

**COMMON COUNCIL  
AGENDA  
SPECIAL MEETING  
August 5, 2015  
7:00 PM**

**FIRST READING  
ORDINANCE;**

1. Communication from Susan F. Habel, Management Associate, in relation to the proposed discontinuance of a portion of Hathaway Lane between Ridgeway and Gedney Esplanade pursuant to Section 152 of the White Plains Charter and Section 29 of the General City Law and legislation in relation to the application submitted by the French American School of New York (FASNY) for a Special Permit for a “private elementary and secondary school,” at 400 Ridgeway
2. Communication from Environmental Officer
3. Ordinance of the Common Council of the City of White Plains authorizing: (1) pursuant to Section 152 of the Charter of the City of White Plains, the discontinuance of a portion of Hathaway Lane, a public street, from Ridgeway to a point 50 feet south of the southerly property line of the property known as 57 Hathaway Lane; (2 ) an amendment to the Official Map of the City of White Plains (“Official Map”) pursuant to General City Law Section 29; and (3) the conveyance of such discontinued portion of Hathaway Lane to the French-American School of New York for an amount to be established by the Common Council by separate ordinance, and subject to such terms, conditions and easements as are necessary to protect and provide public access or private utility company access to any municipal or other public and private utilities, and further subject to separate provision for a two-way public access through the French-American School property between Ridgeway and the northerly public portion of Hathaway Lane as shown in Exhibit A, attached hereto and made a part hereof, as provided for in this Ordinance, which Ordinance is subject to and shall take effect upon the approval by the Common Council of this Ordinance herein and a Special Permit/Site Plan for the French-American School of New York for all of the following: (A) Special Permit/Site Plan for a “Private Elementary School” and “Private Secondary School;” (B) Site Plan Approval for an accessory “Nursery School;” (C) Special Permit/Site Plan Approval of accessory tennis courts; and (D) such other approvals as may be required to effectuate this Ordinance and said FASNY Special Permit/Site Plan Approval resolution, with this Ordinance being subject to all of the terms, conditions and requirements contained in this Ordinance herein, said Special Permit/Site Plan Approval resolution, the Environmental Findings Statement approved December 19, 2015, and the Stormwater Pollution Prevention Plan approved by the Commissioner of Public Works effective May 15, 2015.

## **RESOLUTION:**

4. Communication from Susan F. Habel, Management Association, in relation to the application submitted by the French American School of New York (FASNY) for a Special Permit for a “Private elementary and secondary school,” at 400 Ridgeway on a site containing environmentally sensitive features as defined by Chapter 3-5 of the White Plains Municipal Code; and a Special Permit for the accessory tennis court and basketball court structures thereon.
  
5. Communication from Environmental Officer
  
6. Resolution of the Common Council of the City of White Plains granting: (1) pursuant to Sections 2, 4, 5, 6, 7 and 8 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), Special Permit/Site Plan Approval for a “Private Elementary School” and “Private Secondary School” to be operated by the French-American School of New York (“FASNY”) at 400 Ridgeway, a site consisting of approximately 131 acres on SBL 131.10-3-43.1 (aka 400 Ridgeway and referred to hereinafter as “Parcel A”), SBL 131.14-2-3 (aka Gedney Esplanade and referred to hereinafter as “Parcel B”), SBL 131.10-1-6 (aka 213-223 Bryant Avenue and referred to hereinafter as “Parcel C”), SBL 131.14-9-3 (aka 336 Ridgeway and referred to hereinafter as “Parcel D”), AND SBL 131.11-12-1 (aka 557 North Street or 565 North Street and referred to hereinafter as the “North Street Property” and, as merged with Parcel D the (“Expanded Parcel D”) all located in the R1-30 District; (2) pursuant to Sections 4, 5, 7 and 8 of the Zoning Ordinance, site plan approval for a “Nursery School” accessory to the “Private Elementary School” and “Private Secondary School;” (3) pursuant to Sections 2, 4, 5, 6, 7 and 8 of the Zoning Ordinance, Special Permit/Site Plan Approval for tennis court structures to be located on Parcel A in the southwesterly area of the FASNY Property; (4) approvals for the (A) Final Transportation Management Plan, (B) Final Site Landscaping Plan, (C) Final Conservancy Area Master Plan, (D) Final Construction Management Plan for the FASNY School Project, and (E) Final Declaration of Covenants, Restrictions and Easement; and (5) approvals under Section 4.4.25 of the Zoning Ordinance and Chapters 3.5 and 7.5 of the Municipal Code, all being subject to the terms, conditions and requirements contained in this Resolution and consistent with the Hathaway Lane partial discontinuance Ordinance, previously adopted by the Common Council (“Adopted Discontinuance Ordinance”), the approved Environmental Findings Statement adopted by the Common Council on December 19, 2013, and the Stormwater Pollution Prevention Plan approved by the Commissioner of Public Works effective May 15, 2015 (“SWPPP”) (Together the “Final FASNY Project.”)



**DEPARTMENT OF LAW**

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TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HATHAWAY LANE PARTIAL DISCONTINUANCE ORDINANCE

Pending before the Common Council is the revised petition submitted by the French-American School of New York (“FASNY”) in the May 2014 FASNY Application with revisions by FASNY transmitted to the Common Council on October 20, 2014, including a petition to discontinue a portion of Hathaway Lane (together the “REVISED FASNY APPLICATION”). The REVISED FASNY APPLICATION seeks to establish the FASNY project, including a private elementary and secondary school, with accessory nursery school, accessory tennis court structures, athletic fields, parking areas, internal roadways, and an approximately 84 acre Conservancy area, along with the partial discontinuance of Hathaway Lane from Ridgeway to 50 feet south of the southern property line of the property known as 57 Hathaway Lane, and the construction of an emergency access driveway (“Emergency Access Driveway”) running from Ridgeway, generally along and, in part to the east, of the portion of Hathaway Lane requested by FASNY to be discontinued, then connecting to the public street portion of Hathaway Lane south of Gedney Esplanade, approximately across from the property known as 57 Hathaway Lane. Both the proposed partial discontinuance of Hathaway Lane and the Emergency Access Driveway are shown on Exhibit A of the pending Hathaway Lane partial discontinuance ordinance (“Discontinuance Ordinance”).

As proposed in the REVISED FASNY APPLICATION, access to the FASNY Project site for school related uses will come from North Street across from the White Plains High School North Street access (“North Street Access”), with limited service vehicle access and staff parking for up to nine (9) vehicles accessed from Ridgeway. Public access through the FASNY Project site along the Emergency Access Driveway is incorporated in Section 9 of the pending Discontinuance Ordinance, after construction is completed, for “after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations.”

The pending Discontinuance Ordinance: (1) authorizes the discontinuance of the portion of the public street, Hathaway Lane, described in Exhibit A of the Discontinuance Ordinance, pursuant to Section 152 of the Charter of the City of White Plains; and (2) authorizes the amendment of the Official Map of the City of White Plains, pursuant to General City Law Article 29. Both actions are subject to the implementation of the terms, conditions, and requirements of the Discontinuance Ordinance and the FASNY Special Permit/Site Plan Approval Resolution, consistent with the adopted Environmental Findings Statement adopted by the Common Council on December 19, 2013, and the Stormwater Pollution Prevention Plan approved by the Commissioner of Public Works effective May 15, 2015.

The FASNY Special Permit/Site Plan Approval Resolution granting special permit/site plan approval and other necessary approvals for the FASNY Project and referred to herein above, has also been submitted for the Common Council's consideration, subject to the Common Council first approving the partial discontinuance of Hathaway Lane as set forth in the pending Discontinuance Ordinance.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan F. Habel". The signature is fluid and cursive, with a large initial "S" and "H".

Susan F. Habel, Management Associate

July 30, 2015



**ENVIRONMENTAL OFFICER**

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THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

July 30, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HATHAWAY LANE PARTIAL DISCONTINUANCE ORDINANCE  
ENVIRONMENTAL REVIEW

Pending before the Common Council is the revised application submitted by the French-American School of New York ("FASNY") consisting of the May 2014 FASNY Application with revisions by FASNY transmitted to the Common Council on October 20, 2014 and a petition for the discontinuance of a portion of Hathaway Lane (together the "REVISED FASNY APPLICATION"). The REVISED FASNY APPLICATION seeks to establish a private elementary and secondary school, with accessory nursery school, accessory tennis court structures, athletic fields, parking areas, internal roadways, and an approximately 84 acre Conservancy area, along with the partial discontinuance of Hathaway Lane from Ridgeway to 50 feet south of the southern property line of the property known as 57 Hathaway Lane, and the construction of an emergency access driveway ("Emergency Access Driveway") running from Ridgeway, generally along and, in part to the east, of the portion of Hathaway Lane requested by FASNY to be discontinued, then connecting to the public street portion of Hathaway Lane south of Gedney Esplanade, approximately across from the property known as 57 Hathaway Lane. Both the proposed partial discontinuance of Hathaway Lane and the Emergency Access Driveway are shown on Exhibit A of the pending Hathaway Lane partial discontinuance ordinance ("Discontinuance Ordinance").

As proposed in the REVISED FASNY APPLICATION, access to the FASNY Project site for school related uses will come from North Street across from the White Plains High School North Street access ("North Street Access"), with limited service vehicle access and staff parking for up to nine (9) vehicles accessed from Ridgeway, and public access through the FASNY Project site along the Emergency Access Driveway would be permitted on non-school days, including weekends, holidays and summer vacations. However, Section 9 of the pending Discontinuance Ordinance includes a condition that public, two-way through traffic is to be available "after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations."

As part of its environmental review, the Common Council adopted environmental findings on December 19, 2013 ("Environmental Findings Statement"). The environmental review process and the findings in the Environmental Findings Statement addressed, discussed and made findings

regarding the FASNY Project.

The applicable description from the Environmental Findings Statement regarding the Hathaway Lane discontinuance as part of the Modified Proposed Project with North Street access is as follows:

*“Hathaway Lane would be discontinued and demapped as a public street from Ridgeway to south of 57 Hathaway Lane. The closing of Hathaway Lane would allow FASNY to implement a site circulation plan for the Upper School and Lower School that would further separate automobiles, school buses, and pedestrians. Pedestrian and bicycle access would be provided by a pathway along the western edge of Parcel A.” (Environmental Findings Statement pg.14)*

*“The discontinuance of Hathaway Lane as a public street allows FASNY to reconfigure athletic fields and facilities to further increase setbacks to adjoining residential properties.” (Environmental Findings Statement pg. 14)*

The applicable findings in the Environmental Findings Statement include, but are not limited to: Finding A-3.3; Finding H-8; Finding J-8; Finding J-13; Finding J-25; and Finding J-28.6.

The Environmental Findings Statement “Conclusion” at page 128 states:

*“CONCLUSION”*

*“In view of the foregoing the Common Council as Lead Agency finds that the Modified Proposed Project using North Street as the primary access, as further modified by these findings, and subject to the conditions contained herein, including but not limited to reduction of the proposed student body to 950 students, which is consistent with the projected needs of FASNY at least through the 2018-2019 school year and is also consistent with the reasonably projected compliance with mandatory bussing and other variables addressed herein, will avoid to the maximum extent practicable the significant adverse environmental impacts addressed in these findings.” (Environmental Findings Statement, pg. 128).*

Based on a review of the NY State Environmental Quality Review Act and regulations promulgated thereunder at 6 NYCRR Part 617, and a review of the FASNY environmental record and the adopted Environmental Findings Statement, no additional environmental review or findings are necessary for the Common Council to take action on the Discontinuance Ordinance.

Respectfully submitted,



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Rod Johnson  
Environmental Officer

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING: (1) PURSUANT TO SECTION 152 OF THE CHARTER OF THE CITY OF WHITE PLAINS, THE DISCONTINUANCE OF A PORTION OF HATHAWAY LANE, A PUBLIC STREET, FROM RIDGEWAY TO A POINT 50 FEET SOUTH OF THE SOUTHERLY PROPERTY LINE OF THE PROPERTY KNOWN AS 57 HATHAWAY LANE; (2) AN AMENDMENT TO THE OFFICIAL MAP OF THE CITY OF WHITE PLAINS ("OFFICIAL MAP") PURSUANT TO GENERAL CITY LAW SECTION 29; AND (3) THE CONVEYANCE OF SUCH DISCONTINUED PORTION OF HATHAWAY LANE TO THE FRENCH-AMERICAN SCHOOL OF NEW YORK FOR AN AMOUNT TO BE ESTABLISHED BY THE COMMON COUNCIL BY SEPARATE ORDINANCE, AND SUBJECT TO SUCH TERMS, CONDITIONS AND EASEMENTS AS ARE NECESSARY TO PROTECT AND PROVIDE PUBLIC ACCESS OR PRIVATE UTILITY COMPANY ACCESS TO ANY MUNICIPAL OR OTHER PUBLIC AND PRIVATE UTILITIES, AND FURTHER SUBJECT TO SEPARATE PROVISION FOR A TWO-WAY PUBLIC ACCESS THROUGH THE FRENCH-AMERICAN SCHOOL PROPERTY BETWEEN RIDGEWAY AND THE NORTHERLY PUBLIC PORTION OF HATHAWAY LANE AS SHOWN IN EXHIBIT A, ATTACHED HERETO AND MADE A PART HEREOF, AS PROVIDED FOR IN THIS ORDINANCE, WHICH ORDINANCE IS SUBJECT TO AND SHALL TAKE EFFECT UPON THE APPROVAL BY THE COMMON COUNCIL OF THIS ORDINANCE HEREIN AND A SPECIAL PERMIT/SITE PLAN FOR THE FRENCH-AMERICAN SCHOOL OF NEW YORK FOR ALL OF THE FOLLOWING: (A) SPECIAL PERMIT/SITE PLAN FOR A "PRIVATE ELEMENTARY SCHOOL" AND "PRIVATE SECONDARY SCHOOL;" (B) SITE PLAN APPROVAL FOR AN ACCESSORY "NURSERY SCHOOL;" (C) SPECIAL PERMIT/SITE PLAN APPROVAL OF ACCESSORY TENNIS COURTS; AND (D) SUCH OTHER APPROVALS AS MAY BE REQUIRED TO EFFECTUATE THIS ORDINANCE AND SAID FASNY SPECIAL PERMIT/SITE PLAN APPROVAL RESOLUTION; WITH THIS ORDINANCE BEING SUBJECT TO ALL OF THE TERMS, CONDITIONS AND REQUIREMENTS CONTAINED IN THIS ORDINANCE HEREIN, SAID SPECIAL PERMIT/SITE PLAN APPROVAL RESOLUTION, THE ENVIRONMENTAL FINDINGS STATEMENT APPROVED DECEMBER 19, 2013, AND THE STORMWATER POLLUTION PREVENTION PLAN APPROVED BY THE COMMISSIONER OF PUBLIC WORKS EFFECTIVE MAY 15, 2015.

WHEREAS, pursuant to Section 6.2 and 6.3 of the White Plains Zoning Ordinance (“Zoning Ordinance”), by letter from Michael D. Zarin, Esq., of the law firm of Zarin & Steinmetz, attorney for the French-American School of New York (“FASNY” or “Applicant”), addressed to the White Plains Board of Appeals, dated July 15, 2011, the French-American School of New York applied for special permit/site plan approval for a “private elementary school” and “private secondary school” special permit use (“Special Permit/Site Plan”), site plan approval for an accessory “nursery school” use (also referred to herein as “N/P/K”) (“Site Plan”), and Special Permit/Site Plan approval for tennis and basketball structures, and a swimming pool (“FASNY Initial 2011 Application”); and

WHEREAS, at its August 1, 2011 meeting, the Common Council received a communication from the Commissioner of Planning noting that the Common Council had received a copy of the application materials (“2011 Application Materials”) submitted by the French-American School of New York (“FASNY”) to the Board of Appeals; and

WHEREAS, the FASNY owned property with an address at 400 Ridgeway consists of four large lots, Parcels A through D, currently improved with the facilities of the former Ridgeway Country Club, including a clubhouse, an 18-hole golf course, eight tennis courts, a swimming pool, and approximately 165 parking spaces spread over the southerly end of two parcels (Parcel A and Parcel D), which property has not been maintained or operated as a golf course since 2010 (“FASNY Property”); and

WHEREAS, the FASNY Property is the combination of: (1) the former site of the Ridgeway Country Club fronting on Ridgeway which is identified as a “collector street” in the 1997 Comprehensive Plan, as amended, such portion of the Project site consisting of the four lots Parcel A, Parcel B, Parcel C and Parcel D, separated by minor neighborhood streets including Hathaway Lane, Gedney Esplanade and Heatherbloom Road, and by residential properties; (2) the legally nonconforming residential lot defined herein as the “North Street Property” with frontage on North Street, such lot being merged with Parcel D; and (3) a lot located on the paper street Barbara Lane which is included in current Parcel D but separated from the majority of that Parcel by the paper street; (all FASNY owned lots together being the “FASNY Property”); and

WHEREAS, the FASNY Property also includes one lot on the unimproved street Barbara Lane which is part of Parcel D but located on the opposite side of the NYS registered Wetland G-7, and not impacted by this FASNY Initial 2011 Application; and

WHEREAS, FASNY subsequently acquired the property at 557 North Street which is currently improved with a legally non-conforming single family residence (all FASNY owed lots together being the “FASNY Property”); and

WHEREAS, the proposed FASNY Initial 2011 Application involved developing a “private elementary school” and “private secondary school” and accessory “nursery school,” with accessory structures and athletic fields to accommodate a projected enrollment of 1,200

students and 225 to 250 staff members, on Parcels A and D of the FASNY Property, including construction of several school buildings, totaling approximately 230,863 square feet of building area, with approximately 428 parking spaces; three playgrounds, six (6) tennis courts, four soccer fields, a six lane track, a basketball court, a baseball diamond, a softball diamond, a swimming pool; and, on Parcels B, C and D land proposed to be maintained as a Conservancy consisting of approximately 84 undeveloped acres to be reestablished as meadows with trails, sitting areas and shelters; and

WHEREAS, the proposed FASNY Initial 2011 Application involved several related approval actions for the purpose of the environmental review:

1. Approval by the Common Council of a Special Permit/Site Plan for the development of a “private elementary school” and “private secondary school;”
2. Site Plan approval for an accessory “nursery school,” including new or relocated curb cuts on Ridgeway and Hathaway Lane;
3. Approval of a Special Permit/Site Plan for an accessory structure for tennis courts;
4. Approval of a Special Permit/Site Plan for an accessory structure for the dimensionally nonconforming swimming pool;

5. Approval of a Special Permit/Site Plan for an accessory structure for a basketball court;
6. Approval by the Commissioner of Public Works of the Stormwater Pollution Prevention Plan ("SWPPP");
7. Approval by the Westchester County Health Department of the proposed water supply and sanitary sewer systems;
8. All other necessary actions and approvals by other governments and agencies related to the implementation of the above actions;
9. Approval of a Transportation Management Plan (also referred to as "Traffic Management Plan");
10. Approval of a Conservancy Area Master Plan for the approximately 84 acre conservancy area;
11. Approval of a Site Landscaping Plan; and
12. Approval of a Construction Management Plan; and

WHEREAS, the FASNY Property is an environmentally sensitive site under Section 4.4.25 of the Zoning Ordinance and Chapter 3-5 of the Municipal Code of the City of White

Plains ("Municipal Code"), and, at approximately 129 acres, is one of the largest open space properties in the City of White Plains in single ownership; and

WHEREAS, the FASNY Property is located in the Mamaroneck River Watershed, and has been identified in the Watershed Advisory Committee 4 (WAC-4) Management Plan, dated January 2001, to be part of a "wetland system on the north and south sides of Ridgeway Avenue in White Plains, including an over 24 acre NY State-designated Wetland No. G-7 north of Ridgeway Avenue and the wetland at Club Pointe residential complex south of Ridgeway Avenue," which the WAC-4 Plan identifies as of "extraordinary functional value to water quality in the subwatersheds of the Mamaroneck and Sheldrake rivers and Mamaroneck Harbor"; and

WHEREAS, in a communication, dated July 26, 2011, the Commissioner of Planning, recommended that the Common Council, pursuant to Section 6.2.3 of the Zoning Ordinance: (1) find that the FASNY Initial 2011 Application represents a matter of substantial public importance for the reasons listed in the Commissioner's communication; and (2) adopt a resolution reclaiming jurisdiction as approving agency for this Application; and

WHEREAS, pursuant to Section 6.2.3 of the Zoning Ordinance, the Common Council, by resolution adopted on August 1, 2011, reclaimed jurisdiction of the FASNY Initial 2011 Application from the Board of Appeals on a finding that the use is of "substantial public importance"; and

WHEREAS, among the materials submitted as part of the FASNY Initial 2011 Application was a Long Form Environmental Assessment Form (“EAF”) which identifies at Section B.25 other local, regional and State approvals required as part of the FASNY Initial 2011 Application; and

WHEREAS, since there are other agencies with jurisdiction over approvals required for the FASNY Initial 2011 Application, the Common Council is required by the NY State Environmental Quality Review Act and regulations promulgated thereunder (“SEQR”), specifically at NYCRR 617.6(b)(2) and (3), to notify such agencies of its intent to be Lead Agency for such environmental review, and give such agencies an opportunity to respond as to whether they would seek to be Lead Agency; and

WHEREAS, at its August 1, 2011 meeting, pursuant to said NYS SEQR regulations, the Common Council adopted a resolution declaring its intent to be Lead Agency for the environmental review of the FASNY Initial 2011 Application and authorized and directed the Environmental Officer to take such actions and distribute the appropriate notice as required pursuant to NY SEQR regulations; and

WHEREAS, the Environmental Officer in a communication to the Common Council, dated August 29, 2011, advised the Common Council that no response had been received from any involved agency requesting to act as Lead Agency for the environmental review of the

FASNY Initial 2011 Application, and recommended that the Common Council: (a) designate itself to serve as the Lead Agency to conduct an environmental review of the FASNY Initial 2011 Application (also referred to herein as “Initial Project”); (b) determine that the Initial Project is a Type I Action under SEQR regulations; (c) find that the Initial Project, when compared to the SEQR criteria of environmental significance listed in 6 NYCRR 617.7 of the SEQR regulations, may have significant adverse impacts on the environment; (d) determine that the Applicant prepare a Draft Environmental Impact Statement (“DEIS”) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; and (e) schedule a public scoping meeting to receive public comments regarding the scope of issues to be addressed in the DEIS, such scoping meeting to be held October 3, 2011, in the Common Council Chambers, City Hall, 255 Main Street, White Plains, NY, immediately following the regularly scheduled Common Council meeting which commences at 7:30 p.m., and establish a period to receive written comments; and

WHEREAS, at its meeting of September 6, 2011, the Common Council, having received the communication from the Environmental Officer and having received no response from other involved agencies requesting to act as Lead Agency for the environmental review of the FASNY Initial 2011 Application, and the period to request to be Lead Agency having expired, adopted a resolution entitled: "ENVIRONMENTAL RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW

YORK FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS ("PROPOSED ACTION"); FINDING THE ACTION TO BE A TYPE I ACTION UNDER THE WHITE PLAINS ZONING ORDINANCE AND NY STATE ENVIRONMENTAL QUALITY REVIEW ACT REGULATIONS; FINDING THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT; DETERMINING AND DIRECTING THAT A DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS") BE PREPARED BY THE APPLICANT; DIRECTING THE CIRCULATION TO INVOLVED AGENCIES AND THE PUBLIC OF THE APPLICANT'S PROPOSED DRAFT SCOPING DOCUMENT, DATED MAY 20, 2011; AND SCHEDULING A PUBLIC SCOPING SESSION AFTER THE COMMON COUNCIL MEETING OF OCTOBER 3, 2011;" and

