a 334 space parking structure. The Applicant's letter states that no changes are proposed to the approved plan. There have been no changes to the surroundings that would affect the prior approvals.

#### **Recommendations**

Since there have been no material changes to the application since its last extension, the Planning Department has no objection to granting a one-year extension to May 2016 for the site plan and special permit approvals for the Venue project subject to all conditions contained in previous approvals.

Respectfully submitted,

Linda Puoplo  
Acting Commissioner of Planning

Dated: May 20, 2015

For the June 1, 2015 Council Meeting

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**PLANNING BOARD**

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

THOMAS M. ROACH  
MAYOR

MICHAEL QUINN  
CHAIRMAN

LINDA PUOPLO  
ACTING COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

May 20, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE VENUE - 120 BLOOMINGDALE ROAD - ONE YEAR EXTENSION OF  
A PREVIOUSLY APPROVED SITE PLAN

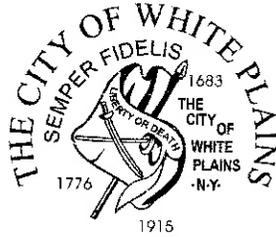
At its May 19, 2015 meeting, the Planning Board reviewed the application made by The Venue for a one year extension of its site plan approval.

The project has no proposed changes, and there have been no changes to either the neighborhood or zoning in the project vicinity. Therefore, the Board has no objection to granting the requested one year extension.

Planning Board members voting in favor of the motion to find no objection to the one year extension of site plan approval: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and (6); Opposed: None (0); Absent: J. Westlund (1).

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

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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed the following plans.  
There are no objections.

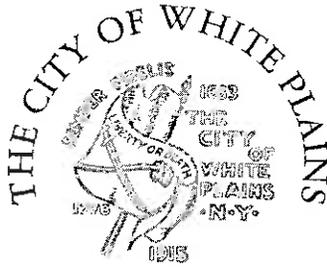
The Venue  
Site Plan Extension  
120 Bloomingdale Road



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: May 19, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

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

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

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

We have reviewed the Site Plan materials submitted by Cuddy & Feder on behalf of the applicant, 120 Bloomingdale Road LLC, for the project known as “The Venue on Bloomingdale Road” for a renewal of the Site Plan approval and related Special Permit approvals to permit construction of 47,000 square feet of retail space, 6,000 square feet of restaurant space with outdoor dining, and 334 new parking spaces on two levels above the retail center/restaurant level on a 5.8 acre parcel. There is an existing 141,427 square foot office building on the site that will remain.

The approved Stormwater Pollution Prevention Plan (SWPPP) dating back to May 5, 2008, and all Supplements remain in effect for this Development Site. Regulations governing stormwater were recently updated by the New York State Department of Environmental Conservation (NYSDEC) in January 2015, to better reflect the increasing regularity of severe weather conditions. Therefore when the parcel is ready for development, the SWPPP may require an amendment to incorporate the most current NYSDEC requirements and DPW fees in effect prior to the issuance of any Building Department permit.

Outstanding comments remain, which must be addressed by the applicant. Notably, the results of the applicant’s sizing calculations by the M.E.P. Engineer of Record (EOR) for the building’s mechanical systems required that the two (2) sewer service lines could be no larger than four (4) inches each. Additionally, the developer is required to use a cured-in-place liner, in accordance with ASTM F1216, in the City’s eight (8) inch main, from the project site to the Maple Avenue intersection.

We previously noted that since this data was provided some six years ago, and additional development projects have been approved which affect the downstream sanitary sewer flow, DPW will require the applicant to perform more current testing to confirm the above mitigation measure, and revised requirements may be imposed at the expense of the applicant.

We also reiterate that certain regulations and standards have been revised since the 2007 date indicated on the previous plans; therefore the applicant will be required to review all information for compliance with current DPW standards and procedures, and make any required revisions for DPW review well in advance of the Building Department review phase.

With due consideration of the aforementioned comments as well as all the comments from our previous communications to the Common Council, prior to the issuance of a Building Department construction permit (or excavation permit where so noted), the Department of Public Works has no objection to the approval of this Site Plan extension and related Special Permit approvals.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joseph J. Nicoletti, Jr.", written in dark ink.

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

for the June 1, 2015 Calendar

**THOMAS M. ROACH**  
MAYOR



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

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

**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

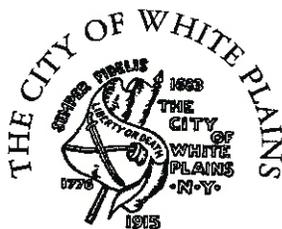
The Department of Parking/ Traffic Division has reviewed the request an extension of the resolution granting Site Plan approval originally adopted on May 5, 2008 for 120 Bloomingdale Road (The Venue) and referred by the Common Council on May 4, 2015.

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

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

Dated: May 14, 2015  
(for the June 1, 2015 Common Council Meeting)

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

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THOMAS M. ROACH  
MAYOR

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

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

The Traffic Commission, at its meeting held on May 20, 2015 reviewed the request for a site plan and special permit extension from The Venue, (120 Bloomingdale Road), as referred by the Common Council on May 5, 2015.

The Transportation Commission had no objections to the extension.

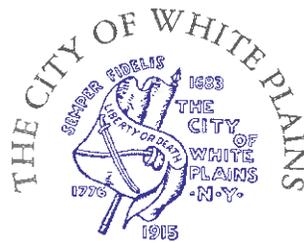
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Thomas Soyk  
Acting Chairman

Dated: May 21, 2015 (for the June 1, 2015 Common Council Meeting)

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THOMAS M. ROACH  
MAYOR



JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

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

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

RE: #84 – “The Venue” – 120 Bloomingdale Road, LLC -  
Extension for Site Plan Approval

The Department of Parking has received and reviewed the above-noted request for an extension for site plan approval for their project at 120 Bloomingdale Road (commonly known as “The Venue.”)

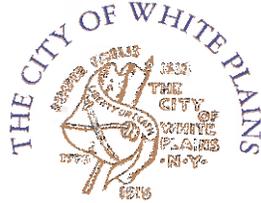
The Parking Department has no objection to approval of this request.

Respectfully submitted,

John P. Larson,  
Commissioner of Parking

Date: June 1, 2015

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**CONSERVATION BOARD**  
70 CHURCH STREET, WHITE PLAINS, NEW YORK 10601  
(914) 422-1252 • Fax: (914) 422-1301  
E-Mail: [Planning@whiteplainsny.gov](mailto:Planning@whiteplainsny.gov)

THOMAS M. ROACH  
MAYOR

LINDA K. PUOPLO  
ACTING COMMISSIONER OF PLANNING

ROBERT A. ROSTON  
CHAIRMAN

ROD JOHNSON  
STAFF

Date: May 22, 2015

To: The Honorable Mayor, Thomas M. Roach, and Members of the  
Common Council

From: The White Plains Conservation Board

Subject: The Venue of Bloomingdale Road, 120 Bloomingdale Road LLC

Referral Reason: Environmentally sensitive site – steep slopes and proximity to Open Space Inventory sites (PK 18 – The Bloomingdale Greenbelt, and WW12 – Casaway Brook).

Application has been made for a one year extension of a previously approved site plan at 120 Bloomingdale Road. The steep slopes and proximity to Open Space Inventory sites (PK 18 – The Bloomingdale Greenbelt, and WW12 – Casaway Brook) are the basis for this matter being referred to the Conservation Board.

This project was previously approved in 2008 and re-approved on May 7, 2013 and July 7, 2014. There are no changes to the approved project. No new plans were submitted. Therefore, the CONSERVATION BOARD has no objection to the extension and stands by previous letter dated June 3, 2014.

Respectfully,

**ROBERT A. ROSTON**

Chairman



Robert P. Astorino  
County Executive

County Planning Board

May 12, 2015

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

Dear Ms. McPherson:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: **The Venue on Bloomingdale Road — WHP 15-010**  
Action: **One-Year Extension of Site Plan and Special Permit Approvals**  
Location: **120 Bloomingdale Road**

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

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:   
By: Edward Burroughs, AICP  
Commissioner

EEB/LH

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**ENVIRONMENTAL OFFICER**

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601  
(914) 422-1300; FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

May 20, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE VENUE ON BLOOMINGDALE ROAD  
120 BLOOMINGDALE ROAD LLC  
ONE YEAR EXTENSION OF THE AMENDMENT TO THE B-1 "S"  
(SPECIAL) ZONING DISTRICT AND SPECIAL PERMIT FOR A  
RESTAURANT USE.

The proposed one year extension of the Site Plan amendment and Special Permit approvals last granted July 7, 2014, regarding new development to be known as "The Venue on Bloomingdale Road" at 120 Bloomingdale Road ("Proposed Action" or "Venue Project") on behalf of 120 Bloomingdale Road LLC, ("Applicant") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

At its May 7, 2013 meeting, the Common Council completed the environmental review, adopted SEQR findings and granted Site Plan and Special Permit approvals to allow the construction of additional uses at 120 Bloomingdale Road ("2013 Approval").

At its July 7, 2014 meeting, the Common Council completed the environmental review, adopted SEQR findings and granted a one year extension of the Site Plan and Special Permit approvals to allow the construction of additional uses at 120 Bloomingdale Road on behalf of the Previous Applicant ("2014 Approval").

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

1. A petition letter prepared by Mr. William Null of Cuddy and Feder. LLP, Dated April 14, 2015,
2. A Memorandum from Divney, Tung Schwalbe confirming that there have been no changes and annexing the relevant Short Environmental Assessment Form (on the current SEQR Form) and a copy of the Full Environmental Assessment Form.
3. An April 9, 2015 letter from Maser Consulting, P.E. confirming that there have been no changes in traffic from the facts described in the March 25, 2013 letter regarding traffic impacts from Maser

Consulting, P.E. to Commissioner Soyk.

The Proposed Action involves a mixed use development to be known as "The Venue on Bloomingdale Road" including:

- (a) The continued use of the existing approximately 141,427 square foot, 3 to 4 story office building.
- (b) Construction of a new building structure containing approximately 46,833 square feet of retail uses and approximately 6,000 square feet of restaurant uses with outdoor dining for a total of approximately 52,833 square feet of retail/restaurant uses, with additional associated parking, loading zone and mechanical equipment areas.
- (c) The required parking for the new retail/restaurant and the existing office uses will be provided under the joint use parking regulations in Section 8.5.3 of the Zoning Ordinance with 334 spaces in the new two (2) level parking garage located above new retail /restaurant building, 77 existing spaces remaining on the Bloomingdale Avenue portion of the Proposed Project site, and 92 existing spaces in the parking lot at Hale and Carhart Avenues for a total of 503 spaces; and

The Proposed Action involves the following approval actions:

- A. Approval of a site plan for the B-1 "S" (Special) Zoning District in accordance with Section 3.6 and 7.0 of the White Plains Zoning Ordinance.
- B. Approval of a Special Permit for restaurant and outdoor dining uses in accordance with Section 6 of the White Plains Zoning Ordinance

Under Sections 6.6.1 and 7.6 of the White Plains Zoning Ordinance, a Special Permit and Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue.

120 Bloomingdale Road LLC, the Applicant and current owner of the property at 120 Bloomingdale Road is the successor to the previous owners of the property including MLMT05-CK11120 Bloomingdale LLC, CorePlus Properties, LLC, and CPP Bloomingdale LLC ("Previous Applicants").

The 2013 Approval represented the re-approval same development and project documents that were first approved by the Common Council on May 5, 2008, which approvals were extended on May 4, 2009 and June 7, 2010, but subject to additional 2013 conditions, on behalf of the Previous Applicants.

On a matter related to the property at 120 Bloomingdale Road, at its February 3, 2014 meeting the Common Council approved a special permit the establishment of a new day care

center to be known as “The Children’s Corner” to occupy approximately 10,000 square feet of space on the office building entry level of the existing approximately 141,427 square foot office building and site plan amendment for the B-1 “S” (Special) Zoning District regarding exterior site architectural modifications to the office building (“2014 Day Care Approval”). As part of the environmental review for the 2014 Day Care Approval, the Common Council determined that the a special permit for the new day care center and site plan amendment would not significantly affect or change the "The Venue on Bloomingdale Road" project or any conditions of the 2013 Approval.

While construction of the development has not started, it is noted that the project plans for the proposed retail and restaurant uses have not changed, and that no newly discovered information or relevant changes in circumstances have arisen to affect the facts or circumstances upon which the 2014 Approval was granted. In addition, the various conditions stated in the 2014 Approval resolution remain relevant and appropriate to the Proposed Action.

The various City departments have recommended that conditions to the Proposed Action regarding coordination with the 2014 Day Care Approval, be include with the 2015 Approval, which do not have a significant effect on the overall project of the 2015 Approval.

Based on the recommendations of the City departments, the Environmental Officer recommends 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 "2015 Conditions"):

1. All the conditions included with the 2013 Approval for the Venue Project, as modified by the 2015 Conditions, remain in effect and are included as part of the Proposed Action.
2. All the conditions included with the 2014 Day Care Approval for the new day care use and architectural modifications, as modified by the 2015 Conditions, remain in effect and are included as part of the Proposed Action.
3. As per the recommendation set forth in the communication of the Commissioner of Planning’s communication dated May 22, 2014, the operation of a day care center may increase the need for parking and circulation measures, which shall be addressed by the City’s Deputy Commissioner of Parking for Transportation Engineering, in a review of the Applicant’s construction traffic, parking and circulation plan.
4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, the approved Stormwater Pollution Prevention Plan (SWPPP) and all Supplements remain in effect for the development site. Regulations governing stormwater have been frequently updated by the New York State Department of Environmental Conservation (NYSDEC). When the parcel is ready for development, the SWPPP may require an amendment to incorporate the most current NYSDEC requirements and DPW fees in effect prior to the issuance of any Building Department permit.

5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, and the February 3, 2014 Special Permit/Site Plan amendment for “The Children’s Corner” day care center, outstanding issues remain which must be addressed by the Applicant. Notably, sizing calculations from the Applicant’s M.E.P. Engineer of Record (EOR) for the building’s mechanical systems, have disclosed that two (2) sewer service lines of four (4) inch diameter each, will be adequate. Additionally, the developer is required to use a cured-in-place liner, in accordance with ASTM F1216, in the City’s eight (8) inch main, from the project site to the Maple Avenue intersection.
6. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, since this data was provided by the Applicant over six years ago, and additional development projects have been approved which affect the downstream sanitary sewer flow, the Department of Public Works will require the Applicant to perform more current testing to confirm the above mitigation measure stated in Condition 3 herein, and revised requirements may be imposed at the expense of the Applicant.
7. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, certain regulations and standards have been revised since the 2007 date indicated on the Applicant’s previous plans, and thus, the Applicant will be required to review all information for compliance with current Department of Public Works standards and procedures, and make any required revisions for the Department’s review, well in advance of the Building Department review phase.
8. Condition 50 of the May 7, 2013 amended Special Permit/Site Plan approval resolution is hereby amended in its entirety to read as follows:

If the site requires imported fill, all fill must be tested for composition and chemicals in accordance with New York State Department of Environmental Conservation (DEC) and the Department of Public Works’ directions and at the full expense of the owner. These test results must be received prior to depositing material on the site. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution insurance must be provided in the amount determined by the Commissioner of Public Works and the City’s Risk Manager.

9. Condition 26 of the May 7, 2013 amended Special Permit/Site Plan approval resolution is hereby amended to read as follows:

The tree inventory submitted by the Applicant which identifies the type, location, and disposition of the trees to be removed and protected shall be maintained and updated to 2015.

Additional conditions recommended by the City departments regarding the Proposed Action to

be included in the 2015 Conditions:

10. As per the communication of the Commissioner of Public Works dated June 1, 2015, the approved Stormwater Pollution Prevention Plan (SWPPP) dating back to May 5, 2008, and all Supplements remain in effect for this Development Site. Regulations governing stormwater were recently updated by the New York State Department of Environmental Conservation (NYSDEC) in January 2015, to better reflect the increasing regularity of severe weather conditions. Therefore, when the parcel is ready for development, the SWPPP may require an amendment to incorporate the most recent NYSDEC requirements and Department of Public Work fees in effect prior to the issuance of any Building Department permit.
11. As per the communication of the Commissioner of Public Works dated June 1, 2015, outstanding comments remain, which must be addressed by the Applicant. Notably, the results of the Applicant's sizing calculations by the M.E.P. Engineer of Record (EOR) for the building's mechanical systems required that the two (2) sewer service lines could be no larger than four (4) inches. Additionally, the Applicant is required to use a cured-in-place liner, in accordance with ASTM F1216, in the City's eight (8) inch main, from the project site to the Maple Avenue intersection.
12. As per the communication of the Commissioner of Public Works dated June 1, 2015, the Department of Public Works has previously noted since this data was provided six years ago, and additional development projects have been approved which affect the downstream sanitary sewer flow, the Department of Public Works will require the Applicant to perform more current testing to confirm the above mitigation measure, and revised requirements may be imposed at the expense of the Applicant.

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.

It is recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review for the Proposed Action; (b) reconfirm that the Proposed Action is a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the steep slope, environmentally sensitive features located on the premises; (c) find that the Proposed Action, with inclusion of the 2015 Conditions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted July 7, 2014; (d) reconfirm the SEQR findings adopted for the 2013 Approval; and (e) reconfirm that the Proposed Action, with inclusion of the 2015 Conditions, will not have a significant effect on the environment for the following reasons:

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

Conformance to the 1997 Comprehensive Plan and 2006 Plan Update.

The 120 Bloomingdale Road site is not located in the Specialty Retail portion of the Core Area, as defined and described in the 1997 Comprehensive Plan. It is a "Campus Office/Outer Office" commercial property in the Close-In Area, located along a street classified by the 1997 Comprehensive Plan and prior plans as "arterial or major street," as are all the properties located along the westerly side of Bloomingdale Road, between Fortunoffs (formerly Saks) and Mamaroneck Avenue. An arterial or major street is described in the 1997 Comprehensive Plan as one that provides linkages between the identified regional roadways and entrance corridors to the Core Area.

The 1997 Comprehensive Plan lists open space character and possible open space and recreational uses as important for consideration in the context of the New York Presbyterian Hospital and Bloomingdale's store frontage on Bloomingdale Road, but does not indicate open space character as a feature of development on the westerly side of Bloomingdale Road.

The 1997 Comprehensive Plan also includes the following strategies:

- \* Encourage use of urban design elements, such as signage public amenities and landscaping, to create visual linkages between the Specialty Retail Area and the Mamaroneck Avenue Business District;
- \* Review all existing and new development in terms of identifying pedestrian traffic as a planning element and addressing crosswalk signal timing, locations of crosswalks, pavement markings and other physical improvements;
- \* Protect residential neighborhoods abutting the Specialty Retail Area from impacts of commercial uses including parking, traffic and conversion of residential uses to non-residential uses.

Although the 1997 Comprehensive Plan discusses both visual and pedestrian linkages between the Central Business portion of the Core Area and the Specialty Retail Area, no pedestrian or visual linkages should or will be created through residential neighborhoods. In this case, a direct pedestrian linkage to or through the Carhart neighborhood would create an opportunity for shoppers from outside the neighborhood to park on neighborhood streets and walk to the retail stores and restaurant(s). This creates a serious problem for residents, as is witnessed by the problem with such shoppers parking on Hale Avenue near Maple Avenue, and is contrary to the 1997 Comprehensive Plan and 2006 Plan Update objectives of preserving the quality of life of the Close-In residential neighborhoods. Therefore, no pedestrian connection is proposed to be provided from the neighborhood to the retail/restaurant(s) at 120 Bloomingdale Road, just as no pedestrian connection is provided for the office building, except that exclusively for the office tenant parking lot.

As with pedestrian linkages, no signage linking the commercial Central Business Area to the Specialty Retail Area or to the Campus Office/Outer Office uses on Bloomingdale Road should be permitted which directs people through or visually impacts the Carhart residential neighborhood.

Signage and visually appealing pedestrian linkages should be established along the corridor roadways and the arterial and major street connectors. With pedestrian travel distance from Mamaroneck Avenue at Bloomingdale Road to 120 Bloomingdale being approximately equal to the pedestrian travel distance from Mamaroneck Avenue via Maple Avenue to Cheesecake Factory, appealing pedestrian linkages along Bloomingdale Road and Maple Avenue, including appropriate crosswalk signal timing, locations of crosswalks, pavement markings and other physical improvements should be part of the design of any project along these arterial and major streets. In keeping with this objective, the Applicant has enhanced the sidewalk and streetscape design along 120 Bloomingdale Road, and offered to plant trees along the east side of Bloomingdale Road, in the right-of-way, to further enhance this area for pedestrian and vehicular

The 2006 Plan Update contains the following additional strategy:

- \* New retail development should be assessed in terms of how it fits into the existing market mix. Boutique and specialty on-street retail should be encouraged along Mamaroneck Avenue, Main Street, Martine Avenue, and East Post Road.

The development of a modest number of specialty retail stores at 120 Bloomingdale Road is consistent with the Zoning Ordinance definition of the B-1 District in which the site is located. The Zoning Ordinance describes this district as follows:

"The B-1 District is a relatively low-density, predominantly retail district which encompasses large high-fashion department stores and smaller specialized retail shops and boutiques, "restaurants" and office "buildings," in addition to allowing "multi-family dwellings" "convenient to places of work."

The Proposed Action is not addressed by the 2006 Plan Update that "New retail development should be assessed in terms of how it fits into the existing market mix. Boutique and specialty on-street retail should be encouraged along Mamaroneck Avenue, Main Street, Martine Avenue, and East Post Road." The Westchester County Planning Board communication raised a concern regarding the location of smaller specialty retail stores at this location, as a possible detraction from Mamaroneck Avenue. The average retail store size along the Mamaroneck Avenue Corridor, including East Post Road, Main Street, excluding the Galleria, and Martine between Mamaroneck Avenue and Court Street is approximately 1300 to 1360 square feet. The average store size proposed at 120 Bloomingdale Road is between 3,000 and 3,600 square feet. The City supports the variety and diversity of retail, including restaurants and service establishments along the

Mamaroneck Avenue Corridor, and finds that the number, size and location of specialty retail stores proposed to be located at 120 Bloomingdale Road will not be inconsistent with the strategy for encouraging small scale retail and boutique stores on Mamaroneck Avenue. Furthermore, it is important that the socio-economic diversity of the downtown continue to be reflected in the retail establishments available to downtown residents.

#### Conformance to the Zoning Ordinance.

At its April 1, 2013 meeting, the Common Council adopted a resolution reclaiming jurisdiction from the Planning Board over the Special Permit portion of the amended Site Plan/Special Permit application for the proposed restaurant use component of the development, finding a substantial public importance for doing same in accordance with Section 6.2.3 of the Zoning Ordinance

The subject property encompasses approximately 6.6 acres, of which approximately 5.8 acres are located in the B-1 District on Bloomingdale Road. The remaining approximately 0.8 acre area on Hale and Carhart Avenues is located in the R2-2.5 District and is occupied by a non-conforming parking lot which serves the existing office building.

The 5.8 acre portion of the property located in the B-1 District will serve as the basis for calculating the maximum potential development including the existing office and proposed retail/restaurant uses, and, as such, will be designated as the "development site." The 0.8 acre portion of the property located in the R2-2.5 District on Hale and Carhart Avenues will not be included in the area for calculating the maximum potential development. However, parking spaces within this lot will continue to be counted to achieve the parking requirements of the office building.

The portion of the property located at Hale and Carhart Avenues in the Carhart neighborhood is improved with a legally non-conforming parking lot. This parking lot, which serves the existing office building at 120 Bloomingdale Road, was a special permit use when the Carhart neighborhood was zoned RM-2.5. It became a legally non-conforming lot when this portion of the Carhart neighborhood was rezoned to R2-2.5 Two Family, in 2001, as part of the implementation of the 1997 Comprehensive Plan recommendations to preserve the predominantly one and two family character of the interior of the Carhart neighborhood.

