

**COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
JUNE 6, 2016
7:30 P.M.**

PLEDGE TO THE FLAG:

Hon. Milagros Lecuona

ROLL CALL:

City Clerk

APPOINTMENTS:

1. Communication from Council President in relation to the appointment of Robert Burg, and the re-appointments of members Renee Cohen, Bonnie Hagen, Kim Holland, Frances Jones, Dana Lee, and Andrew Berger as Chairman, to the Conservation Board.

PUBLIC HEARINGS:

2. Public Hearing on a proposed amendment to the Zoning Ordinance to add 'Nursery Business' as a Special Permit Use, and add "Organic Manufacturing" as a Principal Permitted Use.
3. Public Hearing on an application submitted by 3 Fitness LLC, d/b/a Orange Theory Fitness, for a Special Permit required for a Health Club in the Central Parking Area and in all B-6 Zoning Districts, to be located at 245 Mamaroneck Avenue.
4. Communications received from Commissioner of Building
5. Design Review Board
6. Commissioner of Planning
7. Planning Board
8. Commissioner of Public Safety
9. Commissioner of Public Works
10. Deputy Commissioner, Traffic Division
11. Transportation Commission
12. Commissioner of Parking
13. Environmental Officer

14. Environmental Findings Resolution
15. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of 3 Fitness LLC (“Applicant”), a proposed tenant in a building located at 245 Mamaroneck Avenue, owned by the Silverman Realty Group, Inc., for a Special Permit to allow the build out and operation of a Health Club to be know as “Orange Theory Fitne4ss” situated in the BR-1 (Business Residential) Zoning District within the Central Parking Area (CPA).
- 15a. Public Hearing in relation to increasing income eligibility limits for persons who are sixty-two years of age or over to qualify for rent increase exemptions pursuant to New York Real Property Tax Law Section 467-b.
- 15b. Second Reading Ordinance amending an ordinance entitled, “An ordinance providing for the abatement of taxes pursuant to Section 5467-b of the Real Property Tax Law, as amended with respect to persons sixty-two years of age or order occupying dwelling units as defined in Section 467-b of the Real Property Tax Law.”

**SECOND READING
ORDINANCES:**

16. Communication from Corporation Counsel in relation to the settlement of a claim.
17. Ordinance authorizing the settlement of the action of Ann C. Connors against the City of White Plains.
18. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings.
19. Ordinance authorizing the settlement of certain tax review proceedings.
20. Communication from Chairman, Capital Projects Board, in relation to the establishment of Capital Project No. C5461, Miscellaneous Street Reconstruction FY 2016.
21. Communication from Environmental Officer.
22. Environmental Findings Resolution
23. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5461, Miscellaneous Street Reconstruction Fiscal Year 2016.

24. Communication from Chairman, Capital Projects Board, in relation to the establishment of Capital Project No. SW5477, Miscellaneous Sanitary Sewer Reconstruction FY 2016
25. Communication from Environmental Officer.
26. Environmental Findings Resolution
27. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. SW5477, Miscellaneous Sanitary Sewer Reconstruction FY 2016.
28. Bond Ordinance dated June 6, 2016, authorizing the issuance of \$505,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the reconstruction of, or addition to, various sanitary sewers.
29. Communication from Commissioner of Public Works in relation to the transfer of funds needed to reflect additional costs for necessary immediate remediation required in connection with a gas leak at the White Plains Library.
30. Ordinance authorizing the transfer of funds from the 2015-2016, General Fund Budget in order to reflect additional costs within the Department of Public Works for necessary immediate remediation required in connection with gas leaks at the White Plains Public Library.
31. Communication from Commissioner of Public Safety in relation to a revocable hold harmless license agreement between the City and Urstadt Biddle Properties, Inc., for the use of the property at 60 South Broadway by the Fire Department for the purpose of fire training.
32. Ordinance authorizing the Mayor or his designee to enter into a revocable license agreement on behalf of the City of White Plains, with Urstadt Biddle Properties, Inc., for use of the third level of the Westchester Pavilion Building at 60 South Broadway for the purpose of fire training by the Department of Public Safety (Fire Department).
33. Communication from Deputy Commissioner of Public Safety in relation to a three year agreement between the City and Empress Ambulance Service, Inc., to provide ambulance services in the City of White Plains.
34. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into an agreement with Empress Ambulance Service, Inc., for a three year period from May 1, 2016 to April 30, 2019, with the City holding an option for two one year agreements thereafter.

35. Communication from Commissioner of Recreation and Parks in relation to an agreement between the City and the County of Westchester for the continued operation of the Nutrition Program for the Senior Center.
36. Ordinance authorizing the Mayor or his designee to enter into agreements with the County of Westchester for the continuing operation by the City of White Plains for programs for year 2016, under Titles III-B, III-C-1, and the Nutrition Services Incentive Program of the Older Americans Act.
37. Communication from Director, Youth Bureau, in relation to a contract with Friends of the White Plains Youth Bureau to receive \$2,500 for continued operation of the Youth Court Program.
38. Ordinance authorizing the Mayor or his designee to enter into a contract with the Friends of the White Plains Youth Bureau to receive \$2,500 to continue the Youth Bureau's existing Youth Court Program under the Drug Free Communities Grant funded by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration (SAMHSA), to pay the Youth Court Coordinator to continue the Youth Court Program to June 30, 2016, and to authorize the Budget Director to amend the FY 2015-2016 Youth Development fund to reflect this Grant.
39. Communication from Director, Youth Bureau, in relation to an amendment to an existing contract with the County of Westchester, on behalf of the Westchester Putnam Investment Board to further fund Youth Employment Services.
40. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee (acting by and through the Youth Bureau) to: (1) enter into an amended contract with the County of Westchester, acting on behalf of the Westchester Putnam Investment Board through the Westchester Workforce Development Academy for Youth (WDAY), to receive a total of \$136,263 in funding for Workforce Investment Act (WIOA) Youth Employment Services (\$125,000 and an additional \$11,236 in funding) and to extend said contract until September 30, 2016; (2) to amend the WIOA Budget to reflect the additional funds of \$11,236, for a total grant of \$136,263 from WDAY and a \$30,000 contribution from the Friends of the White Plains Youth Bureau for a grand total of \$166,263; and (3) to authorizing the Mayor to direct the Budget Director to amend the 2015/16 Youth Development Fund to reflect the aforementioned funding.
41. Communication from Director, Youth Bureau, in relation to donations in the amount of \$5,842.25 to offset the expenses of the Father/Daughter and Mother/Son Dances.
42. 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 \$5,842.25, from participants to be used to offset the expenses for the 2016 Father/Daughter Dance and Mother/Son Dance, and to amend the FY 2015/16 Youth Bureau General Fund to reflect said donations.

RESOLUTIONS:

43. Communication from Commissioner of Building in relation to an application submitted on behalf of Simon Property Group, for an amendment to a previously approved site plan at 125 Westchester Avenue, to update the facade and signage, replace certain doors and windows, and add a new second floor outdoor dining terrace.

- 44. Communications received from Design Review Board
- 45. Commissioner of Planning
- 46. Planning Board
- 47. Commissioner of Public Safety
- 48. Commissioner of Public Works
- 49. Deputy Commissioner, Traffic Division
- 50. Transportation Commission
- 51. Commissioner of Parking
- 52. Environmental Officer

53. Environmental Findings Resolution

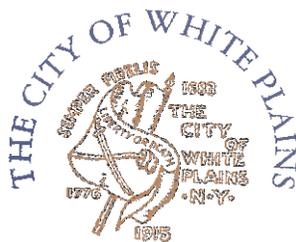
54. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of the Simon Group Property, owner and operator of the Westchester Mall in White Plains, for an amendment to a previously approved site plan for the Westchester Mall at 125 Westchester Avenue to undertake various exterior modifications to the building, including updating the exterior facade finishes, replacing certain doors with automatic sliding doors, replacing certain windows, a new second floor outdoor terrace dining area oriented towards the intersection of Westchester Avenue and South Broadway, shielding of the valet parking area, new exterior signage, and new vehicular and pedestrian way finding signage.

55. Communication from Commissioner of Building in relation to an application submitted on behalf of Heritage White Plains, for a one year extension to a previously approved Site Plan and Special Permit for an addition at 120 Bloomingdale Road (formerly The Venue).

- 56. Communications received from Design Review Board
- 57. Commissioner of Planning
- 58. Planning Board
- 59. Commissioner of Public Safety
- 60. Commissioner of Public Works
- 61. Deputy Commissioner, Traffic Division
- 62. Transportation Commission
- 63. Commissioner of Parking
- 64. Conservation Board
- 65. Westchester County Planning Board
- 66. Environmental Officer

67. Environmental Findings Resolution

68. 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”)
69. Communication from Commissioner of Building in relation to an application submitted on behalf of Kite Realty Group, owner of property located at 1-29 Mamaroneck Avenue, known as the City Center Shopping Center, and submitting updated renderings of the proposed marquee sign as required under conditions of the previously approved site plan amendment.
70. Communication from Environmental Officer.
71. Environmental Findings Resolution
72. Resolution of the Common Council of the City of White Plains approving that portion of the site plan amendment application submitted on behalf of Kite Realty Group (“Applicant”), owner of property located at 1 - 29 Mamaroneck Avenue, known as the White Plains City Center Shopping Center (“City Center”), (Section 125.76, Block 1, Lot 2), in relation to the installation of a new glass and extruded aluminum marquee awning and associated signage to replace the existing marquee awning and associated signage for the City Center Cinema De Lux Movie Theater and the White Plains Performing Arts Center to be located above the Mamaroneck Avenue entrance to the City Center.



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

John Kirkpatrick
Council President

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Common Council is pleased to recommend the following appointment and re-appointments to the Conservation Board.

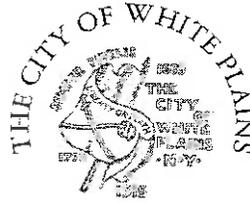
Member	Term Ending
Andrew Berger, Chairman	March 2, 2017
Robert Burg	March 2, 2018
Renee Cohen	March 2, 2017
Bonnie Hagen	March 2, 2017
Kim Holland	March 2, 2018
Frances Jones	March 2, 2017
Dana Lee	March 2, 2017

Sincerely,

John Kirkpatrick
Council President

May 31, 2016

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

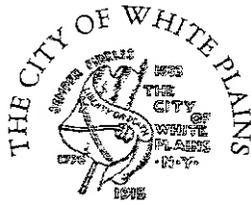
TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS

Per referral by the Common Council on May 9, 2016 , the Department of Building has reviewed an application dated January 26, 2016 requesting Special Permit approval of a health club located on the ground floor of 245 Mamaroneck Avenue.

We have no objection to this Special Permit being granted.

Damon A. Amadio P.E.
Commissioner of Building

Dated: May 20, 2016
(For the June 6, 2016 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 25, 2016

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on May 24, 2016, reviewed Special Permit approval for the proposed Health Club "3 Fitness LLC/ Orangetheory located at 245 Mamaroneck Ave White Plains, NY.

OUTCOME: The Design Review Board recommends approval with the following comment:

1. Any exterior signs or facade changes will require Design Review Board approval.

Very truly yours,

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

**SUBJECT: ORANGE THEORY FITNESS / 3 FITNESS LLC
245 MAMARONECK AVENUE
SECTION 130.28 BLOCK 3, LOT 8
APPLICATION FOR SPECIAL PERMIT - HEALTH CLUB USE**

Applicant, 3 Fitness LLC, submitted an application on April 26, 2016 for a Special Permit use, pursuant to Sections 6.5 and 6.7.18 of the White Plains Zoning Ordinance, to locate a Health Club in a newly constructed building at 245 Mamaroneck Avenue. The Planning Department has reviewed the application with regard to the compatibility with the Zoning Ordinance and the Comprehensive Plan, and offers the following analysis and recommendations for Common Council Consideration.

Project Summary

Applicant proposes to locate an Orange Theory Fitness studio at 245 Mamaroneck Avenue, a recently completed stand-alone building located on the easterly side of Mamaroneck Avenue between Carhart and Maple Avenues. The property is located in the BR-1 (Business Residential) Zoning District and within the Central Parking Area (CPA). "Health Club" uses are permitted in the BR-1 Zoning District via Special Use Permit. The proposed 3,250 square foot facility includes an office, four small bathrooms, cubbies, lockers and a small retail area. The remaining 1,800+ square feet is devoted to workout space. Orange Theory Fitness is a franchise with over 300 studios across the United States that utilizes a model of private, personalized group instruction. The studio holds one-hour classes with no more than 24 participants at any one time. Members of Orange Theory Fitness only utilize the facility during such classes as the equipment cannot be used on an individualized basis.

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Section 6.5 Special Permit Standards

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

The size and location of the proposed health club is appropriate for the area and will not cause a negative impact on the surrounding neighborhood.

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

The health club will occupy space in an existing, newly constructed building and will not hinder any development on adjacent land or buildings.

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

The hours of operation for the health club are 5:00 a.m. to 12:00 p.m. and 4:30 p.m. to 9:00 p.m., with limited classes on weekend mornings only. Given the location of the health club, on an already busy and bustling commercial corridor, it will not cause any additional noise or traffic than would be the operations of permitted "uses" not requiring a special permit.

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

The health club will have access to seven (7) parking spots behind the building. An additional three (4) parking spaces will be made available at the building owner's adjacent parking lot on Waller Avenue. These parking areas are existing areas, and therefore have been suitably screened from adjoining residential uses and laid out so as to achieve maximum convenience and safety.

Section 6.7.18 Special Permit Use Standards for Health Clubs

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

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

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

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

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

245 Mamaroneck Avenue is a new construction standalone building which is totally enclosed and sound proofed.

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

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

Consistency with the Comprehensive Plan

The City’s 1997 and 2006 Comprehensive Plan states that “boutique and specialty retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue. Orange Theory Fitness is considered a “boutique” health club due to its small size and tailored workout programs. Therefore, this use is consistent with the Comprehensive Plan.

Based on the foregoing analysis, the Planning Department recommends that the Common Council approve the application for a Special Use Permit for a Health Club at this location subject to the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall submit a full scale architectural drawing with floor area dimensions to document the 3,250 sq. ft. health club floor area.
2. Prior to the issuance of a Building Permit, the Applicant shall submit a site plan drawing to show all on-site parking spaces at 245 Mamaroneck Avenue (Section-Block-Lot: 130.28-3-8) and the location of the seven (7) specific parking spaces to be dedicated for use by 3 Fitness LLC.
3. Prior to the issuance of a Building Permit, the Applicant shall submit a lease agreement with Silverman Realty Group, Inc. to demonstrate the location and address of the four (4) off-site, satellite parking spaces necessary to achieve the total 11 required parking spaces for the 3,250 sq. ft. health club.
4. Pursuant to Section 6.7.18.1 of the White Plains Zoning Ordinance, any masseur or masseuse employed by 3 Fitness LLC, d/b/a Orange Theory Fitness at 245 Mamaroneck Avenue “health club” shall be licensed in accordance with Article 155 of the New York State Education Law, and any physical therapist shall be licensed in accordance with Article 136 of the New York State Education Law, and proof of such license shall be clearly displayed in the “Health Club.”
5. Pursuant to Section 6.7.18.4 of the White Plains Zoning Ordinance, no cooking or alcoholic beverages shall be permitted in any health food bar, nor shall the area utilized by the health food bar exceed 5% of the “gross floor area” of the “health club.”

As stated the application materials, 3 Fitness LLC, d/b/a Orange Theory Fitness does not serve prepared or premade food, shakes or juices. Individual water bottles or Gatorade style drinks will be the only food or drink available outside for purchase. Orange Theory does not sell or serve alcoholic beverages.

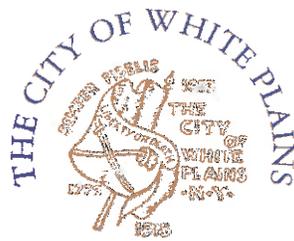
6. As stated the application materials, using a model of private group instruction, the Orange Theory Fitness studio holds one-hour classes with no more than 24 participants at one time. Classes may start as early as 5:00 am to 12:00 pm break and then pick up again from 4:30pm to 9:00pm with limited classes on weekend mornings only.

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: May 25, 2016
For the June 6, 2016 Common Council Meeting



PLANNING BOARD

MUNICIPAL BUILDING · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601

(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

May 23, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ORANGE THEORY FITNESS – 245 MAMARONECK AVENUE – SPECIAL
USE PERMIT FOR A HEALTH CLUB

At its meeting of May 17, 2016, the Planning Board reviewed the application by Orange Theory Fitness, for a Special Use Permit to operate a health club in a newly constructed building located at 245 Mamaroneck Avenue, which has seven onsite parking spaces, and ten additional spaces provided in an adjacent lot that is owned by the landlord.

The health club was described as having scheduled private group instruction classes with a maximum capacity of 24 persons.

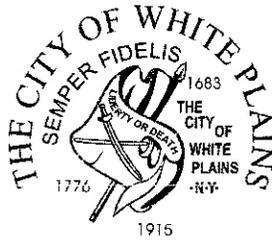
The Planning Board believes that this health club is different from others that are already located in White Plains, and recommends approval of the Special Use Permit for a Health Club.

Planning Board members voting in favor of recommending approval of the Special Use Permit: M. Quinn, A. Cabrera, J. Durante, J. Ioris, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: L. Oliva (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

DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

3 Fitness LLC
Orange Theory Fitness
Health Club Special Permit
245 Mamaroneck Avenue



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: May 24, 2016





DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed an application submitted on behalf of 3 Fitness LLC (“Applicant”), for issuance of a Special Permit for the operation of a “Health Club” at the newly constructed building situated at 245 Mamaroneck Avenue. As stated by the applicant, the Orange Theory Fitness franchise studio will be located completely within the new soundproofed building and will not offer any massage or physical therapy services, nor will it have facilities to prepare foods.

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

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: June 6, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

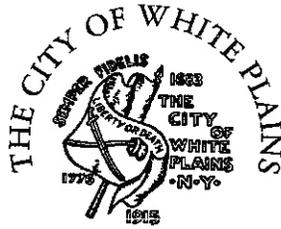
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS OF
THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the proposed Special Permit for a "Health Club" at 245 Mamaroneck Avenue which was referred by the Common Council on May 9, 2016.

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

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

Dated: May 25, 2016
(for the June 6, 2016 Common Council Meeting)



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

THOMAS M. ROACH
MAYOR

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

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

The Transportation Commission, at its meeting held on May 19, 2016, reviewed the request for a special permit to operate a health club, as referred by the Common Council on May 10, 2016.

The Transportation Commission had no objection to the proposed changes.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: May 26, 2016 (for the June 6, 2016 Common Council Meeting)

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #47 3 Fitness LLC, 245 Mamaroneck Avenue
Orange Theory Fitness LLC Health Club Special Permit

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

The Department of Parking has no objection to the approval of this proposed Special Permit of the project located at 245 Mamaroneck Avenue.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: May 31, 2016

12



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 26, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 3 FITNESS LLC, D/B/A ORANGE THEORY FITNESS
245 MAMARONECK AVENUE
SPECIAL PERMIT FOR A HEALTH CLUB USE

The application submitted by 3 Fitness LLC ("Applicant") regarding a Special Permit for a Health Club to be known as Orange Theory Fitness at 245 Mamaroneck Avenue ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the installation and operation of an approximately 3,250 square foot health club use within the recently constructed stand-alone building.

Required off-street parking for the 3,250 square foot health club use is 11 parking spaces which will be provided by seven (7) on-site parking spaces at 245 Mamaroneck Avenue and four (4) off-site, satellite parking spaces in the nearby parking lots owned by Silverman Realty Group, Inc. the owner of the property at 245 Mamaroneck Avenue.