WHEREAS, the Common Council, in said resolution, established a ten (10) day period after the public scoping session to receive written comments; and

WHEREAS, after its October 3, 2011 regularly scheduled meeting, the Common Council held a duly noticed special meeting for a public scoping session regarding the Applicant's Draft Scoping Document, containing FASNY'S proposed scope of issues to be addressed in the DEIS, and, following the closure of the public scoping session, adopted a resolution to extend the time to receive written comments beyond the established ten (10) day comment period until 5:00 p.m., November 4, 2011; and

WHEREAS, at its special meeting of October 3, 2011, the Common Council adopted an ordinance retaining the services of the Steven M. Silverberg, Esq. as outside counsel ("Outside Counsel") to assist City staff and the Common Council in their environmental review of the FASNY Application under NYS SEQRA regulations; and

WHEREAS, at its duly noticed special meeting of November 22, 2011, the Common Council considered the record of written comments on the draft Scoping Document from City staff, public comments presented at the public scoping session, and written comments submitted by the November 4, 2011 deadline, which draft Scoping Document was posted on the City's website; and

WHEREAS, at its meeting on December 5, 2011, the Common Council adopted the "French American School of New York Scoping Document," dated November 29, 2011, ("Scoping Document") including modifications by the Common Council reflecting its review of

the public scoping record (“Final Scoping Document”), which Final Scoping Document was posted on the City's website; and

WHEREAS, on April 13, 2012, FASNY submitted a preliminary DEIS, dated April 2012 (“FASNY Preliminary DEIS”) for a completeness review by City staff and consultants; and

WHEREAS, FASNY was advised by City staff, after consultation with City’s traffic consultants, TRC Engineers, Inc. (“TRC”), and Outside Counsel, that the FASNY Preliminary DEIS was not complete under NYS SEQR regulations; and

WHEREAS, by communication, dated May 10, 2012, the attorney for FASNY, Mr. Michael Zarin, Esq., submitted a revised redlined copy of the FASNY Preliminary DEIS, dated May 9, 2012 (“FASNY Preliminary DEIS, Revision No. 1”); and

WHEREAS, FASNY Preliminary DEIS Revision No. 1, which reflected responses to some but not all of City staff, TRC and Outside Counsel comments on the lack of completeness of the FASNY Preliminary DEIS submission was submitted to the Common Council for its review as Lead Agency; and

WHEREAS, in response to the FASNY Preliminary DEIS Revision No. 1., the Commissioner of Planning submitted to the Common Council a communication dated May 29, 2012, attaching a list entitled "FASNY PRELIMINARY DRAFT ENVIRONMENTAL

IMPACT STATEMENT COMPLETENESS REVIEW," which detailed the portions of the FASNY Preliminary DEIS, Revision No. 1 that were not complete with respect to the adopted Scoping Document and/or were not adequate with regard to scope and content; and

WHEREAS, based on the above completeness review, the Environmental Officer, in a communication dated June 6, 2012, recommended that the Common Council: (1) determine that the FASNY Preliminary DEIS Revision No. 1, dated May 9, 2012, was not adequate for the reasons listed in the Planning Commissioner's "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW; and (2) request that FASNY address the inadequacies identified in the Planning Commissioner's completeness review; and

WHEREAS, at its June 11, 2012 meeting, the Common Council adopted an environmental resolution entitled "RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL (COMMON COUNCIL) ADOPTING ENVIRONMENTAL FINDINGS ISSUED UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, WHICH DETERMINES THAT THE REVISION NO. 1 PRELIMINARY DEIS, DATED MAY 9, 2012, SUBMITTED BY FASNY IS NOT COMPLETE AND NOT ADEQUATE FOR ACCEPTANCE BY THE

COMMON COUNCIL FOR PURPOSES OF COMMENCING PUBLIC REVIEW, FOR THE REASONS LISTED IN THE "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," DATED MAY 29, 2012, ATTACHED HERETO, AND REQUESTING THAT THE APPLICANT ADDRESS THE DEFICIENCIES IDENTIFIED IN THE COMPLETENESS REVIEW;" and

WHEREAS, FASNY further revised the FASNY Preliminary DEIS Revision No. 1 and on July 5, 2012, submitted Revision No. 2, dated July 2, 2012 ("FASNY Preliminary DEIS Revision 2" or "DEIS Revision 2"); and

WHEREAS, based on additional comments from City staff, DEIS Revision 2 was further revised and superseded by FASNY Preliminary DEIS Revision No. 3, dated July 9, 2012 ("FASNY Preliminary DEIS Revision 3" or "DEIS Revision 3"); and

WHEREAS, the Common Council discussed the completeness of FASNY Preliminary DEIS Revision 3 at its duly noticed special meeting held on July 30, 2012; and

WHEREAS, in a July 31, 2012 communication, the Commissioner of Planning stated that the City staff and consultants representing the Departments of Planning, Traffic, Public Safety, Public Works, Building and Law, and the Environmental Officer, TRC, and Outside Counsel Steven Silverberg found DEIS Revision 3 to be complete with respect to scope and content for purposes of commencing public review; and

WHEREAS, based on the recommendations of City staff, Outside Counsel, and the Environmental Officer, and based upon the Common Council's review of the revised FASNY Preliminary DEIS Revision 3; at its meeting of August 6, 2012, the Common Council adopted a resolution entitled "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ("FASNY DEIS") AS ADEQUATE WITH RESPECT TO ITS SCOPE AND CONTENT FOR THE PURPOSE OF COMMENCING PUBLIC REVIEW, AND SCHEDULING A PUBLIC HEARING AND TAKING SUCH OTHER ACTIONS AS ARE REQUIRED BY SEQR," and

WHEREAS, a copy of the Final FASNY DEIS was placed at the White Plains Public Library, in accordance with 6 NYCRR 617.12(b)(5) and on the City's website; and

WHEREAS, at its meeting of September 25, 2012, the Common Council further retained the services of TRC Engineering, Inc. ("TRC") to assist City staff and the Common Council in their environmental review of traffic, air quality, and noise issues in the FASNY Application

under NYS SEQR regulations; and

WHEREAS, public hearings on the Final FASNY DEIS were held on September 19, 2012 and October 17, 2012, and further adjourned to and continued on November 13, 2012 for the purpose of receiving public comment; and

WHEREAS, the written comment period was extended to November 23, 2012; and

WHEREAS, the transcripts of the public hearing and the written comments were posted on the City's website; and

WHEREAS, based on the Final FASNY DEIS and comments thereon indicating that the FASNY Initial 2011 Application may have significant adverse impacts on the environment, pursuant to 6 NYCRR 617.9(5)(I) a final Environmental Impact Statement ("FEIS") was required to be prepared; and

WHEREAS, pursuant to 6 NYCRR 617.9(b)(8), an FEIS consists of the DEIS by incorporation or by reference, any necessary corrections or revisions to the DEIS, copies or a summary of substantive comments received during the public comment period on the DEIS indicating their source, and the Lead Agency's responses to substantive comments; and

WHEREAS, the Commissioners of Public Safety and Public Works, and the Deputy

Commissioner of Parking for Transportation Engineering, Law Department Management Associate, TRC, and Outside Counsel Steven M. Silverberg, Esq. worked with representatives of FASNY to develop a draft Final Environmental Impact Statement, dated July 21, 2013 (“DFEIS”) which was submitted to the Common Council on July 25, 2013, and which contained: (a) a description of three modified project (such project options referred to herein jointly as "FASNY Modified Proposed Projects" or "FASNY Project Modifications", and referred to individually as “MPP/Ridgeway,” “MPP/North Street” and “MPP/Bryant Avenue”); (b) copies and summaries of substantive comments received on the Final FASNY DEIS and on the Modified Proposed Projects contained in the DFEIS and the source of the comments in DFEIS Volume 2; and ( c) the proposed, draft Lead Agency responses to the Final FASNY DEIS and comments thereon, prepared by City staff, in consultation with TRC and Outside Counsel; and

WHEREAS, consistent with SEQR regulations at NYCRR 617.9(b)(8), Chapters 1 and 2 of the DFEIS contain the Modified Proposed Projects developed by FASNY in response to substantive comments made during the public review and comment period on the Final FASNY DEIS; and

WHEREAS, the comments in Chapter 3 of the DFEIS represent the substantive comments of the Common Council as Lead Agency; and

WHEREAS, in Chapters 1 and 2 of the DFEIS, which FASNY exclusively prepared,

FASNY provided additional description and analysis for three FASNY Modified Proposed Projects access options; and

WHEREAS, the Final FASNY DEIS is included in the DFEIS by reference; and

WHEREAS, the Lead Agency's responses to comments on the Final FASNY DEIS and on the three FASNY Modified Proposed Projects, as drafted by City staff, in consultation with TRC and Outside Counsel, and reviewed and approved by the Common Council, are contained in Chapter 3, subchapters 3.1 through 3.21 of the DFEIS, and correspond to the topic category chapters included in the Final FASNY DEIS; and

WHEREAS, the FASNY Initial 2011 Application and Modified Proposed Project Ridgeway were shown in Chapter 3 of the DFEIS to have potential significant adverse impacts which cannot be mitigated to the maximum extent practicable; and

WHEREAS, the MPP/North Street access alternative (“North Street Access”), described by FASNY in Chapters 1 and 2 of the DFEIS, includes as a component of that proposal the discontinuance of Hathaway Lane from Ridgeway to Gedney Esplanade; and

WHEREAS, Chapter 3 of the DFEIS, sets forth that such discontinuance of the stated portion of Hathaway Lane is subject to approval by the City under Section 152 of the Charter of the City of White Plains and requires an amendment of the City's Official Map under Section 29 of the NYS General City Law; and

WHEREAS, although not required by NY SEQR regulations, the DFEIS submitted to the Common Council, as Lead Agency, on July 25, 2013, was also posted on the City's website on August 2, 2013, to provide the public an opportunity to review the DFEIS; and

WHEREAS, the Common Council, as Lead Agency, reviewed the DFEIS, and, by a resolution adopted September 16, 2013, made modifications to the following responses to substantive comments contained in Chapter 3 which had been prepared by City staff: (1) subchapter 3.4 Introduction, 3.4-2, 3.4-6, 3.4-14, and 3.4-17; (2) subchapter 3.11-Introduction, 3.11-2, 3.11-3, 3.11-7, 3.11-8, 3.11-18, 3.11-19, 3.11-21 through 3.11-23, 3.11-27, 3.11-30, 3.11-34, 3.11-38, 3.11-42, 3.11-52 through 54, 3.11-56, 3.11-57, 3.11-59 through 3.11-62, 3.11-68, 3.11-76, 3.11-87, 3.11-88, 3.11-97 through 3.11-99, 3.11-123, 3.11-131, 3.11-141; and (3) subchapter 3.12-1, 3.12-2, 3.12-3, 3.12-8; and

WHEREAS, the Common Council, as Lead Agency, also added to the DFEIS, as Appendix I, the "Technical Review" Memorandum from TRC, dated September 12, 2013, and posted on the City's website; and

WHEREAS, the Common Council, as Lead Agency, also added to the DFEIS, as Appendix I, the "Technical Review" Memorandum from TRC, dated September 12, 2013, and posted on the City's website; and

WHEREAS, City staff recommended that the Common Council, as Lead Agency for the environmental review of the FASNY Application, and having taken a hard look at the Final FASNY DEIS, the substantive comments on the Final FASNY DEIS, and the DFEIS should: (1) accept the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12 and the addition of Appendix I "Technical Review", prepared by TRC, to be complete, being adequate and accurate pursuant to SEQR regulations at 617.9(b)(8); and (2) determine the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12 and the addition of Appendix I, to be the final Environmental Impact Statement ("Final FASNY FEIS") required under SEQR regulations at 617.9(5); and

WHEREAS, at its September 16, 2013 meeting, the Common Council, as Lead Agency, adopted a resolution entitled "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER, AND ACCESSORY STRUCTURES AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT ("FASNY FEIS") AS COMPLETE, FINDING IT TO BE ADEQUATE AND ACCURATE WITH RESPECT TO ITS SCOPE AND CONTENT, AND AUTHORIZING THE ENVIRONMENTAL OFFICER TO TAKE SUCH ACTIONS NECESSARY TO MAKE THE FASNY FEIS AVAILABLE TO THE PUBLIC

AND DISTRIBUTE NOTICES ACCORDINGLY," and filed it with the White Plains City Clerk on September 24, 2013, (the FASNY FEIS referred to in the resolution being the Final FASNY FEIS); and

WHEREAS, pursuant to SEQR regulations at 6 NYCRR Part 617, the Common Council, as Lead Agency for the FASNY Application and the environmental review thereof, prior to making a decision on the FASNY Application, and after a reasonable period for public review and consideration of the Final Environmental Impact Statement of no less than 10 days (6 NYCRR Part 617.11(a)), must file a written findings statement and make a decision whether or not to approve the action, which is the subject of the environmental review; and

WHEREAS, the Commissioners of Public Safety and Public Works, the Deputy Commissioner of Parking for Transportation Engineering, Law Department Management Associate, TRC, and Outside Counsel Steven M. Silverberg, Esq., prepared a draft environmental findings statement ("Draft Environmental Findings Statement") for the Common Council's consideration; and

WHEREAS, several proposed actions were reviewed in the Draft Environmental Findings Statement, consisting of: (1) the FASNY Initial 2011 Application for a "private elementary school" and "private secondary school" with accessory "nursery school," tennis courts, basketball court, swimming pool, athletic fields and internal parking and roadways, dated July 15, 2011 and described in the Final FASNY DEIS; and (2) the FASNY Initial 2011

Application modified by the Applicant for each of the three Modified Proposed Project access options, MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue, described by the Applicant in Chapters 1 and 2 of the accepted Final FASNY FEIS; and

WHEREAS, pursuant to SEQR regulations, the proposed Draft Environmental Findings Statement did:

1. consider the relevant environmental impacts, facts and conclusions disclosed in the Final EIS;
2. weigh and balance relevant environmental impacts with social, economic and other considerations;
3. provide a rational basis for the agency's decision;
4. certify that the requirements of Part 617 have been met; and
5. certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the North Street access option is the action that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were

identified as practicable. [6 NYCRR 617.11(d)]; and

WHEREAS, as described in the Draft Environmental Findings Statement, the Common Council did thoroughly review and consider the Environmental Record which serves as the basis for the Findings in the Draft Environmental Findings Statement, including, but not limited to the following:

1. The FASNY Initial 2011 Application preliminary submission, dated July 15, 2011, for which the Common Council reclaimed jurisdiction from the Board of Appeals by resolution, dated August 1, 2011, pursuant to Zoning Ordinance Section 6.2.3 on a finding that the special permit use is of "substantial public importance";
2. The DEIS, accepted by the Common Council as complete for purposes of public review on August 6, 2012;
3. The public hearing record from the DEIS public hearing held on September 19, 2012, adjourned to and continued on October 17, 2012, and further adjourned to and continued on November 13, 2012;
4. Written comments received on the DEIS through the end of the written comment period on November 30, 2012;
5. The DFEIS, with modifications by the Common Council through September 12, 2013;

6. Written comments on the DFEIS and received through September 12, 2013, including the “Technical Review” Memorandum from TRC, dated September 12, 2013;
7. The Final FASNY FEIS accepted by the Common Council as adequate and accurate, pursuant to SEQR regulations at 6 NYCRR 617.9(b)(8) on September 16, 2013, and filed with the White Plains City Clerk on September 24, 2013; and
8. The proposed Draft Environmental Findings Statement submitted for the Common Council's consideration on December 12, 2013, included revisions recommended by City staff, and individual Council members; and

WHEREAS, after its detailed review of the Draft Environmental Findings Statement, at its meeting of December 19, 2013, the Common Council adopted the Draft Environmental Findings Statement as the 2013 FASNY Environmental Findings Statement by a resolution entitled: FINDINGS STATEMENT ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101 ET SEQ. REGARDING THE APPLICATION SUBMITTED ON BEHALF OF THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("APPLICANT" or "FASNY") IN RELATION TO SPECIAL PERMIT AND SITE PLAN APPROVAL AND RELATED APPROVALS FOR A PRIVATE ELEMENTARY AND SECONDARY SCHOOL, AND AN ACCESSORY NURSERY SCHOOL, TO BE LOCATED ON THE PROPERTY OF THE FORMER

RIDGEWAY COUNTRY CLUB, SUCH PROPERTY CONSISTING OF FOUR PARCELS (SECTION-BLOCK-LOTS SBL 131.14-9-3, SBL 131.14-2-3, SBL 131.10-1-6 and SBL 131.10-3-43) AND HAVING AN ADDRESS OF 400 RIDGEWAY, WHITE PLAINS ("APPLICATION"), the ("2013 FASNY Environmental Findings Statement"); and

WHEREAS, in said resolution, the Common Council certified that it has complied with all the requirements of 6 NYCRR Part 617; and

WHEREAS, in said resolution, the Common Council authorized the Environmental Officer to distribute the 2013 FASNY Environmental Findings Statement and any and all appropriate notices and filings as required by SEQRA; and

WHEREAS, the Environmental Officer did distribute all necessary notices and made all necessary filings regarding the 2013 FASNY Environmental Findings Statement; and

WHEREAS, based on its review of the environmental record, the Common Council further found in Environmental Finding A-2.11 of the 2013 FASNY Environmental Findings Statement, that the FASNY Initial 2011 Application, after all reasonable mitigation measures, did not avoid or mitigate to the maximum extent practicable the significant adverse impacts of the project to traffic and neighborhood character; and

WHEREAS, based on its review of the environmental record, the Common Council further found in Environmental Finding A-2.11 of the 2013 FASNY Environmental Findings Statement, that, in addition to the FASNY Initial 2011 Application, the MPP/Ridgeway access alternative, after all reasonable mitigation measures, did not avoid or mitigate to the maximum extent practicable the significant adverse impacts of the FASNY Project to traffic and neighborhood character; and

WHEREAS, based on its review of the environmental record, the Common Council further found in Environmental Finding A-4.4 of the 2013 FASNY Environmental Findings Statement, that the MPP/Bryant Avenue access alternative did not provide enough information to assess its environmental impacts and would, if considered further, require a supplemental DEIS (“SDEIS”); and

WHEREAS, with respect to MPP/North Street, the third access alternative, as provided in Part IV Certification of Findings of the 2013 FASNY Environmental Findings Statement, and as stated in the above referenced resolution adopting the 2013 FASNY Environmental Findings Statement, the Common Council determined that “consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Modified Proposed Project with access from North Street, as modified by these Environmental Findings, is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts are being avoided or minimized to the

maximum extent practicable by incorporating as conditions to the Common Council's decision those mitigation measures that were identified herein"; and

WHEREAS, integral to the Modified Proposed Project with access from North Street, as detailed in the 2013 FASNY Environmental Findings Statement, is the discontinuance of a portion of the public street Hathaway Lane from Ridgeway to either 57 Hathaway Lane or Gedney Esplanade; and

WHEREAS, Section 152 of the White Plains Charter provides that:

*Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published for ten days in the official newspaper of the City of its intention to do so, and that all persons interested may be heard in reference thereto at a time stated in such notice.*

WHEREAS, at its meeting of February 3, 2014, the Common Council adopted an ordinance authorizing the Corporation Counsel to continue to retain the services of Steven M. Silverberg, Esq., and TRC Engineering, Inc., to assist the Common Council in its review of the FASNY Special Permit/Site Plan Application; and

WHEREAS, on May 22, 2014, FASNY filed with the City Clerk a “Special Permit & Site Plan Approval Application Package” responding to the 2013 FASNY Environmental Findings Statement (“FASNY May 2014 Application”); and

WHEREAS, the FASNY May 2014 Application included the following documents submitted by the Applicant, with a guide to the identity of the preparer:

<u>Description</u>	<u>Preparer</u>	<u>Dated</u>	<u>Last Revised</u>
1) Site Plan/Special Permit Application Narrative/Cover Letter	Z&S	5/21/2014	
2) Survey Review of Title and Easements	JMC	5/5/2014	
3) Transportation Management Plan	AKRF	5/21/2014	
4) Conservancy Master Plan	AKRF	5/21/2014	
5) Draft Declaration of Covenants, Restrictions and Easements for the Conservancy	Zarin & Steinmetz	5/7/2014	
6) Petition for Discontinuance of Street	Z&S	5/5/2014	
7) Stormwater Pollution Prevention Plan	JMC	5/5/2014	
8) Geotechnical Summary	CSA	5/5/2014	
9) Construction Management Plan	Turner	5/21/2014	
10) Environmental Analysis	AKRF	5/21/2014	
11) Coordinated Review Sustainability Checklist	AKRF	5/6/2014	
12) Building MEP Calculation	Stantec	5/5/2014	
13) Average Grade Calculations	JMC	5/21/2014	
Survey of Property Drawings			
SU-1 Survey of Property		4/30/2014	
SU-1A Survey of Property		4/30/2014	

## Site Plan Drawings

JMC

SP-1 Cover Sheet	5/19/2014
SP-2 Overall Existing Conditions Plan	5/19/2014
SP-3 Site Existing Conditions Plan (Area 1)	5/19/2014
SP-4 Site Existing Conditions Plan (Area 2)	5/19/2014
SP-5 Site Existing Conditions Plan (Area 3)	5/19/2014
SP-6 Site Existing Conditions Plan (Area 4)	5/19/2014
SP-7 Site Existing Conditions Plan (Area 5)	5/19/2014
SP-8 Site Demolition Plan (Area 1)	5/19/2014
SP-9 Site Demolition Plan (Area 2)	5/19/2014
SP-10 Site Demolition Plan (Area 3)	5/19/2014
SP-11 Site Demolition Plan (Area 4)	5/19/2014
SP-12 Site Demolition Plan (Area 5)	5/19/2014
SP-13 Overall Site Layout Plan	5/19/2014
SP-14 Site Layout Plan (Area 1)	5/19/2014
SP-15 Site Layout Plan (Area 2)	5/19/2014
SP-16 Site Layout Plan (Area 3)	5/19/2014
SP-17 Site Layout Plan (Area 4)	5/19/2014
SP-18 Site Layout Plan (Area 5)	5/19/2014
SP-19 Site Grading Plan (Area 1)	5/19/2014
SP-20 Site Grading Plan (Area 2)	5/19/2014
SP-21 Site Grading Plan (Area 3)	5/19/2014
SP-22 Site Grading Plan (Area 4)	5/19/2014
SP-23 Site Grading Plan (Area 5)	5/19/2014
SP-24 Site Utilities Plan (Area 1)	5/19/2014
SP-25 Site Utilities Plan (Area 2)	5/19/2014
SP-26 Site Utilities Plan (Area 3)	5/19/2014
SP-27 Site Utilities Plan (Area 4)	5/19/2014
SP-28 Site Utilities Plan (Area 5)	5/19/2014
SP-29 Site Sediment & Erosion Control Plan (Area 1)	5/19/2014
SP-30 Site Sediment & Erosion Control Plan (Area 2)	5/19/2014
SP-31 Site Sediment & Erosion Control Plan (Area 3)	5/19/2014
SP-32 Site Sediment & Erosion Control Plan (Area 4)	5/19/2014
SP-33 Site Sediment & Erosion Control Plan (Area 5)	5/19/2014
SP-34 Preliminary North Street Site Driveway Intersection Improvement Plan	5/19/2014
SP-35 Preliminary Bryant Avenue & North Street Intersection Improvement Plan	5/19/2014