#### Special "S" Zone Requirements

The 120 Bloomingdale property is located in a Special "S" Zone, and is subject to Section 3.6 of the Zoning Ordinance regarding Former Special Zones. Section 3.6 states as follows:

##### 3.6 Former Special Zones

3.6.1 Special zoning conditions affecting individual properties or groups of properties and heretofore adopted as S Zones by the Common Council under the provisions of the previous Zoning Ordinance, where determined to be still applicable have been annotated on the Zoning Map by an asterisk (\*) and are hereby incorporated by reference in this Ordinance. "Uses" established or "structures" constructed pursuant to such special zoning conditions shall be deemed conforming under the terms of this Ordinance. An index map annotating the properties affected by such conditions and containing the text of those conditions, or appropriate reference thereto, is kept by the City Clerk, with copies thereof kept by the Departments of Planning and Building. If the Common Council amends such index map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the map kept by the City Clerk and to the copies kept by the Departments of Planning and Building.

3.6.2 In S Zones where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved "site plans." Any amendments or changes to such design documents shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.

The original office development on the premises was approved by the Common Council on July 10, 1952, and with a series of further amendments, made between 1952 and 1956, this Special "S" District was extended to adjacent lots along the westerly side of Bloomingdale Road to create the property known today as 120 Bloomingdale and subject to certain conditions contained in those approval actions.

Under Section 7.7.2 of the Ordinance, the Proposed Action must satisfy the requirements of the current Ordinance and must satisfy the criteria for a substantial amendment; as long as the proposed amendments are consistent with the current Zoning Ordinance, no new non-conformities would be created.

For the purposes of Zoning Compliance, the 5.8 acre portion of the proposed project site located in the B-1 District on Bloomingdale Road, which excludes the non-conforming parking lot located in the R2-2.5 District, should be designated as a single "development site" under Section 5.3, footnote (h) of the Zoning Ordinance. Any subsequent division of the land into separate tax lots for purposes of sale or financing, whether by subdivision or administrative lot line adjustment, shall require that the entire 5.8 acre site designated as a single "development site" continue as a single "development site" for purposes of determining the use and dimensional requirements under the White Plains Zoning Ordinance.

#### Permitted Uses

The existing office use, which will be maintained, and the proposed retail use are permitted principal uses. The restaurant and outdoor dining and special permit uses .

The uses permitted in the B-1 District are listed in Section 5.2 of the Zoning Ordinance. Since the Proposed Project site is outside the Central Parking Area and the parking requirement for the retail use component exceeds 50 parking spaces, under Section 7.2.1 of the Zoning Ordinance the approving agency for the retail use is the Common Council. Under Section 6.2.2 of the Zoning Ordinance, the approving agency for the restaurant special permit use is the Planning Board. Under Section 6.2.1 of the Ordinance, the approving agency for the outdoor dining is the Common Council. In order to place all review and approvals with one approving agency, and based on its determination of the "substantial public importance" of the Application, the Common Council, at its meeting of January 7, 2008, reclaimed jurisdiction from the Planning Board of the review and approval of the restaurant special permit use, placing all approvals with the Common Council.

#### Site Coverage

The permitted coverage under the existing Zoning Ordinance is 80%, or approximately 202,118 square feet. The Special "S" District requirements for the development of the site required a coverage of no greater than 50% of the site, or approximately 126,326 square feet.. The existing coverage of the office building is approximately 40,000 square feet, or 15.8%. The proposed additional coverage with the new retail/restaurant development, loading zone and mechanical equipment area would be approximately 57,000 square feet or 22.7%, for a total coverage with the new development of approximately 38.5% or 97,000 square feet.

#### Floor Area Ratio (FAR) and Gross Floor Area

Excluding the 0.87 acre parking lot area at Hale and Carhart Avenues, the Venue project Zoning Compliance Chart correctly refers to the area of the Proposed Project site for purposes of calculating FAR as 5.8 acres, or 252,648 square feet. The Proposed Project site is currently improved with an office building of approximately 141,427 square feet. Under the former Special "S" District requirements for the site, no maximum FAR was listed. Under the existing Zoning Ordinance, there is a maximum permitted FAR of 2.0. The proposed gross total floor area permitted on the Bloomingdale Road portion of the Proposed development site would be 505,296 square feet. The gross floor area proposed to be added is 52,833 square feet, for a total gross floor area of 194,260, or an FAR of 0.77, substantially below the permitted FAR of 2.0.

#### Frontage, Depth and Yard Setback Requirements

The 1952 legislation creating the Special "S" District did not separately specify any

frontage, depth or yard setback requirements, except for the rear yard setback which it established at 15 feet. The setbacks were as shown on the approved plans for the Nestle office building. The current Zoning Ordinance does not specify any frontage, depth, or yard setback requirements. The Proposed Project provides a rear yard setback of 39.1, thus exceeding the minimum 15 foot requirement under the Special "S" District regulations.

#### Maximum Building Height:

The 1952 legislation creating the Special "S" District made reference to the Zoning Ordinance. In 1952, the Zoning Ordinance permitted a maximum height in the B-1 District of four (4) stories or 45 feet. However, the plans approved by the Common Council for Nestle's showed a maximum height of 48 feet. The current Zoning Ordinance permits a maximum height of four (4) stories and 50 feet. The proposed new development has a maximum building height, based on average grade, of 21 feet, or 24 feet with the parapet wall, thus being below both the Special "S" District requirement and the current B-1 District requirement.

Zoning Ordinance requirements regarding traffic and parking are discussed below.

#### Conformance with General Standards for Special Permit Uses

Section 6 of the Zoning Ordinance addresses special permits. Section 6.5 lists the general standards applicable to all special permits. Some special permits also have individual standards which are unique to those special permit uses. Restaurant special permit uses do not have any individual standards, outdoor dining has individual standards at Section 6.7.8

The general standards applicable to all special permits serve to avoid potential adverse impact on adjacent or nearby residential properties including the hours of operation, noise, lighting and parking.

The Proposed Action, subject to the conditions contained in the Approval Resolution, conforms to the general standards for the special permit uses. The following summarizes the aspects of the project that address these standards:

The proposed restaurant and outdoor dining uses on the premises will be in harmony with the appropriate orderly development of the area in which it is located, as such uses currently exist as part of retail uses at The Westchester, Fortunoff's The Source, and Bloomingdale's store, all located along Bloomingdale Road

The restaurant and outdoor dining uses will be located in and on the easterly side of the retail building which is proposed as a permitted principal use and is substantially below the maximum height permitted in this B-1 District. The building will be

screened on the residential side by a steep rock slope, fences where the buffer area is less than 10 feet, and a mix of deciduous and evergreen trees and shrubs along Hale Avenue, Carhart Avenue and the rear property lines of abutting residential properties. Based on this, in accordance with Section 6.5.2 of the Zoning Ordinance, the proposed special permit for restaurant and outdoor dining uses at this retail location will not hinder or discourage the appropriate development and use of adjacent buildings.

The Parking and Loading Management Plan shall also provide that, for general merchandise deliveries, the loading dock shall operate from 8:30 AM to 6 PM from Monday to Friday, with limited hours of operation of weekends. Restaurant delivery schedules for trucks with refrigeration units shall be in accordance with the City's Noise Ordinance (8:00 AM to 10:00 PM with vehicles accessing the site from the southerly access drive on Bloomingdale Road directly into the loading area. There will be no stacking or idling of delivery trucks on the service road or access road from Maple Avenue. The Parking and Loading Management Agreement shall provide that the operation of the loading shall be reviewed annually with the Commissioners of Building, Planning and Public Works and the Deputy Commissioner of Parking for Transportation Engineering to ensure that negative impacts are minimized and the residential Carhart neighborhood protected.

A Parking and Loading Management Plan shall be required for the entire Proposed Project site, including (1) the parking at the office building, (2) the non-conforming parking lot at Hale and Carhart Avenues, and (3) parking in the retail/restaurant parking garage.

The parking deck over the retail stores shall be regulated pursuant to the Parking and Loading Management Plan which plan shall include hours of operation, lighting controls, and maintenance and cleaning standards. Access to the upper deck of the parking garage shall be restricted after 8:30 PM.

The operations in connection with the proposed special permit restaurant and outdoor dining use(s) will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would the operation of other uses not requiring a special permit in the B-1 "S" District.

Noise and odor from the restaurant use(s) shall be controlled by a comprehensive kitchen exhaust management system for each restaurant, (or combined if a written agreement for joint restaurant use and maintenance is provided in a form acceptable to the Corporation Counsel is provided).

The regulations regarding outdoor dining under Section 6.7.8 of the Zoning Ordinance generally address standards to avoid potential adverse impact on adjacent or nearby residential properties including the hours of operation, noise emanating from the outdoor dining area exterior, lighting and parking.

The Proposed Action, subject to the conditions contained in the Approval Resolution, conforms to the requirements for the special Permit. The following summarizes these standards:

The hours of operation of the outdoor dining should be limited to no later than 11:00 PM on weekdays and weekends.

No cabarets are permitted in association with either the indoor or outdoor dining. Cabarets are not permitted uses in the B-1 District.

Lighting shall be limited to the hours of operation of the outdoor dining area. The outdoor dining is located entirely on the easterly side of the building, below and away from the residential uses to the west.

Seating for outdoor dining will not generate an additional parking requirement, as such seating will be relocated from inside the respective restaurant(s).

Based on the above discussion, the Proposed Action conforms to the use, dimensional regulations and special permit standards of the Zoning Ordinance for the B-1 "S" (Special) Zoning District.

- (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.

#### Water Quality

A Storm Water Pollution Prevention Plan (SWPPP), dated 2/4/13 prepared by Divney Tung Schwalbe, LLP, has been reviewed by and will be subject to the a final approval by the Commissioner of Public Works. The SWPPP contains measures to avoid impacts during the project construction phase and post-construction. A soil erosion and sedimentation control plan is included in the site plan documents. The proposed drainage improvements maintain the flow from the site in a manner similar to the existing drainage patterns. Detention storage cells and hydrodynamic separators will be use to detain and control peak storm water runoff leaving the site, such that peak rates will be less than or equal to existing conditions for storm events up to and including the 100-year storm. Storm water runoff from areas of roadway and parking pavement will be captured and treated to remove sediments and its accompanying pollutants primarily through the use of hydrodynamic separators. The Applicant has agreed to provide a storm water storage and re-use system that will enable captured storm water to be used for landscape irrigation purposes on site.

#### Solid Waste

A final solid waste management plan must be submitted for review and approval prior to this issuance of a building permit. The plan must show a designated location for each of the conventional waste materials and recyclable materials (glass, tin, metal, plastic, cardboard) with separate storage containers shown for the recyclables. Conventional waste and recyclable materials are shown at a collection point depicted on plan sheet SP-2.0. The plan must include a route for removal of the waste and recyclable materials from within the building to the collection point where it will be removed by the City's municipal collection services or a private carter. If a private carter is to be used, then a letter must be submitted to the Commissioner of Public Works by the developer stating this.

### Traffic Impacts

Bloomingdale Road is a an arterial street/major street which connects City corridor streets and regional roadways. In this case, as noted, Bloomingdale Road connects Westchester Avenue to Maple Avenue and Mamaroneck Avenue. A detailed Traffic Impact Study for the Proposed Project was conducted by John Collins Engineers, P.C., dated November 2, 2007.

The Traffic Study examined nine intersections and compared the existing conditions, to a "no build" condition that would include other projects approved by the City but not the Proposed Project, and the "build" condition that would include the Proposed Project.

The nine intersections included in the study:

1. Bloomingdale Road and 120 Bloomingdale Road - Bloomingdale's Store North Access
2. Bloomingdale Road and 120 Bloomingdale Road - right in, right out
3. Bloomingdale Road and 120 Bloomingdale Road- Bloomingdale's Store South Access
4. Mamaroneck Avenue and Bloomingdale Road
5. Mamaroneck Avenue and Bryant Avenue
6. Bloomingdale Road and The Source at White Plains
7. Bloomingdale Road and Maple Avenue/NY Presbyterian Hospital Access Road
8. Bloomingdale Road and 1-287 On/Off Ramp & Westchester Mall Garage Access
9. Westchester Avenue and Bloomingdale Road @ Stop and Shop

The "no build" condition includes a 2% background growth in traffic volumes at all the intersections studied.

Among the nine intersections, there is only one in which the overall level of service decreases from the existing condition to the "no build" condition. It then remains the same for the "build" condition. That intersection is #8 above in its Saturday Peak PM Hour. The increase in delay time goes up by 0.8 seconds, moving the level of service from C to D. This is projected by the study to occur whether the Proposed Project is built or not. The Proposed Project is projected to increase the intersection delay by only an additional 0.4 seconds.

One intersection is projected to have certain turning movements that will decrease the level of service on those turning movements from the existing and "no build" to the "build" conditions. This intersection is #1 above, during Weekday Peak PM Hour, where the delay for Eastbound Left/Through Right and Eastbound Approach will go from level of service C to D.

One other intersection is projected to have a decrease in level of service for certain turning movements from the existing to the "no build" condition, but then only a minor change in the "build condition." This is intersection #9 above, during Saturday Peak Hour, where the Eastbound Through/Right and Westbound Approach will go from level of service C to D. This change is projected to occur whether the Proposed Project is constructed or not. The degree to which the "build" condition increases the delay is less than one second in each case.

The Traffic Study and updated Memorandum dated December 31, 2012, has been reviewed by the Deputy Parking Commissioner for Transportation Engineering, the Planning Department and the Traffic Commission. With the various conditions recommended, the Proposed Project will not have a negative impact on existing traffic conditions on existing streets at and surrounding the Proposed Project.

Based on a review of the Proposed Project site plans and Traffic Study by the Departments of Planning, and Public Works, the Deputy Parking Commissioner for Transportation Engineering and the Traffic Commission, the number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways on and giving access to the Proposed Project site, and the visibility in both directions at all exit points of the site are safe and appropriately designed to provide unobstructed view of the street.

#### Parking:

The total Proposed Project site currently has 493 parking spaces, with 401 spaces in the Bloomingdale Avenue portion of the Proposed Project site, and 92 spaces in the parking lot at Hale and Carhart Avenues. The 1952 legislation creating the Special "S" District stated that parking should be provided at one space for every 500 square feet of gross floor area. This created a parking requirement for the 141,427 square foot office building

of 283 parking spaces. Under the current Zoning Ordinance, the office building requires parking at 3 spaces per 1,000 of gross floor area or 425 parking spaces. Thus, the existing office building has 68 excess parking spaces under current zoning, and 210 excess spaces under the Special "S" District approval.

The proposed 46,833 square feet of retail use has a stand alone parking requirement of 5.7 spaces per 1,000 square feet of gross floor area, or an additional 267 spaces. At 6,000 square feet of restaurant gross floor area, the restaurant use has a parking requirement of 13.3 per 1,000 square feet of restaurant gross floor area, or 80 spaces. Therefore, without any joint use, the Proposed Project has a total parking requirement of 772 spaces, with the office building requirement being 425 spaces, the retail requirement being 267 spaces, and the restaurant requirement being 80 spaces.

The Proposed Action incorporates the use of joint use parking for the Proposed Project. Joint use parking is permitted under Section 8.5.3 of the Zoning Ordinance.

The Applicant proposes that there will be 503 spaces with the new development, with 334 spaces in the parking structure, 77 existing spaces remaining on the Bloomingdale Avenue portion of the Proposed Project site, and 92 spaces in the parking lot at Hale and Carhart Avenues.

According to the Applicant's parking analysis, the weekday total parking demand at peak time for all three uses (office, retail and restaurant) would be 452 spaces. This would be 51 parking spaces less than available (503) during the weekdays. This peak demand would occur during the weekday midday. The peak for each use during the weekday is projected to be 290 for the office use, 126 for retail use, and 80 for restaurant use, for a total of 496 spaces. This would be 7 spaces less than available during the weekdays. The Planning Department undertook random parking counts during the peak periods for the current office use and found that the number of parking spaces occupied during these peak periods ran between 275 and 284 cars parked.

On weekday evenings and on weekends, when office workers are generally not at the office, the Bloomingdale Road portion of the site is projected to have peak demand of from 210 to 292 spaces, with 411 spaces available, excluding the parking lot at Hale and Carhart Ave. The Zoning Ordinance parking requirement without joint use would be 347 spaces. This leaves an excess of 64 parking spaces over the Zoning Ordinance requirement and 183 excess spaces over anticipated peak demand, not counting any of the 92 parking spaces in the parking lot at Hale and Carhart Avenues, which must be restricted to the office building tenants, regardless of time. The Applicant also proposes to restrict the 59 spaces behind the office building and the 18 parking spaces at the circle in front of the office building for office workers for a total of 169 spaces exclusively for office workers.

The Proposed Action will include a condition that the a Joint Use Parking Agreement,

and A Parking and Loading Management Plan will be approved by the Corporation Council, and the Commissioner of Traffic.

#### Air Quality

The proposed retail / restaurant uses will not be a significant source of air pollution. The Construction Management Protocol will address short-term impacts relating to construction activities, such as excess dust, that can be controlled by normal preventive practices and are subject to regulation under the Building Code. All non-road vehicles over 50HP and engine-powered construction equipment will utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.

Noise and odor from the restaurant use(s) shall be controlled by a comprehensive kitchen exhaust management system for each restaurant.

#### Noise

Except for ordinary, short-term, construction-related noises, the proposed development is not expected to have a measurable significant impact on noise levels. The Construction Management Protocol will include measures to limit the generation of noise from construction equipment.

The loading dock shall be fully enclosed and constructed with (1) an overhead door; (2) acoustical wall panels within the loading dock area; and (3) an internal curtain-style sound attenuation screen to minimize sound exiting the loading dock during hours of operation. The final design and materials of this sound attenuation screen shall be approved by the Commissioner of Building.

Trucks shall not be permitted to idle outside the loading dock or along the rear service road; "no idling" signs shall be posted along the service road and within the loading dock.

The Parking and Loading Management Plan shall also provide that, for general merchandise deliveries, the loading dock shall operate from 8:30 AM to 6 PM from Monday to Friday, with limited hours of operation on weekends. Restaurant delivery schedules for trucks with refrigeration units shall be in accordance with the City of White Plains' Noise Ordinance (8:00 AM to 10:00 PM) with vehicles accessing the site from the southerly access drive on Bloomingdale Road directly into the loading area. There will be no stacking of delivery trucks on the service road or access road from Maple Avenue.

The building's boilers and chiller system shall be located at the northern end of the building and shall be fully insulated. Sound attenuating silencing systems shall be used to ensure that the requirements for a 55 dB sound level at the property line are met, in accordance with the City's Noise Ordinance.

#### Construction Management Protocol.

The Construction Management Protocol shall include strict controls on all aspects of the construction, including construction related impacts to adjacent properties, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, routing of construction vehicles, length of time public street travel lanes can be encumbered, public sidewalk closings or pedestrian diversions to ensure the safety of pedestrians, parking for construction workers, controls on "fugitive dust" and the impact of run-off from the site on the City and County storm drainage system and adjacent properties, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, use of ultra low sulfur diesel powered vehicles, non-road vehicles and equipment, scheduling of periodic meetings with residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, and Planning, the Deputy Parking Commissioner for Transportation Engineering and the Environmental Officer.

If blasting is to occur, the Construction Management Plan shall include the Blasting Protocol.

#### Sustainable Development

The Applicant has agreed to a project design and operation for sustainable development which includes building, mechanical equipment, electrical system, and storm water design and operation, and waste management. The Applicant shall retain a U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) certified architect or engineer to review the plans and specifications for the Proposed Project, and review the construction of the Proposed Project with respect to LEED criteria and standards

In addition to the requirements for achieving the LEED certification standards, the Applicant is responsible for full compliance with the requirements of the City of White Plains for storm water management, the Construction Management Protocol, and, if not using the City's refuse collection, is required to submit a Solid Waste Management Plan for the entire site which demonstrates how each tenant will comply with refuse and recycling requirements of the City

Other sustainable or "green" elements of the project include, but are not limited to:

1. Preferential parking for fuel efficient hybrid or alternate fuel vehicles.
2. Bicycle rack(s).
3. High efficiency HVAC system.
4. Water efficient plumbing fixtures.
5. Exterior and interior lighting management controls.
6. Storm water run-off capture and re-use.
7. Construction waste management and recycling.
8. Mandatory tenant recycling.
9. An evergreen ivy "green wall" along Bloomingdale face of parking garage upper level.

- (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.

A Tree Preservation Plan with an inventory identifying the type, location, and disposition of the trees to be removed and protected has been prepared for the project and shall be maintained and updated prior to the issuance of a Building Permit. This tree inventory shall be included as part of the Landscaping Installation and Management Plan.

A landscaping plan has been submitted as part of the Proposed Action to maintain the landscaped character of the Bloomingdale Road corridor, to screen the existing non-conforming parking lot on Hale and Carhart Avenues and to screen the parking garage from the residential neighborhood along Hale Avenue. A final Landscaping Installation and Management Plan shall be subject to the approval of the Tree Preservation Committee, consisting of the Commissioners of Planning and Public Works and the Environmental Officer. The Applicant shall be responsible for posting a bond for the value of landscaping and installation of the landscaping to be provided on its property along the rear of the site which benefits the residents in the Carhart neighborhood.

- (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 incorporates design features, characteristics and program conditions that serve to maintain the character of the community, both the corridor along Bloomingdale Road and residential Carhart neighborhood along Hale Avenue.

From east to west, the site has a considerable rise in topography from elevation of 166 feet along Bloomingdale Road up to elevation 213 to 238 feet along Hale Avenue. The retail building is oriented and constructed to the lower street elevation of Bloomingdale Road. There are two levels of parking placed above the retail level. The top level of the garage has an elevation of 202 feet. As such, the houses along Hale are generally high in elevation to maintain an easterly view over the structure to the forested grounds of the New York Presbyterian Hospital.

Landscaping is an extremely important component of this project. It is necessary (1) to screen adjacent residents along Hale Avenue from the retail/restaurant use, (2) to establish an aesthetically pleasing environment for the retail/restaurant use itself, and (3) to maintain the green buffered character of Bloomingdale Road. Landscaping as proposed for the Proposed Project site on the Landscaping Plan submitted by the Applicant meets the requirements of Section 4.4.19 of the Zoning Ordinance, subject to the conditions contained in Approval Resolution.

The Landscaping Installation and Management Plan required to be submitted by the Applicant will protect the environmental quality of the site and preserve and enhance the property values in the neighboring area.

The Proposed Action include many landscaping features and are summarized as follows:

The landscaping being provided along the parking lot and on the ridgeline above the parking garage and service road has been designed to act as a screen of these parking areas from the adjacent residential uses. This landscaping is a mixture of evergreen and deciduous trees and lower level shrubs.

The Applicant's Landscaping Plan SP-5.0, dated and revised March 21, 2008 ("Applicant's Landscape Plan") submitted with the Application and revised at the request of City departments, boards and commissions, shows that the buffer area between the residential neighborhood and the new building and parking structure exceeds ten (10) feet at most points. Where it is less than 10 feet, a fence has been located along with plantings. The Applicant has worked with adjacent owners where the buffer area is less than ten (10) feet, and has come to separate agreements with the owners of 81 Livingston Avenue and 26 Edgewood Avenue for the installation of fencing and plantings on private properties.

Evergreen plantings shall be incorporated into the on-site landscaping, including the rear of the retail and parking facility and on the right of way buffer along Hale Avenue as shown on the Applicant's Landscape Plan. A new Belgium block curb shall be installed along the

eastern edge of the Hale Avenue right of way, along with a new decorative guard rail and signage for the curve, as approved by the Commissioner of Public Works.