The Proposed Action involves the following approval actions:

- a. Site Plan approval
- b. Special permit approval for a health club use.
- c. Approval of satellite parking spaces.

The property is located in the BR-1 (Business Residential) Zoning District and within the Central Parking Area (CPA) where "Health Club" uses are permitted in the BR-1 Zoning District, but require a Special Use Permit.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included 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"):

1. Prior to the issuance of a Building Permit, the Applicant shall submit a full scale architectural drawing with floor area dimensions to document the 3,250 square foot health club floor area.
2. Prior to the issuance of a Building Permit, the Applicant shall submit a site plan drawing to show all on-site parking spaces with parking space dimensions at 245 Mamaroneck Avenue (Section Block-

Lot: 130.28-3-8) and the location of the seven (7) specific parking spaces to be dedicated for use by 3 Fitness LLC.

3. Prior to the issuance of a Building Permit , the Applicant shall submit a lease agreement with Silverman Realty Group, Inc. to demonstrate the location in a zoning district permitting satellite parking, and address of the four (4) off-site, satellite parking spaces necessary to achieve the total 11 required parking spaces for the 3,250 sq. ft. health club. These four (4) parking spaces shall not be encumbered for any other use during hours of operation of the health club, and will be identified as restricted to the health club.

The staff shall be instructed to use the four (4) off-site, satellite parking spaces and that the seven (7) on-site spaces are reserved for use by the clients.

4. Pursuant to Section 6.7.18.1 of the White Plains Zoning Ordinance, any masseur or masseuse employed by 3 Fitness LLC, d/b/a Orange Theory Fitness at 245 Mamaroneck Avenue “health club” shall be licensed in accordance with Article 155 of the New York State Education Law, and any physical therapist shall be licensed in accordance with Article 136 of the New York State Education Law, and proof of such license shall be clearly displayed in the “Health Club.”

As stated in the application materials, Orange Theory Fitness Orange Theory does not offer any Physical Therapy services at any time.

5. Pursuant to Section 6.7.18.4 of the White Plains Zoning Ordinance, no cooking or alcoholic beverages shall be permitted in any health food bar, nor shall the area utilized by the health food bar exceed 5% of the “gross floor area” of the “health club.”

As stated in the application materials, 3 Fitness LLC, d/b/a Orange Theory Fitness does not serve prepared or premade food, shakes or juices. Individual water bottles or Gatorade style drinks will be the only food or drink available outside for purchase. Orange Theory does not sell or serve alcoholic beverages.

6. As stated in the application materials, using a model of private group instruction, the Orange Theory Fitness studio holds one-hour classes with no more than 24 participants at one time. Classes start as early as 5:00 am to 12:00 pm a midday break and then pick up again from 4:30pm to 9:00pm with limited classes on weekend mornings only.

In view of the size of the health club space, the number of pieces of equipment and anticipated membership, Orange Theory Fitness shall have 3 staff on property at times when classes are being offered. There is a maximum of 24 participants per class.

It is recommended that the Common Council a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; b) find the Proposed Action to be an Unlisted Action; and c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

Comprehensive Plan.

Consistency with the Comprehensive Plan

The City's 1997 Comprehensive Plan, as amended in 2006, states that "boutique and specialty retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue. Orange Theory Fitness is considered a "boutique" health club due to its small size and tailored workout programs. Therefore, this use is consistent with the Comprehensive Plan.

Conformance to the Zoning Ordinance

The property is located in the BR-1 (Business Residential) Zoning District and within the Central Parking Area (CPA). "Health Club" uses are permitted in the BR-1 Zoning District, but require a Special Use Permit.

The Proposed Action, subject to the proposed Conditions, conforms to the Zoning Ordinance general standards for Special Permit Uses in Section 6.5, the Specific Standards for Health Clubs in Section 6.7.18 and standards for site plans in Section 7.3 as follows:

Section 6.5 Special Permit Standards

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

The size and location of the proposed health club is appropriate for the area and will not cause a negative impact on the surrounding neighborhood.

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

The health club will occupy space in an existing, newly constructed building and will not hinder any development on adjacent land or buildings.

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

The hours of operation for the health club are 5:00 a.m. to 12:00 p.m. and 4:30 p.m. to 9:00 p.m., with limited classes on weekend mornings only. Given the location of the health club, on an already busy and bustling commercial corridor, it will not cause any additional noise or traffic than would be the operations of permitted "uses" not requiring a special permit.

- 6.5.4 "Parking lots" will be of adequate size for the particular special permit "use, "properly

located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.

The health club will have access to seven (7) parking spots behind the building. An additional ~~three~~ four (4) parking spaces will be made available at the building owner's adjacent parking lot on Waller Avenue. These parking areas are existing areas, and therefore have been suitably screened from adjoining residential uses and laid out so as to achieve maximum convenience and safety. These four (4) parking spaces shall not be encumbered for any other use during hours of operation of the health club, and will be identified as restricted to the health club.

Section 6.7.18 Special Permit Use Standards for Health Clubs

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

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

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

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

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

245 Mamaroneck Avenue is a new construction standalone building which is totally enclosed and sound proofed.

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

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

Required Parking

The parking requirement for a health club use within the Central Parking Area is 3.3 parking spaces per 1,000 sq. ft. of floor area. Required off-street parking for the 3,250 square foot health club use is 11 parking spaces.

$$3,250 \text{ sq. ft.} \times 3.3 \text{ spaces per } 1,000 \text{ sq. ft.} = 10.7 \text{ or } 11 \text{ required spaces.}$$

This parking will be provided by seven (7) on-site parking spaces at 245 Mamaroneck Avenue and

four (4) off-site, satellite parking spaces in the nearby parking lots owned by Silverman Realty Group, Inc. the owner of the property at 245 Mamaroneck Avenue. As stated above, the parking spaces for the health club use will be identified and restricted to that use during identified hours of operation of the health club.

- (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.
- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.
- (d) The character or quality of important historical, archeological, architectural or aesthetic resources of the City or any neighborhood will not be adversely affected by the Proposed Action.
- (e) No major change in type or quantity of energy used will result from the Proposed Action.
- (f) No hazard to health or human safety will be created.

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

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

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE SPECIAL PERMIT
FOR A HEALTH CLUB USE AT 245 MAMARONECK AVENUE ON BEHALF BY
3 FITNESS LLC, D/B/A ORANGE THEORY FITNESS.

WHEREAS, the application submitted by 3 Fitness LLC ("Applicant") regarding a Special Permit for a Health Club to be known as Orange Theory Fitness at 245 Mamaroneck Avenue ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the installation and operation of an approximately 3,250 square foot health club use within the recently constructed stand-alone building located on the easterly side of Mamaroneck Avenue between Carhart and Maple Avenues; and

WHEREAS, the Proposed Action involves the following approval actions:

- a. Site Plan approval,
- b. Special permit approval for a health club use,
- c. Approval of satellite parking spaces; and

WHEREAS, the property is located in the BR-1 (Business Residential) Zoning District and within the Central Parking Area (CPA) where "Health Club" uses are permitted in the BR-1 Zoning District, but require a Special Use Permit; and

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included 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"):

1. Prior to the issuance of a Building Permit, the Applicant shall submit a full scale architectural drawing with floor area dimensions to document the 3,250 square foot health club floor area.
2. Prior to the issuance of a Building Permit, the Applicant shall submit a site plan drawing to show all on-site parking spaces at 245 Mamaroneck Avenue (Section-Block-Lot: 130.28-3-8) and the location of the seven (7) specific parking spaces and dimensions to be dedicated for use by 3 Fitness LLC
3. Prior to the issuance of a Building Permit, the Applicant shall submit a lease agreement with Silverman Realty Group, Inc. to demonstrate the location in a zoning district permitting satellite parking, and address of the four (4) off-site, satellite parking spaces necessary to achieve the total 11 required parking spaces for the 3,250 sq. ft. health club. These four (4) parking spaces shall not be encumbered for any other use during hours of operation of the health club, and will be identified as restricted to the health club.

The staff shall be instructed to use the four (4) off-site, satellite parking spaces and that the seven (7) on-site spaces are reserved for use by the clients.

4. Pursuant to Section 6.7.18.1 of the White Plains Zoning Ordinance, any masseur or masseuse employed by 3 Fitness LLC, d/b/a Orange Theory Fitness at 245 Mamaroneck Avenue "health club" shall be licensed in accordance with Article 155 of the New York State Education Law, and any physical therapist shall be licensed in accordance with Article 136 of the New York State Education Law, and proof of such license shall be clearly displayed in the "Health Club."

As stated the application materials, Orange Theory Fitness Orange Theory does not offer any Physical Therapy services at any time.

5. Pursuant to Section 6.7.18.4 of the White Plains Zoning Ordinance, no cooking or alcoholic beverages shall be permitted in any health food bar, nor shall the area utilized by the health food bar exceed 5% of the "gross floor area" of the "health club."

As stated in the application materials, 3 Fitness LLC, d/b/a Orange Theory Fitness does not serve prepared or premade food, shakes or juices. Individual water bottles or Gatorade style drinks will be the only food or drink available outside for purchase. Orange Theory does not sell or serve alcoholic beverages.

6. As stated in the application materials, using a model of private group instruction, the Orange Theory Fitness studio holds one-hour classes with no more than 24 participants at one time. Classes start as early as 5:00 am to 12:00 pm a midday break and then pick up again from 4:30pm to 9:00pm with limited classes on weekend mornings only.

In view of the size of the health club space, the number of pieces of equipment and anticipated membership, Orange Theory Fitness shall have 3 staff on property at times when classes are being offered. There is a maximum of 24 participants per class; and

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

1. A Short Form Building Permit Application Dated April 26, 2016
2. A Short Environmental Assessment Form dated April 25, 2016.
3. A special Use Permit application material packet
4. Letter submitted by Paul Blanchard, Owner, Orange Theory Fitness – White Plains.
5. A letter from Bonnie H. Silverman, Silverman Realty Group, Inc.
6. A Short Form Building Permit Application dated February 27, 2012, certified by Paul Bergins; and

WHEREAS, the Environmental Officer has recommended that the Common Council (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be an Unlisted Action; 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 (SEQR) regulations (6 NYCRR 617), the Common Council is required to incorporate environmental considerations in approval actions by a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

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

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

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

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

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

Consistency with the Comprehensive Plan

The City's 1997 ~~and 2006~~ Comprehensive Plan, as amended in 2006, states that "boutique and specialty retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue. Orange Theory Fitness is considered a "boutique" health club due to its small size and tailored workout programs. Therefore, this use is consistent with the Comprehensive Plan.

Conformance to the Zoning Ordinance

The property is located in the BR-1 (Business Residential) Zoning District and within the Central Parking Area (CPA). "Health Club" uses are permitted in the BR-1 Zoning District, but require a Special Use Permit. T

The Proposed Action, subject to the proposed Conditions, conforms to the Zoning Ordinance general standards for Special Permit Uses in Section 6.5, the Specific Standards for Health Clubs in Section 6.7.18 and standards for site plans in Section 7.3.

Section 6.5 Special Permit Standards

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

The size and location of the proposed health club is appropriate for the area and will not cause a negative impact on the surrounding neighborhood.

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

The health club will occupy space in an existing, newly constructed building and will not hinder any development on adjacent land or buildings.

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

The hours of operation for the health club are 5:00 a.m. to 12:00 p.m. and 4:30 p.m. to 9:00 p.m., with limited classes on weekend mornings only. Given the location of the health club, on an already busy and bustling commercial corridor, it will not cause any additional noise or traffic than would be the operations of permitted "uses" not requiring a special permit.

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

The health club will have access to seven (7) parking spots behind the building. An additional ~~three~~ four (4) parking spaces will be made available at the building owner's adjacent parking lot on Waller Avenue. These parking areas are existing areas, and therefore have been suitably screened from adjoining residential uses and laid out so as to achieve maximum convenience and safety. These four (4) parking spaces shall not be encumbered for any other use during hours of operation of the health club, and will be identified as restricted to the health club.

Section 6.7.18 Special Permit Use Standards for Health Clubs

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

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

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

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

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

245 Mamaroneck Avenue is a new construction standalone building which is totally enclosed and sound proofed.

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

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

Required Parking

The parking requirement for a health club use within the Central Parking Area is 3.3 parking Spaces per 1,000 sq. ft. of floor area. Required off-street parking for the 3,250 square foot health club use is 11 parking spaces.

$$3,250 \text{ sq. ft.} \times 3.3 \text{ spaces per } 1,000 \text{ sq. ft.} = 10.7 \text{ or } 11 \text{ required spaces.}$$

This parking will be provided by seven (7) on-site parking spaces at 245 Mamaroneck Avenue and four (4) off-site, satellite parking spaces in the nearby parking lots owned by Silverman Realty Group, Inc. the owner of the property at 245 Mamaroneck Avenue. As stated above, the parking spaces for the health club use will be identified and restricted to that use during identified hours of operation of the health club.

- (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.
- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.
- (d) The character or quality of important historical, archeological, architectural or aesthetic resources of the City or any neighborhood will not be adversely affected by the Proposed Action.
- (e) No major change in type or quantity of energy used will result from the Proposed Action.
- (f) No hazard to health or human safety will be created.

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

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

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF 3 FITNESS LLC (“APPLICANT”), A PROPOSED TENANT IN A BUILDING LOCATED AT 245 MAMARONECK AVENUE, OWNED BY THE SILVERMAN REALTY GROUP, INC., FOR A SPECIAL PERMIT TO ALLOW THE BUILD OUT AND OPERATION OF A HEALTH CLUB KNOWN AS “ORANGE THEORY FITNESS” SITUATED IN THE BR-1 (BUSINESS RESIDENTIAL) ZONING DISTRICT WITHIN THE CENTRAL PARKING AREA (CPA).

WHEREAS, the Common Council of the City of White Plains, at a meeting held on May 9, 2016, received a communication from the Commissioner of Building, dated April 27, 2016, transmitting an application submitted on behalf of 3 Fitness LLC (“Applicant”), a proposed tenant in a building located at 245 Mamaroneck Avenue, owned by the Silverman Realty Group, Inc., for a Special Permit to allow the build out and operation of a health club of approximately 3,250 square feet to be known as “Orange Theory Fitness,” situated in the BR-1 Zoning District within the Central Parking Area (CPA) (“Application”); and

WHEREAS, the site is also known and designated on the Tax Assessment Map of the City of White Plains as Section 130.28, Block 3, Lot 8; and

WHEREAS, the proposed health club is to be located in the vacant space at 245 Mamaroneck Avenue, a newly finished stand-alone building owned by the Silverman Realty Group, Inc., situated on the easterly side of Mamaroneck Avenue between Carhart and Maple Avenues; and

WHEREAS, the proposed 3,250 square foot facility includes an office, four small bathrooms, cubbies, lockers and a small retail area; and

WHEREAS, the remaining 1,800+ square feet is to be devoted to workout space; and

WHEREAS, Orange Theory Fitness is a franchise with over 300 studios across the United States that utilizes a model of private, personalized group instruction; the studio holds one-hour classes with no more than 24 participants at one time; members of Orange Theory Fitness only utilize the facility during such classes as the equipment cannot be used on an individualized basis; and

WHEREAS, the approving agency for all aspects of the Special Permit and concomitant Site Plan for Orange Theory is the Common Council; and

WHEREAS, the Special Permit Application included the following documents:

A. An undated cover letter from Paul Blanchard, owner, Orange Theory Fitness forwarding the Application; and

B. A letter dated January 13, 2016 from Bonnie H. Silverman, President, Silverman Realty Group, Inc., advising that it is in negotiations with Orange Theory Fitness for the building known as 245 Mamaroneck Avenue to be used as a “Health Club,” and that in order to comply with the parking requirements under the White Plains Zoning Ordinance, it is prepared to lease Orange Theory Fitness or its lease entity, four additional parking spaces in one of Silverman Realty Group, Inc.’s adjacent parking lots on Waller Avenue, for a total number of eleven (11) parking spaces

available to the tenant Orange Theory Fitness; and

C. A Short Form Building Permit Application dated April 26, 2016; and

D. A Short Environmental Assessment Form (EAF) dated April 25, 2016; and

E. Site Plan drawings consisting of a Floor Plan, dated March 17, 2014, Front View, dated March 17, 2014, and Front Views, dated March 17, 2014, prepared by DS3Design; and

F. A proposed layout of space, prepared by RMJ Associates, PC; and

WHEREAS, the Special Permit Application was referred to the appropriate City departments, boards, agencies, commissions and officers, and the Westchester County Planning Board for review, comment and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, at its May 9, 2016 meeting, the Common Council adopted a resolution scheduling a public hearing on the Special Permit Application for the June 6, 2016 meeting; and

WHEREAS, the public hearing on the Special Permit Application was duly noticed and opened on June 6, 2016, at which time the Applicant's representatives and public were given the opportunity to speak for and against the Application; and

WHEREAS, the Common Council closed the public hearing on June 6, 2016; and

WHEREAS, at the June 6, 2016 meeting, the Common Council, in relation to the Application, received communications from the Commissioner of Building, dated May 20, 2016; the Commissioner of Planning, dated May 25, 2016; the Commissioner of Public Works, dated June 6, 2016; the Commissioner of Public Safety, dated May 24, 2016; the Commissioner of Parking, dated May 31, 2016; the Deputy Commissioner of Parking for Transportation Engineering dated May 25, 2016; the Chair of the Planning Board, dated May 23, 2016; the Chair of the Design Review Board, dated May 25, 2016; the Acting Chair of the Transportation Commission, dated May 26, 2016; and the Environmental Officer, dated May 26, 2016; and

WHEREAS, in connection with this Application, the Common Council, at its meeting held on June 6, 2016, declared itself as Lead Agency for the environmental review of this Proposed Action pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), classified this proposal as an Unlisted Action, and adopted environmental findings, including a negative declaration; and

WHEREAS, the Common Council has reviewed and considered comments from the public, as well as from the various City departments, agencies, commissions, boards and agencies, and has reviewed the Special Permit application in light of the 1997 Comprehensive Plan, as amended by the 2006 Plan Update, adopted July 11, 2006, and the standards set forth in the Zoning

Ordinance, specifically, Sections 6.5, 6.7, and 7.5.

NOW, THEREFORE, be it

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

Consistency with the Comprehensive Plan

The 1997 Comprehensive Plan and the 2006 Plan Update, adopted July 11, 2006, (together “Comprehensive Plan”) states that “boutique and specialty retail shopping enhances the pedestrian experience and should be encouraged, especially along Mamaroneck Avenue toward Maple Avenue. Orange Theory Fitness is considered a “boutique” health club due to its small size and tailored workout programs. Therefore, this use is consistent with the Comprehensive Plan.

Section 6.5 of the Zoning Ordinance Standards

- 6.5 *All special permit “uses” shall comply with the following standards in addition to the “site plan” standards of Section 7.5. The approving agency shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements.*
- 6.5.1 *The location and size of the special permit “use,” the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to “streets” giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.*

The size and location of the proposed health club is appropriate for the area and will not cause a negative impact on the surrounding neighborhood.

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

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

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

The hours of operation for the health club are 5:00 a.m. to 12:00 p.m. and 4:30 p.m. to 9:00 p.m., with limited classes on weekend mornings only. Given the location of the health club, on an already busy and bustling corridor, it will not cause any additional noise or traffic than would be the operations of permitted “uses” not requiring a special permit.