SP-36 Fire Access/Garbage Truck Plan		5/19/2014
SP-37 Hathaway Lane Abandonment Plan		5/19/2014
SP-38 Road Profiles		5/19/2014
SP-39 Construction Details		5/19/2014
SP-40 Construction Details		5/19/2014
SP-41 Construction Details		5/19/2014
SP-42 Construction Details		5/19/2014
SP-43 Construction Details		5/19/2014
Site Landscaping Plans	Stantec	
LP-1 Site Landscaping Plan		5/19/2014
LP-2 Site Landscaping Plan		5/19/2014
LP-3 Site Landscaping Plan		5/19/2014
LP-4 Site Landscaping Plan		5/19/2014
LP-5 Site Landscaping Plan		5/19/2014
Architectural Drawings	Stantec	
A010U Upper School & Gymnasium Coordination Plan – Level 0		5/19/2014
A011U Upper School & Gymnasium Coordination Plan – Level 1		5/19/2014
A012U Upper School & Gymnasium Coordination Plan – Level 2		5/19/2014
A011M Middle School & Black Box Theater – Level 1, Level 2		5/19/2014
A011L Lower School Coordination Plan – Level 1 & Level 2		5/19/2014
A010P Performing Arts Coordination Plan – Level 0, Level 1		5/19/2014
A610U Upper School & Gymnasium – Exterior Elevations		5/19/2014
A610M Middle School & Black Box Theater – Exterior Elevations		5/19/2014
A610L Lower School – Exterior Elevations		5/19/2014
A610P Performing Arts Center – Exterior Elevations		5/19/2014
A800 N-12 Campus – Gross Building Area Schedules		5/19/2014
Site Lighting Plans	Stantec	
E002 Electrical Site Plan		5/19/2014
Site Lighting Calculation		5/19/2014
Site Lighting Fixtures		5/19/2014

**PREPARER KEY**

John Meyer Consulting – JMC  
Zarin & Steinmetz – Z&S  
AKRF – AFRF  
Carlin Simpson Associates – CSA  
Turner Construction – Turner  
Stantec – Stantec; and

WHEREAS, the Site Plan sheets SP-1 through SP-43, dated 5/19/2014, the Architectural drawings, dated 5/19/2014, and the Site Electrical Plans, dated 5/19/2014 are referred to herein by individual site plan sheet numbers and as the “Site Plan Sheets;” and

WHEREAS, at its meeting of June 2, 2014, the Common Council received a communication from Michael Zarin, Esq., attorney for the French-American School of New York, dated May 21, 2014, submitted in conjunction with and as part of the FASNY May 2014 Application; and

WHEREAS, at its meeting of June 2, 2014, the Common Council further received a communication from John Callahan, Esq., Corporation Counsel, dated May 28, 2014, advising the Common Council of the need for public hearings regarding both: (1) the discontinuance of a portion of Hathaway Lane pursuant to White Plains City Charter Section 152, and (2) amendment to the City’s Official Map pursuant to NY General City Law Section 29, and submitting a resolution scheduling the public hearings for July 7, 2014; and

WHEREAS, at its meeting of June 2, 2014, the Common Council further received a communication from Damon Amadio, Commissioner of Building, dated May 22, 2014,

transmitting the FASNY May 2014 Application and advising the Common Council of four (4) public hearings required for the instant Application, those being:

1. Public hearing on the discontinuance of a portion of Hathaway Lane pursuant to Section 152 of the City Charter (as noted herein above this also requires a public hearing pursuant to Section 29 of the NYS General City Law);
2. Public hearing on Special Permit/Site Plan for “private elementary school” and “private secondary school” at 400 Ridgeway;
3. Public hearing on a Special Permit/Site Plan for accessory tennis court and basketball court structures; and
4. Public hearing required because 400 Ridgeway is an environmentally sensitive site; and

WHEREAS, at its meeting of June 2, 2014, the FASNY May 2014 Application was referred to the Departments of Law, Building, Public Works, Public Safety, the Parking Department Traffic Division, the Design Review Board, Planning Board, Conservation Board, the Westchester County Planning Board, the Westchester County Department of Public Works, and the White Plains School District; and

WHEREAS, the referral to the Planning Board was made: (1) under Sections 6 and 7 of the Zoning Ordinance for the Common Council, as approving agency, to receive comments from

the Planning Board on the FASNY May 2014 Application; and (2) under NYS General City Law Section 29 which requires, among other things, that the legislative body must receive a report from the Planning Board prior to taking action on any amendment to the City's Official Map; and

WHEREAS, at said June 2, 2014 meeting, the Common Council adopted a resolution scheduling concurrent public hearings for July 7, 2014 in relation to: (1) the proposed discontinuance of a portion of Hathaway Lane between Ridgeway and Gedney Esplanade pursuant to Section 152 of the White Plains Charter; and (2) the amendment of the Official Map of the City of White Plains pursuant to Section 29 of the General City Law, and directing the Applicant to publish the required notice, which notice was published on June 21, 2014 through and including July 1, 2014; and

WHEREAS, at said June 2, 2014 meeting, the Common Council further scheduled concurrent public hearings for July 7, 2014 in relation to the FASNY May 2014 Application for: (1) a Special Permit/Site Plan for a "private elementary school" and "private secondary school," at 400 Ridgeway; (2) on a site containing environmentally sensitive features as defined in Municipal Code Chapter 3-5 and Section 2 of the White Plains Zoning Ordinance; and (3) a Special Permit/Site Plan for accessory tennis court and basketball court structures thereon; and

WHEREAS, the concurrent public hearings regarding:

1. The proposed discontinuance of a portion of Hathaway Lane between Ridgeway and

Gedney Esplanade pursuant to Section 152 of the White Plains Charter;

2. Official Map amendment pursuant to Section 29 of the General City Law;
3. Special Permit/Site Plan for a "private elementary school" and "private secondary school," at 400 Ridgeway;
4. A site containing environmentally sensitive features as defined by Municipal Code Chapter 3-5 and the Zoning Ordinance; and
5. Special Permit/Site Plan for the accessory tennis court and basketball court structures on the site (together "Concurrent Public Hearings");

were opened on July 7, 2014, public comments and comments from the Applicant were heard, and the hearings were adjourned to August 4, 2014; and

WHEREAS, at its meeting of August 4, 2014, the adjourned Concurrent Public Hearings were again opened, comments were made by the public and the Applicant, and the Concurrent Public Hearings were again adjourned to September 8, 2014; and

WHEREAS, at the September 8, 2014 duly noticed special meeting of the Common Council, held at the White Plains High School, the adjourned Concurrent Public Hearings were again opened, comments were made by the public and the Applicant, and the Concurrent Public Hearings were again adjourned to September 10, 2014; and

WHEREAS, the Common Council, at the duly noticed special meeting held on

September 8, 2014, received a written communication from the Chair of the Planning Board, dated August 25, 2014, a letter from Michael Zarin, Esq., attorney for FASNY transmitting a “Technical Memorandum – Hathaway Lane” prepared by AKRF and JMC, dated September 8, 2014, and a communication from the Design Review Board, dated July 3, 2014; and

WHEREAS, at the September 10, 2014 duly noticed special meeting of the Common Council, the Concurrent Public Hearings were again opened at White Plains High School, comments were made by the Applicant and the public, and the Concurrent Public Hearings were again adjourned to September 29, 2014; and

WHEREAS, at the September 29, 2014 duly noticed special meeting of the Common Council, the Concurrent Public Hearings were again opened with comments and questions from the Common Council and responses from the Applicant, and the Concurrent Public Hearings were further adjourned to October 28, 2014; and

WHEREAS, the Common Council, at the meeting held on September 29, 2014, received communications from the Conservation Board, dated July 21, 2014, a joint report to the Common Council, dated September 17, 2014, prepared by the Law Department Management Associate and incorporating the comments of the Commissioners of Public Safety, Building, and Public Works and the Management Associate (“Joint September Communication”), a communication from the Deputy Commissioner of Parking for Transportation Engineering, dated September 24, 2014, a communication from the Transportation Commission, dated September 24, 2014, and a Technical Review from TRC, dated September 24, 2014; and

WHEREAS, the Joint September Communication, dated September 17, 2014, the communication from TRC, the communication from the Deputy Commissioner of Parking for Transportation Engineering, and the communications from the Transportation Commission and the Conservation Board, all found the FASNY May 2014 Application to be inconsistent with the 2013 FASNY Environmental Findings Statement; and

WHEREAS, on October 21, 2014, the Applicant filed with the City Clerk revisions to its May 2014 “Special Permit & Site Plan Approval Application Package” with transmittal letter from Michael Zarin, Esq., dated October 20, 2014 (“Revised FASNY 2014 Application Material”) consisting of revisions to the following documents:

<u>Description</u>	<u>Preparer</u>	<u>Dated</u>	<u>Last Revised</u>
1) Cover Letter	Z&S	10/20/2014	
2) Transportation Management Plan	AKRF	5/21/2014	10/20/2014
3) Conservancy Master Plan	AKRF	5/21/2014	10/20/2014
4) Construction Management Plan	Turner	5/21/2014	10/20/2014
5) Petition for Discontinuance of Street	Z&S	5/5/2014	10/20/2014
6) Draft Declaration of Covenants, Restrictions and Easements for the Conservancy	Zarin & Steinmetz	5/7/2014	10/20/2014
Site Plan Drawings	JMC		
SP-14 Site Layout Plan (Area 1)		5/19/2014	10/17/2014
SP-15 Site Layout Plan (Area 2)		5/19/2014	10/17/2014
SP-16 Site Layout Plan (Area 3)		5/19/2014	10/17/2014
SP-17 Site Layout Plan (Area 4)		5/19/2014	10/17/2014
SP-18 Site Layout Plan (Area 5)		5/19/2014	10/17/2014

Site Landscaping Plans	Stantec		
L101 Landscape Plan, Trees and Shrubs – Area 1		5/19/2014	10/20/2014
L102 Landscape Plan, Trees and Shrubs – Area 2		5/19/2014	10/20/2014
L103 Landscape Plan, Trees and Shrubs – Area 3		5/19/2014	10/20/2014
L104 Landscape Plan, Trees and Shrubs – Area 4		5/19/2014	10/20/2014
L105 Landscape Plan, Trees and Shrubs – Area 5		5/19/2014	10/20/2014
			; and

WHEREAS, Site Plan Sheets SP-14 through SP-18, with revision dates of 10/17/2014, are referred to herein as “Revised Site Plan” or “Revised Site Plan Sheets” and Site Landscaping Plans L101 through L105, dated 10/20/2014 are referred to herein as “Revised Site Landscaping Plan” or “Revised Landscaping Plan Sheets; and

WHEREAS, on October 27, 2014, FASNY submitted to the City a video simulation and a letter from the Army Corp of Engineers, such submission consisting of the following documents: (1) a cover letter from Michael Zarin, Esq., attorney for FASNY; (2) an electronic video simulation of the proposed FASNY Project, prepared by Stantec and dated October 27, 2014, which was posted on the City’s website; and (3) a letter from the Army Corp of Engineers, undated; and

WHEREAS, at its duly noticed special meeting of October 28, 2014, the Common Council referred out the Revised FASNY 2014 Application Material to the same departments, boards, commissions, City consultants and outside agencies as received the FASNY May 2014 Application; and

WHEREAS, further at its duly notice special meeting of October 28, 2014, the Common Council opened the adjourned Concurrent Public Hearings, received comments, and adjourned the Concurrent Public Hearings to November 24, 2014; and

WHEREAS, on October 31, 2014, FASNY submitted additional copies of the AKRF “Technical Memorandum – Hathaway Lane” prepared by AKRF and JMC, dated September 8, 2014, as required by the Zoning Ordinance, and additional comments regarding the October 20, 2014, Revised FASNY 2014 Application; and

WHEREAS, at its duly noticed special meeting of November 24, 2014, the Common Council received communications from the City Clerk transmitting two reports from the Law Department Management Associate, dated November 18 and 19, 2014, entitled respectively “Communication to the Common Council Regarding: The French-American School of New York A Revised Special Permit/Site Plan Application,” including Parts A through F addressing: (A) Discontinuance of a Portion of Hathaway Lane; (B) Consistency of Revised Petition with Environmental Findings; (C ) Parking Space Determination; (D) Revised Transportation Management Plan Analysis; (E) Revised Conservancy Area Master Plan; and (F) Revised Construction Management Plan; and a “Communication To The Common Council Regarding: The French American School of New York Revised Special Permit/Site Plan Application Section 6.5 and 7.5 Zoning Ordinance Analysis”; a communication from the City Clerk transmitting a report entitled “Technical Review” from TRC, dated November 19, 2014; a communication from the Deputy Commissioner of Parking for Transportation Engineering, dated November 19, 2014; a communication from the Commissioner of Public Safety, dated November 6, 2014, and a communication from the Commissioner of Public Works, dated December 1, 2014; and

WHEREAS, the adjourned Concurrent Public Hearings scheduled for November 24, 2014, were opened and further adjourned to December 3, 2014; and

WHEREAS, at its duly noticed special meeting on December 3, 2014, the adjourned Concurrent Public Hearings were opened, comments and questions for the Applicant were received from the Common Council and responses provided by the Applicant, and the Concurrent Public Hearings were closed with written comments to be accepted through 5:00 PM on December 18, 2014; and

WHEREAS, at its duly noticed special meeting of December 3, 2014, the Common Council received a communication from the Commissioner of Public Safety, dated December 3, 2014, responding to a communication from Denise and Joseph DeMarzo transmitting, among other things, a “Gedney Farm Fire Department Response Analysis” prepared by FIREPRO, Incorporated, dated December 1, 2014; and

WHEREAS, among the revisions included in the Revised FASNY 2014 Application Material were modifications to the Hathaway Lane discontinuance from Ridgeway to Gedney Esplanade, proposing, in the alternative, the discontinuance of a portion of Hathaway Lane from Ridgeway to a line on Hathaway Lane 50 feet south of the southern property line of the property at 57 Hathaway Lane, as shown on Exhibit A(1) of the revised Discontinuance Petition (“Revised Discontinuance Petition”); and

WHEREAS, further among the revisions included in the Revised FASNY 2014 Application Material were modifications made by FASNY in response to comments and questions from, among other entities, the Planning Board in its communication, dated August 25,

2014, with respect to the discontinuance of the portion of Hathaway Lane, including the following revisions:

1. FASNY revised the Hathaway Lane discontinuance to 50 feet south of the southern property line of 57 Hathaway Lane thereby maintaining the northerly portion of Hathaway Lane with a modified cul-de-sac (such as a hammer head) as a public street along the frontage of this property;
2. FASNY agreed to maintain access between Ridgeway and Gedney Esplanade along an emergency access driveway, running from Ridgeway in a northerly direction along or on the easterly side of the discontinued Hathway Lane right-of-way and connecting with the remaining public portion of Hathaway Lane south of Gedney Esplanade and approximately across from the residence at 57 Hathaway Lane, as shown on Exhibit A(3) of this Ordinance herein, which would be open for emergency vehicles at all times and open to two-way public through traffic after regular school hours from 6:30 PM to 6:30 AM and during all non-school days, including holidays, weekends and summer vacation (“Emergency Access Driveway”); and
3. FASNY agreed to install signage and physical barriers, in consultation with and as approved by the Commissioners of Public Safety and Public Works, and the Deputy Commissioner of Parking for Transportation Engineering to restrict use of the roadway during school days, while preserving easy access to and through the site for emergency vehicles and maintaining comparable response times as determined by the Commissioner of Public Safety; and

WHEREAS, as per a communication from the Commissioner of Public Works dated May 19, 2015, the SWPPP for the FASNY Project was approved by the Commissioner of Public Works effective May 15, 2015; and

WHEREAS, this discontinuance ordinance herein (“Discontinuance Ordinance”) is in response to Applicant’s Revised Discontinuance Petition which discontinuance is made subject to all of the terms, conditions and requirements set forth in this Discontinuance Ordinance herein, which conditions shall also be incorporated in any subsequently adopted FASNY Special Permit/Site Plan Approval Resolution by reference (“FASNY Special Permit/Site Plan Approval Resolution”), including conditions related, but not limited to the following:

1. Providing for improved emergency vehicle access to and through the FASNY Project site at all times, including during all phases of construction;
2. Providing for public two-way through access from Ridgeway to Gedney Esplanade via the improved emergency access driveway and the public portion of Hathaway Lane south of Gedney Esplanade after regular school hours from 6:30 PM to 6:30 AM and on days when school is not in session, including holidays, summer vacation and weekends; and
3. Reducing the size and changing the configuration and the landscaping of the central and lower school parking areas, and providing additional landscaping and clustering of the landscaping for parking spaces in all parking areas to be consistent with other schools, houses of worship and non-residential not-for-profit uses in the neighborhood as will be set forth in the FASNY Special Permit/Site Plan Approval Resolution; and

WHEREAS, together with the Revised Discontinuance Petition, the FASNY May 2014 Application and support material as modified by the Revised FASNY 2014 Application Material constitute the “REVISED FASNY Application”; and

WHEREAS, the Common Council has reviewed and considered the environmental record, including the 2013 FASNY Environmental Findings Statement, and the Revised FASNY Application; and

WHEREAS, the Common Council has further reviewed and considered the public record, including both written and oral comments from the Applicant and the public, as well as from the various City departments, officers, agencies, commissions and boards, TRC, Outside Counsel, and the White Plains Board of Education, and the Westchester County Planning Board; and

WHEREAS, the Common Council has considered the REVISED FASNY Application, including the Revised Discontinuance Petition, Section 152 of the White Plains Charter and Section 29 of the General City Law; and

WHEREAS, all of the terms, conditions, and requirements in this Discontinuance Ordinance herein shall also be incorporated as the terms, conditions and requirements of the FASNY Special Permit/Site Plan Approval Resolution appearing on the agenda herein before the Common Council, and the terms, conditions and requirements of said Approval Resolution are included herein by reference.

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

and enacts as follows:

Section 1. It is hereby determined that, based on: (1) Section 152 of the Charter of the City of White Plains; (2) the environmental record and the applicable findings and conclusions contained in the 2013 FASNY Environmental Findings Statement with regard to the discontinuance of a portion of Hathaway Lane running from Ridgeway to a line 50 feet south of the southerly property line of the property known as 57 Hathaway Lane as shown on Exhibit A(1) of this Discontinuance Ordinance (“Hathaway Lane Discontinuance”); and (3) the development of the French-American School of New York as proposed in the REVISED FASNY Application as such Application is modified by and conditioned on compliance with all of the terms, conditions, and requirements of this Discontinuance Ordinance, the FASNY Special Permit/Site Plan Approval Resolution, and the approved SWPPP, (A) such discontinuance is consistent with and a public benefit as it conforms to and effectuates the mitigation measures set forth in the environmental record and the 2013 FASNY Environmental Findings Statement, and conforms to Section 152 of the Charter of the City of White Plains, (B) it is no longer necessary that the City of White Plains maintain and operate as a public street that portion of Hathaway Lane defined herein above as the Hathaway Lane Discontinuance, and (C) the property located at 57 Hathaway Lane shall remain on the public street portion of Hathaway Lane.

The Hathaway Lane Discontinuance shall be subject to the terms, conditions and requirements of this Discontinuance Ordinance, including, but not limited to: (a) reservation in favor of the City of White Plains and/or any public or private utilities with recorded interests, of all easements, public and private, along with metes and bounds description(s), of the Hathaway Lane Discontinuance; (b) providing utility drawings and grading plans to the satisfaction of the Commissioner of Public Works for all easements shown in Exhibit A(2) attached hereto and

made a part hereof, and all such other easements as are already located on the FASNY property; (c ) all such utility drawings and grading plans being updated and approved by the Commissioner of Public Works to reflect all modifications to the FASNY Project; (d) a separate easement map reflecting all municipal easements, including schedules with metes and bounds descriptions; (e) all utility easements labeled as “utility easements”; and (f) with the Commissioner of Public Works having final approval of the easements, with the authority to effect minor modifications in size and/or scope of all public easements that exist and are proposed in the FASNY Project’s property.

Section 2. The City of White Plains reserves to itself the right to retain a blanket access and maintenance of utilities easement, at no cost to the City, for all of the Parcels A, B, C, and Expanded Parcel D owned by FASNY and necessary for municipal and other public utilities located on the FASNY property which shall be identified on the final survey(s) prepared in accordance with this Discontinuance Ordinance that are subject to the approval of the Commissioner of Public Works. In addition to the City having an access and maintenance of utilities easement, the City and all typical transportation franchises, (i.e. Con Ed, Verizon, and Cablevision), shall, at no cost, have the right to install new utilities as needed within the area of the Hathaway Lane Discontinuance and the additional existing easement area of the utility easements on Parcels A and Expanded Parcel D as shown on Exhibit A(2) hereof. The utility easement shall be recorded as a blanket municipal underground utility easement, and not merely a sewer and water easement.

Section 3. To enable the partial discontinuance of Hathaway Lane as shown on Exhibit A(1) hereof and the conveyance of the underlying City property in the discontinued

right-of-way to the Applicant, and the amendment of the City of White Plains Official Map, the Applicant shall be required to:

- a. obtain Special Permit/Site Plan approval from the Common Council for a “private elementary school” and “private secondary school” and accessory “nursery school” with six (6) accessory tennis courts, athletic fields, internal roadways, parking areas and an approximately 84 acre nature conservancy, to be constructed consistent with and subject to all the terms, conditions and requirements contained in the 2013 FASNY Environmental Findings Statement, FASNY Special Permit/Site Plan Approval Resolution, the approved SWPPP, and this Discontinuance Ordinance herein.
- b. as stated in Section 1 hereinabove, submit a certified survey and final metes and bounds description for the portion of the discontinued Hathaway Lane, for the final review and approval by the Commissioner of Public Works, to be included with any conveyance document.
- c. submit to the Commissioner of Public Works, consistent with the terms and conditions of this Discontinuance Ordinance and the FASNY Special Permit/Site Plan Approval Resolution in a form acceptable to the Corporation Counsel, a binding commitment to fund any off-site signage to mitigate cut-through traffic and traffic diversion resulting from the partial closure and discontinuance of Hathaway Lane.

- d. post a bond for the cost of reconstruction of the portion of Hathaway Lane to be discontinued under this Discontinuance Ordinance herein. The bond-to be drawn upon by the Commissioner of Public Works, for the reconstruction of the discontinued portion of Hathaway Lane as a public street, if such discontinued portion of Hathaway Lane has not been replaced with an emergency access driveway designed and constructed to provide permanent emergency access to and through the FASNY Project site and two-way public through traffic from the public portion of Hathaway Lane to Ridgeway, as shown in Exhibit A(3) hereof, satisfying the roadway construction and design standards as required to be constructed in the FASNY Special Permit/Site Plan Approval Resolution (“Hathaway Reconstruction Bond”). The Commissioner of Public Works, may draw on such Hathaway Reconstruction Bond to cause the discontinued portion of Hathaway Lane to be reconstructed as a public street if the two-way emergency access driveway shown on Exhibit A(3), attached hereto and made a part hereof, is not completed to the satisfaction of the Commissioners of Public Works, Public Safety and the Deputy Commissioner of Parking for Transportation Engineering within four (4) years of the date of the adoption of the FASNY Special Permit/Site Plan Approval Resolution, regardless of other emergency access to and through the property being available, or if construction of the FASNY Project site shall cease for a period of 6 months, or if, in the absence of the emergency access driveway, emergency vehicle access and travel time to and through the FASNY Project site is determined by the Commissioner of Public Safety, by

written notice to the Corporation Council, to adversely delay emergency response times.

- e. enter into an agreement with the City of White Plains, such agreement to be in a form approved by the Corporation Counsel, regarding the amount and terms of the Hathaway Reconstruction Bond, such agreement shall incorporate the applicable terms, conditions and requirements of this Discontinuance Ordinance and shall also contain a provision for Hathaway Lane to revert to the City of White Plains for public use in the event the Hathaway Reconstruction Bond is drawn upon.
- f. enter into such other agreements, including a conveyance agreement as are deemed necessary by the Corporation Counsel to effectuate the discontinuance of the portion of Hathaway Lane shown in Exhibit A(1) hereof and the conveyance of such discontinued right-of-way to the French-American School of New York.
- g. Pay consideration for the transfer of the discontinued right-of-way in such amount as is determined by the Common Council in accordance with Section 6.