A row of London Plan (Sycamore) trees will be planted along the western side of Bloomingdale Road fronting the project. The Applicant has also offered to plant a similar row of London Plane trees along the opposite or easterly side of Bloomingdale Road along the right of way adjacent to Bloomingdale Greenbelt.

The final Parking and Loading Management Plan will also include conditions to benefit the Carhart Neighborhood:

The parapet wall on the upper parking deck shall be a minimum of four feet high to shield vehicle headlights, and light fixtures throughout the parking structure shall be shielded and directed downward, and shall be on controls that provide for lighting levels on the upper parking deck necessary for security purposes to be reduced at 11:00 PM, or earlier if safety conditions permit.

Access to the upper deck of the parking garage shall be restricted after 8:30 PM,

The upper parking deck shall be surfaced with a non-reflective surface to minimize reflection of light from the surface of the parking deck.

light fixtures on the service road shall be shielded and directed downward, and will be equipped with cut-off features to minimize the visibility of light and glare on adjoining streets and residential properties.

Other conditions included in the Approval Resolution that protect the Carhart neighborhood include:

The legally non-conforming parking lot at Hale and Carhart Avenue shall be improved by the installation of a gate control system which will limit access to this parking lot to permitted office tenants at 120 Bloomingdale Road. This card-key gate control shall be installed prior to the

There shall be no vehicular interconnection between the legally non-conforming parking lot located at Hale and Carhart Avenues and the parking lots or parking garage on the Bloomingdale Road portion of the 120 Bloomingdale Road site. This serves to limit traffic driving through the Carhart Neighborhood.

The location, design and operation of the loading dock will have minimum impact on adjoining residential uses, subject to the conditions to be include in the Propose Action.

The Applicant proposes to upgrade an existing chain link fence along the eastern side

of Hale Avenue with a six (6) foot solid fence. The existing fence is severely deteriorating and visually unattractive. The solid fence, with equally good sides on each side, will reduce the non-conformity of the existing fence which exceeds six (6) feet in certain areas.

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

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

- (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.

The project site is fully served by public and private utility systems, including water service, sanitary sewer, storm drainage, gas and electric services, etc., which are currently available in the adjacent street rights-of-way. The Applicant will be responsible for all proposed utility service connections or any other improvements necessary to provide these services to the proposed private development.

The construction of additional retail / restaurant uses on the site of the existing parking lot represents an increase in land use intensity. However, in context to the City of White Plains as a regional center and the B-1 District, the change resulting from the Proposed Action will not be significant. The proposed land use, amount of development and parking, and the associated traffic is similar to the other commercial facilities in the immediate area along Bloomingdale Road including The Westchester, The Source, and Bloomingdale's store.

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

A resolution which makes this finding is offered for the Common Council's consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Rod Johnson". The signature is written in a cursive style with a large, stylized initial "R".

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A ONE YEAR EXTENSION OF THE AMENDMENT TO THE B-1 "S" (SPECIAL) ZONING DISTRICT AND SPECIAL PERMIT LAST GRANTED JULY 7, 2014, FOR A RESTAURANT USE FOR A MIXED USE DEVELOPMENT TO BE KNOWN AS "THE VENUE ON BLOOMINGDALE ROAD" AT 120 BLOOMINGDALE ROAD ON BEHALF OF 120 BLOOMINGDALE ROAD LLC.

WHEREAS, the proposed one year extension of the Site Plan amendment and Special Permit approvals last granted July 7, 2014, regarding new development to be known as "The Venue on Bloomingdale Road" at 120 Bloomingdale Road ("Proposed Action" or "Venue Project") on behalf of 120 Bloomingdale Road LLC, ("Applicant") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulation; and

WHEREAS, at its May 7, 2013 meeting, the Common Council completed the environmental review, adopted SEQR findings and granted Site Plan and Special Permit approvals to allow the construction of additional uses at 120 Bloomingdale Road ("2013 Approval"); and

WHEREAS, at its July 7, 2014 meeting, the Common Council completed the environmental review, adopted SEQR findings ("2014 Modified SEQR Findings") and granted a one year extension of the Site Plan and Special Permit approvals to allow the construction of additional uses at 120 Bloomingdale Road on behalf of the Previous Applicant ("2014 Approval").

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

1. A petition letter prepared by Mr. William Null of Cuddy and Feder. LLP, Dated April 14, 2015,
2. A Memorandum from Divney, Tung Schwalbe confirming that there have been no changes and annexing the relevant Short Environmental Assessment Form (on the current SEQR Form) and a copy of the Full Environmental Assessment Form.
3. An April 9, 2015 letter from Maser Consulting, P.E. confirming that there have been no changes in traffic from the facts described in the March 25, 2013 letter regarding traffic impacts from Maser Consulting, P.E. to Commissioner Soyk; and

WHEREAS, the Proposed Action involves a mixed use development be known as "The Venue on Bloomingdale Road" (herein after referred to as the "Proposed Project" or "2013 Project") including:

- (a) The continued use of the existing approximately 141,427 square foot, 3 to 4 story office building.
- (b) Construction of a new building structure containing approximately 46,833 square feet of retail uses and approximately 6,000 square feet of restaurant uses with outdoor

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dining for a total of approximately 52,833 square feet of retail/restaurant uses, with additional associated parking, loading zone and mechanical equipment areas.

- ( c) The required parking for the new retail/restaurant and the existing office uses will be provided under the joint use parking regulations in Section 8.5.3 of the Zoning Ordinance with 334 spaces in the new two (2) level parking garage located above new retail /restaurant building, 77 existing spaces remaining on the Bloomingdale Avenue portion of the Proposed Project site, and 92 existing spaces in the parking lot at Hale and Carhart Avenues for a total of 503 spaces; and

WHEREAS, the Proposed Action involves the following approval actions:

- A. Approval of a site plan for the B-1 "S" (Special) Zoning District in accordance with Section 3.6 and 7.0 of the White Plains Zoning Ordinance.
- B. Approval of a Special Permit for restaurant use in accordance with Section 6 of the White Plains Zoning Ordinance; and

WHEREAS, under Sections 6.6.1 and 7.6 of the White Plains Zoning Ordinance, a Special Permit and Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue; and

WHEREAS, 120 Bloomingdale Road LLC, the Applicant and current owner of the property at 120 Bloomingdale Road is the successor to the previous owners of the property including MLMT05-CK11120 Bloomingdale LLC, CorePlus Properties, LLC, and CPP Bloomingdale LLC ("Previous Applicants"); and

WHEREAS, the 2013 Approval represented the re-approval same development and project documents that were first approved by the Common Council on May 5, 2008, which approvals were extended on May 4, 2009 and June 7, 2010, but subject to additional 2013 conditions, on behalf of the Previous Applicants; and

WHEREAS, on a matter related to the property at 120 Bloomingdale Road, at its February 3, 2014 meeting the Common Council approved a special permit the establishment of a new day care center to be known as "The Children's Corner" to occupy approximately 10,000 square feet of space on the office building entry level of the existing approximately 141,427 square foot office building and site plan amendment for the B-1 "S" (Special) Zoning District regarding exterior site architectural modifications to the office building ("2014 Day Care Approval"). As part of the environmental review for the 2014 Day Care Approval, the Common Council determined that the a special permit for the new day care center and site plan amendment would not significantly affect or change the "The Venue on Bloomingdale Road" project or any conditions of the 2015 Approval; and

WHEREAS, while construction of the development has not started, it is noted that the

project plans for the proposed retail and restaurant uses have not changed, and that no newly discovered information or relevant changes in circumstances have arisen to affect the facts or circumstances upon which the 2014 Approval was granted. In addition, the various conditions stated in the 2014 Approval resolution remain relevant and appropriate to the Proposed Action; and

WHEREAS, based on the recommendations of the City departments, the Environmental Officer recommends 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 "2015 Conditions"):

1. All the conditions included with the 2013 Approval for the Venue Project, as modified by the 2015 Conditions, remain in effect and are included as part of the Proposed Action.
2. All the conditions included with the 2014 Day Care Approval for the new day care use and architectural modifications, as modified by the 2015 Conditions, remain in effect and are included as part of the Proposed Action.
3. As per the recommendation set forth in the communication of the Commissioner of Planning's communication dated May 22, 2014, the operation of a day care center may increase the need for parking and circulation measures, which shall be addressed by the City's Deputy Commissioner of Parking for Transportation Engineering, in a review of the Applicant's construction traffic, parking and circulation plan.
4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, the approved Stormwater Pollution Prevention Plan (SWPPP) and all Supplements remain in effect for the development site. Regulations governing stormwater have been frequently updated by the New York State Department of Environmental Conservation (NYSDEC). When the parcel is ready for development, the SWPPP may require an amendment to incorporate the most current NYSDEC requirements and DPW fees in effect prior to the issuance of any Building Department permit.
5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, and the February 3, 2014 Special Permit/Site Plan amendment for "The Children's Corner" day care center, outstanding issues remain which must be addressed by the Applicant. Notably, sizing calculations from the Applicant's M.E.P. Engineer of Record (EOR) for the building's mechanical systems, have disclosed that two (2) sewer service lines of four (4) inch diameter each, will be adequate. Additionally, the developer is required to use a cured-in-place liner, in accordance with ASTM F1216, in the City's eight (8) inch main, from the project site to the Maple Avenue intersection.
6. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, since this data was provided by the Applicant over six years ago, and additional development projects have been approved which affect the downstream

sanitary sewer flow, the Department of Public Works will require the Applicant to perform more current testing to confirm the above mitigation measure stated in Condition 3 herein, and revised requirements may be imposed at the expense of the Applicant.

7. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, certain regulations and standards have been revised since the 2007 date indicated on the Applicant's previous plans, and thus, the Applicant will be required to review all information for compliance with current Department of Public Works standards and procedures, and make any required revisions for the Department's review, well in advance of the Building Department review phase.
8. Condition 50 of the May 7, 2013 amended Special Permit/Site Plan approval resolution is hereby amended in its entirety to read as follows:

If the site requires imported fill, all fill must be tested for composition and chemicals in accordance with New York State Department of Environmental Conservation (DEC) and the Department of Public Works' directions and at the full expense of the owner. These test results must be received prior to depositing material on the site. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution insurance must be provided in the amount determined by the Commissioner of Public Works and the City's Risk Manager.

9. Condition 26 of the May 7, 2013 amended Special Permit/Site Plan approval resolution is hereby amended to read as follows:

The tree inventory submitted by the Applicant which identifies the type, location, and disposition of the trees to be removed and protected shall be maintained and updated to 2015.

Additional conditions recommended by the City departments regarding the Proposed Action to be included in the 2015 Conditions:

10. As per the communication of the Commissioner of Public Works dated June 1, 2015, the approved Stormwater Pollution Prevention Plan (SWPPP) dating back to May 5, 2008, and all Supplements remain in effect for this Development Site. Regulations governing stormwater were recently updated by the New York State Department of Environmental Conservation (NYSDEC) in January 2015, to better reflect the increasing regularity of severe weather conditions. Therefore, when the parcel is ready for development, the SWPPP may require an amendment to incorporate the most recent NYSDEC requirements and Department of Public Work fees in effect prior to the issuance of any Building Department permit.

11. As per the communication of the Commissioner of Public Works dated June 1, 2015, outstanding comments remain, which must be addressed by the Applicant. Notably, the results of the Applicant's sizing calculations by the M.E.P. Engineer of Record (EOR) for the building's mechanical systems required that the two (2) sewer service lines could be no larger than four (4) inches. Additionally, the Applicant is required to use a cured-in-place liner, in accordance with ASTM F1216, in the City's eight (8) inch main, from the project site to the Maple Avenue intersection.
12. As per the communication of the Commissioner of Public Works dated June 1, 2015, the Department of Public Works has previously noted since this data was provided six years ago, and additional development projects have been approved which affect the downstream sanitary sewer flow, the Department of Public Works will require the Applicant to perform more current testing to confirm the above mitigation measure, and revised requirements may be imposed at the expense of the Applicant; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review for the Proposed Action; (b) reconfirm that the Proposed Action is a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the steep slope, environmentally sensitive features located on the premises; (c) find that the Proposed Action, with inclusion of the 2015 Conditions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted July 7, 2014, (d) reconfirm the SEQR findings last adopted for the 2014 Approval; and (e) reconfirm that the Proposed Action, with inclusion of the 2015 Conditions, will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the Proposed Action; Application Materials, the proposed site plan Approval Resolution, Conditions and reports from the various departments, boards, commissions, and interested agencies, and public comments which, when considered together, constitute the Environmental Review Record, and serves as a basis for the SEQR determination; now, therefore, be it

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby reconfirms that the Proposed Action is a Type I Action under the White Plans Zoning Ordinance and SEQR

regulations; and be it further

RESOLVED that, based on the foregoing findings, the Common Council finds that the Proposed Action, with inclusion of the 2015 Conditions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted July 7, 2014; and be it further

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

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

Conformance to the 1997 Comprehensive Plan and 2006 Plan Update.

The 120 Bloomingdale Road site is not located in the Specialty Retail portion of the Core Area, as defined and described in the 1997 Comprehensive Plan. It is a "Campus Office/Outer Office" commercial property in the Close-In Area, located along a street classified by the 1997 Comprehensive Plan and prior plans as "arterial or major street," as are all the properties located along the westerly side of Bloomingdale Road, between Fortunoffs (formerly Saks) and Mamaroneck Avenue. An arterial or major street is described in the 1997 Comprehensive Plan as one that provides linkages between the identified regional roadways and entrance corridors to the Core Area.

The 1997 Comprehensive Plan lists open space character and possible open space and recreational uses as important for consideration in the context of the New York Presbyterian Hospital and Bloomingdale's store frontage on Bloomingdale Road, but does not indicate open space character as a feature of development on the westerly side of Bloomingdale Road.

The 1997 Comprehensive Plan also includes the following strategies:

- \* Encourage use of urban design elements, such as signage public amenities and landscaping, to create visual linkages between the Specialty Retail Area and the Mamaroneck Avenue Business District;
- \* Review all existing and new development in terms of identifying pedestrian traffic as a planning element and addressing crosswalk signal timing, locations of crosswalks, pavement markings and other physical improvements;
- \* Protect residential neighborhoods abutting the Specialty Retail Area from impacts of commercial uses including parking, traffic and conversion of residential uses to non-residential uses.

Although the 1997 Comprehensive Plan discusses both visual and pedestrian linkages between the Central Business portion of the Core Area and the Specialty Retail Area, no pedestrian or visual linkages should or will be created through residential neighborhoods. In this case, a direct pedestrian linkage to or through the Carhart neighborhood would create an opportunity for shoppers from outside the neighborhood to park on neighborhood streets and walk to the retail stores and restaurant(s). This creates a serious problem for residents, as is witnessed by the problem with such shoppers parking on Hale Avenue near Maple Avenue, and is contrary to the 1997 Comprehensive Plan and 2006 Plan Update objectives of preserving the quality of life of the Close-In residential neighborhoods. Therefore, no pedestrian connection is proposed to be provided from the neighborhood to the retail/restaurant(s) at 120 Bloomingdale Road, just as no pedestrian connection is provided for the office building, except that exclusively for the office tenant parking lot.

As with pedestrian linkages, no signage linking the commercial Central Business Area to the Specialty Retail Area or to the Campus Office/Outer Office uses on Bloomingdale Road should be permitted which directs people through or visually impacts the Carhart residential neighborhood.

Signage and visually appealing pedestrian linkages should be established along the corridor roadways and the arterial and major street connectors. With pedestrian travel distance from Mamaroneck Avenue at Bloomingdale Road to 120 Bloomingdale being approximately equal to the pedestrian travel distance from Mamaroneck Avenue via Maple Avenue to Cheesecake Factory, appealing pedestrian linkages along Bloomingdale Road and Maple Avenue, including appropriate crosswalk signal timing, locations of crosswalks, pavement markings and other physical improvements should be part of the design of any project along these arterial and major streets. In keeping with this objective, the Applicant has enhanced the sidewalk and streetscape design along 120 Bloomingdale Road, and offered to plant trees along the east side of Bloomingdale Road, in the right-of-way, to further enhance this area for pedestrian and vehicular

The 2006 Plan Update contains the following additional strategy:

- \* New retail development should be assessed in terms of how it fits into the existing market mix. Boutique and specialty on-street retail should be encouraged along Mamaroneck Avenue, Main Street, Martine Avenue, and East Post Road.

The development of a modest number of specialty retail stores at 120 Bloomingdale Road is consistent with the Zoning Ordinance definition of the B-1 District in which the site is located. The Zoning Ordinance describes this district as follows:

"The B-1 District is a relatively low-density, predominantly retail district which encompasses large high-fashion department stores and smaller specialized retail shops

and boutiques, "restaurants" and office "buildings," in addition to allowing "multi-family dwellings" "convenient to places of work."

The Proposed Action is not addressed by the 2006 Plan Update that "New retail development should be assessed in terms of how it fits into the existing market mix. Boutique and specialty on-street retail should be encouraged along Mamaroneck Avenue, Main Street, Martine Avenue, and East Post Road." The Westchester County Planning Board communication raised a concern regarding the location of smaller specialty retail stores at this location, as a possible detraction from Mamaroneck Avenue. The average retail store size along the Mamaroneck Avenue Corridor, including East Post Road, Main Street, excluding the Galleria, and Martine between Mamaroneck Avenue and Court Street is approximately 1300 to 1360 square feet. The average store size proposed at 120 Bloomingdale Road is between 3,000 and 3,600 square feet. The City supports the variety and diversity of retail, including restaurants and service establishments along the Mamaroneck Avenue Corridor, and finds that the number, size and location of specialty retail stores proposed to be located at 120 Bloomingdale Road will not be inconsistent with the strategy for encouraging small scale retail and boutique stores on Mamaroneck Avenue. Furthermore, it is important that the socio-economic diversity of the downtown continue to be reflected in the retail establishments available to downtown residents.

#### Conformance to the Zoning Ordinance.

At its April 1, 2013 meeting, the Common Council adopted a resolution reclaiming jurisdiction from the Planning Board over the Special Permit portion of the amended Site Plan/Special Permit application for the proposed restaurant use component of the development, finding a substantial public importance for doing same in accordance with Section 6.2.3 of the Zoning Ordinance

The subject property encompasses approximately 6.6 acres, of which approximately 5.8 acres are located in the B-1 District on Bloomingdale Road. The remaining approximately 0.8 acre area on Hale and Carhart Avenues is located in the R2-2.5 District and is occupied by a non-conforming parking lot which serves the existing office building.

The 5.8 acre portion of the property located in the B-1 District will serve as the basis for calculating the maximum potential development including the existing office and proposed retail/restaurant uses, and, as such, will be designated as the "development site." The 0.8 acre portion of the property located in the R2-2.5 District on Hale and Carhart Avenues will not be included in the area for calculating the maximum potential development. However, parking spaces within this lot will continue to be counted to achieve the parking requirements of the office building.

The portion of the property located at Hale and Carhart Avenues in the Carhart neighborhood is improved with a legally non-conforming parking lot. This parking lot, which serves the existing office building at 120 Bloomingdale Road, was a special permit

use when the Carhart neighborhood was zoned RM-2.5. It became a legally non-conforming lot when this portion of the Carhart neighborhood was rezoned to R2-2.5 Two Family, in 2001, as part of the implementation of the 1997 Comprehensive Plan recommendations to preserve the predominantly one and two family character of the interior of the Carhart neighborhood.

### Special "S" Zone Requirements

The 120 Bloomingdale property is located in a Special "S" Zone, and is subject to Section 3.6 of the Zoning Ordinance regarding Former Special Zones. Section 3.6 states as follows:

#### 3.6 Former Special Zones

3.6.1 Special zoning conditions affecting individual properties or groups of properties and heretofore adopted as S Zones by the Common Council under the provisions of the previous Zoning Ordinance, where determined to be still applicable have been annotated on the Zoning Map by an asterisk (\*) and are hereby incorporated by reference in this Ordinance. "Uses" established or "structures" constructed pursuant to such special zoning conditions shall be deemed conforming under the terms of this Ordinance. An index map annotating the properties affected by such conditions and containing the text of those conditions, or appropriate reference thereto, is kept by the City Clerk, with copies thereof kept by the Departments of Planning and Building. If the Common Council amends such index map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the map kept by the City Clerk and to the copies kept by the Departments of Planning and Building.

3.6.2 In S Zones where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved "site plans." Any amendments or changes to such design documents shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.

The original office development on the premises was approved by the Common Council on July 10, 1952, and with a series of further amendments, made between 1952 and 1956, this Special "S" District was extended to adjacent lots along the westerly side of Bloomingdale Road to create the property known today as 120 Bloomingdale and subject to certain conditions contained in those approval actions.

Under Section 7.7.2 of the Ordinance, the Proposed Action must satisfy the requirements of the current Ordinance and must satisfy the criteria for a substantial amendment; as long

as the proposed amendments are consistent with the current Zoning Ordinance, no new non-conformities would be created.

For the purposes of Zoning Compliance, the 5.8 acre portion of the proposed project site located in the B-1 District on Bloomingdale Road, which excludes the non-conforming parking lot located in the R2-2.5 District, should be designated as a single "development site" under Section 5.3, footnote (h) of the Zoning Ordinance. Any subsequent division of the land into separate tax lots for purposes of sale or financing, whether by subdivision or administrative lot line adjustment, shall require that the entire 5.8 acre site designated as a single "development site" continue as a single "development site" for purposes of determining the use and dimensional requirements under the White Plains Zoning Ordinance.

### Permitted Uses

The existing office use, which will be maintained, and the proposed retail use are permitted principal uses. The restaurant and outdoor dining and special permit uses .

The uses permitted in the B-1 District are listed in Section 5.2 of the Zoning Ordinance. Since the Proposed Project site is outside the Central Parking Area and the parking requirement for the retail use component exceeds 50 parking spaces, under Section 7.2.1 of the Zoning Ordinance the approving agency for the retail use is the Common Council. Under Section 6.2.2 of the Zoning Ordinance, the approving agency for the restaurant special permit use is the Planning Board. Under Section 6.2.1 of the Ordinance, the approving agency for the outdoor dining is the Common Council. In order to place all review and approvals with one approving agency, and based on its determination of the "substantial public importance" of the Application, the Common Council, at its meeting of January 7, 2008, reclaimed jurisdiction from the Planning Board of the review and approval of the restaurant special permit use, placing all approvals with the Common Council.

### Site Coverage

The permitted coverage under the existing Zoning Ordinance is 80%, or approximately 202,118 square feet. The Special "S" District requirements for the development of the site required a coverage of no greater than 50% of the site, or approximately 126,326 square feet.. The existing coverage of the office building is approximately 40,000 square feet, or 15.8%. The proposed additional coverage with the new retail/restaurant development, loading zone and mechanical equipment area would be approximately 57,000 square feet or 22.7%, for a total coverage with the new development of approximately 38.5% or 97,000 square feet.

### Floor Area Ratio (FAR) and Gross Floor Area

Excluding the 0.87 acre parking lot area at Hale and Carhart Avenues, the Venue project Zoning Compliance Chart correctly refers to the area of the Proposed Project site for purposes of calculating FAR as 5.8 acres, or 252,648 square feet. The Proposed Project site is currently improved with an office building of approximately 141,427 square feet. Under the former Special "S" District requirements for the site, no maximum FAR was listed. Under the existing Zoning Ordinance, there is a maximum permitted FAR of 2.0. The proposed gross total floor area permitted on the Bloomingdale Road portion of the Proposed development site would be 505,296 square feet. The gross floor area proposed to be added is 52,833 square feet, for a total gross floor area of 194,260, or an FAR of 0.77, substantially below the permitted FAR of 2.0.