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

The health club will have access to seven (7) parking spaces behind the building. An additional four (4) parking spaces will be made available at the building owner's adjacent parking lot on Waller Avenue. These parking areas are existing areas, and therefore have been suitably screened from adjoining residential uses and laid out so as to achieve maximum convenience and safety. These four (4) parking spaces shall not be encumbered for any other use during hours of operation of the health club, and shall be identified as restricted to the health club.

Section 6.7 of the Zoning Ordinance: Individual Standards

The Zoning Ordinance contains the following individual standards for health club special permit uses with which the "Orange Theory Fitness" health club must comply:

6.7.18. "Health Clubs"

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

Orange Theory Fitness does not offer massage therapy or any physical therapy services at any time.

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

The Application states that Orange Theory Fitness will have three (3) staff members on property at all times when classes are being offered. There is a maximum of twenty-four (24) participants per class.

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

245 Mamaroneck Avenue is a new construction standalone building which is totally enclosed and soundproofed.

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

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

Section 7.5 of the Zoning Ordinance - Site Plan Standards

7.5 Standards

In considering and approving "site plans," the approving agency shall take into consideration the purposes of this Ordinance, including the purposes of the applicable zoning district or districts, and, as a condition of approval, may require such modifications of the proposed "site plans" as it deems necessary to comply with the spirit as well as the letter of this Ordinance. The approving agency shall specifically take into account the following:

7.5.1 *Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan." Variances granted by the Board of Appeals need not be regarded by the approving agency as satisfying the requirement of conformity with this Ordinance for purposes of this review and approval. The approving agency shall review any such variances and may deny approval or require modifications pursuant to Section 7.5, above, in the event it finds any such variances produce or permit an unsatisfactory condition or arrangement in the "site plan" before it.*

As stated, *supra*, the Common Council finds that this Application is consistent with the Comprehensive Plan, subject to the Applicant's compliance with the applicable conditions contained in this approval resolution.

7.5.2 *Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:*

7.5.2.1 *The effect of the proposed development on traffic conditions on existing "streets."*

The Application does not change any traffic conditions on existing streets.

7.5.2.2 *The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways. Vehicular access to State and County roads must also be approved by the State Department of Transportation or the County Department of Public Works, as appropriate.*

The Application does not change any vehicular or pedestrian entrances.

7.5.2.3 *The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.*

The Application does not change any of the existing conditions.

7.5.2.4 The location, arrangement and adequacy of off-“street” “parking lots,” which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

Subject to the Applicant’s compliance with the applicable conditions set forth in this approval resolution herein, the Application meets the requirements of Section 8 of the Zoning Ordinance. As previously noted, the health club will have access to seven (7) parking spaces behind the building. An additional four (4) parking spaces will be made available at the building owner’s adjacent parking lot on Waller Avenue. These four (4) parking spaces shall not be encumbered for any other use during hours of operation of the health club, and will be identified as restricted to the health club.

7.5.2.5 Interconnection of “parking lots” via access drives within and between adjacent “parking lots,” in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

The Application does not change any of the existing conditions.

7.5.2.6 The location, arrangement and adequacy of “loading spaces,” which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

No additional loading spaces or change in loading is required by this Application.

7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining “street” and sidewalk system. Sidewalk crossings for whatever purpose must be reviewed by the Commissioners of Public Safety and Public Works.

7.5.4 *A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood. On report and recommendation of the Design Review Board, the approving agency shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk dimensions, materials and location on the site and, in relation to development on adjoining properties, the natural terrain and vegetation.*

The Application complies with this provision of the Zoning Ordinance; and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 6.5 , 6.7, 7.5 and 8 of the Zoning Ordinance have been satisfied and the Special Permit application for the build out and operation of a health club known as Orange Theory Fitness of approximately 3,250 square feet at 245 Mamaroneck Avenue be and hereby is granted, subject to the following conditions:

1. As per the communication of the Commissioner of Planning dated May 25, 2016, prior to the issuance of a Building Permit, the Applicant shall submit to the Commissioners of Building and Planning, a full scale architectural drawing with floor area dimensions to document the 3,250 square foot health club floor area.

2. As per the communication of the Commissioner of Planning dated May 25, 2016, prior to the issuance of a Building Permit, the Applicant shall submit a site plan drawing to show all on-site parking spaces with parking space dimensions at 245 Mamaroneck Avenue (Section 130.28,

Block 3, Lot 8) and the location of the seven (7) specific parking spaces to be dedicated for use by 3 Fitness LLC.

3. As per the communications of the Commissioner of Planning dated May 25, 2016 and the Environmental Officer dated May 26, 2016, prior to the issuance of a Building Permit, the Applicant shall submit a lease agreement with Silverman Realty Group, Inc. to demonstrate the location in a zoning district permitting satellite parking, and address of the four (4) off-site, satellite parking spaces necessary to achieve the total eleven (11) required parking spaces for the 3,250 square foot health club. These four (4) parking spaces shall not be encumbered for any other use during hours of operation of the health club, and will be identified as restricted to the health club. The staff shall be instructed by the Applicant to use the four (4) off-site, satellite parking spaces and that the seven (7) on-site parking spaces are reserved for use by clients.

4. As stated in the Application, Orange Theory Fitness does not offer massage therapy or any physical therapy services at any time. However, as per the communication of the Commissioner of Planning dated May 25, 2016, pursuant to Section 6.7.18.1 of the White Plains Zoning Ordinance, any masseur or masseuse employed by the Applicant 3 Fitness LLC, d/b/a Orange Theory Fitness at 245 Mamaroneck Avenue “health club” shall be licensed in accordance with Article 155 of the New York State Education Law, and any physical therapist shall be licensed in accordance with Article 136 of the New York Education Law, and proof of such license(s) shall be clearly displayed in the health club and a copy of such license(s) shall be filed with the Department of Building.

5. As per the communication of the Commissioner of Planning dated May 25, 2016, pursuant to Section 6.7.18.4 of the Zoning Ordinance, no cooking or alcoholic beverages shall be permitted in any health food bar, nor shall the area utilized by the health food bar exceed 5% of the “gross floor area” of the “health club.” As stated in the Application, 3 Fitness LLC, d/b/a Orange Theory Fitness, does not serve prepared or pre-made food, shakes or juices. Individual water bottles of Gatorade style drinks will be the only food or drink available outside for purchase. Orange Theory Fitness does not sell or serve alcoholic beverages.

6. As per the communication of the Commissioner of Planning dated May 25, 2016, as stated in the Application, using a model of private group instruction, the Orange Theory Fitness studio holds one-hour classes with no more than 24 participants at one time. Classes may start as early as 5:00 a.m. to 12:00 p.m. break and then pick up again from 4:30 p.m. to 9:00 p.m., with limited classes on weekend mornings only.

7. As per the communication of the Chair of the Design Review Board dated May 25, 2016, any exterior signs or facade changes shall require Design Review Board approval.

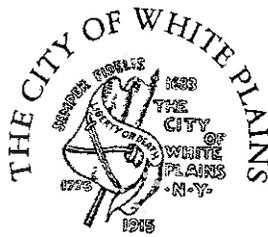
AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE ABATEMENT OF TAXES PURSUANT TO SECTION 467-b OF THE REAL PROPERTY TAX LAW, AS AMENDED WITH RESPECT TO PERSONS SIXTY-TWO YEARS OF AGE OR OLDER OCCUPYING DWELLING UNITS AS DEFINED IN SECTION 467-b(1)(a) OF THE REAL PROPERTY TAX LAW."

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

Section 1. Section two of an ordinance adopted by the Common Council on January 5, 1987 and amended on September 6, 1988, October 5, 1992, and January 5, 1998, which ordinance is entitled, "An ordinance providing for the abatement of taxes pursuant to Section 467-b of the real property tax law, as amended with respect to persons sixty-two years of age or older occupying dwelling units as defined in Section 467-b(1)(a) of the real property tax law," is hereby amended to read as follows:

"§2. No tax abatement shall be granted hereunder if the combined income of all members of the household occupying any such dwelling unit for the income tax year immediately preceding the date of making application for such abatement exceeds [~~\$18,500~~] \$30,000 providing that, in the event the head of the household occupying such dwelling unit retired before the commencement of such year and the date of the filing the application, the income for such year may be adjusted by excluding the salary or earnings and projecting his or her retirement income over the entire period of such year."

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

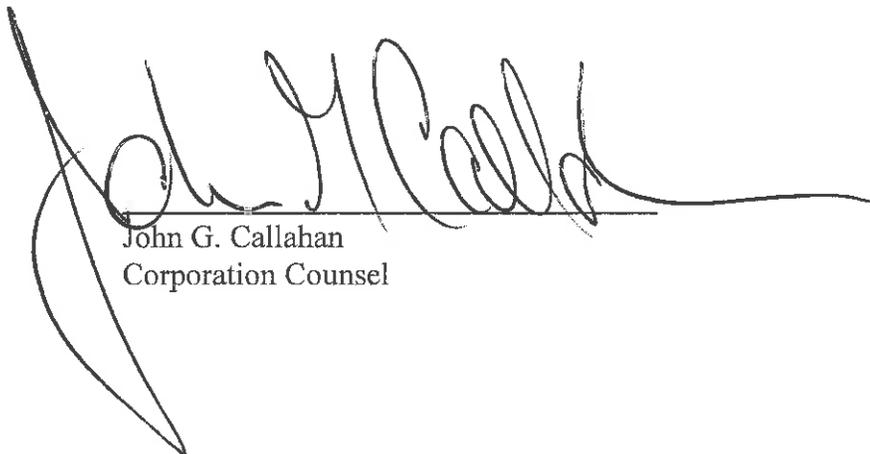
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

Ann C. Connors has instituted an action against the City of White Plains, seeking reimbursement from the City, as a result of personal injuries allegedly sustained when her vehicle collided with a City vehicle on January 6, 2013.

I recommend that the City Council authorize settlement of Ann C. Connors' claim in the amount of \$50,000.00. An ordinance authorizing the settlement is submitted for your consideration.



John G. Callahan
Corporation Counsel

Dated: May 31, 2016
(For the Common Council Meeting
on June 6, 2016)

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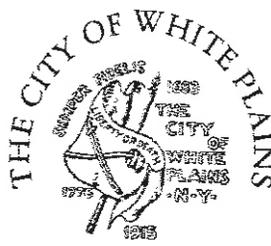
**AN ORDINANCE AUTHORIZING THE SETTLEMENT OF THE ACTION
OF ANN C. CONNORS AGAINST THE CITY OF WHITE PLAINS.**

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

Section 1. The settlement of the action of Ann C. Connors against the City of White Plains in the amount of fifty thousand dollars (\$50,000.00) is hereby authorized.

Section 2. The Mayor is authorized to direct the Commissioner of Finance to pay the sum of fifty thousand dollars (\$50,000.00) from the City's Self-Insurance Fund.

Section 3. 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

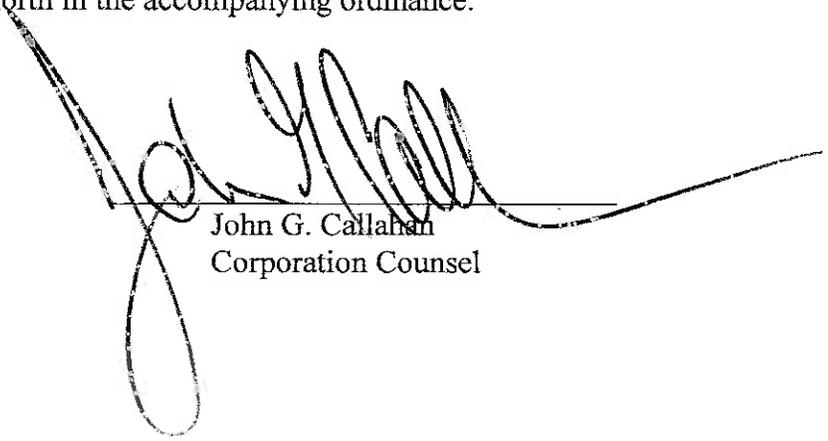
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the properties located at 16 Ross Street, 55 Church Street, 51 Mitchell Place, 202-228 East Post Road, 170 Grand Street, 109-113 South Broadway and 271-283 Mamaroneck Avenue, White Plains, NY.

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



John G. Callahan
Corporation Counsel

Dated: May 31, 2016

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AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.

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

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

**Ralph and Maria Rivero
16 Ross Street
SBL: 125.52-3-6**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2010/11	\$ 40,000	\$ 32,000	\$ 8,000	\$ 1,342.56
2011/12	\$ 40,000	\$ 34,000	\$ 6,000	\$ 1,056.66
2012/13	\$ 40,000	\$ 35,000	\$ 5,000	\$ 922.35
2013/14	\$ 40,000	\$ 39,000	\$ 1,000	\$ 191.74
2014/15	\$ 32,500	\$ 32,500	\$ 0	\$ 0.00
2015/16	\$ 32,500	\$ 32,500	\$ 0	\$ 0.00
2016/17	\$ 32,500	\$ 32,500	\$ 0	\$ 0.00
			Total:	\$ 3,513.31

55 Church WP, LLC
55 Church Street
SBL: 125.67-7-4

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2012/13	\$ 500,000	\$ 500,000	\$ 0	\$ 0.00
2013/14	\$ 500,000	\$ 500,000	\$ 0	\$ 0.00
2014/15	\$ 500,000	\$ 500,000	\$ 0	\$ 0.00
2015/16	\$ 500,000	\$ 465,000	\$ 35,000	\$ 7,025.90
2016/17	\$ 500,000	\$ 465,000	\$ 35,000	\$ <u>7,033.25</u>
			Total:	\$ <u>14,059.15</u>

Sloan Bar Associates
51 Mitchell Place
SBL: 125.76-5-8

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2010/11	\$ 8,400	\$ 7,800	\$ 600	\$ 100.69
2011/12	\$ 8,400	\$ 8,000	\$ 400	\$ 70.44
2012/13	\$ 8,400	\$ 8,200	\$ 200	\$ 36.89
2013/14	\$ 8,400	\$ 8,200	\$ 200	\$ 38.35
2014/15	\$ 8,400	\$ 8,000	\$ 400	\$ 78.46
2015/16	\$ 8,400	\$ 7,800	\$ 600	\$ 120.44
2016/17	\$ 8,400	\$ 7,600	\$ 800	\$ <u>160.76</u>
			Total:	\$ <u>606.03</u>

**202-228 East Post Road
SBL: 125.76-5-13**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2010/11	\$ 211,600	\$ 197,200	\$ 14,400	\$ 2,416.61
2011/12	\$ 211,600	\$ 202,000	\$ 9,600	\$ 1,690.66
2012/13	\$ 211,600	\$ 206,800	\$ 4,800	\$ 885.46
2013/14	\$ 211,600	\$ 206,800	\$ 4,800	\$ 920.35
2014/15	\$ 211,600	\$ 202,000	\$ 9,600	\$ 1,882.94
2015/16	\$ 211,600	\$ 197,200	\$ 14,400	\$ 2,890.66
2015/17	\$ 211,600	\$ 192,400	\$ 19,200	\$ 3,858.24
			Total:	\$ 14,544.92

**170 Grand Ave LLC and 170 Grand Equities, LLC
170 Grand Street
SBL: 125.83-3-6**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 128,500	\$ 107,000	\$ 21,500	\$ 3,376.89
2010/11	\$ 128,500	\$ 114,000	\$ 14,500	\$ 2,433.39
2011/12	\$ 128,500	\$ 113,000	\$ 15,500	\$ 2,729.71
2012/13	\$ 128,500	\$ 119,000	\$ 9,500	\$ 1,752.47
2013/14	\$ 128,500	\$ 124,000	\$ 4,500	\$ 862.83
2014/15	\$ 128,500	\$ 122,000	\$ 6,500	\$ 1,274.91
2015/16	\$ 128,500	\$ 125,000	\$ 3,300	\$ 702.59
2016/17	\$ 128,500	\$ 123,200	\$ 5,300	\$ 1,065.04
			Total:	\$ 14,197.83

**111 Dell, LLC
109-113 South Broadway
SBL: 125.84-9-4**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 155,000	\$ 124,000	\$ 31,000	\$ 4,868.86
2010/11	\$ 155,000	\$ 119,000	\$ 36,000	\$ 6,041.52
2011/12	\$ 155,000	\$ 135,000	\$ 20,000	\$ 3,522.20
2012/13	\$ 155,000	\$ 140,000	\$ 15,000	\$ 2,767.05
2013/14	\$ 155,000	\$ 146,000	\$ 9,000	\$ 1,725.66
2014/15	\$ 155,000	\$ 139,000	\$ 16,000	\$ 3,138.24
2015/16	\$ 155,000	\$ 134,000	\$ 21,000	\$ 4,215.54
2016/17	\$ 155,000	\$ 132,000	\$ 23,000	\$ 4,621.85
			Total:	<u>\$ 30,900.92</u>

**Alan H. Posner (2011)
Estate of Alan H. Posner (2012-14)
First Amsterdam Partners, LLC (2015-6)
271-283 Mamaroneck Avenue
SBL: 130.28-8-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2011/12	\$ 70,600	\$ 70,600	\$ 0	\$ 0.00
2012/13	\$ 70,600	\$ 70,600	\$ 0	\$ 0.00
2013/14	\$ 70,600	\$ 70,600	\$ 0	\$ 0.00
2014/15	\$ 78,000	\$ 75,000	\$ 3,000	\$ 588.42
2015/16	\$ 78,000	\$ 73,000	\$ 5,000	\$ 1,003.70
2016/17	\$ 78,000	\$ 73,000	\$ 5,000	\$ 1,004.75
			Total:	<u>\$ 2,596.87</u>

WHEREAS, the county and sewer taxes and the school taxes should be payable by the

county and school separately if collected and if the settlement is approved by the Supreme Court.

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

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

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

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

§4. This ordinance shall take effect immediately.



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

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

Included in FY 2015-16 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, tree replacement, signage, guide rail 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. C5461 entitled "**Miscellaneous Street Reconstruction FY 2016**" as follows:

INCREASE REVENUES

C5461-02238	NYS CHIPs	<u>\$700,000</u>
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INCREASE EXPENDITURES

C5461-8.203	Street/Rights-of-Way	<u>\$700,000</u>
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Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

June 6, 2016



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

May31, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT No. C5461
MISCELLANEOUS STREET RECONSTRUCTION FY 2016

Capital Project No. C5461, Miscellaneous Street Reconstruction FY 2016 (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 in both residential and downtown streets and 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,

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO.C5461,
MISCELLANEOUS STREET RECONSTRUCTION FY 2016

WHEREAS, Capital Project No. C5461, Miscellaneous Street Reconstruction FY 2016 (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 in both residential and downtown streets and 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 change; 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. C5461, ENTITLED, "MISCELLANEOUS STREET RECONSTRUCTION FY 2016."