Section 4. The site improvements affecting the easement areas shall be coordinated with the City of White Plains and affected companies, in consultation with the Commissioner of Public Works, to make the necessary changes to minimize the relocation of critical gas, electric

and communication services within the construction limits of the FASNY Project. Furthermore, as per the December 1, 2014 communication from the Commissioner of Public Works, the City shall not be held responsible for disturbance of any site features (i.e. asphalt areas, bushes, etc.) should utility work be undertaken within the easement area. The planting of trees, installation of lighting, placement of walls, fences, structures or other appurtenances, or private utilities in public or private utility easement area(s) shall not be permitted. All easements for utilities within the right of way of Hathaway Lane or such other mapped utility area must cover all utilities, not just municipal, and the easement agreement(s) must be subject to final approval of the Corporation Counsel.

Section 5. After the completion of construction of Phase I of the FASNY Project, as defined and described in the FASNY Special Permit/Site Plan Approval Resolution, the Applicant shall submit to the Department of Public Works certified "As-Built" drawings of the underground easement area(s). After the completion of construction of Phase II of the FASNY Project, also as defined and described in the FASNY Special Permit/Site Plan Approval Resolution, the Applicant shall submit to the Department of Public Works certified "As-Built" drawings encompassing both Phase I and Phase II of the underground easement area(s).

Section 6. The Common Council, by separate ordinance, shall establish a price for the conveyance of the discontinued portion of Hathaway Lane to the French-American School of New York.

Section 7. The ordinance establishing the price of the conveyance of the discontinued portion of Hathaway Lane to the French-American School of New York shall also

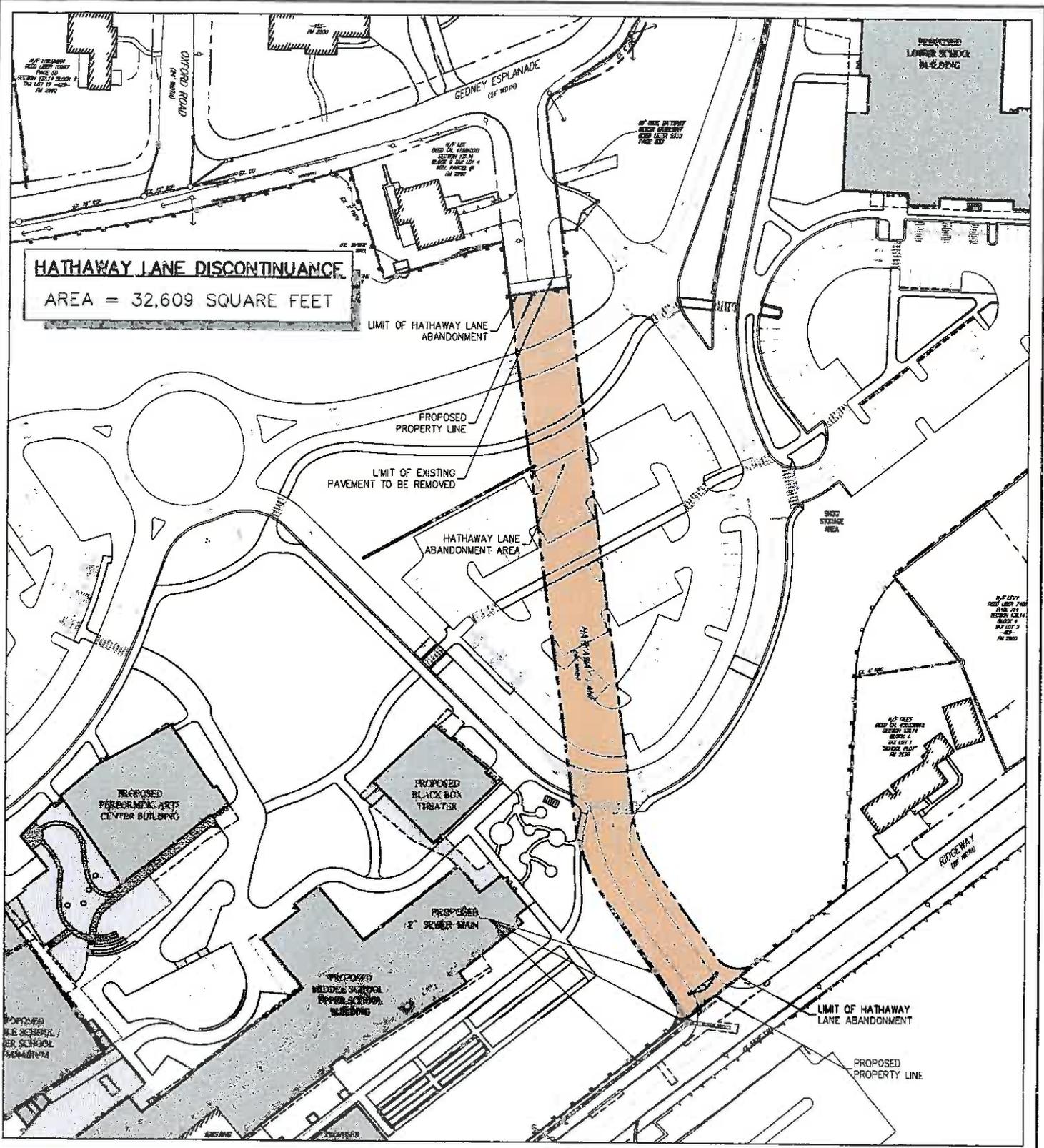
state that such conveyance is subject to all underground utility easements both under the discontinued portion of Hathaway Lane and elsewhere on the FASNY property, and to all of the terms, conditions and requirements of this Discontinuance Ordinance.

Section 8. Upon the happening of all of the following: (1) the adoption by the Common Council of this Discontinuance Ordinance herein; (2) the adoption by the Common Council of the FASNY Special Permit/Site Plan Approval Resolution incorporating the terms, conditions and requirements contained in this Discontinuance Ordinance by reference and incorporating such additional conditions as are necessary and appropriate to the Special Permit/Site Plan approval required under Sections 6, 7 and 8 of the Zoning Ordinance; (3) the adoption by the Common Council of an ordinance establishing the price and other necessary terms for the conveyance of the discontinued portion of Hathaway Lane to FASNY; (4) the satisfaction by FASNY of all applicable terms, conditions and requirements set forth in this Discontinuance Ordinance, (including but not limited to the payment of the price fixed by the Common Council), as well as the filing of the Final Transportation Management Plan with the City Clerk; (5) the posting of the Roadway Reconstruction Bond referred to and described hereinabove in Section 3.e.; (6) the approval by the Corporation Counsel of the final form of all agreements and documents, including the Hathaway Reconstruction Bond agreement and all easement agreements related to municipal infrastructure and utilities and private utilities located on the FASNY Project site which agreements are necessitated by the discontinuance of the portion of Hathaway Lane described in Exhibit A(1) and by the conveyance of the public right-of-way thereunder to FASNY; and (7) the amendment of the Official Map of the City of White Plains as authorized in this Discontinuance Ordinance herein, the Commissioners of Finance and

Public Works are hereby authorized to execute any documents approved as to final form by the Corporation Counsel which are necessary to effectuate the discontinuance of said portion of Hathaway Lane and conveyance of same to the French-American School of New York, as approved by the Common Council with the adoption of this Discontinuance Ordinance and the FASNY Special Permit/Site Plan Approval Resolution.

Section 9. The Common Council finds that the implementation and enforcement of the terms, conditions and requirements in this Discontinuance Ordinance are necessary and appropriate to protect the public interests for the development and operation of the FASNY School with access for all school related functions and activities being from North Street, except for minor service related functions accessed from Ridgeway, and Hathaway Lane being discontinued as a public street from Ridgeway to a line 50 feet south of the property at 57 Hathaway Lane, with emergency access at all times, including before, during, and after construction, both to and through the FASNY site, and further providing public access through the site after construction is completed, after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends, holidays and summer vacations.

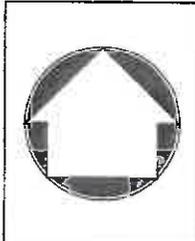
Section 10. This Discontinuance Ordinance authorizes: (a) the discontinuance of the portion of Hathaway Lane shown in Exhibit A(1) hereof; (b) the conveyance of the underlying City-owned property to the French American School of New York; and (c ) the amendment of the Official Map to reflect such discontinuance and conveyance, which shall take effect upon the full implementation of all of the applicable terms, conditions and requirements of this Discontinuance Ordinance.



**FRENCH-AMERICAN SCHOOL OF NEW YORK**  
400 RIDGEWAY CITY OF WHITE PLAINS, NEW YORK

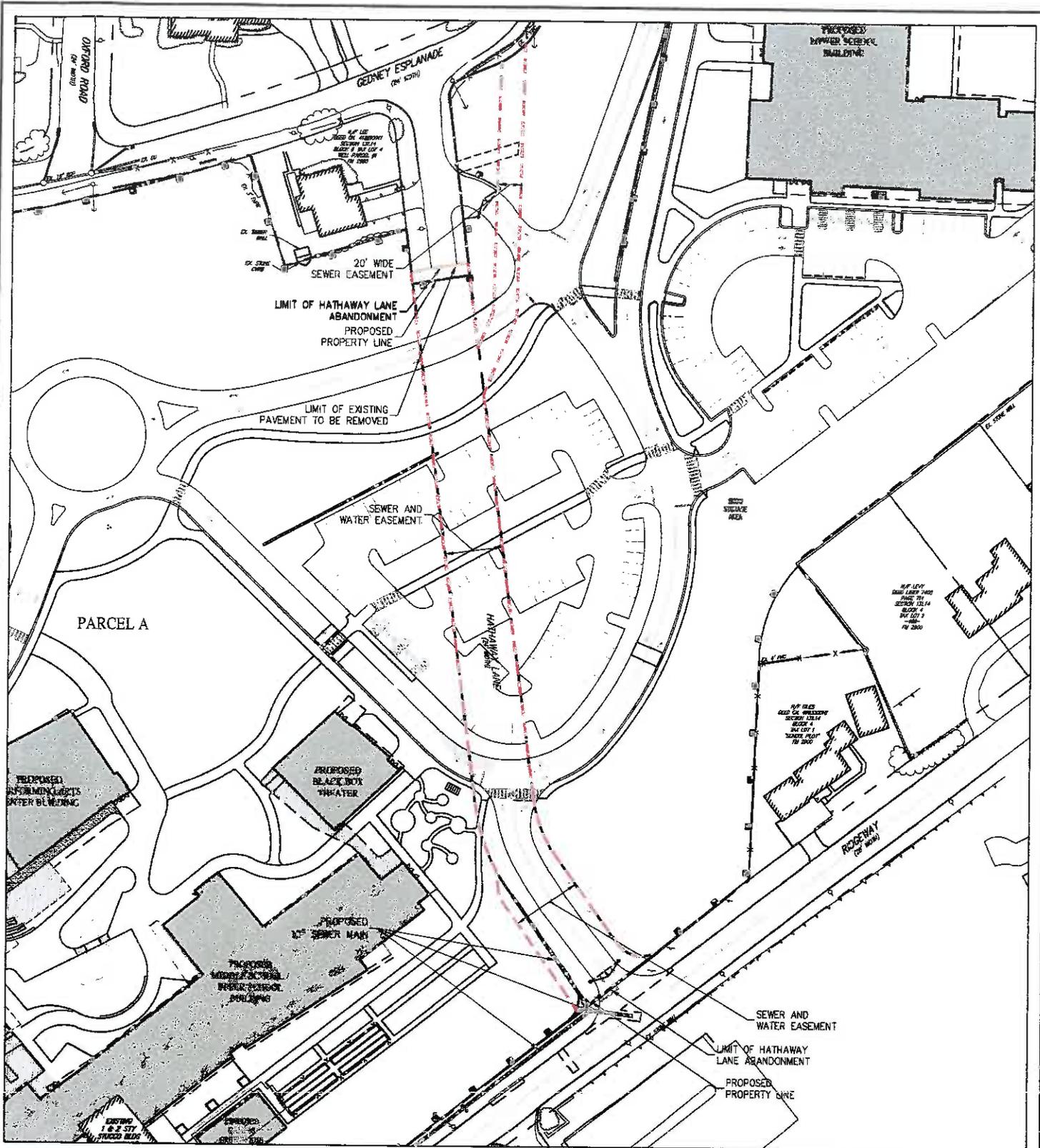
**HATHAWAY LANE DISCONTINUANCE AREA**  
**EXHIBIT A(1)**  
DATE: 03/30/2015 JMC PROJECT: 10170

EXHIBIT: 1 SCALE: 1" = 120'



**JMC**  
SITE DEVELOPMENT CONSULTANTS  
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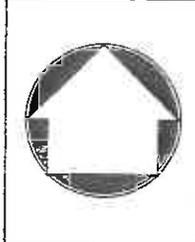
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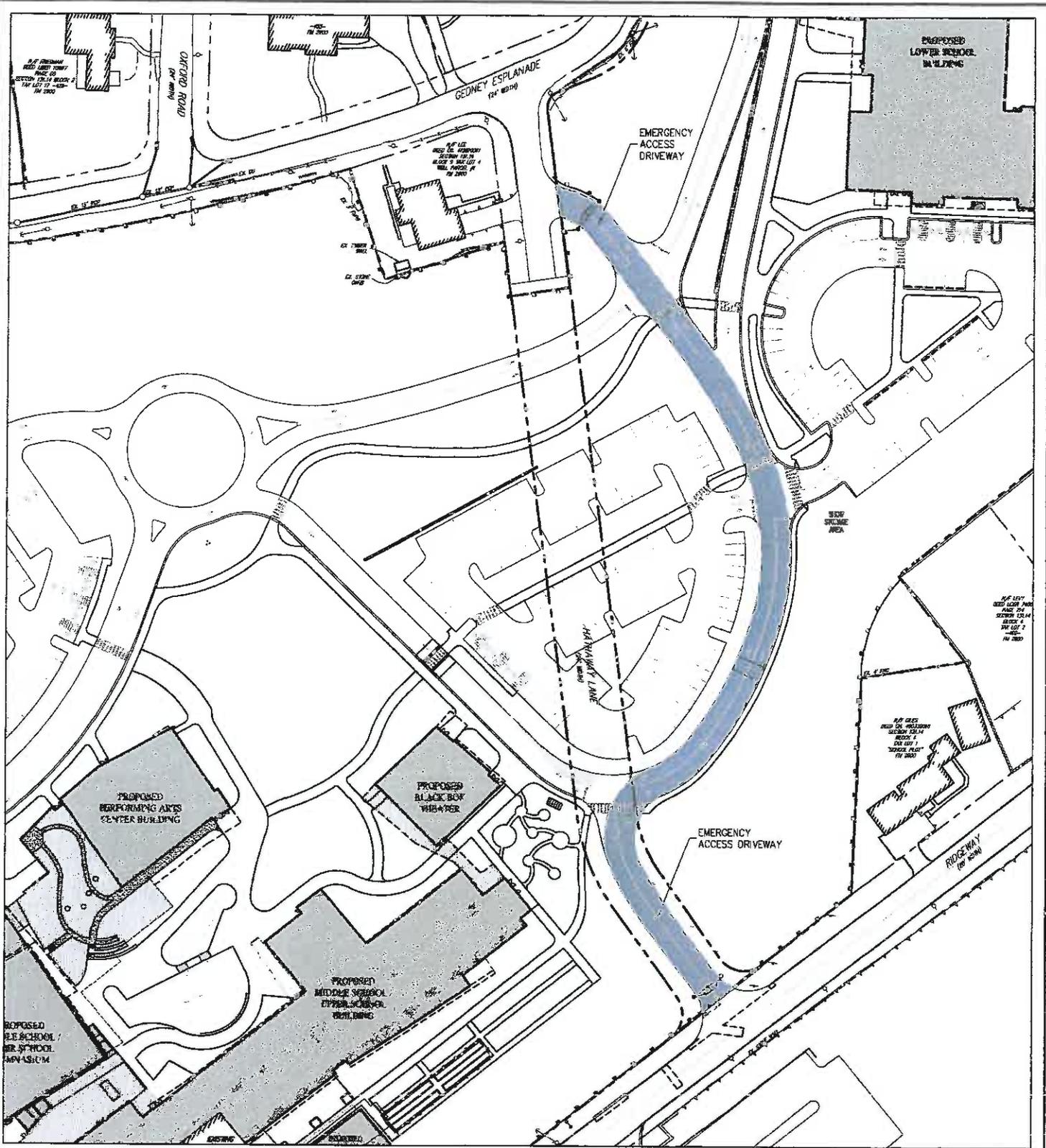
**HATHAWAY LANE EASEMENT AREA**  
**EXHIBIT A(2)**  
 DATE: 03/30/2015  
 JMC PROJECT: 10170

EXHIBIT: 2  
 SCALE: 1" = 120'



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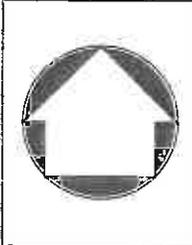
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 400 RIDGEWAY CITY OF WHITE PLAINS, NEW YORK

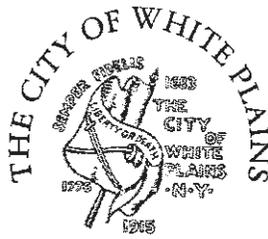
**HATHAWAY LANE EMERGENCY ACCESS DRIVEWAY**  
**EXHIBIT A(3)**  
 DATE: 04/01/2015 JMC PROJECT: 10170

EXHIBIT: 3 SCALE: 1" = 120'



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**DEPARTMENT OF LAW**

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

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**JOHN G. CALLAHAN**  
Corporation Counsel

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

**DANIEL K. SPENCER**  
Deputy Corporation Counsel

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: FRENCH-AMERICAN SCHOOL OF NEW YORK SPECIAL PERMIT/SITE  
PLAN APPROVAL

Pending before the Common Council is the revised application submitted by the French-American School of New York ("FASNY") for special permit and site plan approval of the FASNY Project, including, among other things, necessary zoning and Municipal Code approvals, which revised application consists of the May 2014 FASNY Application with revisions by FASNY transmitted to the Common Council on October 20, 2014 (together the "REVISED FASNY APPLICATION"). The REVISED FASNY APPLICATION seeks to establish the FASNY project, including a private elementary and secondary school, with accessory nursery school, accessory tennis court structures, athletic fields, parking areas, internal roadways, and an approximately 84 acre Conservancy area, and the construction of an emergency access driveway ("Emergency Access Driveway") running from Ridgeway, generally along and, in part to the east, of the portion of Hathaway Lane requested by FASNY to be discontinued, then connecting to the public street portion of Hathaway Lane south of Gedney Esplanade, approximately across from the property known as 57 Hathaway Lane. Both the proposed partial discontinuance of Hathaway Lane and the Emergency Access Driveway are shown on Exhibit A of the approved Hathaway Lane partial discontinuance ordinance ("Adopted Discontinuance Ordinance").

As proposed in the REVISED FASNY APPLICATION, access to the FASNY Project site for school related uses will come from North Street across from the White Plains High School North Street access ("North Street Access"), with limited service vehicle access and staff parking for up to nine (9) vehicles accessed from Ridgeway. Public access through the FASNY Project site along the Emergency Access Driveway has been approved in Section 9 of the Discontinuance Ordinance for two-way through traffic from "after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations."

4

The accompanying Special Permit/Site Plan approval resolution (referred to in this communication, in the Adopted Discontinuance Ordinance, and in the Special Permit/Site Plan approval resolution as the “FASNY Special Permit/Site Plan Approval Resolution” or “Approval Resolution”) is composed of the following four (4) principal parts:

1. **Background.** This part provides a history of the FASNY application and environmental review process, the definitions of Phase I and Phase II of the FASNY Project, and a summary of key terms, conditions and requirements of the Adopted Discontinuance Ordinance and its approval process.
2. **Terms, Conditions and Requirements.** This part includes all of the terms, conditions, and requirements (referred to as “Conditions”) in the FASNY Special Permit/Site Plan Approval Resolution, consistent with: (a) the Adopted Discontinuance Ordinance, which applicable Conditions are included in the Approval Resolution by reference; (b) the Environmental Findings Statement adopted by the Common Council on December 19, 2013 (“Environmental Findings Statement”); and (c ) the Stormwater Pollution Prevention Plan approved by the Commissioner of Public Works effective May 15, 2015 (“Approved SWPPP”). Documents (a) through (c) are referred to in the FASNY Special Permit/Site Plan Approval Resolution as the “Approved Documents.” The Conditions contained in the accompanying FASNY Special Permit/Site Plan Approval Resolution, like the Conditions in the Approved Documents, modify the REVISED FASNY APPLICATION.
3. **Common Council Findings.** This part includes findings for consideration by the Common Council with respect to the conformance of the REVISED FASNY APPLICATION, as modified by the Conditions in the FASNY Special Permit/Site Plan Approval Resolution, which is consistent with the Approved Documents, the applicable standards and regulations of the Zoning Ordinance and the Municipal Code of the City of White Plains.
4. **Determinations and Approvals.** This part includes the necessary determinations and approvals that must be granted by the Common Council to effectuate the approval of the final FASNY Project consistent with the FASNY Special Permit/Site Plan Approval Resolution and the Approved Documents.

Respectfully Submitted,



Susan F. Habel, Management Associate

July 30, 2015



**ENVIRONMENTAL OFFICER**

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

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

July 30, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL  
SUBJECT: FASNY SPECIAL PERMIT/SITE PLAN APPROVAL RESOLUTION  
ENVIRONMENTAL REVIEW

Pending before the Common Council is the revised application for special permit/site plan approval and other necessary zoning and Municipal Code approvals requested by the French-American School of New York ("FASNY"), such revised application consisting of the May 2014 FASNY Application with revisions by FASNY transmitted to the Common Council on October 20, 2014 (together the "REVISED FASNY APPLICATION"). The REVISED FASNY APPLICATION seeks to establish a private elementary and secondary school, with accessory nursery school, accessory tennis court structures, athletic fields, parking areas, internal roadways, and an approximately 84 acre Conservancy area, with the construction of an emergency access driveway ("Emergency Access Driveway") running from Ridgeway, generally along and, in part to the east, of the portion of Hathaway Lane requested by FASNY to be discontinued, then connecting to the public street portion of Hathaway Lane south of Gedney Esplanade, approximately across from the property known as 57 Hathaway Lane. Both the proposed partial discontinuance of Hathaway Lane and the Emergency Access Driveway are shown on Exhibit A of the Hathaway Lane partial discontinuance ordinance ("Discontinuance Ordinance).

As proposed in the REVISED FASNY APPLICATION, access to the FASNY Project site for school related uses will come from North Street across from the White Plains High School North Street access ("North Street Access"), with limited service vehicle access and staff parking for up to nine (9) vehicles accessed from Ridgeway (the "FASNY Project"). Public access through the FASNY Project site along the Emergency Access Driveway has been approved in Section 9 of the Discontinuance Ordinance, after construction is completed, for "after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations."