#### Frontage, Depth and Yard Setback Requirements

The 1952 legislation creating the Special "S" District did not separately specify any frontage, depth or yard setback requirements, except for the rear yard setback which it established at 15 feet. The setbacks were as shown on the approved plans for the Nestle office building. The current Zoning Ordinance does not specify any frontage, depth, or yard setback requirements. The Proposed Project provides a rear yard setback of 39.1, thus exceeding the minimum 15 foot requirement under the Special "S" District regulations.

#### Maximum Building Height:

The 1952 legislation creating the Special "S" District made reference to the Zoning Ordinance. In 1952, the Zoning Ordinance permitted a maximum height in the B-1 District of four (4) stories or 45 feet. However, the plans approved by the Common Council for Nestle's showed a maximum height of 48 feet. The current Zoning Ordinance permits a maximum height of four (4) stories and 50 feet. The proposed new development has a maximum building height, based on average grade, of 21 feet, or 24 feet with the parapet wall, thus being below both the Special "S" District requirement and the current B-1 District requirement.

Zoning Ordinance requirements regarding traffic and parking are discussed below.

#### Conformance with General Standards for Special Permit Uses

Section 6 of the Zoning Ordinance addresses special permits. Section 6.5 lists the general standards applicable to all special permits. Some special permits also have individual standards which are unique to those special permit uses. Restaurant special permit uses do not have any individual standards, outdoor dining has individual standards at Section 6.7.8

The general standards applicable to all special permits serve to avoid potential adverse impact on adjacent or nearby residential properties including the hours of operation,

noise, lighting and parking.

The Proposed Action, subject to the conditions contained in the Approval Resolution, conforms to the general standards for the special permit uses. The following summarizes the aspects of the project that address these standards:

The proposed restaurant and outdoor dining uses on the premises will be in harmony with the appropriate orderly development of the area in which it is located, as such uses currently exist as part of retail uses at The Westchester, Fortunoff's The Source, and Bloomingdale's store, all located along Bloomingdale Road

The restaurant and outdoor dining uses will be located in and on the easterly side of the retail building which is proposed as a permitted principal use and is substantially below the maximum height permitted in this B-1 District. The building will be screened on the residential side by a steep rock slope, fences where the buffer area is less than 10 feet, and a mix of deciduous and evergreen trees and shrubs along Hale Avenue, Carhart Avenue and the rear property lines of abutting residential properties. Based on this, in accordance with Section 6.5.2 of the Zoning Ordinance, the proposed special permit for restaurant and outdoor dining uses at this retail location will not hinder or discourage the appropriate development and use of adjacent buildings.

The Parking and Loading Management Plan shall also provide that, for general merchandise deliveries, the loading dock shall operate from 8:30 AM to 6 PM from Monday to Friday, with limited hours of operation of weekends. Restaurant delivery schedules for trucks with refrigeration units shall be in accordance with the City's Noise Ordinance (8:00 AM to 10:00 PM with vehicles accessing the site from the southerly access drive on Bloomingdale Road directly into the loading area. There will be no stacking or idling of delivery trucks on the service road or access road from Maple Avenue. The Parking and Loading Management Agreement shall provide that the operation of the loading shall be reviewed annually with the Commissioners of Building, Planning and Public Works and the Deputy Commissioner of Parking for Transportation Engineering to ensure that negative impacts are minimized and the residential Carhart neighborhood protected.

A Parking and Loading Management Plan shall be required for the entire Proposed Project site, including (1) the parking at the office building, (2) the non-conforming parking lot at Hale and Carhart Avenues, and (3) parking in the retail/restaurant parking garage.

The parking deck over the retail stores shall be regulated pursuant to the Parking and Loading Management Plan which plan shall include hours of operation, lighting controls, and maintenance and cleaning standards. Access to the upper deck of the parking garage shall be restricted after 8:30 PM.

The operations in connection with the proposed special permit restaurant and outdoor dining use(s) will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would the operation of other uses not requiring a special permit in the B-1 "S" District.

Noise and odor from the restaurant use(s) shall be controlled by a comprehensive kitchen exhaust management system for each restaurant, (or combined if a written agreement for joint restaurant use and maintenance is provided in a form acceptable to the Corporation Counsel is provided).

The regulations regarding outdoor dining under Section 6.7.8 of the Zoning Ordinance generally address standards to avoid potential adverse impact on adjacent or nearby residential properties including the hours of operation, noise emanating from the outdoor dining area exterior, lighting and parking.

The Proposed Action, subject to the conditions contained in the Approval Resolution, conforms to the requirements for the special Permit. The following summarizes these standards:

The hours of operation of the outdoor dining should be limited to no later than 11:00 PM on weekdays and weekends.

No cabarets are permitted in association with either the indoor or outdoor dining. Cabarets are not permitted uses in the B-1 District.

Lighting shall be limited to the hours of operation of the outdoor dining area. The outdoor dining is located entirely on the easterly side of the building, below and away from the residential uses to the west.

Seating for outdoor dining will not generate an additional parking requirement, as such seating will be relocated from inside the respective restaurant(s).

Based on the above discussion, the Proposed Action conforms to the use, dimensional regulations and special permit standards of the Zoning Ordinance for the B-1 "S" (Special) Zoning District.

- (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.

#### Water Quality

A Storm Water Pollution Prevention Plan (SWPPP), dated 2/4/13 prepared by Divney Tung Schwalbe, LLP, has been reviewed by and will be subject to the a final approval by the

Commissioner of Public Works. The SWPPP contains measures to avoid impacts during the project construction phase and post-construction. A soil erosion and sedimentation control plan is included in the site plan documents. The proposed drainage improvements maintain the flow from the site in a manner similar to the existing drainage patterns. Detention storage cells and hydrodynamic separators will be used to detain and control peak storm water runoff leaving the site, such that peak rates will be less than or equal to existing conditions for storm events up to and including the 100-year storm. Storm water runoff from areas of roadway and parking pavement will be captured and treated to remove sediments and its accompanying pollutants primarily through the use of hydrodynamic separators. The Applicant has agreed to provide a storm water storage and re-use system that will enable captured storm water to be used for landscape irrigation purposes on site.

### Solid Waste

A final solid waste management plan must be submitted for review and approval prior to this issuance of a building permit. The plan must show a designated location for each of the conventional waste materials and recyclable materials (glass, tin, metal, plastic, cardboard) with separate storage containers shown for the recyclables. Conventional waste and recyclable materials are shown at a collection point depicted on plan sheet SP-2.0. The plan must include a route for removal of the waste and recyclable materials from within the building to the collection point where it will be removed by the City's municipal collection services or a private carter. If a private carter is to be used, then a letter must be submitted to the Commissioner of Public Works by the developer stating this.

### Traffic Impacts

Bloomington Road is an arterial street/major street which connects City corridor streets and regional roadways. In this case, as noted, Bloomington Road connects Westchester Avenue to Maple Avenue and Mamaroneck Avenue. A detailed Traffic Impact Study for the Proposed Project was conducted by John Collins Engineers, P.C., dated November 2, 2007.

The Traffic Study examined nine intersections and compared the existing conditions, to a "no build" condition that would include other projects approved by the City but not the Proposed Project, and the "build" condition that would include the Proposed Project.

The nine intersections included in the study:

1. Bloomington Road and 120 Bloomington Road - Bloomington's Store North Access
2. Bloomington Road and 120 Bloomington Road - right in, right out
3. Bloomington Road and 120 Bloomington Road - Bloomington's Store South Access

4. Mamaroneck Avenue and Bloomingdale Road
5. Mamaroneck Avenue and Bryant Avenue
6. Bloomingdale Road and The Source at White Plains
7. Bloomingdale Road and Maple Avenue/NY Presbyterian Hospital Access Road
8. Bloomingdale Road and 1-287 On/Off Ramp & Westchester Mall Garage Access
9. Westchester Avenue and Bloomingdale Road @ Stop and Shop

The "no build" condition includes a 2% background growth in traffic volumes at all the intersections studied.

Among the nine intersections, there is only one in which the overall level of service decreases from the existing condition to the "no build" condition. It then remains the same for the "build" condition. That intersection is #8 above in its Saturday Peak PM Hour. The increase in delay time goes up by 0.8 seconds, moving the level of service from C to D. This is projected by the study to occur whether the Proposed Project is built or not. The Proposed Project is projected to increase the intersection delay by only an additional 0.4 seconds.

One intersection is projected to have certain turning movements that will decrease the level of service on those turning movements from the existing and "no build" to the "build" conditions. This intersection is #1 above, during Weekday Peak PM Hour, where the delay for Eastbound Left/Through Right and Eastbound Approach will go from level of service C to D.

One other intersection is projected to have a decrease in level of service for certain turning movements from the existing to the "no build" condition, but then only a minor change in the "build condition." This is intersection #9 above, during Saturday Peak Hour, where the Eastbound Through/Right and Westbound Approach will go from level of service C to D. This change is projected to occur whether the Proposed Project is constructed or not. The degree to which the "build" condition increases the delay is less than one second in each case.

The Traffic Study and updated Memorandum dated December 31, 2012, has been reviewed by the Deputy Parking Commissioner for Transportation Engineering, the Planning Department and the Traffic Commission. With the various conditions recommended, the Proposed Project will not have a negative impact on existing traffic conditions on existing streets at and surrounding the Proposed Project.

Based on a review of the Proposed Project site plans and Traffic Study by the Departments of Planning, and Public Works, the Deputy Parking Commissioner for

Transportation Engineering and the Traffic Commission, the number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways on and giving access to the Proposed Project site, and the visibility in both directions at all exit points of the site are safe and appropriately designed to provide unobstructed view of the street.

Parking:

The total Proposed Project site currently has 493 parking spaces, with 401 spaces in the Bloomingdale Avenue portion of the Proposed Project site, and 92 spaces in the parking lot at Hale and Carhart Avenues. The 1952 legislation creating the Special "S" District stated that parking should be provided at one space for every 500 square feet of gross floor area. This created a parking requirement for the 141,427 square foot office building of 283 parking spaces. Under the current Zoning Ordinance, the office building requires parking at 3 spaces per 1,000 of gross floor area or 425 parking spaces. Thus, the existing office building has 68 excess parking spaces under current zoning, and 210 excess spaces under the Special "S" District approval.

The proposed 46,833 square feet of retail use has a stand alone parking requirement of 5.7 spaces per 1,000 square feet of gross floor area, or an additional 267 spaces. At 6,000 square feet of restaurant gross floor area, the restaurant use has a parking requirement of 13.3 per 1,000 square feet of restaurant gross floor area, or 80 spaces. Therefore, without any joint use, the Proposed Project has a total parking requirement of 772 spaces, with the office building requirement being 425 spaces, the retail requirement being 267 spaces, and the restaurant requirement being 80 spaces.

The Proposed Action incorporates the use of joint use parking for the Proposed Project. Joint use parking is permitted under Section 8.5.3 of the Zoning Ordinance.

The Applicant proposes that there will be 503 spaces with the new development, with 334 spaces in the parking structure, 77 existing spaces remaining on the Bloomingdale Avenue portion of the Proposed Project site, and 92 spaces in the parking lot at Hale and Carhart Avenues.

According to the Applicant's parking analysis, the weekday total parking demand at peak time for all three uses (office, retail and restaurant) would be 452 spaces. This would be 51 parking spaces less than available (503) during the weekdays. This peak demand would occur during the weekday midday. The peak for each use during the weekday is projected to be 290 for the office use, 126 for retail use, and 80 for restaurant use, for a total of 496 spaces. This would be 7 spaces less than available during the weekdays. The Planning Department undertook random parking counts during the peak periods for the current office use and found that the number of parking spaces occupied during these peak periods ran between 275 and 284 cars parked.

On weekday evenings and on weekends, when office workers are generally not at the office, the Bloomingdale Road portion of the site is projected to have peak demand of from 210 to 292 spaces, with 411 spaces available, excluding the parking lot at Hale and Carhart Ave. The Zoning Ordinance parking requirement without joint use would be 347 spaces. This leaves an excess of 64 parking spaces over the Zoning Ordinance requirement and 183 excess spaces over anticipated peak demand, not counting any of the 92 parking spaces in the parking lot at Hale and Carhart Avenues, which must be restricted to the office building tenants, regardless of time. The Applicant also proposes to restrict the 59 spaces behind the office building and the 18 parking spaces at the circle in front of the office building for office workers for a total of 169 spaces exclusively for office workers.

The Proposed Action will include a condition that the a Joint Use Parking Agreement, and A Parking and Loading Management Plan will be approved by the Corporation Council, and the Commissioner of Traffic.

### Air Quality

The proposed retail / restaurant uses will not be a significant source of air pollution. The Construction Management Protocol will address short-term impacts relating to construction activities, such as excess dust, that can be controlled by normal preventive practices and are subject to regulation under the Building Code. All non-road vehicles over 50HP and engine-powered construction equipment will utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.

Noise and odor from the restaurant use(s) shall be controlled by a comprehensive kitchen exhaust management system for each restaurant.

### Noise

Except for ordinary, short-term, construction-related noises, the proposed development is not expected to have a measurable significant impact on noise levels. The Construction Management Protocol will include measures to limit the generation of noise from construction equipment.

The loading dock shall be fully enclosed and constructed with (1) an overhead door; (2) acoustical wall panels within the loading dock area; and (3) an internal curtain-style sound attenuation screen to minimize sound exiting the loading dock during hours of operation. The final design and materials of this sound attenuation screen shall be

approved by the Commissioner of Building.

Trucks shall not be permitted to idle outside the loading dock or along the rear service road; "no idling" signs shall be posted along the service road and within the loading dock.

The Parking and Loading Management Plan shall also provide that, for general merchandise deliveries, the loading dock shall operate from 8:30 AM to 6 PM from Monday to Friday, with limited hours of operation on weekends. Restaurant delivery schedules for trucks with refrigeration units shall be in accordance with the City of White Plains' Noise Ordinance (8:00 AM to 10:00 PM) with vehicles accessing the site from the southerly access drive on Bloomingdale Road directly into the loading area. There will be no stacking of delivery trucks on the service road or access road from Maple Avenue.

The building's boilers and chiller system shall be located at the northern end of the building and shall be fully insulated. Sound attenuating silencing systems shall be used to ensure that the requirements for a 55 dB sound level at the property line are met, in accordance with the City's Noise Ordinance.

#### Construction Management Protocol.

The Construction Management Protocol shall include strict controls on all aspects of the construction, including construction related impacts to adjacent properties, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, routing of construction vehicles, length of time public street travel lanes can be encumbered, public sidewalk closings or pedestrian diversions to ensure the safety of pedestrians, parking for construction workers, controls on "fugitive dust" and the impact of run-off from the site on the City and County storm drainage system and adjacent properties, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, use of ultra low sulfur diesel powered vehicles, non-road vehicles and equipment, scheduling of periodic meetings with residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, and Planning, the Deputy Parking Commissioner for Transportation Engineering and the Environmental Officer.

If blasting is to occur, the Construction Management Plan shall include the Blasting Protocol.

#### Sustainable Development

The Applicant has agreed to a project design and operation for sustainable development

which includes building, mechanical equipment, electrical system, and storm water design and operation, and waste management. The Applicant shall retain a U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) certified architect or engineer to review the plans and specifications for the Proposed Project, and review the construction of the Proposed Project with respect to LEED criteria and standards

In addition to the requirements for achieving the LEED certification standards, the Applicant is responsible for full compliance with the requirements of the City of White Plains for storm water management, the Construction Management Protocol, and, if not using the City's refuse collection, is required to submit a Solid Waste Management Plan for the entire site which demonstrates how each tenant will comply with refuse and recycling requirements of the City

Other sustainable or "green" elements of the project include, but are not limited to:

1. Preferential parking for fuel efficient hybrid or alternate fuel vehicles.
  2. Bicycle rack(s).
  3. High efficiency HVAC system.
  4. Water efficient plumbing fixtures.
  5. Exterior and interior lighting management controls.
  6. Storm water run-off capture and re-use.
  7. Construction waste management and recycling.
  8. Mandatory tenant recycling.
  9. An evergreen ivy "green wall" along Bloomingdale face of parking garage upper level.
- ( 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.

A Tree Preservation Plan with an inventory identifying the type, location, and disposition of the trees to be removed and protected has been prepared for the project and shall be maintained and updated prior to the issuance of a Building Permit. This tree inventory shall be included as part of the Landscaping Installation and Management Plan.

A landscaping plan has been submitted as part of the Proposed Action to maintain the

landscaped character of the Bloomingdale Road corridor, to screen the existing non-conforming parking lot on Hale and Carhart Avenues and to screen the parking garage from the residential neighborhood along Hale Avenue. A final Landscaping Installation and Management Plan shall be subject to the approval of the Tree Preservation Committee, consisting of the Commissioners of Planning and Public Works and the Environmental Officer. The Applicant shall be responsible for posting a bond for the value of landscaping and installation of the landscaping to be provided on its property along the rear of the site which benefits the residents in the Carhart neighborhood.

- (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 incorporates design features, characteristics and program conditions that serve to maintain the character of the community, both the corridor along Bloomingdale Road and residential Carhart neighborhood along Hale Avenue.

From east to west, the site has a considerable rise in topography from elevation of 166 feet along Bloomingdale Road up to elevation 213 to 238 feet along Hale Avenue. The retail building is oriented and constructed to the lower street elevation of Bloomingdale Road. There are two levels of parking placed above the retail level. The top level of the garage has an elevation of 202 feet. As such, the houses along Hale are generally high in elevation to maintain an easterly view over the structure to the forested grounds of the New York Presbyterian Hospital.

Landscaping is an extremely important component of this project. It is necessary (1) to screen adjacent residents along Hale Avenue from the retail/restaurant use, (2) to establish an aesthetically pleasing environment for the retail/restaurant use itself, and (3) to maintain the green buffered character of Bloomingdale Road. Landscaping as proposed for the Proposed Project site on the Landscaping Plan submitted by the Applicant meets the requirements of Section 4.4.19 of the Zoning Ordinance, subject to the conditions contained in Approval Resolution.

The Landscaping Installation and Management Plan required to be submitted by the Applicant will protect the environmental quality of the site and preserve and enhance the property values in the neighboring area.

The Proposed Action include many landscaping features and are summarized as follows:

The landscaping being provided along the parking lot and on the ridgeline above the parking garage and service road has been designed to act as a screen of these parking areas from the adjacent residential uses. This landscaping is a mixture of evergreen and deciduous trees and lower level shrubs.

The Applicant's Landscaping Plan SP-5.0, dated and revised March 21, 2008 ("Applicant's Landscape Plan") submitted with the Application and revised at the request of City departments, boards and commissions, shows that the buffer area between the residential neighborhood and the new building and parking structure exceeds ten (10) feet at most points. Where it is less than 10 feet, a fence has been located along with plantings. The Applicant has worked with adjacent owners where the buffer area is less than ten (10) feet, and has come to separate agreements with the owners of 81 Livingston Avenue and 26 Edgewood Avenue for the installation of fencing and plantings on private properties.

Evergreen plantings shall be incorporated into the on-site landscaping, including the rear of the retail and parking facility and on the right of way buffer along Hale Avenue as shown on the Applicant's Landscape Plan. A new Belgium block curb shall be installed along the eastern edge of the Hale Avenue right of way, along with a new decorative guard rail and signage for the curve, as approved by the Commissioner of Public Works.

A row of London Plan (Sycamore) trees will be planted along the western side of Bloomingdale Road fronting the project. The Applicant has also offered to plant a similar row of London Plane trees along the opposite or easterly side of Bloomingdale Road along the right of way adjacent to Bloomingdale Greenbelt.

The final Parking and Loading Management Plan will also include conditions to benefit the Carhart Neighborhood:

The parapet wall on the upper parking deck shall be a minimum of four feet high to shield vehicle headlights, and light fixtures throughout the parking structure shall be shielded and directed downward, and shall be on controls that provide for lighting levels on the upper parking deck necessary for security purposes to be reduced at 11:00 PM, or earlier if safety conditions permit.

Access to the upper deck of the parking garage shall be restricted after 8:30 PM,

The upper parking deck shall be surfaced with a non-reflective surface to minimize reflection of light from the surface of the parking deck.

light fixtures on the service road shall be shielded and directed downward, and will be equipped with cut-off features to minimize the visibility of light and glare on adjoining streets and residential properties.

Other conditions included in the Approval Resolution that protect the Carhart neighborhood include:

The legally non-conforming parking lot at Hale and Carhart Avenue shall be improved by the installation of a gate control system which will limit access to this parking lot to permitted office tenants at 120 Bloomingdale Road. This card-key gate control shall be

installed prior to the

There shall be no vehicular interconnection between the legally non-conforming parking lot located at Hale and Carhart Avenues and the parking lots or parking garage on the Bloomingdale Road portion of the 120 Bloomingdale Road site. This serves to limit traffic driving through the Carhart Neighborhood.

The location, design and operation of the loading dock will have minimum impact on adjoining residential uses, subject to the conditions to be include in the Propose Action.

The Applicant proposes to upgrade an existing chain link fence along the eastern side of Hale Avenue with a six (6) foot solid fence. The existing fence is severely deteriorating and visually unattractive. The solid fence, with equally good sides on each side, will reduce the non-conformity of the existing fence which exceeds six (6) feet in certain areas.

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

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

- (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.

The project site is fully served by public and private utility systems, including water service, sanitary sewer, storm drainage, gas and electric services, etc., which are currently available in the adjacent street rights-of-way. The Applicant will be responsible for all proposed utility service connections or any other improvements necessary to provide these services to the proposed private development.

The construction of additional retail / restaurant uses on the site of the existing parking lot represents an increase in land use intensity. However, in context to the City of White Plains as a regional center and the B-1 District, the change resulting from the Proposed Action will not be significant. The proposed land use, amount of development and parking, and the associated traffic is similar to the other commercial facilities in the immediate area along Bloomingdale Road including The Westchester, The Source, and Bloomingdale's store.

- (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 reconfirms the SEQR findings adopted for the 2014 Approval; and be it further

RESOLVED that, based on the foregoing findings, the Common Council reconfirms that the Proposed Action, with inclusion of the 2015 Conditions, 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 120 BLOOMINGDALE ROAD LLC (“APPLICANT”) FOR AN ADDITIONAL ONE YEAR EXTENSION OF AN AMENDED SITE PLAN APPROVAL UNDER SECTION 7 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS (“ZONING ORDINANCE”) GRANTED BY THE COMMON COUNCIL BY RESOLUTION ADOPTED MAY 7, 2013, AND EXTENDED FOR ONE YEAR BY RESOLUTION ADOPTED JULY 7, 2014, TO CONSTRUCT APPROXIMATELY 47,000 SQUARE FEET OF NEW UPSCALE RETAIL USE TO THE EXISTING SITE, CURRENTLY DEVELOPED WITH AN APPROXIMATELY 141,427 SQUARE FOOT OFFICE BUILDING, AND FOR A SPECIAL PERMIT UNDER SECTION 6 OF THE ZONING ORDINANCE TO ESTABLISH RESTAURANTS AND OUTDOOR DINING ASSOCIATED WITH SUCH RESTAURANTS FOR APPROXIMATELY 6,000 SQUARE FEET, FOR A TOTAL OF APPROXIMATELY 53,000 SQUARE FEET OF RETAIL/RESTAURANT USE, FOR THE NEW DEVELOPMENT TO BE KNOWN AS “THE VENUE” TO BE LOCATED AT THE APPROXIMATELY 5.8 ACRE SITE AT 120 BLOOMINGDALE ROAD, AN ENVIRONMENTALLY SENSITIVE SITE UNDER SECTION 4.4.25 OF THE ZONING ORDINANCE (SECTION 131.21, BLOCK 3, LOT 2.1).