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 establishing Capital Project No. C5461, entitled, "**Miscellaneous Street Reconstruction FY 2016,**" as follows:

INCREASE REVENUES:

C5461-02238	NYS CHIPs	<u>\$ 700,000</u>
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INCREASE EXPENDITURES:

C5461-8.203	Street/Rights-of-Way	<u>\$ 700,000</u>
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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:

As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended the inclusion of miscellaneous sanitary sewer reconstruction in FY 2015/2016. The Department of Public Works (DPW) has identified sanitary sewer system deficiencies of a critical nature, involving pipe and manhole installation and/or rehabilitation. Plans and Specifications for such work have been developed by the DPW and publicly advertised. Contracts will be awarded subject to applicable competitive bidding laws of the State of New York and the City of White Plains.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various construction and engineering services contracts, as necessary, and further to direct the Budget Director to amend the Capital Projects fund by establishing Capital Project No. SW5477, entitled "Miscellaneous Sanitary Sewer Reconstruction FY16", with a budget as follows:

REVENUES

SW5477-08810	Serial Bonds	<u>\$ 505,000</u>
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EXPENDITURES

SW5477-4.005	Finance and Auditing	\$ 5,000
SW5477-8.206	Sanitary Sewer Reconstruction	<u>500,000</u>
		<u>\$ 505,000</u>

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

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

June 6, 2016



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 31, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT No. SW5477
MISCELLANEOUS SANITARY SEWER RECONSTRUCTION FY16

Capital Project No. SW5477, entitled "Miscellaneous Sanitary Sewer Reconstruction FY16," (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

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

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,

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO. SW5477
MISCELLANEOUS SANITARY SEWER RECONSTRUCTION FY16

WHEREAS, Capital Project No. SW5477, entitled "Miscellaneous Sanitary Sewer Reconstruction FY16," (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 the repair of municipal sanitary sewage facilities including pipe and manhole installation and/or rehabilitation at various locations; 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. SW5477 ENTITLED, "MISCELLANEOUS SANITARY SEWER RECONSTRUCTION FY 16."

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended the inclusion of miscellaneous sanitary sewer reconstruction in FY 2015/2016. The Department of Public Works (DPW) has identified sanitary sewer system deficiencies of a critical nature, involving pipe and manhole installation and/or rehabilitation. Plans and specifications for such work have been developed by DPW and publicly advertised. Contracts will be awarded subject to applicable competitive bidding laws of the State of New York and the City of White Plains.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. SW5477, entitled, "**Miscellaneous Sanitary Sewer Reconstruction FY 16,**" with a budget as follows:

REVENUES:

SW5477-08810	Serial Bonds	<u>\$ 505,000</u>
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EXPENDITURES:

SW5477-4.005	Finance and Auditing	\$ 5,000
SW5477-8.206	Sanitary Sewer Reconstruction	<u>500,000</u>
		<u>\$ 505,000</u>

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

Section 5. This ordinance shall take effect immediately.

BOND ORDINANCE, DATED JUNE 6, 2016, AUTHORIZING THE ISSUANCE OF \$505,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF OR ADDITION TO VARIOUS SANITARY SEWERS.

WHEREAS, the Common Council of the City of White Plains (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of or addition to various sanitary sewers, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$505,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the “Project”);

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$505,000, pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of or addition to various sanitary sewers (the “Project”).

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$505,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before

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the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

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

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

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

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

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

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

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

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

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

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

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

Last month, during routine inspections of various City buildings, Con Edison detected a series of gas leaks at the White Plains Public Library, including the boiler area. Gas service was cut off to the building by Con Edison. The leaks constituted an unsafe condition that required immediate remediation. A Certificate of Emergency was subsequently issued to perform the necessary repair work so that gas service could be restored to the Library. The total cost of this work, which will be charged to the Department of Public Works budget, is estimated to be \$90,000.

To provide the funding that was needed for this Certificate of Emergency, it is respectfully requested that the Mayor be authorized to direct the Budget Director to transfer funds within the FY 2015-2016 General Fund budget as follows:

TRANSFER FROM

A002-9.990	Reserve for Financing	\$90,000
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TRANSFER TO

A033-3.302	Emergency Building Repairs	\$90,000
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It is also requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2015-2016 GENERAL FUND BUDGET IN ORDER TO REFLECT ADDITIONAL COSTS WITHIN THE DEPARTMENT OF PUBLIC WORKS FOR NECESSARY IMMEDIATE REMEDIATION REQUIRED IN CONNECTION WITH GAS LEAKS AT THE WHITE PLAINS PUBLIC LIBRARY.

WHEREAS, in May of 2016, during routine inspections of various City buildings, Con Edison detected a series of gas leaks at the White Plains Public Library, including the boiler area; gas service was cut off to the building by Con Edison; and

WHEREAS, the leaks constituted an unsafe condition that required immediate remediation; and

WHEREAS, a Certificate of Emergency was subsequently issued to perform the necessary repair work so that gas service could be restored to the Library; and

WHEREAS, the total cost of this work, which will be charged to the Department of Public Works' budget, is estimated to be \$90,000; and

WHEREAS, the costs for this work was not included in the fiscal year 2015-2016 budget.

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

Section 1. In order to reflect an increase in expenditures within the Department of Public Works, due to gas leaks at the White Plains Library, requiring the issuance of a Certificate of Emergency, and the costs for repairs associated for same were not included in the Fiscal Year 2015-2016 budget, a transfer from Reserve for Financing is required.

Section 2. To provide the funding that was needed for this Certificate of Emergency, the Mayor is hereby authorized to direct the Budget Director to transfer funds within the FY 2015-2016 General Fund budget as follows:

TRANSFER FROM:

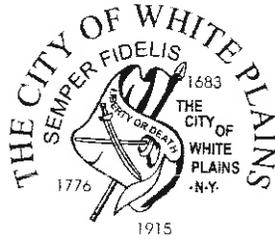
A002-9.990	Reserve for Financing	<u>\$90,000</u>
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TRANSFER TO:

A033-3.302	Emergency Building Repairs	<u>\$90,000</u>
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Section 3. The Mayor is further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly needed for the cost for repairs and related services effectuated by the Department of Public Works.

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

DAVID E. CHONG
Commissioner
422-6350
ANNE FITZSIMMONS
Chief of Police
422-6258

THOMAS M. ROACH
Mayor
422-1200

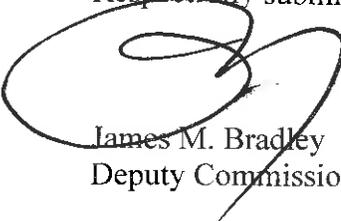
JAMES M. BRADLEY
Deputy Commissioner
422-6230
RICHARD L. LYMAN
Fire Chief
422-6360

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

Dear Mayor and Council Members:

Attached for your consideration is an ordinance authorizing the Mayor or his designee to execute a revocable license agreement with Urstadt Biddle Properties, Inc., owner of the premises located at 60 South Broadway, to allow the Department of Public Safety (Fire Department) to utilize the former "Borders" space on level 3 of the Westchester Pavilion site on 60 South Broadway to conduct "large area searches" and "downed firefighter rescues" training, with no fire and/or water usage, on a date to be determined, for a license fee of \$1.00. The City will provide indemnification and insurance to Urstadt Biddle Properties, Inc. for the usage of its property at 60 South Broadway. The revocable license agreement shall be in a form acceptable to the Corporation Counsel.

Respectfully submitted,


James M. Bradley
Deputy Commissioner of Public Safety

Dated: May 16, 2016

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A REVOCABLE LICENSE AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH URSTADT BIDDLE PROPERTIES INC. FOR USE OF THE THIRD LEVEL OF THE WESTCHESTER PAVILION BUILDING AT 60 SOUTH BROADWAY FOR THE PURPOSE OF FIRE TRAINING BY THE DEPARTMENT OF PUBLIC SAFETY (FIRE DEPARTMENT).

WHEREAS, the City of White Plains (Department of Public Safety-Fire Department) would like to use the former "Borders" space on the third level of the Westchester Pavilion, situated at 60 South Broadway, consisting of approximately 35,000 square feet, for the use of "large area searches" and "downed firefighter rescues" training, with no fire and/or water usage, on a date to be determined; and

WHEREAS, the owners of the Westchester Pavilion site at 60 South Broadway, Urstadt Biddle Properties Inc., a Maryland corporation having an address at 321 Railroad Avenue, Greenwich, Connecticut 06830 ("Licensor") are willing to allow the use of its property on the third level of the Westchester Pavilion to the City of White Plains, at a cost of one dollar (\$1.00), provided that the City of White Plains furnishes Urstadt Biddle Properties Inc. with insurance and indemnifies said owner for the use of the property; and

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

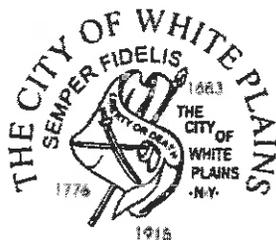
The Common Council of the City of White Plains hereby ordains and enacts as

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follows:

Section 1. The Mayor or his designee is hereby authorized to execute on behalf of the City of White Plains a revocable license agreement with Urstadt Biddle Properties Inc. (Licensor) for the Department of Public Safety's use of the third level of the Westchester Pavilion located at 60 South Broadway, on a date to be determined, for "large area searches" and "downed firefighter rescues" training, with no fire and/or water usage, for a one dollar (\$1.00) fee to be paid to the Licensor, and appropriate insurance and indemnification, and upon such other terms and conditions as are in the best interest of the City, in a form to be approved by the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.



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

DAVID E. CHONG
Commissioner
422-6350

ANNE FITZSIMMONS
Chief of Police
422-6258

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

RICHARD L. LYMAN
Fire Chief
422-6360

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

Dear Mayor and Common Council Members:

Please be advised that on February 23, 2016 TransCare Inc ceased to provide ambulance service to the City of White Plains due to bankruptcy failure. From that moment to the present, the City has utilized Empress Ambulance Service, and we have experienced a seamless transition.

On February 24, 2016, a short-term contract was approved by the Common Council until a longer term solution could be prepared. Transmitted herewith is an ordinance authorizing a contract with Empress for a duration of three (3) years, with two (2) more option years at the discretion of the City. The first year's stipend is \$489,000 with an annual increase of 3.5%. However, the ambulance company has agreed to develop a sliding scale based on the profitability of each year's revenues.

At this time, Empress is the largest and most experienced 911 provider in the County, and possesses a fleet large enough to handle any unforeseen catastrophic incident.

Respectfully submitted,

James M. Bradley
Deputy Commissioner of Public Safety

Dated: May 2, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH EMPRESS AMBULANCE SERVICE, INC. FOR A THREE YEAR PERIOD FROM MAY 1, 2016 TO APRIL 30, 2019, WITH THE CITY HOLDING AN OPTION FOR TWO ONE YEAR AGREEMENTS THEREAFTER.

WHEREAS, the City of White Plains entered into a contract with TransCare Westchester, Inc. d/b/a TransCare (hereinafter "TransCare") for ambulance services from July 1, 2015 to June 30, 2018; and

WHEREAS, TransCare filed for bankruptcy on or about February 24, 2016 and ceased providing ambulance services to the City of White Plains on that date; and

WHEREAS, Empress Ambulance Service, Inc. (hereinafter "Empress") agreed to provide comparable service to the level of service being provided by TransCare starting on February 24, 2016 in order to maintain continuity of service; and

WHEREAS, the Common Council of the City of White Plains, by an ordinance adopted on March 7, 2016, authorized the City to enter into an emergency ninety (90) day agreement, effective February 24, 2016, with Empress, or until it is replaced with a new contract with Empress with ambulance services; and

WHEREAS, in a communication dated May 2, 2016, the Deputy Commissioner of Public Safety has advised that from the agreement's inception with Empress, the City has

experienced a seamless transition; and

WHEREAS, Empress is the largest and most experienced 911 provider in the County of Westchester, and possesses a fleet large enough to handle any unforeseen catastrophic incident; and

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

WHEREAS, based on Empress' reputation and long history of continued successful care, as well the City's present experience with the ambulance service, the Department of Public Safety recommends that it would be in the City's best interests to grant a contract with Empress for a term of three (3) years, effective May 1, 2016 through April 30, 2019, with the City retaining an option for two (2) one (1) year agreements thereafter; and

WHEREAS, Empress has agreed to provide the first year of service at a cost of \$489,000, with an annual increase of 3.5%; and

WHEREAS, however, Empress has also agreed to develop a "sliding scale," reducing the City's future annual payments based on the profitability of each year's revenues derived from patient billings; now, therefore,

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

Section 1. The Mayor or his designee is authorized to enter into a new three (3) year contract for ambulance services with Empress Ambulance Service, Inc., for the period May 1, 2016 to April 30, 2019, with the City of White Plains having an option to renew said contract for two (2) additional one (1) year terms from May 1, 2019 to April 30, 2020 and May 1, 2020 to April 30, 2021.

Section 2. The contract, *inter alia*, shall provide for two Advanced Mobile Life Support ambulances dedicated to the use of the City of White Plains, seven (7) days per week, twenty-four (24) hours per day and one dedicated basic Life Support ambulance seven (7) days per week, twelve (12) hours per day. The contract shall also provide the City of White Plains access to an on-road Advanced Life Support Flycar Paramedic Supervisor seven (7) days per week, twenty-four (24) hours per day. At Empress' expense, all dedicated EMS ambulances shall have radio communication compatibility with the White Plains Police Department.

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

Section 4. The City shall pay Empress the sum of \$489,000, in monthly installments of \$40,750, for contract year May 1, 2016 to April 30, 2017.

Section 5. The City shall pay Empress an annual increase equal to 3.5%, effective year two of the agreement, according to the following schedule:

Contract year May 1, 2017 to April 30, 2018-\$506,115 (\$42,176.25 monthly)

Contract year May 1, 2018 to April 30, 2019 - \$523,860 (\$43,655 monthly)

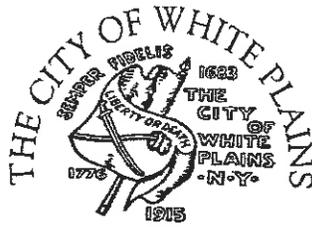
Section 6. In the event that Empress's billable ambulance transport revenue surpasses an agreed upon threshold, Empress shall reduce the aforementioned payments for contract years two and three according to an agreed upon "sliding scale" formula with the City of White Plains.

Section 6. All other terms and conditions of the agreement shall be substantially comparable to the prior ambulance services contract approved by the Common Council for TransCare on May 4, 2015. Said contract shall be subject to the approval of the Corporation Counsel of the City of White Plains.

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

Section 8. This ordinance shall take effect May 1, 2016.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

FRAN CROUGHAN
DEPUTY COMMISSIONER

DEPARTMENT OF RECREATION AND PARKS
85 GEDNEY WAY
WHITE PLAINS, NEW YORK 10605

(914) 422-1336 Phone
(914) 422-1250 Fax

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

Submitted herewith for your consideration is an ordinance authorizing the Mayor to enter into an agreement with the Westchester County Department of Senior Programs and Services for the continuing operation of senior citizens programs pursuant to Titles III-B, III C-1, and the Nutrition Services Incentive Program of the Older Americans Act for the period of January 1, 2016 to December 31, 2016.

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

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

Wayne D. Bass, Commissioner of Recreation & Parks

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AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AGREEMENTS WITH THE COUNTY OF WESTCHESTER FOR THE CONTINUING OPERATION BY THE CITY OF WHITE PLAINS FOR PROGRAMS FOR YEAR 2016 UNDER TITLES III-B, III-C-1, AND THE NUTRITION SERVICES INCENTIVE PROGRAM OF THE OLDER AMERICANS ACT.

WHEREAS, the current agreement between The City of White Plains and the County of Westchester, providing for the continuing operation by the City of programs under Titles III-B, III-C-I and the Nutrition Services Incentive Program of the Older Americans Act, expired on December 31, 2015; and

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

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

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

Section 1. The Mayor of The City of White Plains or his designee be and the same, is hereby authorized and directed to enter into contract(s) with the County of Westchester to receive grant funds to provide for the operation of Programs under Titles III-B, III-C-1, and the Nutrition Services Incentive Program of the Older Americans Act from January 1, 2016 to December 31, 2016. Said contract(s) shall be in a form approved by the Corporation Counsel.

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

Section 3. This ordinance shall take effect as of January 1, 2016.



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

Thomas M. Roach
Mayor

Frank Williams, Jr.
Executive Director

May 18, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On July 6th 2015, the Common Council enacted an ordinance accepting funds of \$125,000 from the Westchester Workforce Development Academy for Youth (WDAY) to continue the Youth Bureau's WIOA Youth Employment Services beginning on July 1, 2015 to June 30, 2016. The Grantor intends to amend the above contract by adding \$11,263.36 to help youth enrolled in the WDAY program, regardless of their residency, find employment during the summer of 2016. The total funding by the Grantor will be increased from \$125,000 to \$136,263.36 and the contract period extended to September 30, 2016.

The Youth Bureau is requesting to amend the WIOA budget to reflect the additional funds of \$11,263.36 for a total grant amount of \$136,263.36 from The Westchester Workforce Development Academy and the \$30,000 from the Friends of the White Plains Youth Bureau to total \$166,263.36. I am requesting that the Mayor and Common Council approve this amendment. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Fund as follows:

		Current Budget	New Budget
<u>Increase Estimated Revenue:</u>			
WIOA - 02254	Westchester/WIA	\$125,000	\$136,263
WIOA - 06275	Contributions	<u>\$30,000</u>	<u>\$30,000</u>
	Total	<u>\$155,000</u>	<u>\$166,263</u>
<u>Increase Appropriations:</u>			
WIOA - 1.200	CSEA Salaries & Wages	\$114,412	\$114,412
WIOA - 1.800	Part time Salaries	\$00	\$10,430
WIOA - 2.001	FICA	\$8,752	\$9,550
WIOA - 2.020	MTA PR Tax	\$389	\$424
WIOA - 2.101	NYS Emp. Pension	\$15,621	\$15,621
WIOA - 2.201	Employee Health Insurance	\$9,418	\$9,418
WIOA - 2.204	NYS Health Ins.		
	Admin Charge	\$36	\$36
WIOA - 2.206	Health Ins. Buyout	\$3,200	\$3,200
WIOA - 2.301	Dental Insurance	\$2,480	\$2,480
WIOA - 2.407	Optical Insurance	\$692	\$692
	Total	<u>\$155,000</u>	<u>\$166,263</u>

Respectfully submitted,

Frank Williams, Jr.
Director

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE (ACTING BY AND THROUGH THE YOUTH BUREAU) TO: (1) ENTER INTO AN AMENDED CONTRACT WITH THE COUNTY OF WESTCHESTER, ACTING ON BEHALF OF THE WESTCHESTER-PUTNAM INVESTMENT BOARD THROUGH THE WESTCHESTER WORKFORCE DEVELOPMENT ACADEMY FOR YOUTH (WDAY), TO RECEIVE A TOTAL OF \$136,263 IN FUNDING FOR WORKFORCE INVESTMENT ACT (WIOA) YOUTH EMPLOYMENT SERVICES (\$125,000 AND AN ADDITIONAL \$11,263 IN FUNDING) AND TO EXTEND SAID CONTRACT UNTIL SEPTEMBER 30, 2016; (2) TO AMEND THE WIOA BUDGET TO REFLECT THE ADDITIONAL FUNDS OF \$11,263 FOR A TOTAL GRANT OF \$136,263 FROM WDAY AND A \$30,000 CONTRIBUTION FROM THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU FOR A GRAND TOTAL OF \$166,263; AND (3) TO AUTHORIZE THE MAYOR TO DIRECT THE BUDGET DIRECTOR TO AMEND THE 2015/16 YOUTH DEVELOPMENT FUND TO REFLECT THE AFOREMENTIONED FUNDING.

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

Section 1. On July 6, 2015, the Common Council of the City of White Plains enacted an ordinance accepting funds of \$125,000 from the County of Westchester through the Westchester Development Academy for Youth (WDAY) to continue the Youth Bureau's WIOA Youth Employment Services beginning on July 1, 2015 to 2016. The grantor Westchester County/WDAY intends to amend the aforementioned contract by adding \$11,263 to help youth enrolled in the WDAY program, regardless of their residency, find employment during the summer of 2016. The total funding by the grantor Westchester County/WDAY will be increased from \$125,000 to \$136,263 and the contract period extended to September 30, 2016.