The Environmental Findings Statement, adopted December 19, 2013 ("Environmental Findings Statement") included the following conclusion:

*"CONCLUSION"*

*"In view of the foregoing the Common Council as Lead Agency finds that the Modified Proposed Project using North Street as the primary access, as further modified by these findings, and subject to the conditions contained herein, including but not limited to reduction*

*of the proposed student body to 950 students, which is consistent with the projected needs of FASNY at least through the 2018-2019 school year and is also consistent with the reasonably projected compliance with mandatory bussing and other variables addressed herein, will avoid to the maximum extent practicable the significant adverse environmental impacts addressed in these findings.” (pg. 128)*

With the approval by the Common Council of the Environmental Findings Statement on December 19, 2013 and the approval of the Stormwater Pollution Prevention Plan by the Commissioner of Public Works effective May 15, 2015, and subject to the prior adoption by the Common Council of the Discontinuance Ordinance, and further subject to all of the terms, conditions and requirements contained in these documents, and in the FASNY Special Permit/Site Plan Approval Resolution (“FINAL FASNY PROJECT”), and based on a review of the NY State Environmental Quality Review Act and regulations promulgated thereunder at 6 NYCRR Part 617, and a review of the FASNY environmental record, no additional environmental review or findings are necessary for the Common Council to take action on the pending FASNY Special Permit/Site Plan Approval Resolution, which Resolution makes a determination that the FINAL FASNY PROJECT conforms to and is consistent with the environmental record and the Environmental Findings Statement.

Respectfully Submitted,



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Rod Johnson  
Environmental Officer

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS GRANTING: (1) PURSUANT TO SECTIONS 2, 4, 5, 6, 7 AND 8 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS (“ZONING ORDINANCE”), SPECIAL PERMIT/SITE PLAN APPROVAL FOR A “PRIVATE ELEMENTARY SCHOOL” AND “PRIVATE SECONDARY SCHOOL” TO BE OPERATED BY THE FRENCH-AMERICAN SCHOOL OF NEW YORK (“FASNY”) AT 400 RIDGEWAY, A SITE CONSISTING OF APPROXIMATELY 131 ACRES ON SBL 131.10-3-43.1 (aka 400 RIDGEWAY AND REFERRED TO HEREINAFTER AS “PARCEL A”), SBL 131.14-2-3 (aka GEDNEY ESPLANADE AND REFERRED TO HEREINAFTER AS “PARCEL B”), SBL 131.10-1-6 (aka 213-223 BRYANT AVENUE AND REFERRED TO HEREINAFTER AS “PARCEL C”), SBL 131.14-9-3 (aka 336 RIDGEWAY AND REFERRED TO HEREINAFTER AS “PARCEL D”), AND SBL 131.11-12-1 (aka 557 NORTH STREET or 565 NORTH STREET AND REFERRED TO HEREINAFTER AS THE “NORTH STREET PROPERTY” AND, AS MERGED WITH PARCEL D THE (“EXPANDED PARCEL D”) ALL LOCATED IN THE R1-30 DISTRICT; (2) PURSUANT TO SECTIONS 4, 5, 7 AND 8 OF THE ZONING ORDINANCE, SITE PLAN APPROVAL FOR A “NURSERY SCHOOL” ACCESSORY TO THE “PRIVATE ELEMENTARY SCHOOL” AND “PRIVATE SECONDARY SCHOOL;” (3) PURSUANT TO SECTIONS 2, 4, 5, 6, 7 AND 8 OF THE ZONING ORDINANCE, SPECIAL PERMIT/SITE PLAN APPROVAL FOR TENNIS COURT STRUCTURES TO BE LOCATED ON PARCEL A IN THE SOUTHWESTERLY AREA OF THE FASNY PROPERTY; (4) APPROVALS FOR THE: (A) FINAL TRANSPORTATION MANAGEMENT PLAN, (B) FINAL SITE LANDSCAPING PLAN, (C) FINAL CONSERVANCY AREA MASTER PLAN, (D) FINAL CONSTRUCTION MANAGEMENT PLAN FOR THE FASNY SCHOOL PROJECT, AND (E) FINAL DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENT; AND (5) APPROVALS UNDER SECTION 4.4.25 OF THE ZONING ORDINANCE AND CHAPTERS 3.5 AND 7.5 OF THE MUNICIPAL CODE, ALL BEING SUBJECT TO THE TERMS, CONDITIONS AND REQUIREMENTS CONTAINED IN THIS RESOLUTION AND CONSISTENT WITH THE HATHAWAY LANE PARTIAL DISCONTINUANCE ORDINANCE, PREVIOUSLY ADOPTED BY THE COMMON COUNCIL (“ADOPTED DISCONTINUANCE ORDINANCE”), THE APPROVED ENVIRONMENTAL FINDINGS STATEMENT ADOPTED BY THE COMMON COUNCIL ON DECEMBER 19, 2013, AND THE STORMWATER POLLUTION PREVENTION PLAN APPROVED BY THE COMMISSIONER OF PUBLIC WORKS EFFECTIVE MAY 15, 2015 (“SWPPP”) (TOGETHER THE “FINAL FASNY PROJECT.”)

## PART I: BACKGROUND

WHEREAS, pursuant to Section 6.2 and 6.3 of the White Plains Zoning Ordinance (“Zoning Ordinance”), by letter from Michael D. Zarin, Esq., of the law firm of Zarin & Steinmetz, attorney for the French-American School of New York (“FASNY” or “Applicant”), addressed to the White Plains Board of Appeals, dated July 15, 2011, the French-American School of New York applied for special permit/site plan approval for a “private elementary school” and “private secondary school” special permit use (“Special Permit/Site Plan”), site plan approval for an accessory “nursery school” use (also referred to herein as “N/P/K”) (“Site Plan”), and Special Permit/Site Plan approval for tennis and basketball structures, and a swimming pool (“FASNY Initial 2011 Application”); and

WHEREAS, pursuant to Section 6.3 of the Zoning Ordinance, an application for a special permit use *“shall include a ‘site plan,’ as well as a written statement describing the nature of the proposed ‘use’ and how it will serve to implement the purposes of [the] Ordinance”* (See Common Council Special Permit/Site Plan findings herein below); and

WHEREAS, at its August 1, 2011 meeting, the Common Council received a communication from the Commissioner of Planning noting that the Common Council had received a copy of the following application materials (“2011 Application Materials”) submitted by FASNY to the Board of Appeals:

1. Submission Letter addressed to the White Plains Board of Appeals executed by Michael D.

Zarin, Esq., counsel to FASNY, dated July 15, 2011;

2. Application to the Board of Appeals, executed by Patrick Croze, dated May 19, 2011;
3. Building Permit Long Form, executed by Patrick Croze, dated May 19, 2011;
4. Full Environmental Assessment Form Part 1, executed by Graham Trelstad, AKRF, Inc., dated July 15, 2011;
5. Proposed Scoping Document, dated May 20, 2011;
6. Survey Review of Title and Easements affecting City of White Plains, prepared by John Meyer Consulting, PC, signed by Thomas M. Schmidt, L.S., dated July 15, 2011;
7. Stormwater Pollution Prevention Plan, dated May 20, 2011, prepared by John Meyer Consulting P. C., signed by Diego Villareale;
8. Survey of Property SU-1 and SU-2, prepared by John Meyer Consulting, PC, signed by Thomas Schmidt, licensed land surveyor, dated January 19, 2011;
9. Site Plan Drawings, sheets SP1 through SP 32, prepared by John Meyer Consulting, PC, signed by Diego Villareale, PE, dated February 15, 2011; and

10. Architectural Drawings, sheets A1 through A8, prepared by James Rogers, 3rd, dated July 15, 2011; and

WHEREAS, the FASNY owned property (“FASNY Property”) with an address at 400 Ridgeway consists of four lots, Parcels A through D, currently improved with the facilities of the former Ridgeway Country Club, including a clubhouse, an 18-hole golf course, eight tennis courts, a swimming pool, and approximately 165 parking spaces spread over the southerly end of two parcels (Parcel A and Parcel D), which property has not been maintained or operated as a golf course since 2010; and

WHEREAS, the FASNY Property also includes one lot on the unimproved street Barbara Lane which is part of Parcel D but located on the opposite side of the NYS registered Wetland G-7, and not impacted by the FASNY Initial 2011 Application; and

WHEREAS, the FASNY Property is the combination of: (1) the former site of the Ridgeway Country Club fronting on Ridgeway which is identified as a “collector street” in the 1997 Comprehensive Plan, as amended, such portion of the Project site consisting of the four lots Parcel A, Parcel B, Parcel C and Parcel D, separated by minor neighborhood streets including Hathaway Lane, Gedney Esplanade and Heatherbloom Road, and by residential properties; (2) the legally nonconforming residential lot defined herein as the “North Street Property” with frontage on North Street, such lot being merged with Parcel D; and (3) a lot located on the paper

street Barbara Lane which is included in current Parcel D but separated from the majority of that Parcel by the paper street; and

WHEREAS, the proposed FASNY Initial 2011 Application involved developing a “private elementary school” and “private secondary school” and accessory “nursery school,” with accessory structures and athletic fields to accommodate a projected enrollment of 1,200 students and 225 to 250 staff members, on Parcels A and D of the FASNY Property, including construction of several school buildings, totaling approximately 230,863 square feet of building area, with approximately 428 parking spaces; three playgrounds, six (6) tennis courts, four soccer fields, a six lane track, a basketball court, a baseball diamond, a softball diamond, a swimming pool; and, on Parcels B, C and D, land proposed to be maintained as a Conservancy consisting of approximately 84 acres to be established as indigenous plant meadows with trails, sitting areas and shelters; and

WHEREAS, the proposed FASNY Initial 2011 Application involved several related approval actions for the purpose of the environmental review:

1. Approval of a Special Permit/Site Plan for the development of a “private elementary school” and “private secondary school”;
2. Site Plan approval for an accessory “nursery school”, including new or relocated curb cuts on Ridgeway and Hathaway Lane;

3. Approval of a Special Permit/Site Plan for an accessory structure for tennis courts;
4. Approval of a Special Permit/Site Plan for an accessory structure for the dimensionally nonconforming swimming pool;
5. Approval of a Special Permit/Site Plan for an accessory structure for a basketball court;
6. Approval by the Commissioner of Public Works of the Stormwater Pollution Prevention Plan ("SWPPP");
7. Approval by the Westchester County Health Department of the proposed water supply and sanitary sewer systems;
8. All other necessary actions and approvals by other governments and agencies related to the implementation of the above actions;
9. Approval of a Transportation Management Plan (also referred to as "Traffic Management Plan");
10. Approval of a Conservancy Area Master Plan for the approximately 84 acre conservancy area;
11. Approval of a Site Landscaping Plan; and

12. Approval of a Construction Management Plan; and

WHEREAS, the FASNY Property is an environmentally sensitive site under Section 4.4.25 of the Zoning Ordinance and Chapter 3-5 of the Municipal Code of the City of White Plains ("Municipal Code"), and, at approximately 131 acres, is one of the largest open space properties in the City of White Plains in single ownership; and

WHEREAS, the FASNY Property is located in the Mamaroneck River Watershed, and has been identified in the Watershed Advisory Committee 4 (WAC-4) Management Plan, dated January 2001, to be part of a "wetland system on the north and south sides of Ridgeway Avenue in White Plains, including an over 24 acre NY State-designated Wetland No. G-7 north of Ridgeway Avenue and the wetland at Club Pointe residential complex south of Ridgeway Avenue," which the WAC-4 Plan identifies as of "extraordinary functional value to water quality in the subwatersheds of the Mamaroneck and Sheldrake rivers and Mamaroneck Harbor"; and

WHEREAS, According to Site Plan Sheet SP-2 "Overall Existing Conditions Plan and Environmentally Sensitive Features," the environmentally sensitive features identified on the FASNY Project site include: (a) the NYS delineated and registered Wetland G-7 and associated 100 foot buffer area; (b) the locally delineated and regulated wetlands and water courses, and their associated buffer areas on Parcel C and D; (c ) steep slopes on Parcels A, B, C, and D, with only minor steep slope areas on Parcel A primarily created by golf hole bunker walls, slopes on Parcels B and C being primarily located at former bunkers or along the street embankments, and

natural slopes on Expanded Parcel D being located primarily within the NYS registered Wetland G-7 and its 100 foot buffer area; and (d) rock outcroppings located in small areas primarily on Expanded Parcel D within the NYS registered Wetland G-7 and its 100 foot buffer area; and

WHEREAS, in a communication, dated July 26, 2011, the Commissioner of Planning, recommended that the Common Council, pursuant to Section 6.2.3 of the Zoning Ordinance: (1) find that the FASNY Initial 2011 Application represents a matter of “substantial public importance” for the reasons listed in the Commissioner’s communication; and (2) adopt a resolution reclaiming jurisdiction as approving agency for this Application; and

WHEREAS, pursuant to Section 6.2.3 of the Zoning Ordinance, the Common Council, by resolution adopted on August 1, 2011, reclaimed jurisdiction of the FASNY Initial 2011 Application from the Board of Appeals on a finding that the special permit use is of “substantial public importance”; and

WHEREAS, among the materials submitted as part of the FASNY Initial 2011 Application was a Long Form Environmental Assessment Form (“EAF”) which identifies at Section B.25 other local, regional and State approvals required as part of the FASNY Initial 2011 Application; and

WHEREAS, since there are other agencies with jurisdiction over approvals required for the FASNY Initial 2011 Application, the Common Council is required by the NY State

Environmental Quality Review Act and regulations promulgated thereunder (“SEQR”), specifically regulations at NYCRR 617.6(b)(2) and (3) to notify such agencies of its intent to be Lead Agency for such environmental review, and give such agencies an opportunity to respond as to whether they would seek to be Lead Agency; and

WHEREAS, at its August 1, 2011 meeting, pursuant to said NYS SEQR regulations, the Common Council adopted a resolution declaring its intent to be Lead Agency for the environmental review of the FASNY Initial 2011 Application and authorized and directed the Environmental Officer to take such actions and distribute the appropriate notice as required pursuant to NY SEQR regulations; and

WHEREAS, the Environmental Officer in a communication to the Common Council, dated August 29, 2011, advised the Common Council that no response had been received from any involved agency requesting to act as Lead Agency for the environmental review of the FASNY Initial 2011 Application, and recommended that the Common Council: (a) designate itself to serve as the Lead Agency to conduct an environmental review of the FASNY Initial 2011 Application; (b) determine that the FASNY Initial 2011 Application is a Type I Action under SEQR regulations; (c) find that the Initial Project, when compared to the SEQR criteria of environmental significance listed in 6 NYCRR 617.7 of the SEQR regulations, may have significant adverse impacts on the environment; (d) determine that the Applicant prepare a Draft Environmental Impact Statement (“DEIS”) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; and (e) schedule a public scoping

meeting to receive public comments regarding the scope of issues to be addressed in the DEIS, such scoping meeting to be held October 3, 2011, in the Common Council Chambers, City Hall, 255 Main Street, White Plains, NY, immediately following the regularly scheduled Common Council meeting which commences at 7:30 p.m., and establish a period to receive written comments; and

WHEREAS, at its meeting of September 6, 2011, the Common Council, having received the communication from the Environmental Officer and having received no response from other involved agencies requesting to act as Lead Agency for the environmental review of the FASNY Initial 2011 Application, and the period to request to be Lead Agency having expired, adopted a resolution entitled:

"ENVIRONMENTAL RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS ("PROPOSED ACTION"); FINDING THE ACTION TO BE A TYPE I ACTION UNDER THE WHITE PLAINS ZONING ORDINANCE AND NY STATE ENVIRONMENTAL QUALITY REVIEW ACT REGULATIONS; FINDING THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT; DETERMINING AND DIRECTING THAT A DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS") BE PREPARED BY THE APPLICANT; DIRECTING THE CIRCULATION TO INVOLVED AGENCIES AND THE PUBLIC OF THE APPLICANT'S PROPOSED DRAFT SCOPING DOCUMENT, DATED MAY 20, 2011; AND SCHEDULING A PUBLIC SCOPING SESSION AFTER THE COMMON COUNCIL MEETING OF OCTOBER 3, 2011;" and

WHEREAS, the Common Council, in said resolution, established a ten (10) day period after the public scoping session to receive written comments; and

WHEREAS, after its October 3, 2011 regularly scheduled meeting, the Common Council held a duly noticed special meeting for a public scoping session regarding the Applicant's Draft Scoping Document, containing FASNY'S proposed scope of issues to be addressed in the DEIS, and, following the closure of the public scoping session, adopted a resolution to extend the time to receive written comments beyond the established ten (10) day comment period until 5:00 p.m., November 4, 2011; and

WHEREAS, at its meeting of October 3, 2011, the Common Council adopted an ordinance retaining the services of Steven M. Silverberg, Esq. as outside counsel ("Outside Counsel") to assist City staff and the Common Council in their environmental review of the FASNY Application under NYS SEQR regulations; and

WHEREAS, at its duly noticed special meeting of November 22, 2011, the Common Council considered the record of written comments on the draft Scoping Document from City staff, public comments presented at the public scoping session, and written comments submitted by the November 4, 2011 deadline, which draft Scoping Document was posted on the City's website; and

WHEREAS, at its meeting of December 5, 2011, the Common Council adopted the "French American School of New York Scoping Document," dated November 29, 2011, including modifications by the Common Council reflecting its review of the public scoping

record ("Final Scoping Document") which Final Scoping Document was posted on the City's website; and

WHEREAS, on April 13, 2012, FASNY submitted a preliminary DEIS, dated April 2012 ("FASNY Preliminary DEIS") for a completeness review by City staff and consultants; and

WHEREAS, FASNY was advised by City staff, after consultation with Outside Counsel, that the FASNY Preliminary DEIS was not complete under NYS SEQR regulations; and

WHEREAS, by communication, dated May 10, 2012, the attorney for FASNY, Mr. Michael Zarin, Esq., submitted a revised redlined copy of the FASNY Preliminary DEIS, dated May 9, 2012 ("FASNY Preliminary DEIS Revision No. 1"); and

WHEREAS, FASNY Preliminary DEIS Revision No. 1, which reflected responses to some but not all of City staff and Outside Counsel comments on the lack of completeness of the FASNY Preliminary DEIS submission was submitted to the Common Council for its review as Lead Agency; and

WHEREAS, in response to the FASNY Preliminary DEIS Revision No. 1., the Commissioner of Planning submitted to the Common Council a communication dated May 29, 2012, attaching a list entitled "FASNY PRELIMINARY DRAFT ENVIRONMENTAL

IMPACT STATEMENT COMPLETENESS REVIEW," which detailed the portions of the FASNY Preliminary DEIS Revision No. 1 that were not complete with respect to the adopted Scoping Document and/or were not adequate with regard to scope and content; and

WHEREAS, based on the above completeness review, the Environmental Officer, in a communication dated June 6, 2012, recommended that the Common Council: (1) determine that the FASNY Preliminary DEIS Revision No. 1, dated May 9, 2012, was not adequate for the reasons listed in the Planning Commissioner's "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW; and (2) request that FASNY address the inadequacies identified in the Planning Commissioner's completeness review; and

WHEREAS, at its June 11, 2012 meeting, the Common Council adopted an environmental resolution entitled:

"RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL (COMMON COUNCIL) ADOPTING ENVIRONMENTAL FINDINGS ISSUED UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, WHICH DETERMINES THAT THE REVISION NO. 1 PRELIMINARY DEIS, DATED MAY 9, 2012, SUBMITTED BY FASNY IS NOT COMPLETE AND NOT ADEQUATE FOR ACCEPTANCE BY THE COMMON COUNCIL FOR PURPOSES OF COMMENCING PUBLIC REVIEW, FOR THE REASONS LISTED IN THE "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," DATED MAY 29, 2012, ATTACHED HERETO, AND REQUESTING THAT THE APPLICANT ADDRESS THE DEFICIENCIES

IDENTIFIED IN THE COMPLETENESS REVIEW;" and

WHEREAS, FASNY further revised the FASNY Preliminary DEIS Revision No. 1 and on July 5, 2012, submitted Revision No. 2, dated July 2, 2012 ("FASNY Preliminary DEIS Revision 2" or "DEIS Revision 2"); and

WHEREAS, based on additional comments from City staff, DEIS Revision 2 was further revised and superseded by FASNY Preliminary DEIS Revision No. 3, dated July 9, 2012 ("FASNY Preliminary DEIS Revision 3" or "DEIS Revision 3"); and

WHEREAS, the Common Council discussed the completeness of FASNY Preliminary DEIS Revision 3 at its duly noticed special meeting held on July 30, 2012; and

WHEREAS, in a July 31, 2012 communication, the Commissioner of Planning stated that the City staff representing the Departments of Planning, Traffic, Public Safety, Public Works, Building and Law, and the Environmental Officer, and Outside Counsel Steven Silverberg found DEIS Revision 3 to be complete with respect to scope and content for purposes of commencing public review; and

WHEREAS, based on the recommendations of City staff, Outside Counsel, and the Environmental Officer, and based upon the Common Council's review of the revised FASNY Preliminary DEIS Revision 3; at its meeting of August 6, 2012, the Common Council adopted a

resolution entitled:

"RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ("FASNY DEIS") AS ADEQUATE WITH RESPECT TO ITS SCOPE AND CONTENT FOR THE PURPOSE OF COMMENCING PUBLIC REVIEW, AND SCHEDULING A PUBLIC HEARING AND TAKING SUCH OTHER ACTIONS AS ARE REQUIRED BY SEQR," which resolution:

- (a) accepted the FASNY Preliminary DEIS Revision 3 as the "Final FASNY DEIS," being complete and adequate with respect to its scope and content for the purpose of commencing public review in accordance with 6 NYCRR 617. (3) and (4);
  
- (b) authorized and directed the Environmental Officer to cause the Final FASNY DEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public Library located at 100 Martine Avenue, White Plains, NY in accordance with 6 NYCRR 12(b)(1),(3) through (6) and placing the Final FASNY DEIS on the City's website;
  
- (c) directed the Environmental Officer to cause a Notice of Completion of the Final FASNY DEIS to be published in accordance with 6 NYCRR 617.12(a)(2)(iii);
  
- (d) scheduled a public hearing regarding the Final FASNY DEIS to be held on September 19,

2012 at 7:00 p.m., in the Common Council Chambers, White Plains Municipal Building, 255 Main Street, White Plains, New York with adjournment to October 17, 2012 at the same time and location, for the purpose of receiving public comments on the Final FASNY DEIS in accordance with 6 NYCRR 617.9(a)(3) and (4) and 617.12(a) and (b); and

- (e) scheduled a written comment period for 10 days following the close of the adjourned public hearing to 5:00 p.m. on October 29, 2012, for the purpose of receiving written comments regarding the Final FASNY DEIS in accordance with 6 NYCRR 617.9(4); and

WHEREAS, a copy of the Final FASNY DEIS was placed at the White Plains Public Library, in accordance with 6 NYCRR 617.12(b)(5) and on the City's website; and

WHEREAS, at its meeting of September 25, 2012, the Common Council further retained the services of TRC Engineering, Inc. ("TRC") to assist City staff and the Common Council in their environmental review of traffic, air quality, and noise issues in the FASNY Application under NYS SEQR regulations; and

WHEREAS, public hearings on the Final FASNY DEIS were held on September 19, 2012 and October 17, 2012, and further adjourned to and continued on November 13, 2012 for the purpose of receiving public comment; and

WHEREAS, the written comment period was extended to November 23, 2012; and

WHEREAS, the transcripts of the public hearing and the written comments were posted on the City's website; and

WHEREAS, based on the Final FASNY DEIS and comments thereon indicating that the FASNY Initial 2011 Application may have significant adverse impacts on the environment, pursuant to 6 NYCRR 617.9(5)(I), a final Environmental Impact Statement ("FEIS") was required to be prepared; and

WHEREAS, pursuant to 6 NYCRR 617.9(b)(8), an FEIS consists of the DEIS by incorporation or by reference, any necessary corrections or revisions to the DEIS, copies or a summary of substantive comments received during the public comment period on the DEIS indicating their source, and the Lead Agency's responses to substantive comments; and