WHEREAS, on May 7, 2013, the Common Council of the City of White Plains approved an application submitted on behalf of 120 Bloomingdale Road, LLC (“Applicant”) for amended Site Plan approval under Section 7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) to construct approximately 47,000 square feet of new upscale retail use to the existing site, currently developed with an approximately 141,427 square foot office building, and for a Special Permit under Section 6 of the Zoning Ordinance to establish restaurants and outdoor dining associated with such restaurants for approximately 6,000 square feet, for a total of approximately 53,000 square feet of retail/restaurant use, for the new development to be known as “The Venue on Bloomingdale Road” to be located at the approximately 5.8 acre site at 120 Bloomingdale Road, an environmentally sensitive site under Section 4.4.25 of the Zoning Ordinance (Section 131.21, Block

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3, Lot 2.1); and

WHEREAS, the aforementioned site had received a prior amended Special Permit/Site Plan approval for a project known as “The Venue” from the Common Council by a resolution adopted May 5, 2008, and two (2) one year extensions adopted May 4, 2009 and June 7, 2010; and

WHEREAS, the aforementioned approval resolution for “The Venue on Bloomingdale Road,” adopted May 7, 2013, which supercedes the May 5, 2008 approval and May 4, 2009 and June 4, 2010 extensions, was subject to the Applicant’s compliance with the following fifty-nine (59) conditions:

1. Since the portion of the project site within the B-1 District, along Bloomingdale Road is declared to be a single “development site” in this resolution herein pursuant to Section 5.5.3 footnote (h) of the Zoning Ordinance, if the portion of the project site located in the B-1 District were, subsequently, to be divided into separate tax lots for purposes of sale or financing, any such division of land, whether by subdivision or administrative lot line adjustment, shall contain the requirement that the entire project site designated as a single “development site” continue as a single “development site” for purposes of use and dimensional requirements under the White Plains Zoning Ordinance.

2. The Applicant shall submit a Parking and Loading Management Plan which will (1) specify on-site directional signage for passenger vehicles and trucks; (2) provide a Parking and Loading Management Plan, with which retail and restaurant tenants at the proposed project will be required to comply, provide signage on the service road and loading dock indicating “no idling;” and (3) provide specific directions for how trucks may enter and exit the site.

3. The Applicant shall prepare and submit a Joint Use Parking Agreement in the form of a legal instrument satisfactory to the Corporation Counsel, and approved by the Commissioner of Parking and the Deputy Commissioner of Parking for Transportation Engineering, describing the joint use parking plan for the 120 Bloomingdale project site, and including at least the following:

- a. identification of all parking areas restricted to a particular use, such as office v.s. retail and a plan for managing parking on the upper level of the parking garage to limit access to that level in the evening and provide parking for employees, particularly restaurant employees that will not impact on adjacent residential uses;
- b. a plan showing how the parking areas will be accessed for each use, and specifically limiting parking in the Hale/Carhart Avenues legally non-conforming lot to office use parking as currently provided, but with the addition of a card activated control gate;

- c. documentation of how the joint use parking requirements will be communicated to and made binding on office, retail and restaurant tenants, and how these provisions will be enforced;
- d. assurance that the Applicant and its successors and assigns will be bound to continue the existence and use of said parking spaces in connection with the uses and structures that they serve;
- e. plan for how excess parking demand will be handled during peak periods such as holiday seasons, by the use of valet parking services with stacked parking, at no additional cost to the user, and management of such parking;
- f. a guarantee that upon termination of any of the individual uses, parking will be provided for each remaining use in accordance with all requirements of the Zoning Ordinance, unless modifications to the Joint Use Parking Agreement are approved by the Common Council, as approving agency for the site plan; and
- g. Any modifications to the Joint Use Parking Agreement shall be subject to the approval of the Common Council, in a legal instrument satisfactory to the Corporation Counsel.

4 a. A Parking and Loading Management Plan shall be required for the entire project

site, including the office building, the legally non-conforming parking lot on Hale and Carhart Avenues, and the retail/restaurant parking garage and loading dock. The parking deck over the retail stores shall be regulated pursuant to the Parking and Loading Management Plan which shall include hours of operation, lighting controls, and maintenance and cleaning standards.

b. If the Applicant or its successors and assigns wishes to lease the office building to only a single tenant, the Applicant must obtain from the Common Council, as site plan approving agency, approval of an amendment to this site plan approval resolution herein, to amend the Parking and Loading Management Plan to provide for the parking required for such single tenant office use and the retail/restaurant use(s).

5. As part of the Parking and Loading Management Plan, the Applicant shall provide for itself and its successors and assigns that, in accordance with Section 4.4.20 of the Zoning Ordinance, the lighting on the parking decks shall be screened to the maximum extent feasible, from the adjacent residential uses, as approved by the Commissioners of Building, and Planning, and Deputy Commissioner of Parking for Transportation Engineering, and that, on the upper deck, the following shall be provided:

a. The parapet wall on the upper deck shall be a minimum of four feet high to shield vehicle headlights and light fixtures throughout the parking structure shall be shielded and directed downward, and shall be on controls that

provide for lighting levels on the upper parking deck to be reduced at 11:00 PM, or earlier if safety conditions permit, to that necessary for security purposes.

- b. Access to the upper deck of the parking garage shall be restricted after 8:30 PM.
- c. The upper parking deck shall be surfaced with a non-reflective surface to minimize reflection of light from the surface of the parking deck.
- d. Light fixtures on the service road shall be shielded and directed downward, and will be equipped with cut-off features to minimize the visibility of light and glare from adjoining streets and residential properties.

6. The sweeping of the exterior driveways and parking areas, including the parking garage on the site, and the Hale and Carhart Avenue parking lot, shall be performed in accordance with the applicable requirements of the City of White Plains Noise Ordinance.

7. The legally non-conforming parking lot at Hale and Carhart Avenues shall be improved by the installation of a gate control system which will limit access to this parking lot to permitted office tenants at 120 Bloomingdale Road. This card-key gate control shall be installed

prior to the commencement of construction.

8. There shall be no interconnection between the legally non-conforming parking lot located at Hale and Carhart Avenues and the parking lots or parking garage on the Bloomingdale Road portion of the 120 Bloomingdale Road site.

9. Trucks shall not be permitted to idle outside the loading dock or along the rear service road; “no idling” signs shall be posted along the service road and within the loading dock.

10. The loading dock shall be fully enclosed and constructed with (1) an overhead door; (2) acoustical wall panels within the loading dock area; and (3) an internal curtain-style sound attenuation screen to minimize sound exiting the loading dock during hours of operation. The final design and materials of this sound attenuation screen shall be approved by the Commissioner of Building.

11. The Parking and Loading Management Plan will require that, where feasible, retail and restaurant tenant deliveries and refuse collection trucks access the loading dock via the southerly Bloomingdale Road access to the site, in lieu of the service driveway that connects to Maple Avenue. The Parking and Loading Management Plan shall be binding on both the current project owner and its successors and assigns.

12. The Parking and Loading Management Plan shall also provide that, for general merchandise deliveries, the loading dock shall operate from 8:30 AM to 6 PM from Monday to Friday, with limited hours of operation on weekends. Restaurant delivery schedules for trucks with refrigeration units shall be in accordance with the City of White Plains' Noise Ordinance (8:00 AM to 10:00 PM) with vehicles accessing the site from the southerly access drive on Bloomingdale Road directly into the loading area. There will be no stacking of delivery trucks on the service road or access road from Maple Avenue. The Parking and Loading Management Agreement shall provide that the operation of the loading shall be reviewed annually with the Commissioners of Building, Planning and Public Works, and Deputy Commissioner of Parking for Transportation Engineering to ensure that the impacts are minimized and the residential Carhart neighborhood protected.

13. The Applicant shall be required to prepare a Landscaping Installation and Management Plan. The care and maintenance of the landscaping must be provided as a requirement in the Landscaping Installation and Management Plan, and shall include as a specific condition the language contained in Section 8.7.5.5 of the Zoning Ordinance which provides as follows: "All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next, immediately following, growing season."

The Landscaping Installation and Management Plan shall be subject to the approval of the Tree Preservation Committee, consisting of the Commissioners of Planning and Public Works and the Environmental Officer. The installation portion of the Plan shall be approved prior to the removal

of vegetation from the project site and Hale Avenue right of way. The full Plan shall be approved prior to the issuance of a temporary or final Certificate of Occupancy.

14. Within sixty (60) days of the issuance of any building permit, the Applicant shall be responsible for posting a bond for the value of landscaping and installation of the landscaping to be provided on its property along the rear of the site which benefits the residents in the Carhart neighborhood. The Applicant must advise the Corporation Counsel in writing of said building permit. The amount of said bond shall be determined by the Commissioner of Public Works in consultation with the Corporation Counsel. The bond shall provide that, upon approval of the Venue project herein, (1) if construction ceases for a period of 12 months, and (2) if existing plantings along the rear of the Venue property have been removed, then the City may call the bond and install the landscaping required for this area in the approved site plan.

15. The Departments of Public Works and Parking have reviewed the Landscape Plan with respect to any site distance obstructions and made necessary modifications. The Landscaping Installation and Management Plan shall provide that the placement of plantings in the field shall be reviewed with respect to site distance impacts and approved by the Departments of Parking and Public Works.

16. The Department of Public Safety has not indicated any problems with the layout and location of fire lanes and emergency zones. The final construction plans shall be subject to the

Department of Public Safety with respect to the location and adequacy of the fire lanes and emergency zones.

17. The fence improvements along Hale Avenue at the right of way and parking lot shall be coordinated with the Department of Public Works, which will require a bond for work, including landscaping, to be done in the public right of way.

18. If there is a difference in the quality of the side of any fences, the more attractive side will be directed to neighboring properties or streets.

19. To the extent that any existing fences which are being upgraded are outside the lot lines, the Applicant shall be responsible for securing the appropriate approvals from the Commissioner of Public Works.

20. No electrically charged or barbed wire fences, or fences with sharp objects attached are proposed or shall be permitted to be installed, any barbed wire on existing fences will be removed.

21. All plantings and landscaping on the site shall be subject to the Landscaping Installation and Management Plan. Landscaping is an extremely important component of this Proposed Project. It is necessary (1) to screen adjacent residents from the retail/restaurant use; (2)

to establish an aesthetically pleasing environment for the retail/restaurant use itself; and (3) to maintain the green buffered character of Bloomingdale Road.

22. An evergreen ivy “green wall” shall be planted along the eastern exposure of the parking structure with natural vines that will grow to be visible long the Bloomingdale Road frontage. Maintenance of this “green wall” shall be the responsibility of the owner and its successors and assigns.

23. Evergreen plantings shall be incorporated into the on-site landscaping, including the rear of the retail and parking facility and the buffer along Hale Avenue, as shown on the Landscape Plan submitted by the Applicant. A new Belgian block curb shall be installed along the eastern edge of the Hale Avenue right of way, along with a new decorative guard rail and signage for the curve, as approved by the Commissioner of Public Works.

24. The western retaining wall along the service driveway shall be planted with a combination of evergreen ivy.

25. To the extent rock conditions are uncovered during construction activities that provide sufficient stability to permit the elimination of the retaining wall along a portion or portions of the site, the retaining wall shall be eliminated in such areas, subject the prior review and approval of plans by the Commissioner of Building.

26. The tree inventory submitted by the Applicant which identifies the type, location, and disposition of the trees to be removed and protected shall be maintained and updated to 2013 during the construction phase and shall be submitted to the Tree Preservation Committee, for approval, prior to any tree removal. This tree inventory shall be made a part of the Landscaping Installation and Management Plan.

27. Any trees that are removed shall be replaced on the site or at an off-site location on public right of way approved as part of the site plan approval or by the Tree Preservation Committee, at a ratio of one-to-one. Any trees that were shown on the 2008 tree inventory is to be preserved which have subsequently died or been damaged and require removal shall be replaced with species and location to be determined by the Tree Preservation Committee also, at a ratio of one-to-one.

28. If the larger London Plan (Sycamore) trees shown to be retained along the Bloomingdale Road die at any time, it shall be the responsibility of the Applicant, or its successors and assigns, to replace these trees, at its sole cost and expense with a Bloodgood London Plane Tree of similar size as those currently being required to be planted along the Bloomingdale Road right of way as part of this Project approval.

29. Existing trees shown on the Landscape Plan as remaining shall be provided with

tree maintenance measures as required by the Landscaping Installation and Management Plan. The Landscape Plan shall be updated prior to issuance of a temporary or final Certificate of Occupancy to reflect the final planting locations and species on the site and in the Hale and Carhart Avenues rights of way.

30. Trees that die during or within one year after issuance of a temporary Certificate of Occupancy and are not otherwise indicated in the Landscaping Installation and Management Plan as to be removed and replaced, shall, in the Landscaping Installation and Management Plan be required to be replaced at a ratio of one-to-one with such species as is determined appropriate by the Tree Preservation Committee.

31. In addition to the number of trees identified in the Landscape Plan, an additional twelve (12) trees shall be planted in locations identified on-site during construction that address field contingencies, and have been approved by the Tree Preservation Committee. This requirement shall be placed in the Landscaping Installation and Management Plan.

32. New street trees and shrub hedges shall be installed along the Hale Avenue right of way and easterly terminus extension of the Carhart Avenue right of way adjacent to the Hale and Carhart Avenue parking lot, substantially as shown on the Landscape Plan and subject to the final planting location determination of the Tree Preservation Committee.

33. The requirement that all landscaping be properly trimmed and maintained in good condition at all times shall be included in the Landscaping Installation and Management Plan.

34. In addition to other conditions contained herein, the project owner and its successors and assigns shall be responsible for the installation of new Bloodgood London Plane trees along the public right of way on the proposed project side of Bloomingdale Road to replace those being removed. Along the right of way at the Bloomingdale Greenbelt on the easterly side of Bloomingdale Road the Applicant has agreed to plant twelve (12) new Bloodgood London Plane trees of the same size as those being planted on the proposed project side. The trees shall be planted pursuant to the Landscaping Installation and Management Plan described herein above. The field locating of each tree shall be done in consultation with the Tree Preservation Committee. As trees located in the public right of way, they shall become the responsibility of the City and will be maintained by the City's Department of Public Works, except as otherwise provided herein. The City shall waive the bond for the twelve (12) trees to be planted on the easterly side of Bloomingdale Road along the Bloomingdale Greenbelt.

35. Noise and odor from the restaurant use(s) shall be controlled by a comprehensive kitchen exhaust management system for each restaurant, (or combined if a written agreement for joint restaurant use and maintenance is provided in a form acceptable to the Corporation Counsel), including:

- a. Grease filters incorporated into the kitchen exhaust system with grease trap in the sanitary sewer line;
- b. Electrostatic precipitators installed for each restaurant use unless combined for both restaurants, and sized appropriately;
- c. A series of charcoal type filters to remove odor and smoke prior to discharge into the atmosphere, with a 90 to 95% removal factor;
- d. A parallel fresh air system to provide makeup air to the kitchen;
- e. A supply and exhaust system will be equipped with sound attenuating silencing systems to assure that the operation of the equipment systems will meet or better the City requirement for a 55 dB sound level at the property line;
- f. The Department of Building shall be present at the testing of the noise levels of the equipment on commissioning, and the Applicant or its successors and assigns shall provide certified

noise level testing reports to the Commissioner of Building as currently required for cabaret uses;

- g. A fan system equipped with variable speed motor controllers so their operating level and energy use can be reduced in warm up and cool down periods and other off-peak times to further limit the effect of the equipment on the surroundings;
- h. The entire system, including the duct work, shall be maintained on a regular basis, in accordance with a Maintenance Plan to be reviewed and approved by the Departments of Building and Public Works, the submission of such Maintenance Plan shall be a condition of the issuance of either a temporary or final Certificate of Occupancy; and
- I. A copy of the Maintenance Plan shall be maintained in the on-site office of the owner or its representative, and shall be available for public review upon request.

36. The building's boilers and chiller system shall be located at the northern end of the building and shall be fully insulated. Sound attenuating silencing systems shall be used to

ensure that the requirements for a 55 dB sound level at the property line are met, in accordance with the City's Noise Ordinance.

37. The Applicant has agreed to and shall provide a project design and operation which includes building, mechanical equipment, electrical system, and stormwater design and operation, and waste management. The sustainable or "green" elements of the project include, but are not limited to:

1. Preferential parking for fuel efficient hybrid or alternate fuel vehicles.
2. Bicycle rack(s).
3. High efficiency HVAC system.
4. Water efficient plumbing fixtures.
5. Exterior and interior lighting management controls.
6. Stormwater run-off capture and re-use.
7. Construction waste management and recycling.
8. Mandatory tenant recycling.
9. Green wall along Bloomingdale face of parking garage upper level.

38. The building design and operational elements described by the Applicant, to include, but not be limited to:

1. Preferential parking for fuel efficient hybrid or alternate fuel vehicles,

2. Bicycle rack(s),
3. High efficiency HVAC system,
4. Water efficient plumbing fixtures,
5. Exterior and interior lighting management controls,
6. Stormwater run-off capture and re-use,
7. Construction waste management and recycling,
8. Mandatory tenant recycling, and
9. Green wall along Bloomingdale face of parking garage upper level,

shall be designed and operated to meet at least the minimum requirements for certification as a LEED (Leadership in Energy Efficient Design) building.

39. The Applicant shall retain a LEED certified architect or engineer to review the plans and specifications for the proposed project, and oversee the construction of the proposed project. The LEED certified architect or engineer shall provide a report to the Common Council, prior to issuance of a temporary or final Certificate of Occupancy, describing how the building design and operation meet the requirements for at least a LEED certification.

40. In addition to the requirements for establishing LEED certification level, the Applicant is responsible for full compliance with the requirements of the City of White Plains for stormwater management, the Construction Management Protocol, and is required to submit a Solid Waste Management Plan for the entire site which demonstrates how each tenant will comply with

refuse and recycling requirements of the City.

41. All development projects must comply with the City's Construction Management Protocol, as adapted to the particular project. All work on the Venue project will be subject to the City's Construction Management Protocol. This Protocol is summarized below for the purpose of fully disclosing the obligations it imposes on the development of the proposed project.

- A. A Construction Management Plan is required for development of the Venue project at 120 Bloomingdale Road in regard to (1) all activities on the site involving or related to site disturbance and construction of the Venue project; and (2) all activities off-site involving or related to the construction of the Venue project and approved off-site improvements, including, but not limited to, activities in the public right of way, parking for construction workers, routing of construction vehicles and vehicles taking construction or other materials to or from the site.
  - 1. The Plan shall be a written document which includes strict controls on all aspects of the construction, including construction related impacts to adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time public street travel lanes can

be encumbered, public sidewalk closings or pedestrian diversions to ensure the safety of pedestrians, controls on "fugitive dust", including street sweeping and site stockpile management, and the management of run-off from the site on the City and County storm drainage system and adjacent properties, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with residents and City staff to coordinate project construction and keep residents advised.

2. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, and Planning and Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.
3. A copy of the approved Construction Management Plan shall be maintained in the on-site construction office and shall be available to the public for review upon request. Copies of the approved Construction Management Plan shall also be maintained in the Departments of Planning, Building and Public Works, and shall be available to the public for review at those locations.
4. As part of the Construction Management Plan, the Applicant shall submit a parking

plan for construction workers which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. The Construction Management Plan for the Venue project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that parking locations for construction workers have been designated and will be strictly enforced. The Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and shall provide clear consequences for the failure to follow these regulations. Vehicles driven by construction workers and parked in the Carhart neighborhood will be booted or towed at the owners expense.

5. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets and County roads unless approved in advance in writing by the Commissioners of Public Works and Public Safety, and, as applicable, the County Department of Public Works. This prohibition shall be strictly enforced.
6. Due to the proximity of sensitive receptors, such as the nearby residents, noise from the construction site could potentially have negative impacts. The Construction Management Plan must address both noise impacts and air quality impacts of construction equipment including the following:

- a. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
  
- b. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.

- c. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
  
  - d. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, and that is not a motor vehicle or vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
  
  - e. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.
7. The Construction Management Plan for the Venue project shall address the maintenance of the property during the construction phase. Prior to the commencement of construction, the Applicant or any successor assign shall be

required to maintain the property and ensure that the property is clean and free from hazardous conditions.

8. The project site and disturbance area exceeds one acre. The Applicant shall include in the Construction Management Plan a copy of the approved SWPPP. The Construction Management Plan shall also include soil and erosion control regulations and best practices, and shall comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations.
  9. The Construction Management Plan shall also include a construction waste management and recycling program which shall (1) describe how waste materials and recyclables will be collected and removed from the site; and (2) how recycling of construction debris will be maximized.
- B. Since vibration from excavation and construction equipment and work on the project site could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the directly abutting properties and other properties determined to be potentially impacted by the Department of Building, use of procedures approved by the Departments of Public Safety and Building for any rock chipping or pile driving, sheeting and shoring around the excavation area, and any

such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. It is further necessary that in developing the excavation and construction procedures, the project developer will be required to (1) consult with residents within the construction impact area, on their needs and concerns, and (2) provide adequate understanding and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.

- C. If blasting is to occur, the Construction Management Plan shall include the Blasting Protocol described in Condition 42, *infra*, in this approval resolution herein.
- D. As to "fugitive dust," the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer, and this must be summarized in the Construction Management Plan.
- E. Hours of permitted construction work shall be determined in advance with the Commissioners of Public Safety, Building and Public Works, shall be recorded in the Construction Management Plan, and shall be strictly enforced.
- F. Prior to the issuance of any building or excavation permits, the Applicant and its

construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

- G. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.
  
- H. The City of White Plains Standard Construction Details and Specifications shall be used and supercede any other details or specifications that may have been used by the Applicant.
  
- I. Existing unsuitable fill shall be removed along the common property boundary of the site and the eastern side of the Hale Avenue right of way, and appropriately disposed. Fill used on the site will come from other locations being excavated on the site. If any fill is brought from off-site, the Commissioner of Public Works must be notified in advance and all requirements of the City's Department of Public Works must be

complied with, to ensure that only clean fill is brought to the site.

- J. The Applicant and the designated Construction Manager shall conduct a neighborhood meeting in advance of the commencement of construction.
- K. The Applicant shall provide to the residents within 500 feet and to the President of the Carhart Neighborhood Association a list of contact numbers, including that of the owner and Construction Manager.
- L. The Applicant shall post on the site, both on Bloomingdale Road and on Hale Avenue, in a location visible from the respective streets, a summary of the Construction Management Plan with the contact numbers of the Project Owner and Construction Manager. Copies of the summary will be provided to property owners within 500 feet and the President of the Carhart Neighborhood Association. Copies of the summary shall also be available in the Planning Department
- M. The Applicant shall submit, as part of the Construction Management Plan, a plan for pre-construction and during construction rodent control.
- N. Parking for office tenants and visitors at 120 Bloomingdale Road will be provided as follows during construction:

1. On-site valet parking for office tenants using the front and side entrances to the office building at 120 Bloomingdale Road shall be provided in accordance with a Temporary Parking Plan to be approved by the Commissioner of Building and Deputy Commissioner of Parking for Transportation Engineering, prior to the issuance of any building or demolition permit, for their review and approval.
  
2. The Temporary Parking Plan may accommodate parking in on-site facilities utilizing hydraulic stackers on the north side of the site, except for approximately thirty (30) vehicles that will be valet parked off-site in commercial or municipal parking lots or garages as approved by the Commissioners of Building, Planning, and Parking, and Deputy Commissioner of Parking for Transportation Engineering, if municipal parking is involved. The identification of the location for such parking and the location of spaces within such facility must be approved by the Commissioners of Building, Planning, and Parking and Deputy Commissioner of Parking for Transportation Engineering, if municipal parking is involved, prior to the issuance of any building or demolition permit.
  
3. The parking lot located at Hale and Carhart Avenues shall be utilized for parking up to nine-two (92) spaces, on a self-park basis for office tenants and their employees only.