Section 2. The Mayor of the City of White Plains or his designee (acting by and through the Youth Bureau) is hereby authorized to enter into an amended contract with the County of Westchester, acting on behalf of the Westchester-Putnam Investment Board through the

Westchester Workforce Development Academy for Youth (WDAY), to receive \$136,263 in funding for Workforce Investment Act (WIOA) Youth Employment Services, for the period beginning July 1, 2015 and extended until September 30, 2016. Said contract amendment shall be in a form approved by the Corporation Counsel.

Section 3. The WIOA budget shall be amended to reflect the additional funds of \$11,263 for a total grant amount of \$136,263 from WIA and a \$30,000 contribution from the Friends of White Plains Youth Bureau to support the Youth Bureau’s WIOA Youth Employment Services, for a grand total of \$166,263. The Mayor is further authorized to receive the \$166,263 grant and to authorize the Budget Director to amend the 2015/16 Youth Development Fund as follows:

<u>Increase Estimated Revenue:</u>		Current Budget	New Budget
WIOA-02254	Westchester/WIA	\$125,000	\$136,263
WIOA-06275	Contributions	<u>\$30,000</u>	<u>\$30,000</u>
	Total	<u>\$155,000</u>	<u>\$166,263</u>
 Increase Appropriations:			
WIOA-1.200	CSEA Salaries&Wages	\$114,412	\$114,412
WIOA-1.800	Part-time Salaries	\$0	\$10,430
WIOA-2.001	FICA	\$8,752	\$ 9,550
WIOA-2.020	MTA PR Tax	\$389	\$424
WIOA-2.101	NYS Emp. Pension	\$15,621	\$15,621
WIOA-2.201	Employee Health Insurance	\$9,418	\$9,418
WIOA-2.204	NYS Health Ins.		
	Administrative Charge	\$36	\$36
WIOA-2.206	Health Ins. Buyout	\$3,200	\$3,200
WIOA-2.301	Dental Ins.	\$2,480	\$2,480
WIOA-2.407	Dental Ins.	<u>\$692</u>	<u>\$692</u>
	Total	<u>\$155,000</u>	<u>\$166,263</u>

Section 4. The Commissioner of Finance is hereby authorized to receive and disburse these funds for the intended purpose.

Section 5. 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 18, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On November 5, 2015 the Common Council enacted an ordinance extending the period of Youth Bureau's Substance Abuse and Mental Health Services Administration (SAMHSA) grant to April 30, 2016. The Friends of the White Plains Youth Bureau is allocating \$2,500 to continue the Youth Bureau's existing Youth Court Program under the drug free communities grant funded by SAMSHA. The fund will be used to pay the Youth Court Coordinator to continue the Youth Court Program to June 30, 2016. I am requesting that the Mayor be authorized to enter into a contract with the Friends of the White Plains Youth Bureau to receive these funds. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Funds as follows and extend the period to June 30, 2016:

<u>Increased Estimated Revenue:</u>	<u>Current Budget</u>	<u>New Budget</u>
DFC15 – 02220 HHS grant	\$132,333	
DFC15 - 06275 Contributions --		
	<u>FOWPYB</u>	<u>\$2,500</u>
	Total	\$134,833

<u>Increase Appropriations:</u>			
DFC15 - 1.200	CSEA Salary & Wages	\$8,363	\$8,363
DFC15 – 1.800	Part Time Salary	\$20,274	\$22,589
DFC15 – 2.001	FICA	\$2,160	\$2,337
DFC15 - 2.020	MTA Pr. Tax	\$96	\$104
DFC15 - 2.101	NYS Emp.Pension	\$2,157	\$2,157
DFC15 - 4.910	Supplies	\$7,326	\$7,326
DFC15 – 4.940	Contracted Services	\$57,339	\$57,339
DFC15 - 4.950	Direct Costs	\$29,738	\$29,738
DFC15 – 4.970	Travel	\$4,880	\$4,880
	TOTAL	<u>\$132,333</u>	<u>\$134,833</u>

Respectfully submitted,

Frank Williams, Jr.
Director Youth Bureau

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AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONTRACT WITH THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU TO RECEIVE \$2,500 TO CONTINUE THE YOUTH BUREAU'S EXISTING YOUTH COURT PROGRAM UNDER THE DRUG FREE COMMUNITIES GRANT FUNDED BY THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH ADMINISTRATION (SAMHSA) TO PAY THE YOUTH COURT COORDINATOR TO CONTINUE THE YOUTH COURT PROGRAM TO JUNE 30, 2016 AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2014-2015 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT'."

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

Section 1. On November 5, 2015, the Common Council enacted an ordinance extending the period of the City of White Plains (Youth Bureau's) US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) grant to April 30, 2016. The Friends of the White Plains Youth Bureau is allocating an additional \$2,500 to continue the Youth Bureau's existing Youth Court Program under the drug free communities grant funded by SAMHSA. The funds will be used to pay the Youth Court Coordinator to continue the Youth Court Program to June 30, 2016.

Section 2. The Mayor or his designee, is hereby authorized to enter into a contract with the Friends of the White Plains Youth Bureau in order to receive the \$2,500 grant to pay the Youth Bureau's Youth Court Coordinator to continue the Youth Court program to June 30, 2016. Said contract shall be in a form to be approved by the Corporation Counsel.

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Section 3. The Mayor is hereby authorized to direct the Budget Director to amend

FY 2015-2016 Youth Development Fund as follows:

<u>INCREASED ESTIMATED REVENUE:</u>	Current Budget	New Budget
DFC15 - 02220 US Health & Human Services Grant	\$132,333	
<u>DFC15-06275 Contributions-FOWPYB</u>		<u>\$2,500</u>
Total	\$132,333	<u>\$134,833</u>

<u>INCREASED APPROPRIATIONS:</u>	Current Budget	New Budget
DFC15 - 1.200 CSEA Salaries & Wages	\$8,363	\$8,363
DFC15 - 1.800 Part-Time Salaries	\$20,274	\$22,589
DFC15 - 2.001 FICA	\$2,160	\$2,337
DFC15 - 2.020 MTA PR Tax	\$ 96	\$104
DFC15 - 2.101 NYS Employee Pension	\$2,157	\$2,157
DFC15 - 4.910 Supplies	\$7,326	\$7,326
DFC15 - 4.940 Contracted Services	\$57,339	\$57,339
DFC15- 4.950 Direct Costs	\$29,738	\$29,738
DFC15 - 4.970 Travel Expense	<u>\$ 4,880</u>	<u>\$ 4,880</u>
	<u>\$132,333</u>	<u>\$134,833</u>

Section 4. All of the remaining provisions of the aforementioned ordinance adopted by the Common Council on October 6, 2014, as amended on March 2, 2015 and November 5, 2015, shall remain in full force and effect.

Section 5. This ordinance shall take effect May 1, 2016.



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

Thomas M. Roach
 Mayor

Frank Williams, Jr.
 Executive Director

May 18, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The City of White Plains Youth Bureau has collected \$5,842.25 from participants to offset the expenses for the 2016 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 2015/16 Youth Bureau General Fund as follows.

Increased Estimated Revenue:

F013 – 06275	Contributions.	<u>\$5,843</u>
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Increase Appropriations:

F013 - 3.011	Program Supplies	\$4,143
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F013 - 4.023	Program Services	<u>\$1,700</u>
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TOTAL	<u>\$5,843</u>
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Respectfully submitted,

Frank Williams, Jr.
 Director Youth Bureau

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 \$5,842.25 FROM PARTICIPANTS TO BE USED TO OFFSET THE EXPENSES FOR THE 2016 FATHER DAUGHTER DANCE AND MOTHER SON DANCE AND TO AMEND THE FY 2015/16 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 \$5,843 from participants to be used to offset the expenses for the 2016 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 2015/16 Youth Bureau General Fund as follows:

Increase Estimated Revenue:

F013-06275	Contributions	<u>\$5,843</u>
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Increase Appropriations:

F013-3.011	Program Supplies	\$ 4,143
F013-4.023	Program Services	<u>1,700</u>
		<u>\$5,843</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.

4/2

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

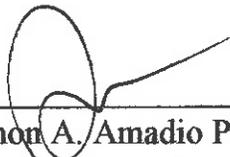
Damon A. Amadio, P.E.
Commissioner

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

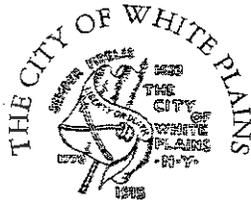
Per referral by the Common Council on May 9, 2016 , the Department of Building has reviewed an amendment dated April 18, 2016 to a previously approved site plan at 125 Westchester Avenue. The applicant, Simon Property Group, has requested permission to make certain exterior modifications to the building.

We have no objection to this amendment being approved.



Damon A. Amadio P.E.
Commissioner of Building

Dated: May 20, 2016
(For the June 6, 2016 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

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

NORMAN DICHIARA, AIA
Chairman

June 1, 2016

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

NICK PUJA
Secretary

**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 24, 2016, reviewed an application for Site Plan amendment to a previously approved Site Plan at 125 Westchester Ave. The applicant, Simon Property is requesting permission to make certain exterior modifications to the building, White Plains, NY.

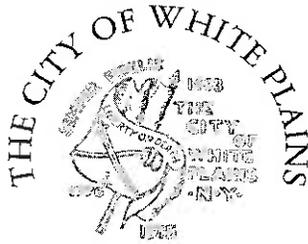
OUTCOME: The Design Review Board recommends approval of the proposed modifications and sign package with the following comment:

1. We understand that the "Savor" sign is conceptual and is associated with identifying the Simon Food hall space. It is not a tenant specific sign. The final design for this sign shall be submitted to the Design Review Board for approval.
2. Board recommends landscaping plan be submitted for approval should future landscaping be considered.
3. Valet paving samples & colors to be submitted for review prior to construction for approval.
4. Feature lighting at Bloomingdale Road entry to be put on dimmers.

Very truly yours,

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

**SUBJECT: THE WESTCHESTER MALL - 125 WESTCHESTER AVENUE
SITE PLAN AMENDMENT TO UPDATE THE FACADE AND SIGNAGE,
REPLACE CERTAIN DOORS AND WINDOWS, AND ADD A NEW OUTDOOR
DINING TERRACE**

PROJECT SITE

The 12.28-acre Westchester Mall property located at 125 Westchester Avenue, has frontage on Armory Place, Westchester Avenue Bloomingdale Road, Maple Avenue, Paulding Street, Hiram Street, and Hale Avenue. Original Site Plan approval was granted by the Common Council on June 17, 1991, and extensions and amendments have been granted since the initial approval. However, the current site plan amendment application represents the first significant renovation since The Westchester Mall opened in 1995.

SITE PLAN AMENDMENT

Applicant, Simon Property Group, submitted an application for site plan amendment to the Common Council (dated April 18, 2016) seeking to make certain site improvements to the property, including: updating the exterior façade finishes, replacing certain doors with automatic sliding doors; replacing certain windows; new exterior signage, including wayfinding signage; shielding of the valet parking area; and removal of windows facing Armory Place to create a covered elevated outdoor common dining area for the restaurants on the renovated top level food hall. The proposed improvements are intended to modernize the building and enhance the shopping experience.

The Common Council referred the application to the Planning Department for evaluation and recommendation on May 2, 2016. The Planning Department has reviewed the application and offers the following comments pertaining to the City's Comprehensive Plan and Section 7.0 (Site Plan Approval) of the Zoning Ordinance.

COMPREHENSIVE PLAN CONSISTENCY

The Westchester Mall is located in the Core Area of the City within the subarea known as the Specialty Retail Area, which is a high fashion and specialty shopping area. According to the 1997 and 2006 Comprehensive Plan, White Plains enjoys a strong competitive position in Westchester County with regard to office and retail markets. The Plan notes that as “shoppers in the region have more shopping location options, it is critical that White Plains maintain its competitive edge, not only by maintaining its convenient access for surrounding communities, but also by providing a positive and entertaining shopping experience.”

Further, the Plan specifically encourages malls and large scale-retailers to provide additional pedestrian entrances and street-level facades to enhance the pedestrian experience. While the current site plan amendment does not include any additional pedestrian entrances to the mall, it will enhance and modernize the existing pedestrian entrance at Armory Place and create an attractive outdoor common dining area oriented to the street consistent with Plan recommendations.

ZONING COMPLIANCE

The Westchester Mall is located in the B-6 Enclosed Mall zoning district. The proposed site plan amendment involves aesthetic and functional improvements to the building, with no proposed changes to the building footprint, floor area, or use. Therefore, the project complies with existing zoning requirements.

CONCLUSION

Based on the foregoing analysis, the Planning Department finds that the application is in compliance with the relevant standards of the Zoning Ordinance and with the Comprehensive Plan. The proposed renovation will enhance the appearance of the mall and help it to maintain a competitive edge in the retail market. The Planning Department recommends that the Common Council approve the application for Site Plan Amendment subject to the following conditions:

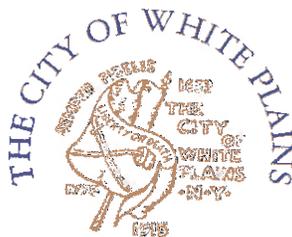
- Approval by the White Plains Corporation Counsel of a license agreement for placement of directional signs (parking, valet parking, handicap parking, service, etc.) within street rights-of-way including Westchester Avenue, Paulding Street, Maple Avenue, Armory Place, Bloomingdale Road and Hale Avenue. Such license agreement shall be approved prior to the issuance of a Building Permit for the directional signs.
- The existing, pole-mounted, directional signs (parking, valet parking, handicap parking, service, etc.) and pole-mounted “W” Logo signs located within street rights-of-way at various locations around the project will be superseded by the new directional signs and should be removed prior to the issuance of a Certificate of Occupancy for the new signage installation.
- For project uniformity, it is recommended that “The Westchester” signage above the Hale Avenue garage entrance also be changed to the new design aesthetic.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris N. Gomez", with a long horizontal flourish extending to the right.

Christopher N. Gomez, AICP
Commissioner of Planning

Dated May 24, 2016
(For the June 6, 2016 Common Council Meeting)



PLANNING BOARD

MUNICIPAL BUILDING · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601

(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

May 23, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE WESTCHESTER MALL - 125 WESTCHESTER AVENUE – SITE PLAN AMENDMENT TO UPDATE THE FACADE AND SIGNAGE, REPLACE CERTAIN DOORS AND WINDOWS, AND ADD A NEW SECOND FLOOR OUTDOOR DINING TERRACE

At its meeting of May 17, 2016, the Planning Board reviewed the application by Simon Properties for a site plan amendment to make certain changes to its Westchester Mall Property. This is the first significant upgrade to the building since the mall opened in 1995. The changes involve new signage, changes to the color of mullions on fenestration, visibility of the valet area, converting the doorway on Armory Place to a sliding door, and most substantially, the removal of windows on the third floor of the building to create a communal outdoor dining area facing Armory Place and Tibbits Park. In addition, the interior of the building will be updated.

The Board is supportive of the proposed changes and recommends approval of the application for site plan amendment. The Board notes that in 2002, it approved a special use permit application made by AT&T for a cellular installation at The Westchester. The installation involved mounting eight antennas onto the facade of the parapet wall fronting on Armory Place and Westchester Avenue within a decorative enclosure that matches the existing parapet wall. The Board recommends that the applicant investigate whether the proposed changes will impact the antennas or the stealth enclosure in which they are located.

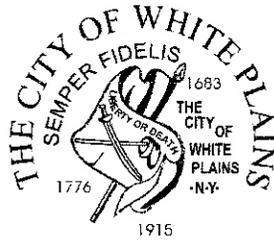
Planning Board members voting in favor of recommending approval of the site plan amendment: M. Quinn, A. Cabrera, J. Durante, J. Ioris, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: L. Oliva (1)

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

DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

The Westchester
125 Westchester Avenue
Site Plan Amendment Exterior

David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: May 24, 2016



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed an application submitted on behalf of The Simon Group (“Applicant”), for issuance of a Site Plan Amendment, dated April 18, 2016, to a previously approved site plan at 125 Westchester Avenue for exterior modifications to the building.

The Department of Public Works has reviewed materials submitted by Paul B. Bergins, Attorney at Law, on behalf of Simon Property Group. Included with the submittal are the Architectural plan set, last revised 4/18/16, as prepared by JPRA Architects and cover letter from Paul B. Bergins, Attorney at Law, dated April 18, 2016.

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

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: June 6, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

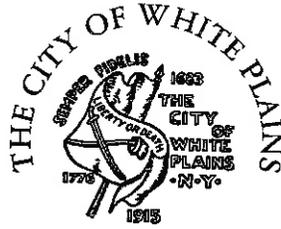
The Department of Parking/ Traffic Division has reviewed the site plan amendment from The Westchester at 125 Westchester Avenue for exterior modifications which was referred by the Common Council on May 9, 2016.

The Department of Parking/ Traffic Division has the following comments on the exterior and valet area signs:

1. Correct the sign designation (two different signs are "BO1") on page 5.
2. The sign on page 23 must read "VALET & DROP OFF".
3. Separate dimensional drawings (page 25) for both 4.5 and 6 inch letter height signs must be shown and dimensioned properly.
4. The legality of displaying the mall name (The Westchester) in the right-of-way must be determined.

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

Dated: May 25, 2016
(for the June 6, 2016 Common Council Meeting)



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

THOMAS M. ROACH
MAYOR

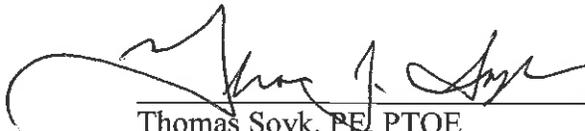
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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

The Transportation Commission, at its meeting held on March 16, 2016, reviewed a request for a site plan amendment from Simon Properties, for The Westchester, as referred by the Common Council on May 10, 2016.

The Transportation Commission had the following comments:

- Dimensions and details for exterior signs on pages 5 and 25 must be corrected.
- A legal review of the display of the mall name on top of the signs located on city right-of-way guide signs is recommended.



Thomas Soyk, PE, PTOE
Acting Chairman

Dated: May 26, 2016 (for the June 6, 2016 Common Council Meeting)

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #56 Simon Property The Westchester
125 Westchester Avenue
Site Plan Amendment, Exterior

The Department of Parking has received and reviewed the above-noted Site Plan Amendment.

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

Respectfully submitted,


John P. Larson, Commissioner
CWP – Department of Parking

Date: June 1, 2016

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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 26, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE WESTCHESTER MALL
125 WESTCHESTER AVENUE,
SITE PLAN AMENDMENT TO UPDATE THE FACADE AND SIGNAGE, REPLACE
CERTAIN DOORS AND WINDOWS, AND ADD A NEW SECOND FLOOR
OUTDOOR DINING TERRACE

The application submitted on behalf of Simon Property Group, for an amendment to a previously approved site plan for The Westchester Mall at 125 Westchester Avenue (Proposed Action”), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves site improvements to the existing property, including: updating the exterior façade finishes, replacing certain doors with automatic sliding doors; replacing certain windows; new exterior signage, including wayfinding signage; shielding of the valet parking area; and removal of windows on the third floor, facing Armory Place to create a covered outdoor common dining area for the restaurants on the food court level. The proposed improvements are intended to modernize the building and make it more attractive.

The 12.28-acre property located at 125 Westchester Avenue, has frontage on Armory Place, Westchester Avenue Bloomingdale Road, Maple Avenue, Paulding Street, Hiram Street, and Hale Avenue.

The Westchester is a regional mall that includes Neiman Marcus and Nordstrom as primary anchors. Site Plan approval for the mall was granted by the Common Council on June 17, 1991 and The Westchester Mall opened in 1995.