WHEREAS, the Commissioners of Public Safety and Public Works, and the Deputy Commissioner of Parking for Transportation Engineering ("Transportation Management Review Commissioners"), Law Department Management Associate, and TRC, consultants for traffic, air quality and noise, and Outside Counsel Steven M. Silverberg, Esq. worked with representatives of FASNY to develop a draft Final Environmental Impact Statement, dated July 21, 2013 ("DFEIS") which was submitted to the Common Council on July 25, 2013, and which contained: (a) a description of three modified project options (such project options referred to herein jointly

as "FASNY Modified Proposed Projects" or "FASNY Project Modifications", and referred to individually as "MPP/Ridgeway," "MPP/North Street" and "MPP/Bryant Avenue"); (b) copies and summaries of substantive comments received on the Final FASNY DEIS and on the Modified Proposed Projects contained in the DFEIS and the source of the comments in DFEIS Volume 2; and ( c) the proposed, draft Lead Agency responses to the Final FASNY DEIS and comments thereon, prepared by City staff, in consultation with TRC and Outside Counsel; and

WHEREAS, consistent with SEQR regulations at NYCRR 617.9(b)(8), Chapters 1 and 2 of the DFEIS contain the Modified Proposed Project developed by FASNY in response to substantive comments made during the public review and comment period on the Final FASNY DEIS; and

WHEREAS, the comments in Chapter 3 of the DFEIS represent the substantive comments of the Common Council as Lead Agency; and

WHEREAS, in Chapters 1 and 2 of the DFEIS, which FASNY exclusively prepared, FASNY provided additional description and analysis for three FASNY Modified Proposed Projects access options; and

WHEREAS, Chapters 1 and 2 of the DFEIS were each divided into parts as follows:

- (a) Chapter 1.0 Modified Proposed Project;
- (b) Chapter 1.1 Modified Proposed Project/Ridgeway;

- (c) Chapter 1.2 Modified Proposed Project/North Street;
- (d) Chapter 1.3 Modified Proposed Project/Bryant Avenue;
- (e) Chapter 2.0 Environmental Analysis;
- (f) Chapter 2.1 Environmental Analysis: Modified Proposed Project/Ridgeway;
- (g) Chapter 2.2 Environmental Analysis: Modified Proposed Project/North Street; and
- (h) Chapter 2.3 Environmental Analysis: Modified Proposed Project/Bryant Avenue; and

WHEREAS, the Final FASNY DEIS is included in the DFEIS by reference; and

WHEREAS, the Lead Agency's responses to comments on the Final FASNY DEIS and on the three FASNY Modified Proposed Projects, as drafted by City staff, in consultation with TRC and Outside Counsel, and reviewed and approved by the Common Council, are contained in Chapter 3, subchapters 3.1 through 3.21 of the DFEIS, and correspond to the topic category chapters included in the Final FASNY DEIS; and

WHEREAS, the FASNY Initial 2011 Application and Modified Proposed Project Ridgeway were shown in Chapter 3 of the DFEIS to have potential significant adverse impacts which cannot be mitigated to the maximum extent practicable; and

WHEREAS, the DFEIS also includes the following appendices:

- (a) Appendix A: Traffic Management Plan (as proposed by FASNY);
- (b) Appendix B: Habitat Restoration Report;

- (c) Appendix C: Applicant's Memorandum on Zoning;
- (d) Appendix D: Dam Modification Report;
- (e) Appendix E: Traffic;
- (f) Appendix F: Air Quality Idling Analysis;
- (g) Appendix G: Zoning Use Table; and
- (h) Appendix H: MPP/North Stormwater Analysis; and

WHEREAS, the MPP/North Street access alternative (“North Street Access”), described by FASNY in Chapters 1 and 2 of the DFEIS, includes as a component of that proposal the discontinuance of Hathaway Lane from Ridgeway to Gedney Esplanade; and

WHEREAS, Chapter 3 of the DFEIS, sets forth that such discontinuance of the stated portion of Hathaway Lane is subject to approval by the City under Section 152 of the Charter of the City of White Plains and requires an amendment of the City's Official Map under Section 29 of the NYS General City Law; and

WHEREAS, although not required by NY SEQR regulations, the DFEIS submitted to the Common Council as Lead Agency, on July 25, 2013, was posted on the City's website on August 2, 2013, to provide the public an opportunity to review the DFEIS; and

WHEREAS, the Common Council, as Lead Agency, reviewed the DFEIS, and, by a resolution adopted September 16, 2013, made modifications to the following responses to

substantive comments contained in Chapter 3 which had been prepared by City staff: (1) subchapter 3.4 Introduction, 3.4-2, 3.4-6, 3.4-14, and 3.4-17; (2) subchapter 3.11-Introduction, 3.11-2, 3.11-3, 3.11-7, 3.11-8, 3.11-18, 3.11-19, 3.11-21 through 3.11-23, 3.11-27, 3.11-30, 3.11-34, 3.11-38, 3.11-42, 3.11-52 through 54, 3.11-56, 3.11-57, 3.11-59 through 3.11-62, 3.11-68, 3.11-76, 3.11-87, 3.11-88, 3.11-97 through 3.11-99, 3.11-123, 3.11-131, 3.11-141; and (3) subchapter 3.12-1, 3.12-2, 3.12-3, 3.12-8; and

WHEREAS, the Common Council, as Lead Agency, also added to the DFEIS, as Appendix I, the "Technical Review" Memorandum from TRC, dated September 12, 2013, and posted on the City's website; and

WHEREAS, City staff recommended that the Common Council, as Lead Agency for the environmental review of the FASNY Application, having taken a hard look at the Final FASNY DEIS, the substantive comments on the Final FASNY DEIS, and the DFEIS should: (1) accept the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12; (2) accept the addition of Appendix I "Technical Review," prepared by TRC, to be complete, being adequate and accurate pursuant to SEQR regulations at 617.9(b)(8); and (2) determine the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12 and the addition of Appendix I, to be the final Environmental Impact Statement ("Final FASNY FEIS") required under SEQR regulations at 617.9(5); and

WHEREAS, at its September 16, 2013 meeting, the Common Council, as Lead Agency, adopted a resolution entitled:

"RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER, AND ACCESSORY STRUCTURES AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT ("FASNY FEIS") AS COMPLETE, FINDING IT TO BE ADEQUATE AND ACCURATE WITH RESPECT TO ITS SCOPE AND CONTENT, AND AUTHORIZING THE ENVIRONMENTAL OFFICER TO TAKE SUCH ACTIONS NECESSARY TO MAKE THE FASNY FEIS AVAILABLE TO THE PUBLIC AND DISTRIBUTE NOTICES ACCORDINGLY,"

and filed it with the White Plains City Clerk on September 24, 2013, (the FASNY FEIS referred to in the resolution being the Final FASNY FEIS); and

WHEREAS, the September 16, 2013 Resolution included the following resolved clauses:

1. "RESOLVED, that, based on the foregoing reasons and pursuant to SEQR regulations at 617.9(b)(8) and 617(b)(5), the Common Council, as Lead Agency, hereby recognizes and acknowledges the responses contained in Chapter 3 subchapters 3.1 through 3.21 of the Final FASNY FEIS as defined herein above to be the responses of the Common Council of the substantive comments received during the public comment period on the Final FASNY DEIS;
2. RESOLVED, that the Common Council hereby recognizes that Chapters 1 and 2 of the

DfEIS, including subchapters 1.0 through 1.3 and 2.0 through 2.3, provide FASNY's description and environmental analysis of its proposed modifications to the FASNY Initial 2011 Application described in the Final FASNY DEIS, which Project Modifications have been made by FASNY to address substantive comments on the Final FASNY DEIS;

3. RESOLVED, that the Common Council determines that, although the Modified Proposed Project and the three access options described and analyzed in Chapters 1 and 2 do not represent the Lead Agency responses to substantive comments, it is appropriate to include FASNY's description and environmental analysis of the Modified Proposed Project and access options in the Final FASNY FEIS;
4. RESOLVED, that the Common Council hereby accepts the Final FASNY FEIS as complete and finds that it is adequate and accurate, and responds to comments received regarding the Final FASNY DEIS;
5. RESOLVED, that the Common Council hereby accepts the Final FASNY FEIS, dated July 21, 2013, for consideration in making environmental findings;
6. RESOLVED, that the Common Council hereby authorizes and directs the Environmental Officer to cause the Final FASNY FEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public

Library located at 100 Martine Avenue, White Plains, NY in accordance with 6 NYCRR 12(b)(1)(3) through (6) and on the City's website;

7. RESOLVED, that the Environmental Officer is hereby authorized to distribute the Final FASNY FEIS as required by SEQR; and
8. RESOLVED, that the Environmental Officer is hereby authorized to distribute appropriate notices and make such filings as required by SEQR;” and

WHEREAS, Pursuant to SEQR regulations at NYCRR Part 617, the Common Council, as Lead Agency for the FASNY Application and the environmental review thereof, prior to making a decision on the FASNY Application, and after a reasonable period for public review and consideration of the Final Environmental Impact Statement of no less than 10 days (6 NYCRR Part 617.11(a)), must file a written findings statement and make a decision whether or not to approve the action, which is the subject of the environmental review; and

WHEREAS, the Transportation Management Review Commissioners, Law Department Management Associate, TRC, and Outside Counsel Steven M. Silverberg, Esq., prepared a draft Environmental Findings Statement (“Draft Environmental Findings Statement”) for the Common Council's consideration; and

WHEREAS, several proposed actions were reviewed in the draft Environmental Findings

Statement, consisting of: (1) the Initial 2011 Application for a “private elementary school” and private secondary school” with accessory “nursery school;” tennis courts, basketball court, swimming pool, athletic fields and internal parking and roadways, dated July 15, 2011 and described in the Final FASNY DEIS; and (2) the three Modified Proposed Project access options, MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue described by the Applicant in Chapters 1 and 2 of the accepted Final FASNY FEIS; and

WHEREAS, pursuant to SEQR regulations, the proposed Draft Environmental Findings Statement did:

1. consider the relevant environmental impacts, facts and conclusions disclosed in the Final EIS;
2. weigh and balance relevant environmental impacts with social, economic and other considerations;
3. provide a rational basis for the agency's decision;
4. certify that the requirements of Part 617 have been met;
5. certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the MPP/North Street alternative is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable. [6 NYCRR 617.11(d)]; and

WHEREAS, the Draft Environmental Findings Statement includes the following Parts:

1. Part I contains a description of the FASNY Initial Application described in the Final FASNY DEIS, and the Project Modifications for each of the three Modified Proposed Project access options described in Chapter 1 subchapters 1.1-1.3 and Chapter 2 subchapters 2.1-2.3 of the FEIS;
2. Part II provides a summary and background of the review procedures and process;
3. Part III contains a statement of the environmental conditions, expected impacts, and findings;  
and
4. Part IV contains the Certification of Findings required by SEQR regulations; and

WHEREAS, as described in the draft Environmental Findings Statement, the Common Council did thoroughly review and consider the Environmental Record which serves as the basis for the Findings in the draft Environmental Findings Statement, including, but not limited to the following:

1. The FASNY Initial 2011 Application preliminary submission, dated July 15, 2011, for which the Common Council reclaimed jurisdiction from the Board of Appeals by resolution, dated August 1, 2011, pursuant to Zoning Ordinance Section 6.2.3 on a finding that the special permit use is of "substantial public importance";
2. The DEIS, accepted by the Common Council as complete for purposes of public review on

August 6, 2012;

3. The public hearing record from the DEIS public hearing held on September 19, 2012, adjourned to and continued on October 17, 2012, and further adjourned to and continued on November 13, 2012;
4. Written comments received on the DEIS through the end of the written comment period on November 30, 2012;
5. The DFEIS, with modifications by the Common Council through September 12, 2013;
6. Written comments on the DFEIS received through September 12, 2013, including the “Technical Review” Memorandum from TRC, dated September 12, 2013;
7. The Final FASNY FEIS accepted by the Common Council as adequate and accurate, pursuant to SEQR regulations at 6 NYCRR 617.9(b)(8) on September 16, 2013, and filed with the White Plains City Clerk on September 24, 2013; and
8. The proposed Draft Environmental Findings Statement submitted for the Common Council's consideration on December 12, 2013, including revisions recommended by City staff, and individual Council members; and

WHEREAS, at its meeting of December 19, 2013, after its detailed review of the draft

Environmental Findings Statement, the Common Council adopted the Draft Environmental

Findings Statement as the “2013 FASNY Environmental Findings Statement” by a resolution entitled:

“FINDINGS STATEMENT ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101. ET SEQ. REGARDING THE APPLICATION SUBMITTED ON BEHALF OF THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("APPLICANT" or "FASNY") IN RELATION TO SPECIAL PERMIT AND SITE PLAN APPROVAL AND RELATED APPROVALS FOR A PRIVATE ELEMENTARY AND SECONDARY SCHOOL, AND AN ACCESSORY NURSERY SCHOOL, TO BE LOCATED ON THE PROPERTY OF THE FORMER RIDGEWAY COUNTRY CLUB, SUCH PROPERTY CONSISTING OF FOUR PARCELS (SECTION-BLOCK-LOTS SBL 131.14-9-3, SBL 131.14-2-3, SBL 131.10-1-6 and SBL 131.10-3-43) AND HAVING AN ADDRESS OF 400 RIDGEWAY, WHITE PLAINS ("APPLICATION"),”

the (“2013 FASNY Environmental Findings Statement”); and

WHEREAS, in said resolution, the Common Council certified that it has complied with all the requirements of 6 NYCRR Part 617; and

WHEREAS, in said resolution, the Common Council authorized the Environmental Officer to distribute the 2013 FASNY Environmental Findings Statement and any and all appropriate notices and filings as required by SEQR; and

WHEREAS, the Environmental Officer did distribute all necessary notices and made all necessary filings regarding the 2013 FASNY Environmental Findings Statement; and

WHEREAS, based on its review of the environmental record, the Common Council found in Environmental Finding A-2.11 of the 2013 FASNY Environmental Findings Statement, that the FASNY Initial 2011 Application, after all reasonable mitigation measures, did not avoid or mitigate to the maximum extent practicable the significant adverse impacts of the Initial 2011 FASNY Application to traffic and neighborhood character; and

WHEREAS, based on its review of the environmental record, the Common Council further found in Environmental Finding A-2.11 of the 2013 FASNY Environmental Findings Statement, that, in addition to the FASNY Initial 2011 Application, the MPP/Ridgeway access alternative, after all reasonable mitigation measures did not avoid or mitigate to the maximum extent practicable the significant adverse impacts of the Initial FASNY Project to traffic and neighborhood character; and

WHEREAS, based on its review of the environmental record, the Common Council further found in Environmental Finding A-4.4 of the 2013 FASNY Environmental Findings Statement, that the MPP/Bryant Avenue access alternative did not provide enough information to assess its environmental impacts and would, if considered further, require a supplemental DEIS (“SDEIS”); and

WHEREAS, with respect to MPP/North Street, the third access alternative, as provided in Part IV “Certification of Findings” of the 2013 FASNY Environmental Findings Statement, and

as stated in the above referenced resolution adopting the 2013 FASNY Environmental Findings Statement, the Common Council determined that “consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Modified Proposed Project with access from North Street, as modified by these Environmental Findings, is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts are being avoided or minimized to the maximum extent practicable by incorporating as conditions to the Common Council's decision those mitigation measures that were identified herein”; and

WHEREAS, integral to the Modified Proposed Project with North Street Access, as detailed in the 2013 FASNY Environmental Findings Statement, is the discontinuance of a portion of Hathaway Lane from Ridgeway to either 57 Hathaway Lane or Gedney Esplanade; and

WHEREAS, Section 152 of the White Plains Charter provides that:

*Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published for ten days in the official newspaper of the City of its intention to do so, and that all persons interested may be heard in reference thereto at a time stated in such notice. . .*

WHEREAS, at its meeting of February 3, 2014, the Common Council adopted an ordinance authorizing the Corporation Counsel to continue to retain the services of Steven M. Silverberg, Esq., and TRC Engineering, Inc., to assist the Common Council in its review of the

FASNY Special Permit/Site Plan Application; and

WHEREAS, on May 22, 2014, FASNY filed with the City Clerk a “Special Permit & Site Plan Approval Application Package” responding to the 2013 FASNY Environmental Findings Statement (“FASNY May 2014 Application”); and

WHEREAS, the FASNY May 2014 Application included the following documents submitted by FASNY, with a guide to the identity of the preparer:

<u>Description</u>	<u>Preparer</u>	<u>Dated</u>	<u>Last Revised</u>
1) Site Plan/Special Permit Application Narrative/Cover Letter	Z&S	5/21/2014	
2) Survey Review of Title and Easements	JMC	5/5/2014	
3) Transportation Management Plan	AKRF	5/21/2014	
4) Conservancy Area Master Plan	AKRF	5/21/2014	
5) Draft Declaration of Covenants, Restrictions and Easements for the Conservancy	Zarin & Steinmetz	5/7/2014	
6) Petition for Discontinuance of Street	Z&S	5/5/2014	
7) Stormwater Pollution Prevention Plan	JMC	5/5/2014	
8) Geotechnical Summary	CSA	5/5/2014	
9) Construction Management Plan	Turner	5/21/2014	
10) Environmental Analysis	AKRF	5/21/2014	

11) Coordinated Review Sustainability Checklist	AKRF	5/6/2014
12) Building MEP Calculation	Stantec	5/5/2014
13) Average Grade Calculations	JMC	5/21/2014

Survey of Property Drawings

SU-1 Survey of Property		4/30/2014
SU-1A Survey of Property		4/30/2014
SU-2 Survey of Property		4/30/2014

Site Plan Drawings

	JMC	
SP-1 Cover Sheet		5/19/2014
SP-2 Overall Existing Conditions Plan		5/19/2014
SP-3 Site Existing Conditions Plan (Area 1)		5/19/2014
SP-4 Site Existing Conditions Plan (Area 2)		5/19/2014
SP-5 Site Existing Conditions Plan (Area 3)		5/19/2014
SP-6 Site Existing Conditions Plan (Area 4)		5/19/2014
SP-7 Site Existing Conditions Plan (Area 5)		5/19/2014
SP-8 Site Demolition Plan (Area 1)		5/19/2014
SP-9 Site Demolition Plan (Area 2)		5/19/2014
SP-10 Site Demolition Plan (Area 3)		5/19/2014
SP-11 Site Demolition Plan (Area 4)		5/19/2014
SP-12 Site Demolition Plan (Area 5)		5/19/2014
SP-13 Overall Site Layout Plan		5/19/2014
SP-14 Site Layout Plan (Area 1)		5/19/2014
SP-15 Site Layout Plan (Area 2)		5/19/2014
SP-16 Site Layout Plan (Area 3)		5/19/2014
SP-17 Site Layout Plan (Area 4)		5/19/2014
SP-18 Site Layout Plan (Area 5)		5/19/2014
SP-19 Site Grading Plan (Area 1)		5/19/2014
SP-20 Site Grading Plan (Area 2)		5/19/2014
SP-21 Site Grading Plan (Area 3)		5/19/2014
SP-22 Site Grading Plan (Area 4)		5/19/2014
SP-23 Site Grading Plan (Area 5)		5/19/2014
SP-24 Site Utilities Plan (Area 1)		5/19/2014
SP-25 Site Utilities Plan (Area 2)		5/19/2014
SP-26 Site Utilities Plan (Area 3)		5/19/2014
SP-27 Site Utilities Plan (Area 4)		5/19/2014
SP-28 Site Utilities Plan (Area 5)		5/19/2014

SP-29 Site Sediment & Erosion Control Plan (Area 1)		5/19/2014
SP-30 Site Sediment & Erosion Control Plan (Area 2)		5/19/2014
SP-31 Site Sediment & Erosion Control Plan (Area 3)		5/19/2014
SP-32 Site Sediment & Erosion Control Plan (Area 4)		5/19/2014
SP-33 Site Sediment & Erosion Control Plan (Area 5)		5/19/2014
SP-34 Preliminary North Street Site Driveway Intersection Improvement Plan		5/19/2014
SP-35 Preliminary Bryant Avenue & North Street Intersection Improvement Plan		5/19/2014
SP-36 Fire Access/Garbage Truck Plan		5/19/2014
SP-37 Hathaway Lane Abandonment Plan		5/19/2014
SP-38 Road Profiles		5/19/2014
SP-39 Construction Details		5/19/2014
SP-40 Construction Details		5/19/2014
SP-41 Construction Details		5/19/2014
SP-42 Construction Details		5/19/2014
SP-43 Construction Details		5/19/2014
<b>Site Landscaping Plans</b>	<b>Stantec</b>	
LP-1 Site Landscaping Plan		5/19/2014
LP-2 Site Landscaping Plan		5/19/2014
LP-3 Site Landscaping Plan		5/19/2014
LP-4 Site Landscaping Plan		5/19/2014
LP-5 Site Landscaping Plan		5/19/2014
<b>Architectural Drawings</b>	<b>Stantec</b>	
A010U Upper School & Gymnasium Coordination Plan – Level 0		5/19/2014
A011U Upper School & Gymnasium Coordination Plan – Level 1		5/19/2014
A012U Upper School & Gymnasium Coordination Plan – Level 2		5/19/2014
A011M Middle School & Black Box Theater – Level 1, Level 2		5/19/2014
A011L Lower School Coordination Plan – Level 1 & Level 2		5/19/2014
A010P Performing Arts Coordination Plan –		5/19/2014

Level 0, Level 1	
A610U Upper School & Gymnasium – Exterior Elevations	5/19/2014
A610M Middle School & Black Box Theater – Exterior Elevations	5/19/2014
A610L Lower School – Exterior Elevations	5/19/2014
A610P Performing Arts Center – Exterior Elevations	5/19/2014
A800 N-12 Campus – Gross Building Area Schedules	5/19/2014

Site Lighting Plans

Stantec

E002 Electrical Site Plan	5/19/2014
Site Lighting Calculation	5/19/2014
Site Lighting Fixtures	5/19/2014

**PREPARER KEY**

John Meyer Consulting – JMC  
 Zarin & Steinmetz – Z&S  
 AKRF – AFRF  
 Carlin Simpson Associates – CSA  
 Turner Construction – Turner  
 Stantec – Stantec; and

WHEREAS, the Site Plan sheets SP-1 through SP-43, dated 5/19/2014, the Architectural drawings, dated 5/19/2014, and the Site Electrical Plans, dated 5/19/2014 are referred to herein by individual site plan sheet numbers and as the “Site Plan Sheets;” and

WHEREAS, at its meeting of June 2, 2014, the Common Council received a communication from John Callahan, Corporation Counsel, dated May 28, 2014, advising the Common Council of the need for public hearings regarding both: (1) the discontinuance of a

portion of Hathaway Lane pursuant to White Plains City Charter Section 152; (2) amendment to the City's Official Map pursuant to NY General City Law Section 29; and (3) submitting a resolution scheduling the public hearings for July 7, 2014; and

WHEREAS, at its meeting of June 2, 2014, the Common Council further received a communication from Damon Amadio, Commissioner of Building, dated May 22, 2014, transmitting the FASNY May 2014 Application and advising the Common Council of four (4) public hearings required for the instant Application, those being:

1. Public hearing on the discontinuance of a portion of Hathaway Lane pursuant to Section 152 of the City Charter (as noted herein above this also requires a public hearing pursuant to Section 29 of the NYS General City Law);
2. Public hearing on Special Permit for "private elementary school" and "private secondary school" at 400 Ridgeway;
3. Public hearing on a Special Permit for accessory tennis court and basketball court "structures"; and
4. Public hearing required because the former Ridgeway Country Club is an environmentally sensitive site; and

WHEREAS, at its meeting of June 2, 2014, the FASNY May 2014 Application was referred to the Departments of Law, Building, Public Works, Public Safety, the Parking Department Traffic Division, the Design Review Board, Planning Board, Conservation Board, the Westchester County Planning Board, the Westchester County Department of Public Works, and the White Plains School District; and