4. Prior to the commencement of construction or demolition work on the Venue site, and after approval of the Temporary Valet Parking Plan, a copy of the Temporary Valet Parking Plan and Temporary Valet Parking Permits will be issued to all office building tenants who will be using the temporary valet system and, as requested by office tenants, the Applicant will meet with such tenants and explain the approved Temporary Valet Parking Plan.
  
- O. During the period of construction activities along Hale and Carhart Avenues, at the Applicant's sole cost and expense, a public safety person, approved by the Commissioner of Public Safety, shall be assigned to act as a crossing guard during the morning and afternoon school bus operations at the intersection of Hale and Carhart Avenues.
  
- P. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
  
- Q. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.

- R. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.

42. The Applicant shall comply with the City of White Plains' Blasting Protocol which includes the following:

1. Compliance with all State and City codes, rules and regulations and further requirements set forth herein as follows:
2. All blasting operations shall be monitored by a licensed Professional Engineer retained by the Applicant. A Blasting Management Plan must be developed and shall conform to the White Plains Supplemental Building and Fire Code, Explosive Materials Code, and No. NFP No. 495, National Fire Protection Association (NFPA), 1966 edition as amended, section 495 outlining blasting. Formulas proper for distances and particle velocities are provided in the Supplemental Code and NFPA 495. The proper amounts of high explosives derived from equations and site conditions shall be contained in the Blasting Management Plan that shall be prepared by a licensed Professional Engineer and approved by the Commissioner of Public Safety or his designee before blasting is commenced. Written logs of all blasting

shall be prepared and submitted by the licensed Professional Engineer, signed and sealed, to verify compliance with Code requirements and the conditions contained in this resolution herein.

3. No blasting shall take place unless the proper permits have been obtained from the Department of Public Safety for the appropriate fees. The company undertaking the blasting for the Applicant must provide, inter alia, the following information:
  - a. Proof of a valid blasting license and Certificate of Competence from the New York State Department of Labor;
  - b. Certificate of Insurance in the amount of at least \$5,000,000 liability coverage or more in which the City of White Plains is named an additional insured;
  - c. Certificate of Workers Compensation Insurance (Form c105.2);
  - d. Certificate of Compliance with Disability Benefits Law (Form D.B. 120.1);
  - e. If blasting is near a Tennessee Pipe Gas Line, provide proof of notification;

- f. Notice of evacuation to Consolidated Edison (Code 53), if necessary.
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- 4. Upon production and approval of the aforementioned documents, the blasting company shall call the City's Fire Prevention Bureau to make an appointment to inspect the blasting area. The inspector from the Fire Prevention Bureau will pick up all permits and other information at the Department of Public Safety, prior to the inspection of the area. Upon completion of the area inspection, the inspector will sign and date all permits and issue them to the blasting company. No permit shall be issued unless and until the contractor has provided written documentation demonstrating that a contract of insurance has been procured in the correct amount of coverage and in which the City of White Plains is named an additional insured.
  
  - 5. A Fire Inspector from the Fire Prevention Bureau shall witness blasting at all blasting sites and insure that the site and blasting company are in compliance with the City of White Plains Supplemental Building Codes and the New York State Fire Prevention and the NFPA reference standard 495.
  
  - 6. The Applicant shall ensure that the blasting company retained by the Applicant is licensed by the State of New York and has obtained necessary permits from the City's Department of Public Safety and shall:

- a. comply with all White Plains Supplemental Building and Fire Code provisions pertaining to the placement and specifications for storage magazines, including but not limited to signing the storage magazines:  
"EXPLOSIVES-KEEP OUT" with 6" inch high lettering;
- b. note the proximity of buildings and roads;
- c. inspect the blasting mats to ensure that they are in good condition ( a minimum of three (3) are required);
- d. ensure that at no time a blast takes place with any uncovered holes;
- e. ensure that all residents within five hundred (500) feet of the property are notified of the date and time that the blasting is to take place;
- f. ensure that the signs have been posted on roadways, informing the public that they are entering/leaving a blasting area and that they are not to use a short wave radio in the area;
- g. obtain separate permits from the City's Department of Public Safety for the transportation of explosives and blasting. All blasting operations are to be

witnessed by the Fire Prevention Bureau and meet applicable state and local fire codes. The blasting company must comply with 1176.2d-1 of the White Plains Supplemental Code and 9 NYCRR Part 1176.1 (NFPA Standards for inspection of vehicles for transporting explosives);

- h. ensure that all explosives are removed from the site at the end of each day;
- I. ensure that a "shot report" is filled out for every shot. The report is to be accompanied with a seismograph print-out for each shot recorded; these reports shall be filed with the Department of Public Safety-Fire Prevention Bureau. A second seismograph shall be provided by the blasting company to be located at the direction of the Fire Inspector from the Fire Prevention Bureau;
- j. provide the name, address and phone number of the contractor performing the blasting work, as well as the person actually responsible for the blasting at the site to the Department of Public Safety and provide a duplicate copy of the license to the Fire Inspector from the Department of Public Safety-Fire Prevention Bureau;
- k. notify the Fire Prevention Bureau twenty-four (24) hours in advance of

blasting;

- l. ensure that the general public is as far away from the blast area as possible;
- m. if required by the Fire Inspector from the Fire Prevention Bureau, have all traffic through or around the blasting area stopped before the shot and until after the shot has been completed;
- n. ensure that no explosives are left in any blasting holes overnight. No overnight storage is allowed;
- o. provide pre-blast surveys to all property owners within five hundred (500) feet of the site and create a photographic record of structural conditions of individual residences in the designated 500 foot construction impact area, and provide a sworn affidavit of service to the Commissioner of Public Safety with a copy to the Corporation Counsel;
- p. test blasting shall be conducted on the site to determine the minimum amount of explosives necessary. However, at no time will a blast go over a 2.0 ppv on the seismograph. If this occurs, the blasting company will be required to cut back on the number of pounds of explosive, ensuring the ppv to stay

under 2.0 ppv.

43. As per the communication of the Commissioner of Public Works dated May 6, 2013, the amended Stormwater Pollution Prevention Plan (SWPPP) with supplements has been reviewed by the Department of Public Works and has been approved. Best Management Practices (BMP) are required at all times and all Department of Public Works permits for stormwater and right of way work must be secured prior to the issuance of a Building Permit. A Department of Public Works MS4 stormwater permit is required. In addition, two full sets of current SWPPP plans must be provided to accompany the SWPPP report which must include the requisite updated certification pages included in the SWPPP report.

44. As per the communication of the Commissioner of Public Works dated May 6, 2013, an as-built will be required, and a stormwater maintenance agreement must be executed with the City of White Plains, approved as to form by the Corporation Counsel, prior to the issuance of a temporary certificate of occupancy. A typical escrow account must be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the authority to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the City (Department of Public Works) shall receive 20% of all costs as an administrative fee.

45. As per the communication of the Commissioner of Public Works dated May 6,

2013, all contractors working on projects disturbing soil must have a NYSDEC certified “trained individual” on site at all times where soil disturbance is taking place. Copies of the trained individual certificates must be provided to the Department of Public Works prior to any construction taking place.

46. As per the communication of the Commissioner of Public Works dated May 6, 2013, the Applicant shall provide a property survey signed and scaled by a licensed New York State land surveyor, including coordinates in NAD 83.

47. As per the communications of the Commissioner of Public Works dated May 5, 2008 and May 6, 2013, the Applicant’s M.E.P. Engineer of Record (EOR) for the building’s mechanical systems has submitted design calculations and disclosed the particular methodology used to arrive at the necessary size of the water and sanitary sewer service lines. The EOR is the Applicant’s New York State licensed design professional responsible for insuring the project’s service lines are adequate for its intended inhabitants and uses. The sizing calculations to determine the total amount of potable water demand and the sewage effluent flow as well as the storm sewer flow from the building were analyzed, and the Department of Public Works will require the two (2) sewer service lines to be no larger than four (4) inches each. Additionally, the Applicant shall use a cured-in-place liner, in accordance with ASTM F1216, in the City’s eight (8) inch main, from the project site to the Maple Avenue intersection. Since the data was provided almost six (6) years ago, and additional development projects have been approved which affect the downstream sanitary sewer

flow, the Department of Public Works hereby requires that the Applicant perform more current testing and submit to the Commissioner of Public Works the results, to confirm the above mitigation measure, and revised requirements may be imposed at the expense of the Applicant.

48. As per the communications of the Commissioner of Public Works dated May 5, 2008 and May 6, 2013, since a restaurant is proposed, the sanitary sewer service line must be equipped with an aerated type grease trap to reduce the possibility of restaurant discharged grease in the sanitary sewer line.

49. As per the communications of the Commissioner of Public Works dated May 5, 2008 and May 6, 2013, any of the City's trees in the Bloomingdale Road right of way determined to be of questionable health shall be removed by the Applicant. Further, it is required that the Applicant install twelve (12) new trees on the Venue's side of Bloomingdale Road. Finally, the Applicant desires to donate twelve (12) additional street trees to the City for installation in the Bloomingdale Road right of way, across the street from the Venue. The species and locations of these trees are to be as per the direction of the Commissioner of Public Works and consistent with the project Landscape Plan under a Department of Public Works permit for which the fee will be waived, but insurance will be required.

50. As per the communications of the Commissioner of Public Works dated May 5, 2008 and May 6, 2013, if the site requires imported fill in the proposed municipal right of way or City owned property, all fill must be tested for composition and chemicals in accordance with New

York State Department of Environmental Conservation ( DEC) and the Department of Public Works' directions and at the full expense of the owner. These test results must be received prior to depositing material on municipal property. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution insurance must be provided in the amount to be determined by the Commissioner of Public Works and the City's Risk Manager.

51. Backflow devices must be installed on the fire and domestic services. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Commissioner of the Department of Public Works for review and subsequent final approval by the Westchester County Health Department.

52. A Department of Public Works solid waste management plan must be submitted for review and approval prior to this issuance of a building permit. The plan must show a designated location for each of the conventional waste materials and recyclable materials (glass, tin, metal, plastic, cardboard) with separate storage containers shown for the recyclables. Conventional waste and recyclable materials are shown at a collection point depicted on plan sheet SP-2.0. The Applicant shall cause to be developed a routing plan for removal of the waste and recyclable materials from the building to the collection point where it will be removed by the City's municipal

collection services or a private carter. If a private carter is to be used, then a letter must be submitted to the Commissioner of Public Works by the Applicant stating this fact.

50. The Applicant's Contractor must use ultra low sulfur diesel fuel (ULSD) in all off-road equipment located on site and have trucks equipped with variable volume back-up alarms.

51. All construction under the jurisdiction of the Department of Public Works must be in conformance with Department of Public Works standards regardless of what may be shown on the Applicant's plans.

52. Regulations and standards have been revised since the 2007 date indicated on the plans and included in the report, and therefore the Applicant is required to review all information for compliance with current Department of Public Works regulations and standards.

53. All technical comments must be addressed, including, but not limited to, backflow device submissions, owner, operator, contractor and subcontractor statements to reflect current verbiage as outlined in Part III A.6 of the GP-0-10-001, etc.

54. As per the communication of the Commissioner of Public Works dated May 4, 2009, in addition to all other previous conditions set forth herein in connection with this project, the Applicant must comply with the new Stormwater Regulations ordinance enacted by the Common Council on December 20, 2007, to the extent such provisions are applicable.

55. As per the communication of the Commissioner of Planning dated May 25, 2010, the Department of Building shall not issue the Applicant, its successors or assigns, any demolition or building permit for the construction of the Venue Project until such time as the Applicant or its successors or assigns has provided proof to the City, satisfactory to the Corporation Counsel, that The Venue has firm commitments for at least 50% of the retail/restaurant space which commitments do not represent the relocation of retail tenants from existing retail shops within the City.

56. As per the communication of the Commissioner of Planning dated May 25, 2010, to further ensure the protection and restoration of the natural environment if the Venue Project were not to proceed to completion after commencement of construction, the Applicant shall be required to submit a restoration plan and post a site restoration bond in an amount established by the Commissioner of Public Works to cover the cost to regrade and replant any disturbed areas if construction on the project ceases for twelve (12) months or more, such restoration plan to be subject to the approval of the Tree Conservation Committee.

57. As per the communication of the Commissioner of Planning dated May 25, 2010, to further ensure the protection and restoration of the natural environment if the Venue Project were not to proceed to completion after commencement of construction, the Applicant shall be required to submit a site stabilization plan, subject to the approval of the Tree Preservation Committee, to be implemented if construction ceases for six(6) or more months.

58. As per the communication of the Commissioner of Planning dated May 25, 2010, to further ensure the protection and restoration of the natural environment if the Venue Project were not to proceed to completion after commencement of construction, once any vegetation is removed from the Carhart side of the site, if the construction ceases for six (6) or more months, the Carhart side of the site shall be planted according to the approved landscaping plan or a bond shall be posted with the Department of Building in an amount determined by the Commissioner of Public Works necessary to provide for such planting based upon the approved landscaping plan.

59. The Applicant or any of its successor(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and

WHEREAS, in October of 2013, the Applicant submitted an application for a special permit to allow the placement of a day care center to be known as the "The Children's Corner" to occupy approximately 10,000 square feet of space on the entry level of the existing approximately 141,427 square foot office building and an amendment to its existing site plan to address exterior site modifications on the property known as 120 Bloomingdale Road; and

WHEREAS, after conducting duly noticed concurrent public hearings and adopting environmental findings, the Common Council, by a resolution adopted February 3, 2014, granted the aforementioned amendment to the existing special permit/site plan approved by the

Common Council on May 7, 2013 for The Venue project, subject to the Applicant's compliance with all of the applicable conditions set forth in the amended site plan/special permit for the May 7, 2013 approval resolution, and the following additional conditions:

1. Within thirty (30) days of adoption of this approval resolution herein, the Applicant shall provide to the Commissioners of Planning and Building and to the Deputy Commissioner of Parking for Transportation Engineering, a detailed Zoning Map delineating the portion of the site located in the B-1("S") Zoning District and R2-2.5 Zoning District and clearly identify the location of the proposed Day Care Center parking spaces.

2. As per the communication of the Commissioner of Public Works dated December 2, 2013, the supplement to the Stormwater Pollution Prevention Plan (SWPPP) has been reviewed and approved by the Department of Public Works (DPW). Best Management Practices (BMP) are required at all times, and a DPW MS4 stormwater permit is required to be submitted by the Applicant prior to the issuance of a Building Department permit. When an excavation contractor is identified, the contractor must sign the SWPPP certification and provide a New York State Department of Environmental Conservation (NYSDEC) "trained individual" card to DPW for the individual who will be on site at all times during soil disturbing activities. SWPPP reporting by the Applicant is required at the onset of the excavation.

3. As per the communication of the Commissioner of Public Works dated December

2, 2013, an as-built is required, and a stormwater maintenance agreement must be executed by the Applicant with the City of White Plains, and approved as to form by the Corporation Counsel, prior to the issuance of a certificate of occupancy. A typical escrow account must also be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to reasonably reset the escrow account value and utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the City of White Plains through the DPW, shall receive 20% of all costs as an administrative fee.

4. As per the communication of the Commissioner of Public Works dated December 2, 2013, the existing building has a four (4) inch domestic water service and a six (6) inch fire service line. The DPW has not yet received a report from the Applicant's M.E.P. Engineer of Record (EOR) who must evaluate the total needs of the building's water and sanitary sewer service lines, in accordance with the N.Y.S. Building Code. Once DPW has that report from the Applicant, DPW can evaluate the adequacy of the City's infrastructure. Of particular concern, is the City's municipal sanitary sewer system capacity. Should an upgrade be necessary due to the proposed number of new fixture units, the Applicant shall be responsible for the costs of these modifications.

5. As per the communication of the Commissioner of Public Works dated December 2, 2013, since a commercial kitchen is proposed, the sanitary sewer service line must be equipped with an aerated type grease trap, if not already installed, to reduce the possibility of grease in the municipal sanitary sewer system.

6. As per the communication of the Commissioner of Public Works dated December 2, 2013, sidewalk lights shall be installed by the Applicant within the municipal right-of-way; however, the detail for the light and foundation must be revised by the Applicant and submitted to the Commissioner of Public Works within ninety (90) days of adoption of this approval resolution herein, to reflect the current City LED lighting standard.

7. As per the communication of the Commissioner of Public Works dated December 2, 2013, all construction under the jurisdiction of DPW must be in conformance with DPW standards notwithstanding what may be shown on the Applicant's plans.

8. As per the communications of the Deputy Commissioner of Parking for Transportation Engineering dated January 16, 2014, and the Acting Chair of the then Traffic Commission, now known as the Transportation Commission, dated November 20, 2013, the parking signs for the reserved parking spaces shall read "No Parking-Except Day Care Drop Off & Pick Up Only" and not "Reserved-Child day Care," as proposed by the Applicant in its letter dated January 14, 2014, to insure that only short term parking activity occurs in the designated spaces. The Applicant shall cause the pavement to be repaired in this area.

9. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 16, 2014, the three (3) angle parking spaces on the opposite side of the parking aisle are problematic since they are only accessible from one direction.

The first two (2) handicap parking spaces on the side closest to the building shall be removed and replaced with three (3) parking spaces designated for the Day Care Center use. These parking spaces can be relocated if they are needed for ADA compliance.

10. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 16, 2014, the Parking Management Plan must be updated and submitted to the Deputy Commissioner of Parking for Transportation Engineering by the Applicant within sixty (60) days of adoption of this approval resolution herein, to identify the new parking spaces reserved for the Day Care Center activity and that these parking spaces are not to be used by Day Care Center employees, and further address how the potential interference of the daily food supply delivery to the cafeteria with the Day Care Center peak a.m. drop-off will be addressed.

11. As per the communications of the Deputy Commissioner of Parking for Transportation Engineering dated January 16, 2014, and the Acting Chair of the Traffic Commission, (now Transportation Commission) dated November 20, 2013, any re-marking on the pavement must be designated as white in color (except for handicap spaces which are blue). There are currently many parking stall markings on this site that were incorrectly painted yellow and must be remarked in white. Non-standard speed bumps and signs must be updated or removed by the Applicant.

12. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 16, 2014, the new loading area shall be signed "No

Parking - Loading Zone.”

13. As per the communication of the Acting Chair of the Traffic Commission (now Transportation Commission) dated November 20, 2013, the proposed loading area allows for the parking of WB-40 design vehicle; however, with permitted parking directly behind the trailer, the unloading from the rear vehicle is not possible. The Applicant shall cause the removal of a parking space to allow room for the unloading of cargo.

14. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering dated January 16, 2014, no sign in pedestrian accessible areas shall be mounted at a height of less than seven (7) feet to the bottom of the sign. There are numerous existing signs on this site that violate this minimum sign height and must be corrected by the Applicant. The Applicant shall submit to the Deputy Commissioner of Parking within sixty (60) days of adoption of this approval resolution for review and approval a traffic signage plan for the site. All traffic control signs and markings must comply with the New York State Department of Transportation (NYSDOT) standards found in the Manual of Uniform Traffic Control Devices (MUTCD).

15. As per the communication of the Commissioner of Building dated January 16, 2014, the Applicant shall provide a decorative fence (either hinged or rolling) in front of the garbage dumpsters at the rear of the building (below the pedestrian bridge). The final design of the fence

shall be subject to the approval of the Commissioners of Building and Planning.

16. As per the communication of the Commissioner of Building dated January 16, 2014, the final exterior lighting design at the rear of the building shall be subject to the approval of the Commissioners of Building and Planning.

17. As per the communications of the Commissioner of Building dated January 16, 2014 and the Commissioner of Planning dated January 23, 2014, prior to the issuance of a certificate of compliance from the Department of Building, the Day Care Center must receive any and all applicable licenses required from the NYS Department of Children and Family Services and provide a copy of same to the Commissioners of Building and Planning and the Corporation Counsel.

18. As per the communication of the Commissioner of Planning dated January 23, 2014, pursuant to Section 8.7.6 of the Zoning Ordinance, appropriate signs shall be provided not only at the entrance of Bloomingdale Road, but also within the existing parking area to direct visitors to the Day Care Center.

19. As per the communication of the Commissioner of Planning dated January 23, 2014, the Day Care Center new at-grade pedestrian walkway will be lighted and located next to the ten (10) reserved parking spaces and will lead directly to the Day Care Center entrance. Four (4) inch steel posts will be located on the center for each of the ten (10) spaces to protect the at-grade

walkway from any vehicles overhanging this path.

20. As per the communication of the Commissioner of Planning dated January 23, 2014, the proposed fence must conform to the NYS Guidelines pertaining to fences for Day Care Center play areas. The fence facing the play area shall be attractive and appropriately screen the play area from the adjacent parking garage. The fence must be a minimum of five (5) feet in height, according to the NYS Guidelines for Day Care Centers and a maximum of six (6) feet according to Section 4.4.16 of the Zoning Ordinance.

21. As per the communication of the Commissioner of Planning dated January 23, 2014, any new exterior lighting, particularly on the 4<sup>th</sup> floor level terrace and along the at-grade pedestrian walkway and parking area for the Day Care Center will be screened in a manner which prevents the source of light from being seen from any adjoining streets or residential neighborhoods pursuant to Section 4.4.20 of the Zoning Ordinance.

22. As per the communication of the Commissioner of Planning dated January 23, 2014, all landscaping shown on the site plan shall be properly installed, trimmed, and maintained in good condition at all times, and any planting not so maintained shall be replaced at the beginning of the next growing season. The Applicant shall be permitted to substitute plant species to enhance the health and durability of the approved plantings, as necessary.

23. As per the communication of the Commissioner of Planning dated January 23, 2014, all development projects must comply with the City's Construction Management Protocol, as adapted to the particular project. All work on the Day Care Center at 120 Bloomingdale Road will be subject to the City's Construction Management Protocol. This Protocol is summarized below for the purpose of fully disclosing the obligations it imposes on the development of the proposed project.

- A. A Construction Management Plan is required for development of the Day Care Center project at 120 Bloomingdale Road in regard to (1) all activities on the site involving or related to site disturbance and construction of the Day Care Center project; and (2) all activities off-site involving or related to the construction of the Day Care Center project and approved off-site improvements, including, but not limited to, activities in the public right of way, parking for construction workers, routing of construction vehicles and vehicles taking construction or other materials to or from the site.
  - 1. The Plan shall be a written document which includes strict controls on all aspects of the construction, including construction related impacts to adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and

storage of materials on the project site, length of time public street travel lanes can be encumbered, public sidewalk closings or pedestrian diversions to ensure the safety of pedestrians, controls on "fugitive dust", including street sweeping and site stockpile management, and the management of run-off from the site on the City and County storm drainage system and adjacent properties, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with residents and City staff to coordinate project construction and keep residents advised.

2. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, and Planning and Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.
3. A copy of the approved Construction Management Plan shall be maintained in the on-site construction office and shall be available to the public for review upon request. Copies of the approved Construction Management Plan shall also be maintained in the Departments of Planning, Building and Public Works, and shall be available to the public for review at those locations.

4. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. The Construction Management Plan for the Day Care Center project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that parking locations for construction workers have been designated and will be strictly enforced. The Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and shall provide clear consequences for the failure to follow these regulations. Vehicles driven by construction workers and parked in the Carhart neighborhood will be booted or towed at the owners expense.
5. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets and County roads unless approved in advance in writing by the Commissioners of Public Works and Public Safety, and, as applicable, the County Department of Public Works. This prohibition shall be strictly enforced.
6. Due to the proximity of sensitive receptors, such as the nearby residents, noise from the construction site could potentially have negative impacts. The Construction Management Plan must address both noise impacts and air quality impacts of

construction equipment including the following:

- a. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
  
- b. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project

developer to insure reduced emissions during the construction phase.

- c. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
- d. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, and that is not a motor vehicle or vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
- e. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

- 7. The Construction Management Plan for the Day Care Center project shall address the

maintenance of the property during the construction phase. Prior to the commencement of construction, the Applicant or any successor assign shall be required to maintain the property and ensure that the property is clean and free from hazardous conditions.