The Applicant has submitted the following materials in support of the Proposed Action ("Application Materials"):

1. A cover letter prepared by Paul Bergins, dated April 18, 2016.
2. Site plan drawings generally titled “The Westchester Renovation, Site Plan Amendment Submittal, Part A. Technical Drawings,” prepared by JPRA Architects, consisting of:

Drawing Nos. AS0.01, A1.0P2, A1.0P2, A6.01and A6.03, dated April 18, 2016.

Drawing Nos. A6.02, A6.10, A8.01, A8.02and A8.03 dated April 15, 2016.

3. Site plan drawings generally titled “The Westchester, Site Plan Amendment Submittal, Part B.

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Renderings and Photographs,” Drawing Nos. 1- 11, prepared by JPRA Architects, dated February 23, 2016.

4. Site plan drawings generally titled “The Westchester, Site Plan Amendment Submittal, Part C. Exterior Signage and Wayfinding,” Nos. 1- 26, prepared by Selbert Perkins Design Collaborative, dated 23 February 2016.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included 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"):

1. Approval by the White Plains Corporation Counsel of a license agreement for placement of directional signs (parking, valet parking, handicap parking, Service, etc.) within street rights-of-way including Westchester Avenue, Paulding Street, Maple Avenue, Armory Place, Bloomingdale Road and Hale Avenue. Such license agreement shall be approved prior to the issuance of a Building Permit for the directional signs.
2. The existing, pole-mounted, directional signs (parking, valet parking, handicap parking, Service, etc.) and pole-mounted “W” Logo signs located within street rights-of-way at various locations around the project will be superseded by the new directional signs and the existing signage should be removed prior to the issuance of a Certificate of Completion for the new signage installation,
3. For project uniformity, it is recommended that “The Westchester” signage above the Hale Avenue garage entrance also be changed to the new design.

Based on the above, it is recommended that the Common Council (a) declare itself to be the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action under SEQR regulations; 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 1997 Comprehensive Plan, as amended in 2006 (“Comprehensive Plan”) and the White Plains Zoning Ordinance Zoning Ordinance.

Comprehensive Plan Consistency

The Comprehensive Plan recognizes The Westchester Mall’s role as a major retail facility and significant contributor to the City’s role as a regional center.

The Westchester Mall is located in the Core Area of the City within the subarea known as the Specialty Retail Area, which is a high fashion and specialty shopping area. According to the Comprehensive Plan, White Plains enjoys a strong competitive position in Westchester County with regard to office and retail markets. The Plan notes that as “shoppers in the region have more shopping location options, it is critical that White Plains maintain its competitive edge, not only by maintaining its convenient access for surrounding communities, but also by providing a positive and entertaining shopping experience.”

Further, the Plan specifically encourages malls and large scale-retailers to provide additional

pedestrian entrances and street-level facades to enhance the pedestrian experience. While the current site plan amendment does not include any additional pedestrian entrances to the mall, it will enhance and modernize the existing pedestrian entrance at Armory Place and create an attractive 3rd Floor outdoor common dining area oriented to the street consistent with Plan recommendations.

Zoning

The Westchester Mall is located in the B-6 Enclosed Mall zoning district. The proposed site plan amendment involves aesthetic improvements to the building, but no proposed changes to the building footprint, floor area, land use, site pedestrian or vehicular circulation.

The Proposed Action does not represent any changes in uses or building floor area that would change the existing requirement for off-street parking, or affect the number of parking spaces currently available in the on-site parking garage.

Therefore, the project complies with zoning requirements.

- (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 or drainage problems.

Again, the proposed site plan amendment involves aesthetic improvements to the building, but no proposed changes to the building footprint, floor area, land use, site pedestrian or vehicular circulation.

- (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.

The Proposed Action does not involve any significant changes to the site layout or landscaping.

- (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 site plan amendment involves aesthetic improvements to the building.

- (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.
- (g) The Proposed Action will not result in a significant increase of land use intensity.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.
- (i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

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

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A SITE PLAN AMENDMENT
FOR THE WESTCHESTER MALL AT 125 WESTCHESTER AVENUE, ON BEHALF OF THE
SIMON PROPERTY GROUP, TO UPDATE THE FACADE AND SIGNAGE, AND ADD A NEW
SECOND FLOOR OUTDOOR DINING TERRACE

WHEREAS, the application submitted on behalf of Simon Property Group, for an amendment to a previously approved site plan for The Westchester Mall at 125 Westchester Avenue (Proposed Action”), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves site improvements to the existing property, including: updating the exterior façade finishes, replacing certain doors with automatic sliding doors; replacing certain windows; new exterior signage, including wayfinding signage; shielding of the valet parking area; and removal of windows on the third floor, facing Armory Place to create a covered outdoor common dining area for the restaurants on the food court level. The proposed improvements are intended to modernize the building and make it more attractive; and

WHEREAS, the 12.28-acre property located at 125 Westchester Avenue, has frontage on Armory Place, Westchester Avenue Bloomingdale Road, Maple Avenue, Paulding Street, Hiram Street, and Hale Avenue; and

WHEREAS, The Westchester is a regional mall that includes Neiman Marcus and Nordstrom as primary anchors. Site Plan approval for the mall was granted by the Common Council on June 17, 1991 and The Westchester Mall opened in 1995; and

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

1. A cover letter prepared by Paul Bergins, dated April 18, 2016.
2. Site plan drawings generally titled “The Westchester Renovation, Site Plan Amendment Submittal, Part A. Technical Drawings,” prepared by JPRA Architects, consisting of:

Drawing Nos. AS0.01, A1.0P2, A1.0P2, A6.01 and A6.03, dated April 18, 2016.

Drawing Nos. A6.02, A6.10, A8.01, A8.02 and A8.03 dated April 15, 2016.
3. Site plan drawings generally titled “The Westchester, Site Plan Amendment Submittal, Part B. Renderings and Photographs,” Drawing Nos. 1- 11, prepared by JPRA Architects, dated February 23, 2016.
4. Site plan drawings generally titled “The Westchester, Site Plan Amendment Submittal, Part C. Exterior Signage and Wayfinding,” Nos. 1- 26, prepared by Selbert Perkins Design Collaborative, dated 23 February 2016; and

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included 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"):

1. Approval by the White Plains Corporation Counsel of a license agreement for placement of directional signs (parking, valet parking, handicap parking, Service, etc.) within street rights-of-way

including Westchester Avenue, Paulding Street, Maple Avenue, Armory Place, Bloomingdale Road and Hale Avenue. Such license agreement shall be approved prior to the issuance of a Building Permit for the directional signs.

2. The existing, pole-mounted, directional signs (parking, valet parking, handicap parking, Service, etc.) and pole-mounted "W" Logo signs located within street rights-of-way at various locations around the project will be superseded by the new directional signs, and the existing signage should be removed prior to the issuance of a Certificate of Completion for the new signage installation.
3. For project uniformity, it is recommended that "The Westchester" signage above the Hale Avenue garage entrance also be changed to the new design; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency (a) declare itself to be the Lead Agency for the environmental review of the Proposed Action; (b) determine that the Proposed Action is an Unlisted Action under SEQR regulations at 6 NYCRR §617.; and (c) find that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the application and reports from the various City departments, boards and agencies; now, therefore, be it

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

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

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

- (a) The Proposed Action is consistent with the 1997 Comprehensive Plan, as amended in 2006 ("Comprehensive Plan") and the White Plains Zoning Ordinance.

Comprehensive Plan Consistency

The Comprehensive Plan recognizes The Westchester Mall's role as a major retail facility and significant contributor to the City's role as a regional center.

The Westchester Mall is located in the Core Area of the City within the subarea known as the Specialty Retail Area, which is a high fashion and specialty shopping area. According to the Comprehensive Plan, White Plains enjoys a strong competitive position in Westchester County with regard to office and retail markets. The Plan notes that as "shoppers in the region have more shopping location options, it is critical that White Plains maintain its competitive edge, not only by

maintaining its convenient access for surrounding communities, but also by providing a positive and entertaining shopping experience.”

Further, the Plan specifically encourages malls and large scale-retailers to provide additional pedestrian entrances and street-level facades to enhance the pedestrian experience. While the current site plan amendment does not include any additional pedestrian entrances to the mall, it will enhance and modernize the existing pedestrian entrance at Armory Place and create an attractive 3rd Floor outdoor common dining area oriented to the street consistent with Plan recommendations.

Zoning

The Westchester Mall is located in the B-6 Enclosed Mall zoning district. The proposed site plan amendment involves aesthetic improvements to the building, but no proposed changes to the building footprint, floor area, land use, site pedestrian or vehicular circulation.

The Proposed Action does not does not represent any changes in uses or building floor area that would change the existing requirements for off-street parking, or affect the number of parking spaces currently available in the on-site parking garage.

Therefore, the project complies with zoning requirements.

- (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 or drainage problems.

Again, the proposed site plan amendment involves aesthetic improvements to the building, but no proposed changes to the building footprint, floor area, land use, site pedestrian or vehicular circulation.

- (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.

The Proposed Action does not involve any significant changes to the site layout or landscaping.

- (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 site plan amendment involves aesthetic improvements to the building.

- (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.
- (g) The Proposed Action will not result in a significant increase of land use intensity.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

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

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

RESOLVED, that the Environmental Officer is directed 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 THE SIMON GROUP PROPERTY, OWNER AND OPERATOR OF THE WESTCHESTER MALL IN WHITE PLAINS, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN FOR THE WESTCHESTER MALL AT 125 WESTCHESTER AVENUE TO UNDERTAKE VARIOUS EXTERIOR MODIFICATIONS TO THE BUILDING, INCLUDING UPDATING THE EXTERIOR FACADE FINISHES, REPLACING CERTAIN DOORS WITH AUTOMATIC SLIDING DOORS, REPLACING CERTAIN WINDOWS, A NEW SECOND FLOOR OUTDOOR TERRACE DINING AREA ORIENTED TOWARDS THE INTERSECTION OF WESTCHESTER AVENUE AND SOUTH BROADWAY, SHIELDING OF THE VALET PARKING AREA, NEW EXTERIOR SIGNAGE, AND NEW VEHICULAR AND PEDESTRIAN WAY-FINDING SIGNAGE.

WHEREAS, on June 17, 1991, the Common Council of the City of White Plains adopted a resolution granting the application of the then owner Fashion Mall Partners L.P. for Site Plan approval of the proposed Fashion Mall (now known as "The Westchester Mall") located at 125 Westchester Avenue which incorporated exterior, architectural facade design and signage details for the regional retail facility; and

WHEREAS, by resolution adopted May 4, 1992, the Common Council granted amended Site Plan approval for The Westchester Mall; and

WHEREAS, the approval of the amendments to the Site Plan was based upon the following drawings by RTKL Architects, all dated March 30, 1992, and numbered and entitled as follows:

<u>Number</u>	<u>Title</u>
SP-01	Site Plan Modifications
SP-02	Site Plan Modifications

<u>Number</u>	<u>Title</u>
SP-03	Site Plan Modifications
SP-04	Site Plan Modifications
SP-05	Building Elevations
SP-06	Truck Dock Maneuvering Diagrams; and

WHEREAS, The Westchester Mall opened in 1995, with Neiman Marcus and Nordstrom as primary anchors; and

WHEREAS, the Common Council, by a resolution adopted February 2, 1998, approved the application of the Fashion Mall Partners, L.P., for an amendment to the previously approved amended Site Plan for the enclosed mall at 125 Westchester Avenue; and

WHEREAS, the aforementioned amendment to the Site Plan adopted February 2, 1998, included the construction of a new restaurant (PF Chang's Restaurant) within existing parking and entranceway areas on level R1/P3; removal of a pedestrian entrance along Westchester Avenue; a revised determination for the required off-street parking spaces; the removal of existing parking spaces; revisions to the architectural facade; and alteration of existing public access to parking facilities which serve nearby commercial uses along Westchester Avenue; and

WHEREAS, the Common Council, at its meeting of May 9, 2016, received a communication from the Commissioner of Building, dated April 27, 2016, transmitting an

application, submitted on behalf of Simon Group Property (“Applicant”), now owner and operator of the Westchester Mall in White Plains, for an amendment to an approved Site Plan (“Application”), in accordance with Section 7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), for the Westchester Mall located at 125 Westchester Avenue, to undertake various exterior modifications to the building, including updating the exterior facade finishes, replacing certain doors with automatic sliding door, replacing certain windows, a new second floor outdoor terrace dining area oriented towards the intersection of Westchester Avenue and South Broadway, new exterior signage, shielding of the valet parking area, and new vehicular and pedestrian way-finding signage; and

WHEREAS, specifically, the Applicant seeks the following alterations:

1. Simplification and updating of overall exterior design by removal of obsolete decorative metal grilles;
2. Re-coating of all existing green-colored metal framing and louvers with new dark bronze or similar color coating formulated for refinishing aluminum, composed of the same type of high-performance materials as the original;
3. Replacement of the existing swinging entrance doors at the Armory Place entrance with new automatic sliding entrance doors;

4. Replacement of the existing green aluminum framing, glass and signage and logo at the Westchester Avenue vehicular entrance with dark bronze aluminum framing and back-lit translucent white glass, and sign band and updated corporate logo; existing masonry planter walls will be repaired and overgrown landscaping replaced;

5. New signage and logo at Paulding Avenue vehicular entrance/exit;

6. At the valet drop-off and customer entrance facing Paulding Street where it passes underneath the building, new automatic sliding glass doors and sign, new stone veneer wall facing, new colored textured concrete driveway and sidewalk paving, new translucent back-lit glass and stone veneer column enclosures, and new translucent glass and stainless steel visual screens on stone veneer bases to obscure view of loading docks from the drop-off;

7. Removal of existing windows and decorative column enclosures facing Bloomingdale Road behind the existing 4th retail level food court, and exterior awnings at grade level. As part of the Food Hall reconstruction, a covered terrace dining area within the 4th level existing building footprint will be created, with a glass and stainless steel guard rail at the former window openings and an identity sign located above the center opening; the terrace will be separated from the interior by a folding glass partition recessed 15-20 feet from the exterior wall, and a high quality simulated wood veneer slat ceiling will be partially visible from street level; and

8. Replacement and additions to building and site identity and wayfinding signage

within the building and in certain locations on the site perimeter to reflect the updated logo and mall modernization, and to improve customer orientation and convenience; and

WHEREAS, the proposed alterations are part of an overall renovation that also includes a comprehensive updating of finish materials and colors in the interior public spaces, new Food Hall interior, energy-efficient upgraded lighting, repainting and new graphics and signage in the parking levels, and new automatic sliding entrance doors at the vestibule connecting the parking and retail areas; the building exterior will also be cleared; and

WHEREAS, when completed, the proposed alterations will provide a significantly improved exterior appearance and a modern and appealing shopping experience; and

WHEREAS, the Applicant is the owner and operator of said property located at 125 Westchester Avenue and designated on the Tax Assessment Map of the City of White Plains as Section 126.69, Block 5, Lots 3.6001 and 3.6002 (“the premises”); and

WHEREAS, the premises are situated within a B-6 Zoning District where stores for sale at retail or performance of customary personal service or services clearly incident in retail sales are permitted principal uses; and

WHEREAS, the Application includes the following documents:

A. A cover letter dated April 18, 2016, from Paul B. Bergins, Esq., transmitting the Application and describing same;

B. Short Form Building Permit Application, dated April 18, 2016, affirmed by Paul B. Bergins, Esq.;

C. Short Environmental Assessment Form (EAF), dated April 18, 2016, affirmed by Paul B. Bergins, Esq.;

D. Site Plan drawings generally titled, "The Westchester Renovation, Site Plan Amendment Submittal, Part A Technical Drawings," prepared by JPRA Architects, consisting of the following drawings:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
	Cover Sheet	04/18/2016
AS0.01	Architectural Site Plan	04/18/2016
A1.0P2	Composite Second Level Parking Plan	04/18/2016
A6.01	Exterior Building Elevations	04/18/2016
A6.02	Exterior Building Elevations	04/18/2016
A6.03	Enlarged Armory Place Elevation&Details	04/18/2016
A6.10	Bloomington Enhanced Entry Plan Elevation Section&Details	04/18/2016

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
A8.01	Enlarged Paulding Street Valet Plan & Reflected Ceiling Plan	04/18/2016
A8.02	Enlarged Paulding Street Valet Elevations & Building Sections	04/18/2016
A8.03	Paulding Valet Enlarged Sections & Details	04/18/2016; and

E. Site Plan drawings generally titled “The Westchester Renovation, Site Plan Amendment Submittal, Part B, Renderings and Photographs, prepared by JPRA Architects, consisting of the following drawings:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
1	Cover Page	04/18/2016
2	Proposed Concept at Vehicular Entry “A”	04/18/2016
3	Floor Plan of New Valet Entrance	04/18/2016
4	View of New Valet Entrance	04/18/2016
5	View of New Valet Arrival	04/18/2016
6	View of New Valet Arrival	04/18/2016
7	Existing Food Court Exterior View	04/18/2016
8	View of New Dining Terrace	04/18/2016
9	Westchester Ave. Facade Alterations	04/18/2016
10	Paulding Street Entrance from Westchester Ave	04/18/2016
11	Armory Place Entrance Alterations	04/18/2016; and

F. Site Plan drawings generally titled “The Westchester, Site Plan Amendment Submittal, Part C, Exterior Signage and Wayfinding,” prepared by Selbert Perkins Design Collaborative, consisting of the following drawings:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
1	Cover	04/18/2016
2	Sign A01.1&A0.1.2 Building Entrance Sign at Valet & Building Entrance Sign at Armory Place	04/18/2016
3	Signs A01.5 & A02.1 Food Hall Identity & Building Entrance & Sign at Bloomingdale Road	04/18/2016
4	Signs A02.2&A0.5 Parking Entrance Sign at Westchester Ave. & Valet Pylon Sign	04/18/2016
5	Signs A17&A22 Valet Entrance Identity & Monument	04/18/2017
6	Signs A24 & B01 Valet/Parking Pylon Sign & Exterior Directional Sign	04/18/2016
7	Key Plan	04/18/2016
8	Sector B Plan-Level 1	04/18/2016
9	Sector A Plan-Site	04/18/2016
10	Sector B Plan-Level 2/Site	04/18/2016
11	Sector C Plan-Level 2/Site	04/18/2016
12	Sector D Plan-Level 2/Site	04/18/2016
13	Sector E Plan-Level 2/Site	04/18/2016
14	Sector C Plan-Level 3	04/18/2016

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
15	Sector D Plan-Level 2	04/18/2016
16	Sector D Plan-Level 4	04/18/2016
17	Sector D Plan-Food Hall Level	04/18/2016
18	Sign A0.1.1 Building Entrance Sign at Valet	04/18/2016
19	Sign A0.1.2 Building Entrance Sign At Armory Place	04/18/2016
20	Sign A02.1 Building Entrance Sign at Bloomingdale Road	04/18/2016
21	Sign A02.2 Parking Entrance Sign at Westchester Avenue	04/18/2016
22	Sign A0.5 Valet Pylon Sign	04/18/2016
23	Sign A17 Valet Overhead Sign	04/18/2016
24	Sign A22 Monument Sign	04/18/2016
25	Sign A24 Valet/Parking Pylon Sign	04/18/2016
26	Sign B01 Exterior Directional Sign	04/18/2016
27	Sign A01.5 Food Hall Sign	04/18/2016; and

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

WHEREAS, in connection with the Application, the Common Council, at a meeting

held on June 6, 2016, received communications from the Commissioner of Building, dated May 20, 2016; the Commissioner of Planning, dated May 24, 2016; the Commissioner of Public Safety, dated May 24, 2016; the Commissioner of Public Works, dated June 6, 2016; the Commissioner of Parking, dated June 1, 2016; the Deputy Commissioner of Parking for Transportation Engineering, dated May 25, 2016; the Chair of the Planning Board, dated May 23, 2016; the Chair of the Design Review Board, dated June 1, 2016; the Acting Chair of the Transportation Commission, dated May 26, 2016; and the Environmental Officer, dated May 26, 2016; and

WHEREAS, in connection with the amended Site Plan Application, the Common Council, at its June 6, 2016 meeting, declared itself Lead Agency for the environmental review of this project pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), classified this proposal as an Unlisted Action and undertook an environmental review of the proposed action pursuant to SEQRA, adopted environmental findings, including a negative declaration; and

WHEREAS, the proposed amended Site Plan Application is in full compliance with the applicable requirements of the B-6 Enclosed Mall Zoning District and is consistent with the Zoning Ordinance and the 1997 Comprehensive Plan and its amendments thereto adopted by the Common Council on July 11, 2006; and

WHEREAS, the Common Council has reviewed and considered comments from various City departments, boards, commissions, agencies, and officers and has reviewed and

considered the amended Site Plan Application with respect to the standards set forth in Section 7.5 of the Zoning Ordinance.