WHEREAS, the referral to the Planning Board was made: (1) under Sections 6 and 7 of the Zoning Ordinance for the Common Council, as approving agency, to receive comments from the Planning Board on the FASNY May 2014 Application; and (2) under NYS General City Law Section 29 which requires, among other things, that the legislative body must receive a report from the Planning Board prior to taking action on any amendment to the City's Official Map; and

WHEREAS, at said June 2, 2014 meeting, the Common Council adopted a resolution scheduling Concurrent Public Hearings for July 7, 2014 in relation to: (1) the proposed discontinuance of a portion of Hathaway Lane between Ridgeway and Gedney Esplanade pursuant to Section 152 of the White Plains Charter; and (2) the amendment of the Official Map of the City of White Plains pursuant to Section 29 of the General City Law; and

WHEREAS, at said June 2, 2014 meeting, the Common Council further scheduled

concurrent public hearings for July 7, 2014 in relation to the FASNY May 2014 Application for: (1) a Special Permit/Site Plan for a “private elementary school” and “private secondary school,” at 400 Ridgeway; (2) on a site containing environmentally sensitive features as defined in Municipal Code Chapter 3-5 and Section 2 of the Zoning Ordinance; and (3) a Special Permit/Site Plan for accessory tennis court and basketball court structures thereon; and

WHEREAS, the concurrent public hearings regarding:

1. The proposed discontinuance of a portion of Hathaway Lane between Ridgeway and Gedney Esplanade pursuant to Section 152 of the White Plains Charter;
2. Official Map amendment pursuant to Section 29 of the General City Law;
3. Special Permit/Site Plan for a “private elementary school” and “private secondary school,” at 400 Ridgeway;
4. A site containing environmentally sensitive features as defined by Municipal Code Chapter 3-5 and Sections 2 of the Zoning Ordinance; and
5. Special Permit/Site Plan for the accessory tennis court and basketball court structures on the site (together the “Concurrent Public Hearings”);

were opened on July 7, 2014, public comments and comments from the Applicant were heard,

and the hearings were adjourned to August 4, 2014; and

WHEREAS, at its meeting of August 4, 2014, the Concurrent Public Hearings were again opened, comments were made by the public and the Applicant, and the Concurrent Public Hearings were again adjourned to September 8, 2014; and

WHEREAS, at the September 8, 2014 duly noticed special meeting of the Common Council, held at the White Plains High School, the Concurrent Public Hearings were again opened, comments were made by the public and the Applicant, and the Concurrent Public Hearings were again adjourned to September 10, 2014; and

WHEREAS, the Common Council, at the duly noticed special meeting held on September 8, 2014, received a written communication from the Chair of the Planning Board, dated August 25, 2014, a letter from Michael Zarin, Esq., attorney for FASNY transmitting a “Technical Memorandum – Hathaway Lane” prepared by AKRF and JMC, dated September 8, 2014, and a communication from the Design Review Board, dated July 3, 2014; and

WHEREAS, at the September 10, 2014 meeting of the Common Council, the Concurrent Public Hearings were again opened at White Plains High School, comments were made by the Applicant and the public, and the Concurrent Public Hearings were again adjourned to September 29, 2014; and

WHEREAS, at the September 29, 2014 duly noticed special meeting of the Common Council, the Concurrent Public Hearings were again opened with comments and questions from the Common Council and responses from the Applicant, and the Concurrent Public Hearings were further adjourned to October 28, 2014; and

WHEREAS, the Common Council, at the meeting held on September 29, 2014, received communications from the Conservation Board, dated July 21, 2014, a joint report to the Common Council, dated September 17, 2014, prepared by the Law Department Management Associate and incorporating the comments of the Commissioners of Public Safety, Building, and Public Works and the Management Associate (“Joint September Communication”), a communication from the Deputy Commissioner of Parking for Transportation Engineering, dated September 24, 2014, a communication from the Transportation Commission, dated September 24, 2014, and a Technical Review from TRC, dated September 24, 2014; and

WHEREAS, the Joint September Communication, dated September 17, 2014, the communication of TRC, the communication from the Deputy Commissioner of Parking for Transportation Engineering, Inc., and the communications from the Transportation Commission and the Conservation Board all found the FASNY May 2014 Application to be inconsistent with the 2013 FASNY Environmental Findings Statement; and

WHEREAS, on October 21, 2014, the Applicant filed with the City Clerk revisions to its

May 2014 "Special Permit & Site Plan Approval Application Package" with transmittal letter from Michael Zarin, Esq., dated October 20, 2014 ("Revised FASNY 2014 Application Material") consisting of the following documents:

<u>Description</u>	<u>Preparer</u>	<u>Dated</u>	<u>Last Revised</u>
1) Cover Letter	Z&S	10/20/2014	
2) Transportation Management Plan	AKRF	5/21/2014	10/20/2014
3) Conservancy Area Master Plan	AKRF	5/21/2014	10/20/2014
4) Construction Management Plan	Turner	5/21/2014	10/20/2014
5) Petition for Discontinuance of Street	Z&S	5/5/2014	10/20/2014
6) Draft Declaration of Covenants, Restrictions and Easements for the Conservancy	Zarin & Steinmetz	5/7/2014	10/20/2014
Site Plan Drawings	JMC		
SP-14 Site Layout Plan (Area 1)		5/19/2014	10/17/2014
SP-15 Site Layout Plan (Area 2)		5/19/2014	10/17/2014
SP-16 Site Layout Plan (Area 3)		5/19/2014	10/17/2014
SP-17 Site Layout Plan (Area 4)		5/19/2014	10/17/2014
SP-18 Site Layout Plan (Area 5)		5/19/2014	10/17/2014
Site Landscaping Plans	Stantec		
L101 Landscape Plan, Trees and Shrubs – Area 1		5/19/2014	10/20/2014
L102 Landscape Plan, Trees and Shrubs – Area 2		5/19/2014	10/20/2014
L103 Landscape Plan, Trees and Shrubs – Area 3		5/19/2014	10/20/2014
L104 Landscape Plan, Trees and Shrubs – Area 4		5/19/2014	10/20/2014
L105 Landscape Plan, Trees and Shrubs – Area 5		5/19/2014	10/20/2014

; and

WHEREAS, Site Plan Sheets SP-14 through SP-18, with revision dates of 10/17/2014, are referred to herein as "Revised Site Plan" or "Revised Site Plan Sheets" and Site Landscaping Plans L101 through L105, dated 10/20/2014 are referred to herein as "Revised Site Landscaping

Plan” or “Revised Landscaping Plan Sheets; and

WHEREAS, on October 27, 2014, FASNY submitted to the City a video simulation and a letter from the Army Corp of Engineers, such submission consisting of the following documents: (1) a cover letter from Michael Zarin, Esq., attorney for FASNY; (2) an electronic video simulation of the proposed FASNY Project, prepared by Stantec and dated October 27, 2014, which was posted on the City’s website; and (3) a letter from the Army Corp of Engineers, undated; and

WHEREAS, at its duly noticed special meeting of October 28, 2014, the Common Council referred out the Revised FASNY 2014 Application Material to the same departments, boards, commissions and outside agencies as received the FASNY May 2014 Application; and

WHEREAS, further at its duly noticed special meeting of October 28, 2014, the Common Council opened the Concurrent Public Hearings, received comments, and adjourned the Concurrent Public Hearings to November 24, 2014; and

WHEREAS, on October 31, 2014, FASNY submitted additional copies of the AKRF “Technical Memorandum – Hathaway Lane” prepared by AKRF and JMC, dated September 8, 2014, as required by the Zoning Ordinance, and additional comments regarding the October 20, 2014 Revised FASNY 2014 Application; and

WHEREAS, at its duly noticed special meeting of November 24, 2014, the Common

Council received communications from the City Clerk transmitting two reports from the Law Department Management Associate, dated November 18 and 19, 2014, entitled respectively “Communication to the Common Council Regarding: The French-American School of New York A Revised Special Permit/Site Plan Application,” including Parts A through F addressing: (A) Discontinuance of a Portion of Hathway Lane; (B) Consistency of Revised Petition with Environmental Findings; (C ) Parking Space Determination; (D) Revised Transportation Management Plan Analysis; (E) Revised Conservancy Area Master Plan; and (F) Revised Construction Management Plan; and “Communication To The Common Council Regarding: The French American School of New York Revised Special Permit/Site Plan Application Section 6.5 and 7.5 Zoning Ordinance Analysis”; a communication from the City Clerk transmitting a report entitled “Technical Review” from TRC, dated November 19, 2014; a communication from the Deputy Commissioner of Parking for Transportation Engineering, dated November 19, 2014; a communication from the Commissioner of Public Safety, dated November 6, 2014, and a communication from the Commissioner of Public Works, dated December 1, 2014; and

WHEREAS, the adjourned Concurrent Public Hearings scheduled for the duly noticed special meeting of November 24, 2014, were opened and further adjourned to December 3, 2014; and

WHEREAS, at a duly noticed special meeting on December 3, 2014, the adjourned Concurrent Public Hearings were opened, comments and questions for the Applicant were received from the Common Council and responses provided by the Applicant, and the

Concurrent Public Hearings were closed with written comments to be accepted through 5:00 PM on December 18, 2014; and

WHEREAS, at its duly noticed special meeting of December 3, 2014, the Common Council received a communication from the Commissioner of Public Safety, dated December 3, 2014, responding to a communication from Denise and Joseph DeMarzo transmitting, among other things, a “Gedney Farm Fire Department Response Analysis” prepared by FIREPRO, Incorporated, dated December 1, 2014; and

WHEREAS, among the revisions included in the Revised FASNY 2014 Application Material were modifications to the Hathaway Lane discontinuance from Ridgeway to Gedney Esplanade, proposing, in the alternative, the discontinuance of a portion of Hathaway Lane from Ridgeway to a line on Hathaway Lane 50 feet south of the southern property line of the property at 57 Hathaway Lane, as shown on Exhibit A(1) of the revised discontinuance petition (“Revised Discontinuance Petition”); and

WHEREAS, further among the revisions included in the Revised FASNY 2014 Application Material were revisions made by FASNY in response to comments and questions from the Planning Board in its communication, dated August 25, 2014, with respect to the discontinuance of the portion of Hathaway Lane, including the following revisions:

1. FASNY revised the Hathaway Lane discontinuance to 50 feet south of the southern property

line of 57 Hathaway Lane thereby maintaining the northerly portion of Hathaway Lane with a modified cul-de-sac (such as a hammer head) as a public street along the frontage of this property;

2. FASNY proposed to maintain access between Ridgeway and Gedney Esplanade along an emergency access driveway, running from Ridgeway in a northerly direction along or on the easterly side of the discontinued Hathway Lane right-of-way and connecting with the remaining public portion of Hathaway Lane south of Gedney Esplanade and approximately across from the residence at 57 Hathaway Lane, as shown on Exhibit A(3) of this FASNY Special Permit/Site Plan Approval Resolution herein (“Emergency Access Driveway”), which would be open for emergency vehicles at all times and open to two-way public through traffic during all non-school days, including holidays, weekends and summer vacations; and
3. FASNY agreed to install signage and physical barriers, in consultation with and as approved by the Transportation Management Review Commissioners to restrict use of the roadway to only emergency vehicle use during school days, while preserving easy access to and through the site for emergency vehicles and maintaining comparable response times as determined by the Commissioner of Public Safety; and

WHEREAS, the Common Council, after review of Applicant’s petition, and based on the environmental record and the adopted Environmental Findings Statement, adopted an ordinance

discontinuing the portion of Hathaway Lane from Ridgeway to a line 50 feet south of the southerly property boundary of 57 Hathaway Lane (“Adopted Discontinuance Ordinance”), shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and this FASNY Special Permit/Site Plan Approval Resolution herein (also referred to herein as “Approval Resolution”), which discontinuance was made subject to all of the terms, conditions and requirements set forth therein and the applicable terms, conditions and requirements (together referred to herein as “Conditions”) incorporated in this FASNY Special Permit/Site Plan Approval Resolution herein, including, but not limited to, Conditions related to the following:

1. Providing for emergency vehicle access to and through the FASNY Project site at all times, including during all phases of construction;
2. Providing for two-way public through traffic from Ridgeway to Gedney Esplanade via the improved Emergency Access Driveway and the public portion of Hathaway Lane south of Gedney Esplanade after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations;
3. Requirement for a Hathaway Lane reconstruction bond for the cost of reconstruction of the portion of Hathaway Lane to be discontinued under the Adopted Discontinuance Ordinance (“Hathaway Lane Reconstruction Bond”) to be drawn upon by the Commissioner of Public Works for the reconstruction of the discontinued portion of Hathaway Lane as a public street, if such discontinued portion of Hathaway Lane has not been replaced, within four (4) years

of the adoption of this FASNY Special Permit/Site Plan Approval Resolution, with an emergency access driveway designed and constructed to the satisfaction of the Commissioners of Public Works, Public Safety and the Deputy Commissioner of Parking for Transportation Engineering, to provide permanent emergency access to and through the FASNY Project site and public through traffic from the public portions of Hathaway Lane and Ridgeway during the time periods specified in the Adopted Discontinuance Ordinance, regardless of other emergency access to and through the property being available, or if construction on the FASNY Project site shall cease for a period of six (6) months, or if, in the absence of the emergency access driveway, emergency vehicle access and travel time to and through the FASNY Project site is determined by the Commissioner of Public Safety, by written notice to the Corporation Counsel, to adversely delay emergency response times; and

4. Requirement for an agreement between FASNY and the City of White Plains, in a form acceptable to the Corporation Counsel, regarding the amount and terms of the Hathaway Reconstruction Bond, which agreement shall incorporate the applicable Conditions of the Adopted Discontinuance Ordinance and shall also contain a provision for Hathaway Lane to revert to the City of White Plains for public use in the event the Hathaway Lane Reconstruction Bond is drawn upon; and

WHEREAS, by communication dated May 19, 2015, the Commissioner of Public Works notified the Common Council that the SWPPP had been approved; and

WHEREAS, the FASNY May 2014 Application Package revised by the Revised FASNY 2014 Application Material constitutes the “REVISED FASNY APPLICATION” and, as modified by the Conditions in Part II: Conditions of this Approval Resolution herein and consistent with the Environmental Findings Statement, the Adopted Discontinuance Ordinance and the Stormwater Pollution Prevention Plan approved by the Commissioner of Public Works effective May 15, 2015 (“Approved SWPPP”) (together the “Approved Documents”) constitutes the “FINAL FASNY PROJECT”; and

WHEREAS, the Common Council has reviewed and considered the REVISED FASNY APPLICATION against the following:

1. environmental record, including the 2013 FASNY Environmental Findings Statement; and
2. the public record, including both written and oral comments from the Applicant and the public, as well as from the various City departments, officers, agencies, commissions and boards, TRC, Outside Counsel, the White Plains Board of Education, and the Westchester County Planning Board;
3. the Adopted Discontinuance Ordinance;
4. the SWPPP approval communication dated May 19, 2015, from the Commissioner of Public Works;

5. the 1997 Comprehensive Plan, as amended through July 11, 2006;
6. the special permit and site plan standards and other applicable standards and regulations set forth in the Zoning Ordinance, including, but not limited to, Sections 2, 4.1.2, 4.4.1, 4.4.19, 4.4.20, 4.4.25, 5.1, 5.2, 5.3, 6.1, 6.2 and 6.2.3, 6.3, 6.5, 7.5, 7.6, 8.3, 8.5.2, 8.7.3, and 8.7.5 thereof; and
7. A communication from the White Plains Assessor to FASNY, dated March 23, 2015 regarding the merger of the FASNY Parcel D tax lot with the North Street Property.

NOW, THEREFORE, BE IT RESOLVED, that, the REVISED FASNY APPLICATION is for a single, integrated project, divided into two phases, Phase I and Phase II, and each phase has two components: Construction and School Use. “Phase I School Use,” “Phase I Construction,” “Phase II School Use,” and “Phase II Construction” as used in this FASNY Special Permit/Site Plan Approval Resolution and consistent with the Approved Documents, are each defined herein below.

“Phase I School Use” is defined here, in this FASNY Special Permit/Site Plan Approval Resolution, as the use of the FASNY Middle and Upper Schools (grades 6 through 12) with a maximum permitted student enrollment in the first year of school use capped at 500 grade 6 through 12 students with up to 138 faculty/staff, increasing by up to 50 grade 6 through 12 students in each of Years 2 and 3 of school use, and by up to 25 grade 6 through 12 students in Year 4, for a total of up to 625 students in Year 4 and for the balance of Phase I, subject to

transportation (e.g. buses, cars, and car-pooling) for such student enrollment including faculty/staff, along with other vehicles coming to and departing the FASNY Project site not exceeding 530 combined vehicle trips in any AM or PM peak hour period, consistent with the Conditions of the FINAL FASNY PROJECT in this Approval Resolution herein.

“Phase I Construction” is defined here to include the construction and completion within four (4) years of the approval of this FASNY Special Permit/Site Plan Approval Resolution of all of the following:

1. All off-site improvements, unless otherwise specified in this Approval Resolution herein, as evidenced by the issuance of necessary certifications and approvals of the completion and use thereof;
2. The North Street Access roadway from North Street to the connecting roadways in the Campus Area and completion of all internal roadways and pathways necessary for access to and the use of the Middle and Upper Schools, including all approved landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for said landscaping;
3. The parking for the northerly Upper Parking Area, including the area for the 45 overflow parking spaces, and all approved landscaping as evidenced by the issuance of necessary

certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for said landscaping;

4. The Central Parking Area as modified by the Parking Waiver, including all approved landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for said landscaping;
5. The 9 parking spaces off Ridgeway and the 9 parking spaces on the former North Street Property, including all approved landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor and execution of any and all installation and maintenance agreements for said landscaping;
6. All Phase I work described in the revised Conservancy Area Master Plan, dated October 20, 2014 (“Revised Conservancy Area Master Plan”) as modified by the Conditions in the in this Approval Resolution herein and consistent with the Approved Document (“Final Conservancy Area Master Plan”), and as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor, and execution of any and all installation and maintenance agreements for all landscaping, including meadows;
7. Discontinuance of the portion of Hathaway Lane from Ridgeway running northerly to a line 50 feet south of the southern property line of 57 Hathaway Lane and conveyance of such

right-of-way to FASNY, including installation and maintenance of all approved lighting and landscaping, as evidenced by the issuance of necessary approvals and execution of all necessary agreements therefor, and execution of any and all installation and maintenance agreements for said landscaping and lighting;

8. The Emergency Access Driveway running from Ridgeway in a northerly direction along or on the easterly side of the Hathaway Lane right-of-way and connecting with the remaining public portion of Hathaway Lane south of Gedney Esplanade and approximately across from the residence at 57 Hathaway Lane, as shown on Exhibit A(3) of this Approval Resolution herein for emergency vehicle access to and through the Project site at all times, and two-way access by the public through the Campus on non-school days, as defined and described in this Approval Resolution herein, including all approved lighting and landscaping as evidenced by the issuance of necessary certifications of completion, use or occupancy therefor and execution of any and all installation and maintenance agreements for said landscaping and lighting;
9. All other landscaping required under the Revised Site Landscaping Plan, as modified by the Conditions in this Approval Resolution herein and consistent with the Approved Documents (“Final Site Landscaping Plan”) for Phase I, including, but not limited to, the landscaping in the buffer areas around or adjacent to abutting residential properties as evidenced by the issuance of necessary certifications of completion or use therefor and execution of any and all installation and agreements for maintenance of all said landscaping;

10. All FASNY Project site components necessary for the Phase I School Use of the FASNY Project, completion being as evidenced by the issuance by the Building Department of a temporary certificate of occupancy (“TCO”) or permanent certificate of occupancy (“CO”) for all buildings and structures to be occupied during Phase I School Use and certifications of completion, use and/or occupancy for each such FASNY Project site component necessary to such Phase I School Use, such certificate(s) of completion use or occupancy (temporary or permanent) to specify the terms of the Phase I School Use set forth in the definition herein above, and further including that such Phase I School Use is subject to transportation for such student enrollment, faculty/staff, and visitors, along with other vehicles coming to the Project, site not exceeding 530 combined vehicle trips in any AM or PM peak hour period. These components of Phase I Construction are described in the revised Transportation Management Plan dated October 20, 2014 (“Revised Transportation Management Plan”) as modified by the Conditions in this Approval Resolution herein and consistent with the Approved Documents (“Final Transportation Management Plan”), and in the Revised Construction Management Plan, dated October 20, 2014 (the “Revised Construction Management Plan”), as modified by the Conditions in this Approval Resolution herein and consistent with the Approved Documents (“Final Construction Management Plan”).

“Phase II School Use” is defined here as the use of the FASNY School for grades “nursery school” through grade 12. During Phase I School Use of the FASNY School, total

student enrollment shall be confirmed by the trip generation sensitivity analysis and review defined and described as the “Phase II Assessment” in this Approval Resolution herein below, to ensure that transportation for such student enrollment, faculty/staff, and visitors, along with other vehicles coming to the Project site will not exceed 530 combined vehicle trips in any AM or PM peak hour period. Total Phase II School Use student enrollment to be confirmed through the Phase II Assessment may not exceed 950 students, and N/P/K enrollment may not exceed 21% of total enrollment, with staffing not to exceed 223 faculty/staff full time equivalent. Phase II School Use is detailed in the applicable Conditions of this Approval Resolution herein and consistent with the Approved Documents, which Conditions must be incorporated in the Final Transportation Management Plan as a part of the FINAL FASNY PROJECT Conditions.

Phase II School Use further includes procedures as may be required by the FINAL FASNY PROJECT Conditions contained in this Approval Resolution herein and consistent with the Approved Documents and set forth in the Final Transportation Management Plan, which procedures may involve, but are not limited to, modifications to signal timing, signage, roadway improvements, and/or reduction in the student enrollment, as is necessary to maintain no more than 530 combined vehicle trips to and from the FASNY Project during AM and PM peak hour.

“Phase II Construction” is defined herein as completion of construction of the Phase II Construction components, with Phase II Construction not commencing until all of the requirements set forth for Phase I Construction and Phase I School Use are satisfied and the “Phase II Assessment” is completed. The “Phase II Assessment” is defined here as the procedure

for reviewing Phase I vehicular traffic to and from the FASNY Project site, to confirm that the student enrollment cap established for Phase II School Uses shall not exceed 530 combined vehicle trips in any AM or PM peak hour period. The Phase II Assessment procedure encompasses the following:

During Phase I School Use:

1. FASNY collects semi-annually Phase I School Use trip generation data;
2. FASNY conducts a trip generation sensitivity analysis based on at least two (2) consecutive years of semi-annual trip generation Phase I School Use data, with, no data being more than three (3) years old, and with a minimum enrollment of 475 Middle and Upper School students in each of the two (2) consecutive years covered by the sensitivity analysis;
3. The Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering review and evaluate the traffic sensitivity analysis, based on the above described two (2) consecutive years of Phase I School Use data prepared pursuant to the methodology specified in the applicable Conditions of this Approval Resolution and consistent with the Approved Documents, which Conditions are included in the Final Transportation Management Plan;
4. In consultation with FASNY, the Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering review the Phase I School Use data and FASNY trip generation sensitivity analysis conducted using the methodology described

in the applicable Conditions of this Approval Resolution herein including, but not limited to B.1.b(20), consistent with the Approved Documents, and incorporated in the Final Transportation Management Plan to confirm by how much FASNY enrollment can be expanded for Phase II School Use for grades N/P/K through 12 with no more than 21% of the total enrollment being N/P/K students, no more than 530 combined vehicle trips in any AM and PM peak hour, and up to a maximum enrollment of 950 students and 223 faculty/staff full time equivalent; and

5. The Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering submit written notice to the Corporation Counsel and City Clerk certifying: (1) that they have completed the Phase II Assessment; and (2) the maximum student enrollment number for Phase II School Use with no more than 530 vehicle trips in any AM or PM peak hour period, up to a maximum of 950 students, derived from the Phase II Assessment. The methodology for the trip generation sensitivity analysis is set forth in the Conditions in this Approval Resolution herein, consistent with the Approved Documents, and is required in said Conditions to be fully described in the Final Transportation Management Plan.