8. The project site and disturbance area exceeds one acre. The Applicant shall include in the Construction Management Plan a copy of the approved SWPPP. The Construction Management Plan shall also include soil and erosion control regulations and best practices, and shall comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations.
  9. The Construction Management Plan shall also include a construction waste management and recycling program which shall (1) describe how waste materials and recyclables will be collected and removed from the site; and (2) how recycling of construction debris will be maximized.
- B. Since vibration from excavation and construction equipment and work on the project site could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the directly abutting properties and other properties determined to be potentially impacted by the Department of Building, use of

procedures approved by the Departments of Public Safety and Building for any rock chipping or pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. It is further necessary that in developing the excavation and construction procedures, the project developer will be required to (1) consult with residents within the construction impact area, on their needs and concerns, and (2) provide adequate understanding and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area.

- C. If blasting is to occur, the Construction Management Plan shall include the Blasting Protocol. *See* Condition 24 contained in this approval resolution herein.
  
- D. As to "fugitive dust," the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer, and this must be summarized in the Construction Management Plan.
  
- E. Hours of permitted construction work shall be determined in advance with the Commissioners of Public Safety, Building and Public Works, shall be recorded in the Construction Management Plan, and shall be strictly enforced.

- F. Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.
  
- G. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.
  
- H. The City of White Plains Standard Construction Details and Specifications shall be used and supercede any other details or specifications that may have been used by the Applicant.
  
- I. Existing unsuitable fill shall be removed along the common property boundary of the site and the eastern side of the Hale Avenue right of way, and appropriately disposed. Fill used on the site will come from other locations being excavated on the site. If any fill is brought from off-site, the Commissioner of Public Works must be notified in

advance and all requirements of the City's Department of Public Works must be complied with, to ensure that only clean fill is brought to the site.

- J. The Applicant and the designated Construction Manager shall conduct a neighborhood meeting in advance of the commencement of construction.
- K. The Applicant shall provide to the residents within 500 feet and to the President of the Carhart Neighborhood Association a list of contact numbers, including that of the owner and Construction Manager.
- L. The Applicant shall post on the site, both on Bloomingdale Road and on Hale Avenue, in a location visible from the respective streets, a summary of the Construction Management Plan with the contact numbers of the Project Owner and Construction Manager. Copies of the summary will be provided to property owners within 500 feet and the President of the Carhart Neighborhood Association. Copies of the summary shall also be available in the Planning Department
- M. The Applicant shall submit, as part of the Construction Management Plan, a plan for pre-construction and during construction rodent control.
- N. Parking for office tenants and visitors at 120 Bloomingdale Road will be provided

as follows during construction:

1. On-site valet parking for office tenants using the front and side entrances to the office building at 120 Bloomingdale Road shall be provided in accordance with a Temporary Parking Plan to be approved by the Commissioner of Building and Deputy Commissioner of Parking for Transportation Engineering, prior to the issuance of any building or demolition permit, for their review and approval.
  
2. The Temporary Parking Plan may accommodate parking in on-site facilities utilizing hydraulic stackers on the north side of the site, except for approximately thirty (30) vehicles that will be valet parked off-site in commercial or municipal parking lots or garages as approved by the Commissioners of Building, Planning, and Parking, and Deputy Commissioner of Parking for Transportation Engineering, if municipal parking is involved. The identification of the location for such parking and the location of spaces within such facility must be approved by the Commissioners of Building, Planning, and Parking and Deputy Commissioner of Parking for Transportation Engineering, if municipal parking is involved, prior to the issuance of any building or demolition permit.
  
3. The parking lot located at Hale and Carhart Avenues shall be utilized for parking up to nine-two (92) spaces, on a self-park basis for office tenants and their employees

only.

4. Prior to the commencement of construction or demolition work on the project site, and after approval of the Temporary Valet Parking Plan, a copy of the Temporary Valet Parking Plan and Temporary Valet Parking Permits will be issued to all office building tenants who will be using the temporary valet system and, as requested by office tenants, the Applicant will meet with such tenants and explain the approved Temporary Valet Parking Plan.
  
- O. During the period of construction activities along Hale and Carhart Avenues, at the Applicant's sole cost and expense, a public safety person, approved by the Commissioner of Public Safety, shall be assigned to act as a crossing guard during the morning and afternoon school bus operations at the intersection of Hale and Carhart Avenues.
  
- P. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
  
- Q. The Applicant shall provide to the Commissioner of Public Works for his review and

approval profiles of the proposed service utilities, depicting existing utility crossings.

- R. The construction sequence of this Proposed Project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.

24. The Applicant shall comply with the City of White Plains' Blasting Protocol which includes the following:

1. Compliance with all State and City codes, rules and regulations and further requirements set forth herein as follows:
2. All blasting operations shall be monitored by a licensed Professional Engineer retained by the Applicant. A Blasting Management Plan must be developed and shall conform to the White Plains Supplemental Building and Fire Code, Explosive Materials Code, and No. NFP No. 495, National Fire Protection Association (NFPA), 1966 edition as amended, section 495 outlining blasting. Formulas proper for distances and particle velocities are provided in the Supplemental Code and NFPA 495. The proper amounts of high explosives derived from equations and site conditions shall be contained in the Blasting Management Plan that shall be prepared

by a licensed Professional Engineer and approved by the Commissioner of Public Safety or his designee before blasting is commenced. Written logs of all blasting shall be prepared and submitted by the licensed Professional Engineer, signed and sealed, to verify compliance with Code requirements and the conditions contained in this resolution herein.

3. No blasting shall take place unless the proper permits have been obtained from the Department of Public Safety for the appropriate fees. The company undertaking the blasting for the Applicant must provide, inter alia, the following information:
  - a. Proof of a valid blasting license and Certificate of Competence from the New York State Department of Labor;
  - b. Certificate of Insurance in the amount of at least \$5,000,000 liability coverage or more in which the City of White Plains is named an additional insured;
  - c. Certificate of Workers Compensation Insurance (Form c105.2);
  - d. Certificate of Compliance with Disability Benefits Law (Form D.B. 120.1);

- e. If blasting is near a Tennessee Pipe Gas Line, provide proof of notification;
  - f. Notice of evacuation to Consolidated Edison (Code 53), if necessary.
4. Upon production and approval of the aforementioned documents, the blasting company shall call the City's Fire Prevention Bureau to make an appointment to inspect the blasting area. The inspector from the Fire Prevention Bureau will pick up all permits and other information at the Department of Public Safety, prior to the inspection of the area. Upon completion of the area inspection, the inspector will sign and date all permits and issue them to the blasting company. No permit shall be issued unless and until the contractor has provided written documentation demonstrating that a contract of insurance has been procured in the correct amount of coverage and in which the City of White Plains is named an additional insured.
5. A Fire Inspector from the Fire Prevention Bureau shall witness blasting at all blasting sites and insure that the site and blasting company are in compliance with the City of White Plains Supplemental Building Codes and the New York State Fire Prevention and the NFPA reference standard 495.
6. The Applicant shall ensure that the blasting company retained by the Applicant is licensed by the State of New York and has obtained necessary permits from the

City's Department of Public Safety and shall:

- a. comply with all White Plains Supplemental Building and Fire Code provisions pertaining to the placement and specifications for storage magazines, including but not limited to signing the storage magazines:  
"EXPLOSIVES-KEEP OUT" with 6" inch high lettering;
- b. note the proximity of buildings and roads;
- c. inspect the blasting mats to ensure that they are in good condition ( a minimum of three (3) are required);
- d. ensure that at no time a blast takes place with any uncovered holes;
- e. ensure that all residents within five hundred (500) feet of the property are notified of the date and time that the blasting is to take place;
- f. ensure that the signs have been posted on roadways, informing the public that they are entering/leaving a blasting area and that they are not to use a short wave radio in the area;

- g. obtain separate permits from the City's Department of Public Safety for the transportation of explosives and blasting. All blasting operations are to be witnessed by the Fire Prevention Bureau and meet applicable state and local fire codes. The blasting company must comply with 1176.2d-1 of the White Plains Supplemental Code and 9 NYCRR Part 1176.1 (NFPA Standards for inspection of vehicles for transporting explosives);
- h. ensure that all explosives are removed from the site at the end of each day;
- i. ensure that a "shot report" is filled out for every shot. The report is to be accompanied with a seismograph print-out for each shot recorded; these reports shall be filed with the Department of Public Safety-Fire Prevention Bureau. A second seismograph shall be provided by the blasting company to be located at the direction of the Fire Inspector from the Fire Prevention Bureau;
- j. provide the name, address and phone number of the contractor performing the blasting work, as well as the person actually responsible for the blasting at the site to the Department of Public Safety and provide a duplicate copy of the license to the Fire Inspector from the Department of Public Safety-Fire Prevention Bureau;

- k. notify the Fire Prevention Bureau twenty-four (24) hours in advance of blasting;
- l. ensure that the general public is as far away from the blast area as possible;
- m. if required by the Fire Inspector from the Fire Prevention Bureau, have all traffic through or around the blasting area stopped before the shot and until after the shot has been completed;
- n. ensure that no explosives are left in any blasting holes overnight. No overnight storage is allowed;
- o. provide pre-blast surveys to all property owners within five hundred (500) feet of the site and create a photographic record of structural conditions of individual residences in the designated 500 foot construction impact area, and provide a sworn affidavit of service to the Commissioner of Public Safety with a copy to the Corporation Counsel;
- p. test blasting shall be conducted on the site to determine the minimum amount of explosives necessary. However, at no time will a blast go over a 2.0 ppv on the seismograph. If this occurs, the blasting company will be required to

cut back on the number of pounds of explosive, ensuring the ppv to stay under 2.0 ppv.

25. As per the communication of the Acting Chair of the Planning Board dated November 22, 2013, access from the parking area to the Day Care Center may be impacted during the construction of The Venue project. After construction of The Venue, there will be increased traffic along the driveway used to access the Day Care Center. Measures must be taken by the Applicant to ensure pedestrian safety which shall be reviewed and approved by the Commissioners of Public Works and the Deputy Commissioner of Parking for Transportation Engineering.

26. As per the communication of the Chair of the Design Review Board dated November 18, 2013, the Applicant shall provide to the Design Review Board for final review and approval, the proposed ground sign.

27. As per the communication of the Acting Chair of the Conservation Board, dated January 27, 2014, there is concern regarding the amount of light pollution potentially caused by the new parking light poles. It is likely that the ambient light produced by this project will change the residential neighborhoods it is directly adjacent to and thus, additional mature evergreen tree plantings or modifications of the luminaire type may be needed to screen the new lighting from the adjacent residential neighborhoods.

28. As per the communication of the Acting Chair of the Conservation Board dated January 27, 2014, a tree replanting (restitution) should be implemented to maintain to the greatest extent the amount of landscape features on the site which provides a buffer along the Bloomingdale corridor and supports wildlife habitats.

29. As per the communication of the Acting Chair of the Conservation Board dated January 27, 2014, details for erosion control during construction and any new storm water drainage system measures to manage any significant drainage and runoff created on the site shall be addressed by the City's Construction Management Protocol; and

WHEREAS, the Common Council, at its May 5, 2014 meeting, received a communication from the Commissioner of Building, dated April 23, 2014, forwarding an application for an extension of the May 7, 2013 amended site plan approval and special permit approval for the project known as "The Venue on Bloomingdale Road;" and

WHEREAS, the Common Council, after making environmental findings, by a resolution adopted July 7, 2014, granted a one (1) year extension of the May 7, 2013 amended site plan approval and special permit approval for the project known as "The Venue on Bloomingdale Road," subject to the Applicant's compliance with all of the applicable conditions in the May 7, 2013 approval resolution and the February 3, 2014 approval resolution, and the following additional conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Planning's communication dated May 22, 2014, the operation of a day care center may increase the need for parking and circulation measures, which shall be addressed by the City's Deputy Commissioner of Parking for Transportation Engineering, in a review of the Applicant's construction traffic, parking and circulation plan.

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, the approved Stormwater Pollution Prevention Plan (SWPPP) and all Supplements remain in effect for the development site. Regulations governing stormwater have been frequently updated by the New York State Department of Environmental Conservation (NYSDEC). When the parcel is ready for development, the SWPPP may require an amendment to incorporate the most current NYSDEC requirements and DPW fees in effect prior to the issuance of any Building Department permit.

3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, and the February 3, 2014 Special Permit/Site Plan amendment for "The Children's Corner" day care center, outstanding issues remain which must be addressed by the Applicant. Notably, sizing calculations from the Applicant's M.E.P. Engineer of Record (EOR) for the building's mechanical systems, have disclosed that two (2) sewer service lines of four (4) inch diameter each, will be adequate. Additionally, the developer is required to use a cured-in-place liner, in accordance with ASTM F1216, in the City's eight (8) inch main, from the project site to the

Maple Avenue intersection.

4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, since this data was provided by the Applicant over six years ago, and additional development projects have been approved which affect the downstream sanitary sewer flow, the Department of Public Works will require the Applicant to perform more current testing to confirm the above mitigation measure stated in Condition 3 herein, and revised requirements may be imposed at the expense of the Applicant.

5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 2, 2014, certain regulations and standards have been revised since the 2007 date indicated on the Applicant's previous plans, and thus, the Applicant will be required to review all information for compliance with current Department of Public Works standards and procedures, and make any required revisions for the Department's review, well in advance of the Building Department review phase.

6. Condition 50 of the May 7, 2013 amended Special Permit/Site Plan approval resolution is hereby amended in its entirety to read as follows:

If the site requires imported fill, all fill must be tested for composition and chemicals in accordance with New York State Department of Environmental Conservation (DEC) and the

Department of Public Works' directions and at the full expense of the owner. These test results must be received prior to depositing material on the site. A licensed professional engineer must be on site to accept the fill and keep records of every truck brought to the site. Samples must be taken and tested by a New York State certified laboratory and a chain of custody must have been established. In addition, pollution insurance must be provided in the amount determined by the Commissioner of Public Works and the City's Risk Manager.

7. Condition 26 of the May 7, 2013 amended Special Permit/Site Plan approval resolution is hereby amended to read as follows:

The tree inventory submitted by the Applicant which identifies the type, location, and disposition of the trees to be removed and protected shall be maintained and updated to 2015; and

WHEREAS, the Common Council, at its May 4, 2015 meeting, received a communication from the Commissioner of Building, dated April 23, 2015, forwarding an application for an additional one (1) year extension of the May 7, 2013 amended site plan approval and special permit approval for the project known as "The Venue on Bloomingdale Road, last extended on May 5, 2014;" and

WHEREAS, the aforementioned application for the additional one (1) year extension of the May 7, 2013 site plan approval and special permit approval consisted of the following:

A. A cover letter dated April 14, 2015 from William S. Null, Esq. of the law firm of Cuddy& Feder, LLP, counsel for the Applicant, requesting a additional one (1) year extension of the May 7, 2013 amended site plan and special permit approval, last extended on May 5, 2014; and

B. A Building Permit Short Form dated April 13, 2015; and

C. A memorandum dated April 13, 2015, from Divney Tung Schwalbe, together with a Short Environmental Assessment Form, verified April 14, 2014 (on the current SEQRA form required by the State) submitted last year in connection with the amended Special Permit and Site Plan extension application, the data of which has not changed to date, to which is annexed the Full Environmental Assessment Form (EAF), dated February 11, 2013, previously submitted for the original May 7, 2013 approval; and

D. A memorandum from John T. Collins, Ph.D., P.E., of Maser Consulting P.A., dated April 9, 2015, stating that there have been no new major traffic developments in the area of “The Venue on Bloomingdale Road,” and thus, the results and conclusion of the future Year 2016 analysis contained in the updated March 25, 2013 Traffic Impact Study evaluation submitted previously for the original approval is still valid; and

E. A copy of the aforementioned March 25, 2013 Traffic Impact Study; and

WHEREAS, the application requesting an additional one (1) year extension of the approved amended Special Permit/Site Plan was referred by the Common Council at its meeting of May 4, 2015, to the Departments of Law, Building, Planning, Public Works, Public Safety, and Parking, the Planning Board, Conservation Board, Design Review Board, Transportation Commission, Environmental Officer and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, officers, boards and commissions and the Westchester County Planning Board in connection with same; and

WHEREAS, the Applicant's counsel in his letter dated April 14, 2015, noted that the renovation and upgrading of the existing office building was recently approved by the Common Council and has been substantially completed, and the Applicant has continued to market to prospective tenants the development of the 46,843 square feet of retail, plus a 6,000 square foot restaurant (with outdoor dining) for a total of 52,843 square feet; and

WHEREAS, the Applicant's counsel further notes in the April 14, 2015 correspondence that while the Applicant had hoped that the development would go forward in 2015, and has received positive responses, the Applicant is requesting another one year extension of the prior approvals to enable the Applicant to move forward with this project; the additional one (1)

extended July 7, 2014, to construct approximately 47,000 square feet of new upscale retail use to the existing site, currently developed with an approximately 141,427 square foot office building, and for a Special Permit under Section 6 of the Zoning Ordinance to establish restaurants and outdoor dining associated with such restaurants for approximately 6,000 square feet, for a total of approximately 53,000 square feet of retail/restaurant use, for the new development to be known as “The Venue on Bloomingdale Road” to be located at the approximately 5.8 acre site at 120 Bloomingdale Road, an environmentally sensitive site under Section 54.4.25 of the Zoning Ordinance (Section 131.21, Block 3, Lot 2.1), subject to the Applicant’s compliance with all of the applicable conditions in the May 7, 2013 approval resolution and the February 3, 2014 approval extension resolution, and the following additional conditions:

1. As per the communication of the then Commissioner of Public Works prepared for the Common Council meeting of June 1, 2015, the approved Stormwater Pollution Prevention Plan (SWPPP) dating back to May 5, 2008, and all Supplements remain in effect for this Development Site. Regulations governing stormwater were recently updated by the New York State Department of Environmental Conservation (NYSDEC) in January 2015, to better reflect the increasing regularity of severe weather conditions. Therefore, when the parcel is ready for development, the SWPPP may require an amendment to incorporate the most recent NYSDEC requirements and Department of Public Work fees in effect prior to the issuance of any Building Department permit.

2. As per the communication of the then Commissioner of Public Works prepared for the Common Council meeting of June 1, 2015, outstanding comments remain, which must be addressed by the Applicant. Notably, the results of the Applicant's sizing calculations by the M.E.P. Engineer of Record (EOR) for the building's mechanical systems required that the two (2) sewer service lines could be no larger than four (4) inches. Additionally, the Applicant is required to use a cured-in-place liner, in accordance with ASTM F1216, in the City's eight (8) inch main, from the project site to the Maple Avenue intersection.

3. As per the communication of the then Commissioner of Public Works prepared for the Common Council meeting of June 1, 2015, the Department of Public Works has previously noted since this data was provided six years ago, and additional development projects have been approved which affect the downstream sanitary sewer flow, the Department of Public Works will require the Applicant to perform more current testing to confirm the above mitigation measure, and revised requirements may be imposed at the expense of the Applicant.



**ENVIRONMENTAL OFFICER**

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

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

May 27, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 60-96 WESTCHESTER AVENUE  
WHITE PLAINS LLC AND CHAUNCEY WHITE PLAINS LLC  
AMENDMENT TO THE ZONING ORDINANCE

The petition submitted on behalf of White Plains LLC and Chauncey White Plains LLC for amendments to the Zoning Ordinance and Zoning Map affecting real property known as 60 – 96 Westchester Avenue (herein after referred to as the “Petition” or “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

At its April 6, 2015 meeting, the Common Council adopted a resolution declaring its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR.

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

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

The premises are designated as Section 126.61, Block 3 Lots, 11-15, 16.2 and 23-29 on the Official Map of the City of White Plains (“Development Site”) and are located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14.

The applicant has submitted the following:

1. A letter from Mark P. Weingarten, Delbello, Donnellan Weingarten Wise & Wiederkehr, LLP., dated February 19, 2015.
2. A Petition for amendments to the Zoning Ordinance and other required approval related to development of property located at 60 – 96 Westchester Avenue, dated February 19, 2015, including:

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- Exhibit A. Saber Development Activity
- Exhibit B. Properties Constituting the Eligible Area
- Exhibit C. The Conceptual Plan, entitled "The Collection" dated February 19,2015
  - Drawing entitled Narrative & Table of Contents
  - Drawings 1 to 21
  - (herein after referred to as "Conceptual Plan")
- Exhibit D. Proposed Zoning Amendments

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

The Proposed Action involves an amendment to the Zoning Ordinance, but also anticipates site plan and special permit approvals intended to facilitate the redevelopment of the Development Site in accordance with the Phase I Urban Renewal Plan for the Westchester Avenue Urban Renewal Project (Project No. WPUR-14), as a mixed-use commercial/residential project with the following principal components:

- Approximately 236,000 Square feet of commercial space including auto dealership showroom and service facilities, retail, restaurant, a 154-room hotel and spa fitness uses.
- Approximately 261 residential units (including required 10% affordable housing units) with approximately 243,00 square feet of floor area.
- A coordinated multi-level parking program of approximately 1233 spaces. This will include 300 municipal spaces to replace the existing approximately 150 space Franklin Avenue municipal lot and provide 150 additional public parking spaces.

The Development Site is situated in two zoning districts, the B-3 Intermediate Business District located along Westchester Avenue and RM-0.35 Residential Multi-Family District along Franklin Avenue.

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

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

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

The Environmental Officer recommends that the Common Council find the following various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined

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

- A. An amendment to the Zoning Ordinance, as paraphrased below, to:
  - 1. Eliminate the 15 ft. Special Building Setback line along the north side of Westchester Avenue between Franklin Street and Bloomingdale Road and along the front of the property known as 70 – 106 Westchester Avenue.
  - 2. Add motor vehicle “repair shop” as a Special Permit use in the RM- 0.35 District.
  - 3. Add “restaurants,” “cafeterias,” and certain “stores for sale at retail” located on the ground floor of a “Multi-Family dwelling” as Special Permit uses in the RM- 0.35 District.
  - 4. Permit the maximum “building coverage” for a designated “development sites” in the RM- 0.35 District to be increased as a special permit approved by the Common Council.
  - 5. Permit the maximum “height” to be increased by 15 feet in the B-3 District as a special permit approved by the Common Council.
- B. Approval of a special permit to increase the number of stories of a multi-family residential building in the RM-0.35 District from 6 to 11 stories permitted by the Zoning Ordinance as proposed to be amended.
- C. Approval of a special permit to permit the maximum building coverage permitted in the B-3 District (80%) to be extended to the portion of the Development Site in the RM-0.35 District (in which 60% coverage is otherwise permitted) permitted by the Zoning Ordinance as proposed to be amended.
- D. Approval of shared (“joint use”) parking.
- E. Site Plan approval under Section 7 of the Zoning Ordinance.
- F. Designation of the project site and the property as one “Development Site” under Section 2 and footnote (h) of the Zoning Ordinance Schedule of Dimensional Regulation - Non Residential for the purposes of calculating building height and building coverage permitted by the Zoning Ordinance as proposed to be amended.
- G. Approval of applicable special permit uses and increased maximum building heights permitted by the Zoning Ordinance as proposed to be amended by this Proposed Action.
- H. Other necessary and related approvals for the Conceptual Development Plan, including but not limited to amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals and bus stop relocations, etc.

The Environmental Officer recommends that the Common Council determine that the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it meets or exceeds one or more of the following thresholds:

- 1. In a city, town or village having a population of less than 150,000, the construction of 250 or more new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- 2. Activities, other than the construction of residential facilities, that meet or exceed any of the

following thresholds:

- a. parking for 1,000 vehicles;
- b. in a city having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area.

The Environmental Officer recommends that the Common Council find that the Proposed Action for the following reasons and when compared to the SEQR criteria of environmental effect listed in Section 617.7 of SEQR regulations may have the following significant impacts on the environment:

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

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

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

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the Proposed Action will not result in a conflict with a community's current plans or goals as officially approved or adopted.