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

1. The Westchester Mall is located in the Core Area of the City of White Plains within the subarea known as the Speciality Retail Area, which is a high fashion and speciality shopping area. The Comprehensive Plan recognizes The Westchester Mall's role as a major retail facility and significant contributor to the City's role as a regional center. According to the 1997 Comprehensive Plan and the 2006 Plan Update, adopted July 11, 2006, White Plains enjoys a strong competitive position in Westchester County with regard to office and retail markets. The Comprehensive Plan notes that as "shoppers in the region have more shopping location options, it is critical that White Plains maintain its competitive edge, not only by maintaining its convenient access for surrounding communities, but also by providing a positive and entertaining shopping experience."

2. The Comprehensive Plan specifically encourages malls and large scale retailers to provide additional pedestrian entrances and street-level facades to enhance the pedestrian experience. While the instant Site Plan amendment Application does not include any additional pedestrian entrances to the mall, it will enhance and modernize the existing pedestrian entrance at Armory Place and create an attractive outdoor common dining area oriented to the street consistent

with Comprehensive Plan recommendations.

3. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed amended Site Plan Application to undertake various site improvements and alterations to the property, including updating the exterior facade finishes, replacing certain doors with automatic sliding doors, replacing certain window, new exterior signage, including wayfinding signage, shielding the valet parking area, and removal of windows facing Armory Place to create a covered elevated outdoor common dining area for the restaurants on the renovated top level Food Hall conforms with the B-6 Zoning District height, bulk and density requirements. The proposed amendment to the Site Plan involves aesthetic and functional improvements to the building, with no proposed changes to the building footprint, floor area, land use, site pedestrian or vehicular circulation. The proposed amendment to the Site Plan does not contain any changes in uses or building floor area that would change the existing requirement for off-street parking, or affect the number of parking spaces currently available in the on-site parking garage. Therefore, the proposed amendment to the Site Plan Application complies with existing zoning requirements.

4. 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 of the Traffic Department and Traffic Commission. This Finding specifically includes, and is not limited to, consideration of: the effect of the alterations and improvements on the traffic conditions on existing "streets"; vehicular and

pedestrian access drives and walkways; visibility at all exit points of the site, including Westchester Avenue, Bloomingdale Road, Paulding Avenue, Armory Place, Maple Avenue, Hiram Street, and Hale Avenue; arrangements for and on and off-street parking facilities; the location, arrangement and adequacy of loading spaces; patterns of vehicular and pedestrian circulation; facilities for the physically challenged; and the adequacy of emergency access.

5. The design of these alterations and improvements are 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.

6. In accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration and recommendation of the Design Review Board, the architectural design of the alterations and improvements for the existing shopping mall will enhance and protect the character and property values of the neighborhood; now, therefore, be it

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Section 7.5 of the Zoning Ordinance have been satisfied and that the amended Site Plan Application be and hereby is granted, subject to the following conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated May 24, 2016, prior to the issuance of a Building Permit, the Applicant shall submit to the Corporation Counsel for approval a license agreement for the placement of directional

signs (parking, valet parking, handicap parking, service, etc.) within street rights-of-way, including Westchester Avenue, Paulding Street, Maple Avenue, Armory Place, Bloomingdale Road and Hale Avenue.

2. As per the recommendation set forth in the communication of the Commissioner of Planning dated May 24, 2016, the existing pole-mounted, directional signs (parking, valet parking, handicap parking, service, etc.) and pole-mounted “W” Logo signs located within street rights-of-way at various locations around the project will be superseded by the new directional signs and shall be removed prior to the issuance of a Certificate of Occupancy for the signage installation.

3. As per the recommendation set forth in the communication of the Commissioner of Planning dated May 24, 2016, for project uniformity, “The Westchester” signage above the Hall Avenue garage entrance also be changed to the new design aesthetic.

4. As per the recommendation set forth in the communications of the Deputy Commissioner of Parking for Transportation Engineering, dated May 25, 2016, and the Acting Chair of the Transportation Commission, dated May 26, 2016, the Applicant shall correct the sign designation (two different signs are designated “B01”) on page 5, Site Plan drawings generally titled “The Westchester Renovation”, Site Plan Amendment Submittal, Part B, Renderings and Photographs, prepared by JPRA Architects, and submit such revised drawing to the Deputy Commissioner of Parking within sixty (60) days of adoption of this approval resolution herein.

5. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated May 25, 2016, the Applicant shall revise the sign on page 23 of the Site Plan drawings generally titled “The Westchester, Site Plan Amendment Submittal, Part C, Exterior Signage and Wayfinding,” prepared by Selbert Perkins Design Collaborative, to read “VALET & DROP OFF,” and submit such revised drawing to the Deputy Commissioner of Parking within sixty (60) days of adoption of this approval resolution herein.

6. As per the recommendation set forth in the communications of the Deputy Commissioner of Parking for Transportation Engineering dated May 25, 2016, and the Acting Chair of the Transportation Commission dated May 26, 2016, separate dimension drawings (page 25 of the Site Plan drawings generally titled “The Westchester, Site Plan Amendment Submittal, Part C, Exterior Signage and Wayfinding,” prepared by Selbert Perkins Design Collaborative), for both 4.5 and 6 inch letter height signs must be shown and dimensioned properly. The Applicant shall submit to the Deputy Commissioner of Parking for Transportation Engineering said revised drawings within sixty (60) days of adoption of this approval resolution herein.

7. As per the recommendation set forth in the communications of the Deputy Commissioner of Parking for Transportation Engineering, dated May 25, 2016 and the Acting Chair of the Transportation Commission, dated May 26, 2016, the Applicant shall undertake a legal review of the display of the Westchester Mall name on top of the signs located on City right-of-way guide signs and submit same to the Corporation Counsel for review and a determination within sixty (60)

days of adoption of this approval resolution herein.

8. As per the recommendation set forth in the communication of the Chair of the Planning Board's communication dated May 23, 2016, the Board notes that in 2002, it approved a special use permit application made by AT&T for a cellular installation at The Westchester. The installation involved mounting eight (8) antennas onto the facade of the parapet wall fronting Armory Place and Westchester Avenue with a decorative enclosure that matches the existing parapet wall. The Applicant shall investigate whether the proposed changes will impact the antennas or the stealth enclosure in which they are located.

9. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated May 25, 2016, the "Savor" sign is conceptual and is associated with identifying the Simon Food Hall space. It is not a tenant specific sign. The final design for this sign shall be submitted to the Design Review Board for approval prior to the issuance of a Building Permit.

10. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated May 25, 2016, the Applicant shall submit a landscaping plan for approval should future landscaping be considered.

11. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated May 25, 2016, valet paving samples and colors shall be submitted by

the Applicant to the Design Review Board for review and approval prior to the issuance of a Building Permit.

12. As per the recommendation set forth in the communication of the Chair of the Design Review Board dated May 25, 2016, feature lighting at the Bloomingdale Road entry of the Westchester Mall shall be put on dimmers.

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

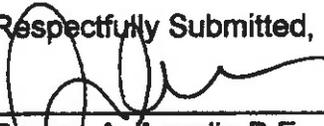
Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per Common Council referral the Department of Building reviewed a request by 120 Bloomingdale Road LLC (the owner of the property) for an extension to the Site Plan and Special Permit approval for the their project at 120 Bloomingdale Road also known as "Heritage White Plains" (formally known as "The Venue") .

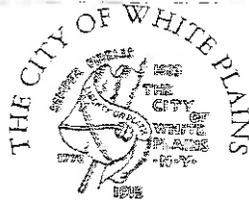
This department has no objection to this extension being granted.

Respectfully Submitted,



Damon A. Amadio P.E.
Commissioner of Building

Dated: June 2, 2016
(for the June 6, 2016 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 DICHLARA, AIA
Chairman

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

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

NICK PUJA
Secretary

April 14, 2016

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on April 11, 2016, reviewed a request by 120 Bloomingdale Road LLC for an extension to the site plan and special permit approval for their project at 120 Bloomingdale Rd also known as "Heritage White Plains" (formally known as "The Venue") , White Plains, NY.

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

Kent Johnsson

Kent Johnsson, Member
Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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PLANNING DEPARTMENT

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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HERITAGE WHITE PLAINS (F/K/A THE VENUE)
120 BLOOMINGDALE ROAD
(SECTION 131.21, BLOCK 3, LOT 2.11)
APPLICATION FOR AN EXTENSION TO SITE PLAN AND SPECIAL PERMIT APPROVALS

Application

By letter dated March 16, 2016, William Null, on behalf of 120 Bloomindale Road LLC (the "Applicant"), submitted an application for the extension of a Special Permit (for outdoor dining) and Site Plan approval that was granted by the Common Council in on May 7, 2013 and most recently extended on June 1, 2015, for development of a retail and restaurant space known as "The Heritage" (formally known as "The Venue"). The majority of the site comprises 5.8 acres of land on the westerly side of Bloomindale Road, southerly of Maple Avenue and northerly of Mamaroneck Avenue, and is located in the B-1 "S" District pursuant to the Zoning Ordinance of the City of White Plains. In addition, the site includes a 0.87 acre piece of land situated along Hale and Carhart Avenues in the R2-2.5 Zoning District, and used as an accessory parking lot for the existing office tenants. The Planning Department has reviewed the application, and offers the following comments and recommendations for Common Council consideration.

Project Summary

The Applicant proposes to construct 46,843 square feet of retail space, 6,000 square feet of restaurant space (outdoor dining), and a 334 space parking structure. No changes are proposed to the approved plan. In addition, there have been no significant changes to the

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surrounding neighborhood that would affect prior approvals or findings contained in the 2013 Full-EAF, including traffic volumes.

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 2017 for the site plan and special permit approvals for the Heritage project subject to all conditions contained in the previous approvals dated May 7, 2013, July 7, 2014, February 3, 2015, and June 1, 2015.

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: April 21, 2016
For the May 9, 2016 Common Council Meeting



PLANNING BOARD

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

April 20, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HERITAGE WHITE PLAINS - 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

At its meeting of April 19, 2016, the Planning Board reviewed the application by 120 Bloomingdale Road LLC, for a one year renewal of a special permit and site plan for the Heritage White Plains project, formerly known as The Venue, to be constructed at 120 Bloomingdale Road.

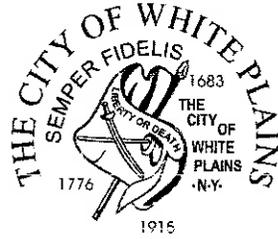
The Planning Board was advised that, although the project name has changed, the project remains the same as the plan that was approved by the Common Council in 2013. The Board voted unanimously in favor of a motion to find no objection to the renewal of a Special Permit and Site Plan approval for Heritage White Plains.

Planning Board members voting in favor of the motion to find no objection to renewal of the Special Permit and Site Plan Approval were: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

Respectfully submitted,

MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board

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

DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

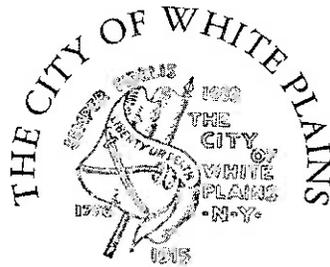
120 Bloomingdale Road, LLC
Heritage White Plains
Site Plan Extension



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: April 20, 2016



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed 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 eight 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.

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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 black ink, appearing to read "Richard G. Hope", with a long horizontal flourish extending to the right.

Richard G. Hope
Commissioner of Public Works

Dated: May 2, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

The Department of Parking/ Traffic Division has reviewed the request an extension of the resolution granting Site Plan approval originally adopted on May 5, 2008 for 120 Bloomingdale Road (Heritage White Plains) and referred by the Common Council on April 4, 2016.

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

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

Dated: April 7, 2016
(for the May 2, 2016 Common Council Meeting)

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

THOMAS M. ROACH
MAYOR

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

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

The Traffic Commission, at its meeting held on April 20, 2016 reviewed the request for a site plan and special permit extension from The Venue, (120 Bloomingdale Road), as referred by the Common Council on April 5, 2016.

The Transportation Commission had no objections to the extension.


Thomas Soyk
Acting Chairman

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

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #53 – 120 Bloomingdale Road, LLC
Heritage White Plains Site Plan Extension

The Department of Parking has received and reviewed the above-noted Site Plan Extension for 120 Bloomingdale Road LLC Heritage White Plains.

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

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: April 28, 2016



CONSERVATION BOARD

70 Church Street, White Plains, New York 10601

(914) 422-1300 • FAX: (914) 422-1301

E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

ANDREW BERGER
ACTING CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER

ROD JOHNSON
STAFF

Date: April 18, 2016

To: The Honorable Mayor, Thomas M. Roach, and Members of the Common Council.

Subject: 120 Bloomingdale Road LLC.
Heritage White Plains (f/k/a/The Venue On Bloomingdale Road)

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, July 7, 2014 and June 1, 2015.

There are no changes to the approved project. No new plans were submitted. Therefore, the CONSERVATION BOARD has no objection to the extension.

Respectfully Submitted,

ANDREW BERGER

Andrew Berger, Acting Chairman
White Plains Conservation Board

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Robert P. Astorino
County Executive

County Planning Board

April 18, 2016

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: Heritage White Plains— WHP 16-005
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.

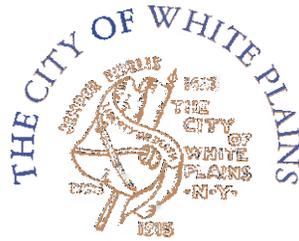
Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

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

April 26, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 120 BLOOMINGDALE ROAD LLC
HERITAGE WHITE PLAINS (f/k/a THE VENUE ON BLOOMINGDALE ROAD)
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 June 1, 2015, regarding new development formerly known as "The Venue On Bloomingdale Road" at 120 Bloomingdale Road ("Proposed Action") on behalf of 120 Bloomingdale Road LLC, ("Applicant") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The Applicant has retained SRS Real Estate Partners to market the development, which is proposed to be known as the Heritage White Plains. In regard to the environmental review of this project the Proposed Action may hereinafter also, be referred to as the "Heritage Project" or "Venue Project."

The Venue Project was first approved by the Common Council by a resolution adopted May 5, 2008, which received two (2) one year extensions adopted May 4, 2009 and June 7, 2010, on behalf of the previous owners of the property including MLMT05-CK11120 Bloomingdale LLC, CorePlus Properties, LLC, and CPP Bloomingdale LLC ("Previous Applicants").

Because the prior approvals for the Venue Project had expired, the project was reapproved on behalf of the new owner 120 Bloomingdale Road, LLC on May 7, 2013, which was extended for two (2) one year extensions by resolutions adopted July 7, 2014, and June 1, 2015 ("2015 Approval").

Prior to the 2015 Approval, the Common Council completed the environmental review, adopted SEQR findings ("2015 SEQR Findings"), subject to the Applicant's compliance with fifty-nine (59) conditions (hereinafter referred to as "2015 Conditions").

The Applicant has submitted the following materials in support of the application ("Application

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Materials”):

1. A petition letter prepared by Mr. William Null of Cuddy and Feder. LLP, dated March 16, 2016.
2. A Short Building Permit Application Form, dated March 16, 2016.
3. A Short Environmental Assessment Form, dated March 16, 2016.
4. A Traffic Impact Study, dated March 22, 2016.

The Proposed Action involves a mixed use development 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.

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 2015 Approval was granted. In addition, the various conditions stated in the 2015 Approval resolution remain relevant and appropriate to the Proposed Action.

Environmental Officer recommends that the various conditions stated in the 2015 Approval resolution and any additional recommendations from the City departments be adopted by the Common Council as part of the Proposed Action for the purposes of the environmental review (hereinafter referred to as "2016 Conditions").

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 2016 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 June 1, 2015; (d) reconfirm the SEQR findings adopted for the 2015 Approval; and (e) reconfirm that the Proposed Action, with inclusion of the 2016 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 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 includes 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 included in the Proposed 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,



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 JUNE 1, 2015, FOR A RESTAURANT USE FOR A MIXED USE DEVELOPMENT TO BE KNOWN AS "HERITAGE WHITE PLAINS" 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 June 1, 2015, regarding new development formerly known as "The Venue On Bloomingdale Road" at 120 Bloomingdale Road ("Proposed Action") on behalf of 120 Bloomingdale Road LLC, ("Applicant") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Applicant has retained SRS Real Estate Partners to market the development, which is proposed to be known as the Heritage White Plains. (In regard to the environmental review of this project the Proposed Action may hereinafter also, be referred to as the "Heritage Project" or "Venue Project."); and

WHEREAS, the Venue Project was first approved by the Common Council by a resolution adopted May 5, 2008, which received two (2) one year extensions adopted May 4, 2009 and June 7, 2010, on behalf of the previous owners of the property including MLMT05-CK11120 Bloomingdale LLC, CorePlus Properties, LLC, and CPP Bloomingdale LLC ("Previous Applicants"); and

WHEREAS, because the prior approvals for the Venue Project had expired, the project was reapproved on behalf of the new owner 120 Bloomingdale Road, LLC on May 7, 2013, which was extended for two (2) one year extensions by resolutions adopted July 7, 2014, and June 1, 2015 ("2015 Approval"); and

WHEREAS, prior to the 2015 Approval, the Common Council completed the environmental review, adopted SEQR findings ("2015 SEQR Findings"), subject to the Applicant's compliance with fifty-nine (59) conditions (hereinafter referred to as "2015 Conditions"); and

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 March 16, 2016.
2. A Short Building Permit Application Form, dated March 16, 2016.
3. A Short Environmental Assessment Form, dated April 14, 2014.
4. A Traffic Impact Study, dated March 22, 2013.

WHEREAS, the Proposed Action involves a mixed use development 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

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, 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 2015 Approval was granted. In addition, the various conditions stated in the 2015 Approval resolution remain relevant and appropriate to the Proposed Action;

and

WHEREAS, the Environmental Officer has recommended that the various conditions stated in the 2015 Approval resolution and any additional recommendations from the City departments be adopted by the Common Council as part of the Proposed Action for the purposes of the environmental review (hereinafter referred to as "2016 Conditions"); 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 2016 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 June 1, 2015, (d) reconfirm the SEQR findings last adopted for the 2015 Approval; and (e) reconfirm that the Proposed Action, with inclusion of the 2016 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 2016 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 June 1, 2015; 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 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

Bloomingtondale Road is a an arterial street/major street which connects City corridor streets and regional roadways. In this case, as noted, Bloomingtondale 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. Bloomingtondale Road and 120 Bloomingtondale Road - Bloomingtondale's Store North Access
2. Bloomingtondale Road and 120 Bloomingtondale Road - right in, right out
- 3 Bloomingtondale Road and 120 Bloomingtondale Road- Bloomingtondale's Store South Access
4. Mamaroneck Avenue and Bloomingtondale Road
5. Mamaroneck Avenue and Bryant Avenue
6. Bloomingtondale Road and The Source at White Plains
7. Bloomingtondale 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 includes 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 included in the Proposed 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 2015 Approval; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council reconfirms that the Proposed Action, with inclusion of the 2016 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 RESOLUTIONS ADOPTED JULY 7, 2014 AND JUNE 1, 2015, TO CONSTRUCT APPROXIMATELY 47,000 SQUARE FEET OF NEW UPSCALE RETAIL USE ON 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 HERITAGE” (FORMERLY 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 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 on 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 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 sixty-two (62) 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 as 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 or 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.