- Potential substantial changes to the character or quality of important aesthetic resources or of existing community or neighborhood character.

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

- Potential substantial changes in the use, or intensity of use, of land or other natural resources of the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood.

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

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

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

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) designate itself as the Lead Agency for the environmental review; (b) determine that the various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment; (c) determine that the Proposed Action is a Type I Action under SEQR regulations; (d) determine that the Proposed Action may have a significant effect on the environment; (e) determine that a Draft Environmental Impact Statement (DEIS) be prepared to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; (f) determine the Scoping Document dated April 23, 2015 including issues to be addressed in a DEIS is adequate for the purpose of commencing public review and comment regarding issues to be addressed in the DEIS; (g) schedule a comment period for the purpose of receiving written comments regarding the Scoping Document and that written comments regarding the Scoping Document will be accepted by the Common Council until the close of business on June 22, 2015, and should be addressed to the White Plains City Clerk, Municipal Building, 255 Main Street, White Plains, New York 10601; and (h) authorize the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the Final Scoping Outline as required by SEQR.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rod Johnson", written over a horizontal line.

Rod Johnson  
Environmental Officer



Robert P. Astorino  
County Executive

County Planning Board

May 5, 2015

Rod Johnson, Environmental Officer  
Planning Department  
City of White Plains  
255 Main Street  
White Plains, NY 10601

**Subject: Referral File No. WHP 15-008 – The Collection - Zoning Text Amendments, Site Plan and Special Permit Approvals – Lead Agency**

Dear Mr. Johnson:

The Westchester County Planning Board has received a Notice of Intent to Serve as Lead Agency pursuant to the NYS Environmental Quality Review Act (SEQR) for the above referenced application. The applicants are petitioning the City for zoning text amendments, as well as site plan and special permit approvals, to redevelop a 4.4-acre site containing 14 tax lots on the north side of Westchester Avenue (County Road 71) with a new mixed-use development containing:

- 236,000 square feet of commercial space, including an auto dealership showroom and service facilities, retail, restaurant, a 154 room hotel and spa fitness uses
- 261 residential units (including 10% affordable)
- 1233 parking spaces, including 200 municipal spaces intended to replace the existing 150-space Franklin Avenue municipal lot.
- Vehicular access will be provided via a new curb cut and driveway from Westchester Avenue

We have no objection to the White Plains Common Council assuming Lead Agency status for this review.

We have conducted an initial review of this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we offer the following preliminary comments:

**1. County road.** Westchester Avenue is a County road (CR 71). Because a new curb cut is proposed approval for this work from the Westchester County Department of Public Works and Transportation (WCDPW&T) under Section 239 F of the General Municipal Law is required and WCDPW&T should be listed as an involved agency under SEQR. Pertinent drainage, utility,

erosion control and curb cut details need to be provided at the time of Section 239 F submittal. The driveway must also be designed in accordance with current County, State and AASHTO standards.

With respect to Westchester Ave, the City and the applicant should be advised that the road in the vicinity of the project will be paved by the County in 2016. Any utility connections, street network changes, sewer upgrades etc. made after paving will require pavement restoration (mill/pave) by the applicant for the full width of the roadway (or half of the roadway if disturbing only on one side of the median).

**2. Bee-Line bus stop.** We note that Bee-Line bus stop #316 is located in front of the site. Impacts of the project to this bus stop and bus service in this area must be examined as part of the SEQR review. We recommend the applicant reach out to WCDPW&T to discuss this matter.

**3. Sewage flows.** The proposed development will increase sewage flows from this site into the existing infrastructure and will add to the volume requiring treatment at the Mamaroneck Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, we recommend the identification of mitigation measures that will offset the projected increase in flow through reductions in inflow/infiltration (I&I) at a ratio of three for one. (A ratio of one for one to offset flows for affordable housing units is acceptable). In particular, any environmental impact statement that is prepared for this proposal should provide specific details on how implementation of these improvements is to be accomplished. For example, will the applicant be required to place funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I? How will I&I projects to be identified? Who will conduct the work and in what timeframe?

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By:



Edward Buroughs, AICP  
Commissioner

EEB/LH

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

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

WHEREAS, the petition submitted on behalf of White Plains LLC and Chauncey White Plains LLC for amendments to the Zoning Ordinance and Zoning Map affecting real property known as 60 – 96 Westchester Avenue (herein after referred to as the “Petition” or “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, at its April 6, 2015 meeting, the Common Council adopted a resolution declaring its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR; and

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

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

WHEREAS, the premises are designated as Section 126.61, Block 3 Lots, 11-15, 16.2, 23-29 on the Official Map of the City of White Plains (“Development Site”) and are located within the Phase I Westchester Avenue Urban Renewal Project, No WPUR – 14; and

WHEREAS, the applicant has submitted the following:

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

WHEREAS, the Proposed Action involves an amendment to the Zoning Ordinance, but also anticipates site plan and special permit approvals intended to facilitate the redevelopment of the Development Site in accordance with the Phase I Urban renewal Plan for the Westchester Avenue Urban Renewal Project (Project No. WPUR-14), as a mixed-use commercial/residential project with the

following principal components (herein after referred to and as shown in the “Conceptual Plan”):

- Approximately 236,000 Square feet of commercial space including auto dealership showroom and service facilities, retail, restaurant, a 154-room hotel and spa fitness uses.
- Approximately 261 residential units (including required 10% affordable housing units) with approximately 243,00 square feet of floor area.
- A coordinated multi-level parking program of approximately 1233 spaces. This will include 300 municipal spaces to replace the existing approximately 150 space Franklin Avenue municipal lot and provide 150 additional public parking spaces; and

WHEREAS, the Development Site is situated in two zoning districts, the B-3 Intermediate Business District located along Westchester Avenue and RM-0.35 Residential Multi-Family District along Franklin Avenue; and

#### Combined Action

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

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

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

A. An amendment to the Zoning Ordinance, as paraphrased below, to:

1. Eliminate the 15 ft. Special Building Setback line along the north side of Westchester Avenue between Franklin Street and Bloomingdale Road and along the front of the property known as 70 – 106 Westchester Avenue.
2. Add motor vehicle “repair shop” as a Special Permit use in the RM-0.35 District.
3. Add “restaurants,” “cafeterias,” and certain “stores for sale at retail” located on the ground floor of a “Multi-Family dwelling” as Special Permit uses in the RM- 0.35 District.
4. Permit the maximum “building coverage” for a designated “development sites” in the RM- 0.35

District to be increased as a special permit approved by the Common Council.

5. Permit the maximum “height” to be increased by 15 feet in the B-3 District as a special permit approved by the Common Council.
- B. Approval of a special permit to increase the number of stories of a multi-family residential building in the RM-0.35 District from 6 to 11 stories permitted by the Zoning Ordinance as proposed to be amended.
- C. Approval of a special permit to permit the maximum building coverage permitted in the B-3 District (80%) to be extended to the portion of the Development Site in the RM-0.35 District ( in which 60% coverage is otherwise permitted) permitted by the Zoning Ordinance as proposed to be amended.
- D. Approval of shared (“joint use”) parking.
- E. Site Plan approval under Section 7 of the Zoning Ordinance.
- F. Designation of the project site and the property as one “Development Site” under Section 2 and footnote (h) of the Zoning Ordinance Schedule of Dimensional Regulation - Non Residential for the purposes of calculating building height and building coverage permitted by the Zoning Ordinance as proposed to be amended.
- G. Approval of applicable special permit uses and increased maximum building heights permitted by the Zoning Ordinance, as proposed to be amended by this Proposed Action.
- H. Other necessary and related approvals for the Conceptual Development Plan, including but not limited to amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals and bus stop relocations, etc.; and

WHEREAS, the Environmental Officer recommends that the Common Council, determine that the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) in that it meets or exceeds one or more of the following thresholds:

1. In a city, town or village having a population of less than 150,000, the construction of 250 or more new residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
2. Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
  - a. parking for 1,000 vehicles;
  - b. in a city having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area; and

WHEREAS, the Environmental Officer recommends that the Common Council find that the Proposed Action for the following reasons and when compared to the SEQR criteria of environmental effect listed in Section 617.7 of SEQR regulations may have the following significant impacts on the environment:

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

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

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

The Proposed Action represents a significant change in that property's land use. Additional information and the exploration of alternatives and potential mitigation measures will be necessary to determine and ensure that the Proposed Action will not result in a conflict with a community's current plans or goals as officially approved or adopted.

- Potential substantial changes to the character or quality of important aesthetic resources or of existing community or neighborhood character.

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

- Potential substantial changes in the use, or intensity of use, of land or other natural resources of the area's capacity to support existing uses and a substantial change in the number of people to the place and the neighborhood.

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

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

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

WHEREAS, the Environmental Officer recommends that the Common Council, as approving agency

of the Proposed Action, (a) designate itself as the Lead Agency for the environmental review; (b) determine that the various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment; (c) determine that the Proposed Action is a Type I Action under SEQR regulations; (d) determine that the Proposed Action may have a significant effect on the environment; (e) determine that a Draft Environmental Impact Statement (DEIS) be prepared to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; (f) determine the Scoping Document dated April 23, 2015 including issues to be addressed in a DEIS is adequate for the purpose of commencing public review and comment regarding issues to be addressed in the DEIS; (g) schedule a comment period for the purpose of receiving written comments regarding the Scoping Document and that written comments regarding the Scoping Document will be accepted by the Common Council until the close of business on June 22, 2015, and should be addressed to the White Plains City Clerk, Municipal Building, 255 Main Street, White Plains, New York 10601; and (h) authorize the Environmental Officer to distribute the appropriate notice and make the appropriate filings regarding the Final Scoping Outline as required by SEQR; and

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby designates itself to serve as lead agency for the coordinated environmental review of the Proposed Action; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the various approval actions that can be anticipated to facilitate the development presented in the Conceptual Plan be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment; and be it further

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines the Scoping Document, dated April 23, 2015, including issues to be addressed in a DEIS is adequate for the purpose of commencing public review and comment regarding issues to be addressed in the DEIS; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby schedules a comment period for the purpose of receiving written comments regarding the Scoping Document and that written comments regarding the Scoping Document will be accepted by the Common Council until the close of business on June 22, 2015, and should be addressed to the White Plains City Clerk, Municipal Building, 255 Main Street, White Plains, New York 10601; and be it further

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

04/23/2015

Scoping Document

THE COLLECTION

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

DRAFT ENVIRONMENTAL IMPACT  
STATEMENT (DEIS)

Name of Project: The Collection

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

SEQRA Classification: Type 1

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

Lead Agency Contact: Honorable Thomas Roach, Mayor

Scoping Distribution: Involved and Interested Agencies

Adoption by  
Lead Agency : City of White Plains Common Council

## **PROPOSED ACTION**

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

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

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

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

## **POTENTIAL SIGNIFICANT ADVERSE IMPACTS**

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

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

## **GENERAL GUIDELINES**

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

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

## **ENVIRONMENTAL IMPACT STATEMENT CONTENT**

### **I. INTRODUCTION MATERIAL**

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

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

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

Lead Agency: White Plains Common Council

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

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

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

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

**C. Table of Contents**

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

**II. EXECUTIVE SUMMARY**

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

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

C. Summary description of the project alternatives considered in the DEIS.

D. List of Involved Agencies and required approvals and/or permits.

### III. DESCRIPTION OF THE PROPOSED ACTION

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

B. Site Description

This section will include a description of the following:

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

C. Project Development Data

This section should include the following data:

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

D. PURPOSE AND NEED FOR THE PROJECT

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

E. Required Permits and Approvals, Involved and Interested Agencies

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

3. Listing of all Interested Agencies ,

#### IV. ENVIRONMENTAL ANALYSES

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

##### A. Land Use and Zoning

###### 1. Existing Conditions

###### Land Use

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

###### Zoning

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

###### 2. Potential Impacts

###### Land Use

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

###### Zoning

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

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

**B. Surface Water Resources**

**1. Existing Conditions**

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

**2. Potential Impacts**

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

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

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

**C. Traffic & Parking**

**1. Existing Traffic Conditions**

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

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

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

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

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

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

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

- a. Superimpose traffic generated by the proposed Project on the traffic volumes without the Project. Provide information to support trip assignments. This should include marketing studies, if available, and travel time data for various routes based on the ITE Trip Generation Handbook and methodology.
  - b. Calculate intersection capacity and operation level of service and queues at the Study Intersections for future conditions with the Project.
  - c. Calculate 24 hour volumes at key locations (Intersections 3, 7 and 8).
- 4. Proposed Parking**
- a. Address the adequacy of the number of parking spaces proposed to be constructed with respect to the City of White Plains Zoning Ordinance and potential parking demand generated by the Project. Discuss shared parking for the development as a whole.
  - b. Identify parking impacts on existing municipal parking during construction.
- 5. Public Transportation** - Assess the availability of mass transit to serve the Project Site, including improved bus stop access, a bus shelter and proposed BRT service.
- 6. Truck Routing** - Discuss and analyze truck routes, including the Westchester Avenue and Franklin Avenue approaches and truck traffic versus existing conditions.
- 7. Proposed Loading**
- 8. Effect of Proposed Increase in Municipal Parking (new Franklin Avenue Parking Garage)**
- 9. Proposed Mitigation.**
- a. Incorporate roadway improvements included as part of the Proposed Action
  - b. Evaluation of traffic calming and pedestrian safety measures internal to the Project Site.
  - c. Pedestrian and bicycle improvements including sidewalks, crosswalks and other applicable mitigation, including improved bike access and bike racks.
  - d. Enhanced pedestrian access between Franklin Avenue and Westchester Avenue.

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

**1. Existing Conditions**

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

**2. Potential Impacts**

- a. Analysis of altered views using photographs/photo-simulations and/or building elevations and/or sections. Preparation of a three dimensional computer simulation of the Project. View corridors include (provide a key map for all sections):

- 1) Westchester Avenue from the intersection of Route 22 moving east past the Project Site.
- 2) Westchester Avenue from South Kensico Avenue moving west past the Project Site.
- 3) Windsor Terrace from Main Street moving south through the Project Site.
- 4) Amherst Place from Main Street moving south through the Project Site.
- 5) Franklin Avenue moving east past the Project Site.
- 6) Bloomingdale Road from the I-287 on-ramp moving north through the Project Site.

- b. [Faint, illegible text]

- d. Lighting -describe type and level of lighting, off-site impacts.

- e. Proposed signage.

- e. Discuss all potential roof equipment and screens on building elevations,

identify building heights and potential building materials.

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

**3. Mitigation Measures**

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

**E. Construction**

**1. Existing Conditions**

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

**2. Potential Impacts**

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

**3. Mitigation Measures**

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

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

F. Utilities (Sanitary Sewer and Water Supply)

1. Existing Conditions

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

2. Potential Impacts

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

3. Mitigation

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

G. Community Facility and Services (DPW)

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

H. Air and Noise

1. Air Resources

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

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

## **2. Noise Resources**

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

## **I. Socioeconomic and Fiscal Impacts**

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

## **VI. ALTERNATIVES**

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

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

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

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

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

## **IX. GROWTH-INDUCING IMPACTS**

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

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

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

## **XI. APPENDICES**

### **Involved Agencies**



**DEPARTMENT OF BUDGET**

Municipal Building - 255 Main Street - White Plains, New York 10601  
TEL: (914) 422-1364 - Fax: (914) 422-1440

Thomas M. Roach  
Mayor

Michael A. Genito  
Budget Director

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

To conform to Generally Accepted Accounting Principles (GAAP), the City of White Plains must accrue estimates of certain obligations within its financial records for fiscal year ending June 30, 2015 that apply to that fiscal year but will be paid in a subsequent fiscal year.

It is requested that the Mayor be authorized to direct the Budget Director to make the necessary budget transfers to provide for the aforementioned obligations for fiscal year ending June 30, 2015 in an amount not exceeding \$1,860,000 from the General Fund Reserve for Financing (A002-9.990) to the appropriate expense/expenditure accounts.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael A. Genito".

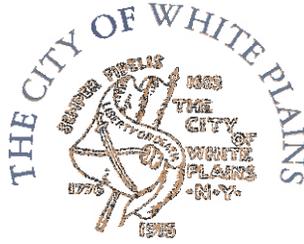
Michael A. Genito  
Budget Director

Dated: May 13, 2015  
For the Common Council meeting of June 1, 2015

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE TRANSFER OF FUNDS FROM CODE NO. A002-9.990, RESERVE FOR FINANCING, GENERAL FUND, TO VARIOUS ACCOUNTS TO RECORD ACCRUED LIABILITIES.**

RESOLVED, that the Mayor is hereby authorized to direct the Budget Director to transfer an amount of up to \$1,860,000 from Code A002-9.990, General Fund Reserve for Financing, to appropriate expense codes, in amounts to be provided by the Commissioner of Finance, based on actual unaudited expenditures as of June 30, 2015, in order to record accrued liabilities for FY 2014-2015; and be it further

RESOLVED, that this resolution shall take effect immediately.



**"The Birthplace of the State of New York"  
OFFICE OF THE MAYOR**

**THOMAS M. ROACH  
MAYOR**

**t:914.422.1411  
f:914.422.1395**

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

Attached for your consideration is a resolution authorizing the certification of a Home Rule request from the City of White Plains seeking the enactment of special New York State legislation amending the Vehicle and Traffic Law, General Municipal Law, and Public Officers Law to enable the City of White Plains to adopt local legislation establishing a five (5) year demonstration program to impose monetary liability on the owners of motor vehicles for an operator's failure to comply with traffic-control indications within the City of White Plains. The State legislation authorizes the City to install and operate traffic-control signal photo violation-monitoring devices at no more than twelve (12) intersections within the City of White Plains at any one time. Assembly Bill No. 07730, which was introduced on May 26, 2015, and the Senate Bill No. 05688, which was introduced on May 27, 2015, proposes to accomplish same.

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Thomas M. Roach  
Mayor

Dated: May 28, 2015  
(For the June 1, 2015 Meeting)

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RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CERTIFICATION OF A HOME RULE REQUEST SEEKING ENACTMENT OF STATE LEGISLATION AMENDING THE VEHICLE AND TRAFFIC LAW, GENERAL MUNICIPAL LAW AND PUBLIC OFFICERS LAW TO ENABLE THE CITY OF WHITE PLAINS TO ESTABLISH A FIVE (5) YEAR DEMONSTRATION PROGRAM TO IMPOSE MONETARY LIABILITY ON THE OWNERS OF MOTOR VEHICLES FOR AN OPERATOR'S FAILURE TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS WITHIN THE CITY OF WHITE PLAINS BY AUTHORIZING THE CITY TO INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES AT NO MORE THAN TWELVE (12) INTERSECTIONS WITHIN THE CITY OF WHITE PLAINS AT ANY ONE TIME (ASSEMBLY BILL NO. A07730) (SENATE BILL NO. S05688).

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) reports that in New York State in 2011 alone, out of 1169 automobile fatalities, nearly 465 people died in intersection-related crashes; and

WHEREAS, engineering countermeasures can help to improve signal visibility, and others, such as advanced warning flashers and signal ahead signs, can increase the likelihood of stopping; however, enforcement is also needed to counteract violations, whether intentional or unintentional; and

WHEREAS, the City of White Plains, in order to reduce motor vehicle crash fatalities, injuries and property damage caused by motorists' failure to obey traffic signals, requests enactment of enabling State legislation for the authority to install and implement traffic-control signal photo-violation monitoring devices (known as red-light cameras) to catch red-light runners; and

WHEREAS, the City of White Plains seeks legislation authorizing the City to adopt a local law or ordinance establishing a five (5) year demonstration program to impose monetary liability on the owners of motor vehicles for an operator's failure to comply with traffic-control indications within the City of White Plains by authorizing the City to install and operate traffic control signal photo violation-monitoring devices at not more than twelve (12) intersections within the City at any one time; and

WHEREAS, a number of municipalities throughout the State have sought and have been granted authorization by special act of the State Legislature to install and operate red-light cameras, including Nassau and Suffolk Counties, the City of New York, City of Yonkers, City of New Rochelle, City of Mount Vernon, City of Albany, City of Rochester and City of Syracuse; and

WHEREAS, the proposed enabling legislation provides for the form of the evidence of liability and its availability for inspection in adjudicatory proceedings, requirements for the information to be contained in notices of liability ("NOLS"), and the method of delivery to owners alleged to be liable; requirements relating to the adjudication process are also set forth in same; and

WHEREAS, in addition, the proposed enabling legislation states that the local law or ordinance enacting such a demonstration program could provide for penalties of no more than fifty dollars (\$50.00) for a violation and no more than twenty-five dollars (\$25.00) for failure to respond; and

WHEREAS, under the proposed enabling legislation, the Department of Motor Vehicles is directed to deny an application for the issuance or renewal of motor vehicle registrations if the applicant has three (3) or more NOLS and/or parking violations within an eighteen (18) month period for which the applicant failed to appear or failed to comply with rules and regulations following entry of a final decision; and

WHEREAS, the proposed enabling legislation also contains provisions addressing owner liability with leased or rented vehicles; and

WHEREAS, additionally, the proposed enabling legislation requires the demonstration program to utilize necessary technologies to ensure that photographs produced by photo violation-monitoring systems not include images identifying a vehicle's driver, passengers or contents, to the extent practicable; recorded images would not be subject to disclosure under Article 6 of the Public Officers Law, known as the Freedom of Information Law (FOIL); and

WHEREAS, further, NOLS are not deemed as a conviction for an operator, and therefore there would be no points on the owner's driver's license as it would not be made part of the driver's license operating record, nor used for motor vehicle insurance purposes; and

WHEREAS, the proposed enabling legislation also provides defenses to an allegation of liability; there would be no liability if the vehicle was reported stolen and was unrecovered prior to the time the violation occurred, or if the traffic control indications were malfunctioning at the time

of the alleged violation; and

WHEREAS, demonstration program equipment is subject to the provisions of Section 103 of the General Municipal Law; and

WHEREAS, under the proposed enabling legislation, the City of White Plains is required to submit an annual report to the Governor and the Legislature on the results of the use of photo violation-monitoring systems; and

WHEREAS, the proposed enabling legislation is in the best interests of the City and is a means of traffic control and public safety; and

WHEREAS, the enabling legislation to amend the Vehicle and Traffic Law, General Municipal Law, and Public Officers Law was introduced on May 26, 2015, in the New York State Assembly (Assembly Bill No. A07730) and on May 27, 2015, in the New York State Senate (Senate Bill No S05688); and

WHEREAS, it is necessary for the City of White Plains to pass a Home Rule Request authorizing and instructing the New York State Assembly and the New York State Senate to proceed forward with enactment and adoption of such legislation.

NOW, THEREFORE, the Common Council of the City of White Plains does hereby

enact the following Resolution:

RESOLVED, that the City of White Plains requests the enactment of legislation set forth in Assembly Bill No. A07730 entitled, “AN ACT to amend the vehicle and traffic law, the general municipal law, and the public officers law, in relation to owner liability for failure of an operator to comply with traffic-control indications in the city of White Plains; and providing for the repeal of such provisions upon expiration thereof;” and as set forth in Senate Bill No. S05688 entitled, “AN ACT to amend the vehicle and traffic law, the general municipal law, and the public officers law, in relation to owner liability for failure of an operator to comply with traffic-control indications in the city of White Plains; and providing for the repeal of such provisions upon expiration thereof;” and be it further

RESOLVED, that there be inserted in such request a statement reading substantially as follows:

The local government does not have the power to enact such legislation by local law; and be it further

RESOLVED, that the City Clerk be and hereby is authorized to certify that the Common Council on the 1st day of June 2015, approved the foregoing request by at least a two-thirds vote of the total membership of the Common Council.