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 sealed 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 the 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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 to 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 4th 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 Common Council, after making environmental findings, by a resolution adopted June 1, 2015, granted 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,” 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 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; and

WHEREAS, the Common Council, at its April 4, 2016 meeting, received a communication from the Commissioner of Building, dated March 23, 2016, forwarding an application for an extension of the May 7, 2013 amended site plan approval and special permit approval for Heritage White Plains (formerly known as “The Venue on Bloomingdale Road”) (“Applicant”); 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 March 16, 2016 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 June 1, 2015; and

B. A Building Permit Short Form dated March 16, 2016; and

C. A memorandum dated March 14, 2016, from Divney Tung Schwalbe, together with a Short Environmental Assessment Form, verified April 4, 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 March 14, 2016, 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 are 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 April 4, 2016, 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 March 16, 2016, noted that the renovation and upgrading of the existing office building was recently approved by the Common Council and has been completed, including facade and other exterior improvements and the opening of a child day-care facility, 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, which is proposed to be known as "Heritage White Plains;" and

WHEREAS, the Applicant's counsel further notes in the March 16, 2016 correspondence, that the Applicant has retained the expertise of SRS Real Estate Partners to market the development, and has been advised that there is a strong market interest in the site, and that it expects to provide the City of White Plains with positive news within the next few months; and

WHEREAS, 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) year extension request does not involve any changes and no materially changed circumstances have arisen to affect the facts or circumstances upon which the May 7, 2013 approval and the July 7, 2014 and June 1, 2015 extensions were issued herein; and

WHEREAS, the Common Council has re-confirmed itself to be the Lead Agency for the environmental review of the application to extend the approval for the amended Special Permit/Site Plan for an additional 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 a Type I Action due to the environmentally sensitive features present on the site; found that subject to the additional conditions contained herein, there is no new information of any importance that has been discovered since the Common Council's consideration of the May 7, 2013 amended Special Permit/Site Plan; and that further subject to the conditions contained herein, there are no unmitigated changes in circumstances related to the project; and re-confirmed that the Proposed Action, with the conditions included in the May 7, 2013 approval resolution, as amended by the February 3, 2014 amendment to the May 7, 2013 Special Permit/Site Plan approval for "The Children's Corner" day care facility, the conditions set forth in the July 7, 2014 and June 1, 2015 extension resolutions, and the conditions contained herein, will not have a significant effect on the environment; now, therefore, be it

RESOLVED, that the Common Council hereby extends until May 1, 2017, the amended Special Permit/Site Plan approval granted May 7, 2013, amended February 3, 2014, and extended July 7, 2014 and June 1, 2015, 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 “Heritage White Plains” 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, the February 3, 2014 amendment approval resolution and the July 7, 2014 and June 1, 2015 extension resolutions, and the following conditions set forth in the June 1, 2015 extension and reiterated by the Commissioner of Public Works in a communication dated May 2, 2016:

1. As per the communication of the Commissioner of Public Works dated May 2, 2016, 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 dated May 2, 2016, 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 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 Commissioner of Public Works dated May 2, 2016, the Department of Public Works has previously noted that since this data was provided some eight 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.

4. As per the communication of the Commissioner of Public Works dated May 2, 2016, certain regulations and standards have been revised since the 2007 date indicated on the plans; therefore, 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 of Public Works review well in advance of the Building Department review phase.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

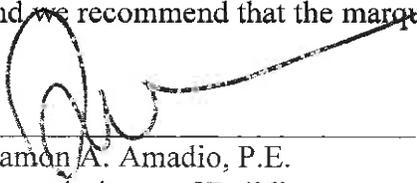
Kevin M. Hodapp, P.E.
Deputy Commissioner

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

At a meeting held on March 7, 2016 the Common Council adopted a resolution approving the application submitted on behalf of Kite Realty Group ("Applicant"), owner of property located at 1-29 Mamaroneck Avenue, known as the City Center Shopping Center ("City Center") for a site plan amendment to (1) upgrade the pedestrian plaza on the east side of the City Center with a new fountain, additional planting, seating, lighting and a stage; (2) implement a valet service along Mamaroneck Avenue in conjunction with pavement, curbing and sidewalk modifications; (3) modify the Mamaroneck Avenue entrance to the City Center by installing escalators from a renovated and redesigned lobby area up to the second floor; and (4) revise and update certain exterior signage on the City Center. The Applicant agreed that and the approval resolution specifically noted that portions of the application concerning the marquee sign were not approved by the Common Council and would be subject to a separate future approval.

Submitted herewith for your consideration are updated renderings submitted by the Applicant for the proposed marquee sign at the entrance to the City Center Cinema de Lux movie theater at 1-29 Mamaroneck Avenue. The marquee sign identifies the primary entrance to the movie theater as well as an entrance for the City of White Plains Performing Arts Center.

It is this Department's opinion that the changes made to the original design are appropriate and we recommend that the marquee be approved as proposed.


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

DATED: June 1, 2016
(For the June 6, 2016 Common Council Meeting)

DOCUMENTS

SUBMITTED: A cover letter from Zarin & Steinmetz dated May 26, 2016 and three (3) renderings

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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ZARIN &
STEINMETZ

May 26, 2016

David J. Cooper
Jody T. Cross •
Michael J. Cunningham •
Marsha Rubin Goldstein
Helen Collier Mauch •
Zachary R. Mintz •
Matthew R. Pisciotta •
Daniel M. Richmond
Brad K. Schwartz
Lisa F. Smith •
David S. Steinmetz •
Michael D. Zarin

Via Hand Delivery

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

• Also admitted in D.C.
• Also admitted in CT
• Also admitted in NJ

***Re: Kite Realty Group – White Plains City Center
Request for Consideration of Revised Marquee Design***

Dear Mayor Roach and Members of the Common Council:

As I you know, our firm represents Kite Realty Group (“Kite”) with regard to the White Plains City Center. At the time your Council granted Site Plan approval for the renovations and improvements to the City Center, you specifically bifurcated the “Marquee Sign” on Mamaroneck Avenue and requested that Kite revisit and revise its design for that important canopy and sign.

I am pleased to submit for your further consideration ten (10) sets of three different vantage points of the new proposed Marquee. As you will see, Kite not only created a more vibrant and attractive design, but also they have added the “White Plains Performing Arts Center” to a highly visible location on the canopy. In addition, as we explained, there will be additional building mounted signage on either side of the Mamaroneck Avenue entrance identifying movies that are playing and other relevant information.

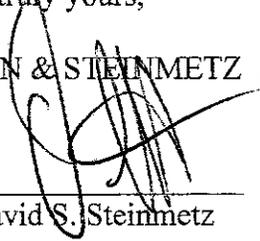
The Mamaroneck Avenue canopy, the associated lighting and Marquee signage are all fairly long lead items. Because Kite truly wants to complete this project and have it ready for the year-end holiday season, our Development Team needs to secure approvals from your Council quite soon in order to be able to ensure timely completion of this aspect of the project.

Accordingly, I would respectfully request placement on your agenda for Monday, June 6, 2016, for discussion and further consideration of this final piece of the renovation project. We would hope that if your Council approves of this revised design, you could proceed that evening with a Resolution; that would facilitate the immediate ordering of the canopy and associated signage.

I look forward to hearing back from you as to our placement on the June 6th agenda. If you have any questions, please do not hesitate to contact me.

Very truly yours,

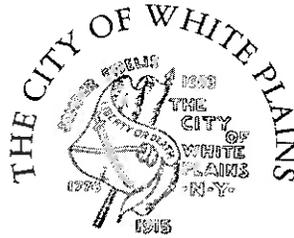
ZARIN & STEINMETZ

By: 
David S. Steinmetz

DSS:me

Enclosures by Hand

- cc: *via Email w/o enclosures*
Mark Jenkins, SVP, Kite Realty
James Ryan, JMC
John Callahan, Chief of Staff (w/encl.)
Chris Gomez, AICP
Damon Amadio



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

June 1, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: KITE REALTY GROUP – WHITE PLAINS CITY CENTER
1-29 MAMARONECK AVENUE
SITE PLAN AMENDMENT –ENTRANCE MARQUEE AWNING

The proposed amendment to the previously approved site plan for the White Plains City Center regarding a marquee awning along Mamaroneck Avenue on behalf of Kite Realty Group (“Proposed Action”), has been reviewed for compliance with the State Environmental Quality Review regulations (“SEQR”).

The Applicant is undertaking various upgrades and improvements to the City Center Shopping Center and on March 7, 2016, was granted a site plan amendment by the Common Council to (1) upgrade the Pedestrian Plaza on the east side of City Center with a new fountain, additional planting, seating, lighting and a stage; (2) implement a valet parking drop-off area along Mamaroneck Avenue in conjunction with pavement, curbing and sidewalk modifications; (3) modify the Mamaroneck Avenue entrance to the City Center Shopping Center by installing escalators from a renovated and redesigned lobby area up to the second floor; and (4) revise and update certain exterior signage on the City Center Shopping Center.

The Proposed Action compliments the recently approved upgrades and involves the installation of a new glass and extruded aluminum marquee awning with the associated signage to replace the existing marquee awning above the Mamaroneck Avenue entrance to the City Center Shopping Center.

The Proposed Action involves the following approval actions by the Common Council:

1. Approval of a Site Plan amendment pursuant to Section 7.5 of the Zoning Ordinance regarding the installation of a marquee awning to replace the existing marquee above the Mamaroneck Avenue entrance to the City Center Shopping Center.
2. Approval of an amendment to the signage plan for the White Plains City Center regarding signage associated with the marquee awning. As specified in the original site plan approval for the City Center development adopted on September 20, 2001, the Common Council is the designated approval agency for the project signage.

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The Application included the following documents:

- A. A cover letter dated May 26, 2016, from David S. Steinmetz, Esq., of the law firm of Zarin & Steinmetz, on behalf of the Applicant Kite Realty Group, transmitting the aforementioned Application.
- B. Three (3) architectural renderings transmitted by the above cover letter dated May 26, 2016, illustrating the proposed marquee awning with the associated signage including the addition of the "White Plains Performing Arts Center."

The Proposed Action represents a Type II Action under SEQR regulations in 6NYCRR 617.5 (c) (2) in that it involves the replacement, rehabilitation, reconstruction or standard upgrading of an existing structure or facility, which does not represent significant changes to the facility.

Type II actions are determined under SEQR regulations not to have a significant effect on the environment.

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

A resolution that makes these findings 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 horizontal line under the name.

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE SITE PLAN TO CONSTRUCT AN ENTRANCE MARQUEE AWNING FOR THE CITY CENTER SHOPPING CENTER AT 1-29 MAMARONECK AVENUE ON BEHALF OF THE KITE REALTY GROUP.

WHEREAS, the proposed amendment to the previously approved site plan for the White Plains City Center regarding a marquee awning along Mamaroneck Avenue on behalf of Kite Realty Group (“Proposed Action”), has been reviewed for compliance with the State Environmental Quality Review regulations (“SEQR”); and

WHEREAS, the Applicant is undertaking various upgrades and improvements to the City Center Shopping Center and on March 7, 2016, was granted a site plan amendment by the Common Council to (1) upgrade the Pedestrian Plaza on the east side of City Center with a new fountain, additional planting, seating, lighting and a stage; (2) implement a valet parking drop-off area along Mamaroneck Avenue in conjunction with pavement, curbing and sidewalk modifications; (3) modify the Mamaroneck Avenue entrance to the City Center Shopping Center by installing escalators from a renovated and redesigned lobby area up to the second floor; and (4) revise and update certain exterior signage on the City Center Shopping Center; and

WHEREAS, the Proposed Action compliments the recently approved upgrades to the City Center Shopping Center and involves the installation of a new glass and extruded aluminum marquee awning with the associated signage to replace the existing marquee awning above the Mamaroneck Avenue entrance to the City Center Shopping Center; and

WHEREAS, the Proposed Action involves the following approval actions by the Common Council:

1. Approval of a Site Plan amendment pursuant to Section 7.5 of the Zoning Ordinance regarding the installation of a marquee awning to replace the existing marquee above the Mamaroneck Avenue entrance to the City Center Shopping Center.
2. Approval of an amendment to the signage plan for the White Plains City Center regarding signage associated the marquee awning. As specified in the original site plan approval for the City Center development adopted on September 20, 2001, the Common Council is the designated approval agency for the project signage; and

WHEREAS, the Application included the following documents:

- A. A cover letter dated May 26, 2016, from David S. Steinmetz, Esq., of the law firm of Zarin & Steinmetz, on behalf of the Applicant Kite Realty Group, transmitting the aforementioned Application. \
- B. Three (3) architectural renderings transmitted by the above cover letter dated May 26, 2016, illustrating the proposed marquee awning with the associated signage including the addition of the “White Plains Performing Arts Center; ” and

WHEREAS, the Proposed Action represents a Type II Action under SEQR regulations in 6NYCRR 617.5 (c) (2) in that it involves the replacement, rehabilitation, reconstruction or standard upgrading of an existing structure or facility, which does not represent significant changes to the facility; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council (a) designate itself to serve as the Lead Agency for the environmental review; and (b) find the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the Proposed Action is a Type II Action under SEQR regulations requiring no additional SEQR review or findings; and be it further

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THAT PORTION OF THE A SITE PLAN AMENDMENT APPLICATION SUBMITTED ON BEHALF OF THE KITE REALTY GROUP (“APPLICANT”), OWNER OF PROPERTY LOCATED AT 1-29 MAMARONECK AVENUE, KNOWN AS THE WHITE PLAINS CITY CENTER SHOPPING CENTER (“CITY CENTER”) (SECTION 125.76, BLOCK 1, LOT 2) IN RELATION TO THE INSTALLATION OF A NEW GLASS AND EXTRUDED ALUMINUM MARQUEE AWNING AND ASSOCIATED SIGNAGE TO REPLACE THE EXISTING MARQUE AWNING AND ASSOCIATED SIGNAGE FOR THE CITY CENTER CINEMA DE LUX MOVIE THEATER AND THE WHITE PLAINS PERFORMING ARTS CENTER TO BE LOCATED ABOVE THE MAMARONECK AVENUE ENTRANCE TO THE CITY CENTER.

WHEREAS, at a meeting held on March 7, 2016, the Common Council of the City of White Plains adopted a resolution approving the application submitted on behalf of Kite Realty Group (“Applicant”), owner of property located at 1-29 Mamaroneck Avenue, known as the White Plains City Center Shopping Center (“City Center”) regarding a site plan amendment to (1) upgrade the pedestrian plaza on the east side of the City Center with a new fountain, additional planting, seating, lighting and a stage; (2) implement a valet service along Mamaroneck Avenue in conjunction with pavement, curbing and sidewalk modifications; (3) modify the Mamaroneck Avenue entrance to the City Center by installing escalators from a renovated and redesigned lobby area up to the second floor; and (4) revise and update certain exterior signage on the City Center; and

WHEREAS, the Applicant had agreed that and the approval resolution specifically noted that portions of the application concerning the marquee awning and associated signage were not approved by the Common Council and would be subject to a separate future approval; and

WHEREAS, the Common Council, at a meeting held on June 6, 2016, received a

communication from the Commissioner of Building, dated June 1, 2016, forwarding an Application, submitted by David S. Steinmetz, Esq., of the law firm of Zarin & Steinmetz, on behalf of the Applicant, a Site Plan amendment pursuant to Section 7.5 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), regarding the installation of a new glass and extruded aluminum marquee awning to replace the existing marquee awning above the Mamaroneck Avenue entrance to the City Center and an amendment to the signage plan for the City Center regarding signage associated with the marquee awning; and

WHEREAS, as set forth in the original site plan approval by the Common Council for the City Center adopted by a resolution at a Special Meeting held on September 20, 2001, the Common Council is the designated approval agency for the project signage; and

WHEREAS, as set forth in Section 7.2.1.3 of the Zoning Ordinance, the Common Council is the approving agency for “all ‘structures’ or ‘uses’ proposed in the UR-4 Zoning District, including the design and location of signage, notwithstanding the provisions of Section 9-10 of the White Plains Municipal Code;” and

WHEREAS, the Application included the following documents:

A. A cover letter dated May 26, 2016, from David S. Steinmetz, Esq., on behalf of the Applicant, transmitting the aforementioned Application; and

NYCRR Part 617.5(c) in that it involves the replacement, rehabilitation or reconstruction or standard upgrading of an existing structure or facility, which do not represent significant changes to these facilities, and determined that no additional SEQRA review or findings were required.

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

1. In accordance with Section 7.4.2 of the Zoning Ordinance with regard to review of site plans by other agencies, the proposed modifications to the marquee do not represent a new building or an increase in floor area and therefore do not require review by the other agencies; and
2. Further in accordance with Section 7.4.2 of the Zoning Ordinance, this proposed site plan amendment regarding the marquee does not affect parking or traffic and therefore does not require review by the Deputy Commissioner of Parking for Transportation Engineering; and
3. In accordance with Section 7.5.1 of the Zoning Ordinance, the site plan amendment regarding the marquee and related signage is consistent with the 1997 Comprehensive Plan, as amended by the Plan Update adopted July 11, 2006 (“Comprehensive Plan”) in that it will improve the aesthetics of the City Center facade, provide signage for the White Plains Performing Arts

Center in addition to the movie multi-plex, thus enhancing the critical intersection of Main Street and Mamaroneck Avenue identified in the Comprehensive Plan as a retail and entertainment focus for the Core Area; and

4. The modifications to the marquee and related signage do not affect any standards in Section 7.5.2 of the Zoning Ordinance; and
5. In accordance with Sections 7.5.3 and 7.5.4 of the Zoning Ordinance, the modifications to the marquee and related signage preserve and enhance property values in the neighboring area and protect the character of the adjacent neighborhood; and be it further

RESOLVED, that the modifications to the marquee and related signage submitted herein partially supersedes and supplements the City Center Signage plans previously approved by the Common Council related to said marquee and related signage; and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the applicable standards of Section 7.5 of the Zoning Ordinance have been satisfied and that the amended Site Plan Application be and hereby is granted, subject to the following conditions:

1. Prior to the issuance of any permits for work related to the modifications to the

marquee and related signage, the Applicant shall submit to the Commissioners of Building, Planning and Public Works detailed design plans for said marquee modifications and signage consistent with the renderings presented to the Common Council at its meeting of June 6, 2016, and such plans shall be reviewed and approved by said Commissioners.

2. Prior to the issuance of any building permits for the installation of the marquee and associated signage, the Applicant must obtain a license for all encroachments of the marquee and signage into the City's right-of-way shown in or permitted by the City Center Signage Controls. The aforementioned license shall be in a form and content acceptable to the Corporation Counsel.

3. The Applicant shall comply with all of the conditions previously set forth in the approval resolution adopted by the Common Council on March 7, 2016 in connection with the Site Plan amendment for the City Center.