Phase II Construction may commence no earlier than the issuance of the certification by the Commissioner of Public Safety and Deputy Commissioner of Parking for Transportation Engineering required by the Phase II Assessment, as defined, and must be completed within four

(4) years of the issuance of any Building or Site Disturbance Permits issued in accordance with the Phase II Assessment and the Approved Documents. The Phase II Construction components, as defined herein below, which require completion of construction within said four (4) year period are:

1. The Lower School and all necessary parking and other Project site improvements as shown on the Revised Site Plans SP-14 through SP-18, as such Plans are modified by the Conditions of this Approval Resolution herein and consistent with the Approved Documents; and
2. All landscaping related to Phase II and to any Phase II disturbance areas, including, but not limited to, (1) within and around the southerly side of the Lower School Parking Area and; and (2) the area in the Central Lot described in the Conditions and approvals in this Approval Resolution herein as being subject to a waiver of parking improvements pursuant to Section 8.7.3 “Partial Waiver of Improvements” of the Zoning Ordinance, and any and all installation and maintenance agreements are executed, and be it further

RESOLVED, that the definitions of Phase I School Use, Phase I Construction, Phase II School Use and Phase II Construction, and Phase II Assessment, and the methodology for the trip generation sensitivity analysis as set forth in the applicable Conditions in this Approval Resolution herein including, but not limited to B.1.b(20), are consistent with the Approved Documents, and must be set forth and in the Final Transportation Management Plan; and be it further

Part II: Conditions

RESOLVED, that the Common Council hereby finds it necessary and appropriate to the implementation and enforcement of the City's environmental and land use standards and regulations with respect to the FASNY Project, that the REVISED FASNY APPLICATION be modified by the Conditions in Part II: Conditions, Sections A. through H. of this Approval Resolution herein and consistent with the Approved Documents, and the Common Council hereby adopts the Conditions set forth in Part II: Conditions, Section A. through H. herein below. Such Conditions modify, as applicable, each of the following components of the REVISED FASNY APPLICATION: (1) Revised Transportation Management Plan; (2) Revised Site Landscaping Plan; (3) Revised Conservancy Area Master Plan; (4) Revised Construction Management Plan; (5) revised Declaration of Covenants, Restrictions and Easement for the Conservancy ("Revised Declaration"); and (6) Revised Site Plan and Revised Site Plan Sheets, as designated; which Plans, together, when modified by all said applicable Conditions are defined herein above and referred to herein as the FINAL FASNY PROJECT incorporating the Final Transportation Management Plan, Final Site Landscaping Plan, Final Conservancy Area Master Plan, Final Construction Management Plan, Final Declaration of Covenants, Restrictions, and Easement for the Conservancy ("Final Declaration"), Final Site Plans and Final Site Plan Sheets; and be it further

RESOLVED, that the Conditions modifying the REVISED FASNY APPLICATION to constitute the FINAL FASNY PROJECT are presented in Part II: Conditions, Section A. through H. herein below according to the following topic areas and in the following order:

- A. Traffic and Transportation Improvements Conditions – A.1 through A.19;
- B. Transportation Management Plan Conditions– B.1 and B.2;
- C. Site Landscaping and Site Landscaping Plan Conditions– C.1 through C.19;
- D. Mobile and Stationary Air Quality Impact Conditions – D.1 through D. 4;
- E. Construction Management Plan Conditions– E.1-1 through E.35;
- F. Additional Public Works and Building Department Conditions– F.1 through F.9;
- G. Conservancy and Conservancy Area Master Plan Conditions G.1 through G.15; and
- H. Additional Site Plan Sheet Revisions Conditions H.1 through H.6; and be it further

Part II: Conditions:

A. Traffic and Transportation Improvements Conditions

RESOLVED that, the Conditions in this Section A are hereby incorporated into and made a part of the Final Transportation Management Plan and the Final Site Plan and Final Site Plan Sheets, as applicable, and a part of the FINAL FASNY PROJECT. Some of the Conditions in this Section A. contain elements already in the Revised Transportation Management Plan, Revised Site Plan, or Revised Site Plan Sheets, which are identified as (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1. The Section A: Traffic and Transportation Improvements Conditions include, among others:
  - a. A busing ratio of a minimum of 50% for grades 1<sup>st</sup> through 12<sup>th</sup> , as necessary to maintain

- a vehicle trip generation of no more than 530 trips in any AM or PM peak hour while seeking to achieve an even higher rate for such grades 1<sup>st</sup> through 12<sup>th</sup> (Currently Incorporated);
- b. A percentage student distribution for bus ridership for grades 1 through 12, having an average of 10 students per bus (Currently Incorporated);
  - c. A car-pool rate that maximizes car-pooling for grades 1<sup>st</sup> through 12<sup>th</sup>, and N/P/K students (Currently Incorporated);
  - d. Phase II School Use with stated percentage student population distribution of no more than 21% for Grades N/P/K (Currently Incorporated).
  - e. For Phase II School Use, the student enrollment confirmed based on the Phase II Assessment defined herein above, up to a maximum of 950 N/P/K through 12<sup>th</sup> grade students, plus associated faculty and staff up to 223 full time equivalent persons, while maintaining vehicle trips in the AM and PM peak hour not exceeding 530 trips; and
  - f. Regulation of faculty and staff arrival and departure times in both AM and PM hours, as necessary to maintain vehicle trips in the AM and PM peak hour not exceeding 530 trips.

2. Since providing access to the FASNY Project site from North Street under the North Street Access alternative is based upon the alignment of the current White Plains High School signalized driveway intersection with the new FASNY North Street Access driveway, FASNY acknowledges in the Revised Transportation Management Plan that it must obtain approval from the Westchester County Department of Public Works and, as necessary, from the NYS Department of Transportation (“NYSDOT”), and any other State or local officials or agencies from whom approval is required, for the creation of the new North Street Access intersection including construction of the new curb cut and access roadway onto the FASNY site, with all costs to be paid by FASNY (Currently Incorporated).

3. This Condition modifies the Revised Transportation Management Plan to provide for the approval of final construction drawings and specifications by the City of White Plains Department of Public Works and Public Safety, the Westchester County Department of Public Works and NYSDOT, according to their respective jurisdictions, for any and all FASNY Project related on and off-site traffic improvements, including, but not limited to, the North Street Access curb cut, access roadway, traffic improvements and signals, signal time adjustments, interim traffic management, security and safety, directing repair of any damage to the public street and utilities requiring such approvals, and proper site distance visibility at all on and off-site intersections. The traffic improvements listed herein below also require incorporation in the Final Transportation Management Plan. The required on and off-site traffic improvements which must be listed in the Final Traffic Management Plan include, but are not limited to:

- a. Installation of a new adaptive signal at the new intersection of White Plains High School access to North Street and FASNY access to North Street, referred to in Environmental Finding J-28(a) (Currently Incorporated);
- b. Installation on the FASNY access roadway near its intersection with North Street of trip detector(s) and camera(s) connected to the City's traffic control system to provide an up-to-date count of vehicles entering and exiting the site at all times (Currently Incorporated) *See Condition B.1.d(8) for details*);
- c. All signals tied to the City's traffic control system (Currently Incorporated with final field locating of detectors and cameras to be subject to Transportation Management Review Commissioners' acceptance);
- d. Full construction at the intersection of Bryant Avenue and North Street of a 100 foot long east bound left turn lane (Currently Incorporated) with approval of technical specifications and construction drawings by the Commissioner of Public Works, prior to issuance of any Department of Public Works permits;
- e. Increase of the queue length for the north bound left turn lane at the North Street Access intersection to avoid vehicle backup on North Street of vehicles turning into the FASNY Project site, and modifications to Revised Plan Sheet SP-16 to so reflect, such additional queue length to be determined by the Deputy Commissioner of Parking for

Transportation Engineering based on the traffic operating conditions;

- f. Review of the adequacy of the south bound left turn queue lengths into White Plains High School during operation of the Phase I School Use, with any recommendations for modification of such queue lengths to be made by the Deputy Commissioner of Parking for Transportation Engineering to the Common Council, as approving agency for the FASNY Project;
- g. Pedestrian crosswalk improvements with the prohibition of right on red across the crosswalks (Currently Incorporated);
- h. Signal phasing adjustments, as deemed necessary by the Deputy Commissioner of Parking for Transportation Engineering to maintain optimal coordination in the City's traffic control system which is operated and maintained by the Department of Parking, during all phases of the FASNY Project construction and use;
- i. Installation of adaptive signals at the intersections of North Street and Bryant Avenue and North Street and Ridgeway (Currently Incorporated); and
- j. As per the November 19, 2014 communication from the Deputy Commissioner of Parking for Transportation Engineering, the determination on the need for the installation of adaptive signals at the intersections of Mamaroneck Avenue with Ridgeway, Gedney

Esplanade, and Gedney Way shall be based on an evaluation by the Parking Department Traffic Division of traffic conditions on Mamaroneck Avenue following the first six months of Phase I School Use, or such later date as may be approved by the Deputy Commissioner of Parking for Transportation Engineering, being the person responsible for the management of the City's traffic control system.

4. This Condition modifies the Revised Site Plan to require that, before issuance of any construction permits for any of the internal roadways, the following technical modifications must be made to the Revised Site Plans, which must be incorporated as modifications to the appropriate Revised Site Plan Sheets:
  - a. On the Campus, a yield sign is required for the connection between the westernmost parking lot and the westernmost circle;
  - b. All yield sign locations on Campus must have yield stop line markings (triangles);
  - c. The "Buses Only" signs must have an arrow at 45 degrees pointing to the right;
  - d. The speed hump shown on the Revised Site Plan Sheet SP-15 is not permitted, as per the Commissioner of Public Safety. Any alternative traffic calming measure approved by the Commissioner of Public Safety must have signs both at the traffic calming measure and in advance for both directions. The approaches must also use the advance markings from the Manual of Uniform Traffic Control Devices ("MUTCD");

- e. At the entrance to the Lower School drop off/pick up lane, either the roadway must be made wider or a short left turn pocket must be provided;
- f. The marked crosswalks across the two legs of the Lower School drop off/pick up lanes must be signed with the crossing signs “E”;
- g. The raised crosswalk must have advance signing and marking and drainage systems provided as necessary;
- h. There must be no curb stops in any areas. Curbs with low level landscaping or grass strips must be used to protect sidewalks;
- i. The gravel parking areas on Expanded Parcel D in the Conservancy Area must have stop signs for the exit approach;
- j. The exit gate near the North Street exit must be located before the crosswalk;
- k. The drop off/pick up roadway for the High School must have an offset double yellow line;
- l. For the northern end of the Emergency Access Driveway, the double yellow line must be extended to the remaining piece of Hathaway Lane and a dotted double yellow line must be provided to guide traffic into and out of that roadway;
- m. The entrance points for the pedestrian/bicycle paths must be signed indicating the need for bicyclists to share the path and properly yield to pedestrians that are present;

- n. All sidewalk crossing layouts shown on the Revised Site Plan and Revised Site Plan Sheets, whether on or off-site, must undergo final review of technical specifications and construction drawings by the Transportation Management Review Commissioners to ensure consistency with White Plains roadway construction standards. This includes the sidewalk crossings of (1) internal roadways, (2) within and between parking areas, and (3) across public streets, such as between Parcel A and the current D, Parcel A and B, Parcel B and C, and Parcels B or C and the current Parcel D; and
  - o. The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved parking spaces must be modified on the applicable Revised Site Plan Sheets to conform to modifications in the parking layout on the Revised Site Plan Sheets SP-14 through SP-16, and to comply with all Federal, NY State and local regulations and be subject to the approval of the Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering, according to their respective jurisdictions.
5. Consistent with Environmental Finding J-28, the access roadway from North Street to the Campus, runs to the north of both the NYS DEC wetland and buffer area and the City designated wetland and water course designated in this Approval Resolution herein as a “protective buffer area,” under Zoning Ordinance Section 4.4.25.5.2.2 which “protective buffer area” must be so labeled on all applicable Final Site Plan Sheets, (buffer area Currently Incorporated but not appropriately labeled).

6. Implementation of a Campus traffic circulation and parking plan is based upon the size and traffic characteristics of the Phase I School Use and Phase II School Use, with the location of parking on the northerly side of Parcel A having been moved further from the residence at 57 Hathaway Lane as is shown on Revised Site Plan Sheet SP-14. This Condition modifies the Revised Traffic Management Plan to provide that after approval of the FINAL FASNY PROJECT in this Approval Resolution herein, maps of emergency vehicle access and site circulation reflecting the approved Final Site Plan Sheets must be reviewed by the Commissioner of Public Safety for consistency of the maps with said approved Final Site Plan Sheets, and when accepted as reflecting the approved Final Site Plan Sheets, such emergency access and emergency site circulation maps must be distributed to appropriate FASNY and Public Safety personnel.
7. No Building Permit or site disturbance permit shall be issued for Phase II Construction of the Phase II School Use until the Phase II Assessment.
8. Consistent with Environmental Finding J-20, any changes to signal timing at the Hutchinson River Parkway ramps at North Street must be approved by the NYSDOT, and any conditions of the NYSDOT, or the County of Westchester Department of Public Works with regard to North Street are herewith required by this FASNY Special Permit/Site Plan Approval Resolution, to be incorporated by reference in this Approval Resolution herein and in the Final Transportation Management Plan.

9. Consistent with Environmental Finding J-22, the REVISED FASNY APPLICATION, and Condition A.3.d, the North Street/Bryant Avenue intersection requires the construction on eastbound Bryant Avenue of a 100 foot left-turn lane. This Condition modifies the Revised Transportation Management Plan to provide that as part of this roadway improvement project, all related traffic signals must be tied to the City's traffic control system and all cost of the construction of the 100 foot left turn lane improvement and traffic signal improvements shall be paid by FASNY.
  
10. Revised Plan Sheets SP-14 and SP-15, and Exhibit A(3) hereof show an alignment of the Emergency Access Driveway from Ridgeway through the FASNY Project site which intersects with the northeast side of the public portion of Hathaway Lane approximately across from 57 Hathaway Lane. The Emergency Access Driveway and its intersection with Hathaway Lane approximately across from 57 Hathaway Lane has been reviewed by the Commissioners of Public Works and Public Safety and determined to afford proper turning radii and roadway widths for movements of all City Department of Public Works ("DPW") and Public Safety vehicles and full access for emergency vehicles on days when the FASNY School is in session and on all other days when full public access is permitted two-way through the FASNY Project site. Furthermore, the alignment and turning movements for vehicles entering the northerly portion of Hathaway Lane from the Emergency Access Driveway have been designed to minimize headlight impacts on the residence at 57 Hathaway Lane, consistent with the safety, functionality and visibility requirements for drivers of both passenger vehicles and emergency vehicles. However, Site Plan Sheet SP-36

“Fire Access/Garbage Truck Plan,” dated May 19, 2014, and Site Plan Sheet SP-37 “Hathaway Lane Abandonment Plan,” dated May 5, 2014, must be revised to conform to the revised Hathaway Lane discontinuance shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and attached hereto and made a part of this FASNY Special Permit/Site Plan Approval Resolution. No permits, other than demolition permits for existing buildings and structures, shall be issued for the FASNY Project until: (1) FASNY has provided to the Commissioners of Building, Public Works and Public Safety updated Site Plan Sheets SP-36 and SP-37; and (2) said Commissioners have accepted said modified Site Plan Sheets as correct with respect to alignment and turning movements for municipal and all emergency vehicles, and have confirmed same in writing to the Corporation Counsel.

11. Revised Site Plan Sheets SP-14 and SP-15, and any other Site Plan Sheets showing the Emergency Access Driveway, must be further modified to consistently show the final location for the gates across the Emergency Access Roadway. The final location, type, and installation specifications of the gates must also be described in modifications to Section 4.6 of the Revised Transportation Management Plan in a manner consistent with this Approval Resolution.

12. Revised Site Plan Sheets SP-14 and SP-15 must be modified, to show:

- a. the exact location and landscaping of the parking waiver spaces in the Central Parking Lot for which the Common Council agrees in this Approval Resolution herein, subject to this Condition and other applicable Conditions and consistent with the Approved

Documents, to waive construction, pursuant to the provisions of Section 8.7.3 of the Zoning Ordinance as follows:

- (1) Waiver of construction of 55 parking spaces in the northern portion of the Central Parking Area for Phase I School Use until student enrollment for Phase I School Use reaches 500 student;
- (2) Construction of 30 of the 55 parking spaces once the student enrollment for Phase I School Use reaches 500 students;
- (3) Construction of the remaining 25 spaces before issuance of any temporary or permanent certificate of occupancy for Phase II School Use (defined herein below);
- (4) Such waiver being subject to a written guarantee, satisfactory to the Corporation Counsel, insuring the improvement of such spaces within six (6) months of the date of written notice to the property owner by the Common Council stating that all or a portion of such spaces have been determined to be necessary and should be improved; and
- (5) Such waiver being subject to all of the applicable Conditions contained in this Approval Resolution herein and consistent with the Approved Documents (together the "Parking Waiver"); and

- b. show the landscaping adjacent to the northerly parking area on Parcel A proposed for 45 unimproved overflow parking spaces shall take place. This Condition further modifies the Revised Transportation Management Plan to require that, consistent with the information provided to the Common Council, FASNY identify when and by whom the 45 unimproved spaces will be used, and by whom the Parking Waiver spaces in the Central Parking Lot will be used when constructed. Modifications to the Revised SP-14 and SP-15 Site Plans Sheets must also reflect any changes required by the Approved SWPPP.

13. This Condition modifies Revised Site Plan Sheets SP-14 and SP-15 to indicate:

- a. The location for depositing snow for the public street portion of Hathaway Lane from Gedney Esplanade to 50 feet south of the southern property line of the 57 Hathaway Lane property; and
- b. A detail of the Emergency Access Driveway from Ridgeway to the connection to the public portion of Hathaway Lane, which shows that this roadway, as shown on Exhibit A(3) hereof, is a minimum width of 24 feet with a marked emergency vehicle lane for the full distance (These modifications do not require incorporation in Final Transportation Management Plan).

14. All Phase I Construction of the internal roadway improvements required for Phase I School Use must be completed prior to the issuance of any temporary or permanent Certificate of

Occupancy for the Phase I School Use of the Middle School and High School, except for the Parking Waiver spaces.

15. The Emergency Access Driveway alignment and all roadways within the FASNY School Site must fully comply with Section 503 of the New York State Fire Code (Does not require incorporation).
16. All on and off-site traffic improvements required by the Conditions in this Approval Resolution herein for the FINAL FASNY PROJECT must be undertaken at FASNY's sole cost and expense and the Final Transportation Management Plan must so state.
17. As per the Commissioner of Public Safety, in his communication dated November 6, 2014, "congestion that would be created by mixing through traffic on a realigned emergency access driveway between Ridgeway and 57 Hathaway Lane during school opening and dismissal hours and during after school campus events would create conflicts between the through traffic, school pick up and buses, event traffic and emergency vehicle access and circulation through the site. This conflict is not created if the emergency access driveway is closed to through traffic other than police and emergency vehicles during these periods." Therefore, this Condition modifies the Revised Transportation Management Plan to affirmatively state that the Emergency Access Driveway shall, in addition to providing emergency access at all times including before, during, and after construction, provide public access through the FASNY site, after construction is completed, after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends, holidays and summer vacations.

18. Upon approval of the FINAL FASNY PROJECT, FASNY must enter into an agreement for the construction of the waived parking spaces pursuant to Section 8.7.3 of the Zoning Ordinance. The written Parking Waiver agreement, satisfactory to the Corporation Counsel, must be attached to and incorporated in the Final Transportation Management Plan.

19. With the Parking Waiver in the Central Lot for Phase I School Use up to 500 students, the size of the parking lots shown on Revised Site Plan Sheets SP-14, SP-15 and SP-16 must be modified, and the list of parking spaces in the Revised Transportation Management Plan Table 5, must be modified in the Final Transportation Management Plan to read as follows:

Northerly Lot	80 spaces (built in Phase I Construction)
Central Lot	130 spaces (75 built in Phase I Construction, 30 spaces built when Middle/Upper School reaches 500, and 25 spaces built in Phase II Construction, all subject to terms of Parking Waiver)
Lower School Lot	90 spaces (built in Phase II Construction)
North Street Property	9 spaces (built in Phase I Construction)
Service Lot	9 spaces (built in Phase I Construction); and be it further

Part II: Conditions

B. Transportation Management Plan Conditions

RESOLVED that, the Conditions in this Section B are hereby incorporated into and made a part of the Final Transportation Management Plan and the Final Site Plan and Final Site Plan Sheets, as applicable, and, together, made a part of the FINAL FASNY PROJECT. Some of

these Conditions contain elements already in the Revised Transportation Management Plan, which are identified by (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1. Consistent with Environmental Finding J-24, the Revised Transportation Management Plan acknowledges that for Phase I School Use 750 students in Middle and Upper School was shown in the 2013 FASNY Environmental Findings Statement to not have any significant adverse impacts subject to total trip generation of all types of vehicles not exceeding 530 trips in any AM or PM peak hour period. However, the Phase I School Use grade 6-12 estimated enrollment in the Revised Transportation Management Plan, Table 1 “Intended Enrollment by Year and Grade at White Plains Campus,” shows lower numbers for Phase I Years 1 through 6, and numbers more consistent with this Revised Transportation Plan Table have been incorporated in the definition of Phase I School Use in herein above. This Condition requires that the definitions of Phase I School Use and Phase I Construction, Phase II School Use and Phase II Construction, and Phase II Assessment be incorporated in the Final Transportation Management Plan. The following Conditions shall also be incorporated as part of the Final Transportation Management Plan. In the case of any conflict between the definitions of Phase I School Use, Phase I Construction, Phase II School Use, Phase II Construction, and Phase II Assessment, the applicable Conditions in this Section B. Transportation Management Plan Conditions, the definitions shall control:

- a. As provided in the Environmental Findings Statement, any increases in attendance of 3%

or greater between upper, middle and lower schools which may cause the vehicle trip generation of FASNY to exceed the 530 vehicle trips in any AM or PM peak hour period, shall require a review of the trip generation data and trip distribution;

b. Consistent with the Environmental Findings Statement, the Revised Transportation Management Plan must be further modified to include the frequency of collection of information regarding each of the following items listed in the Revised Transportation Management Plan. This Condition modifies the information in the Revised Transportation Management Plan by adding whether the information is required to be provided to the City and the public on an annual or semi-annual basis:

- (1) Student Attendance policies (annual);
- (2) Faculty attendance policies and parking locations and requirements (annual);
- (3) Requirements for parental compliance with School busing and driving policies (annual);
- (4) Community of residence of students and whether busing is provided by home district, and for what grades (semi-annual);
- (5) List of locations of bus drop-offs other than campus and how students reach campus (semi-annual);

- (6) List of exceptions to bus ridership and number of students receiving exemption for each year (annual);
- (7) Number and size of buses transporting students by grade (semi-annual);
- (8) Number of students riding buses by grade (semi-annual);
- (9) Number of student drivers authorized and any limitations thereto (semi-annual);
- (10) Number of students carpooling and carpooling ratios by N/P/K, Lower and Upper School (semi-annual for the first three (3) years of Phase I School Use and Phase II School Use, then annual);
- (11) Number of trips detected (for each direction - in and out) during AM and PM peak hours (semi-annual);
- (12) As per Conditions A.1.a and A.1.b, the actual bus ridership levels (semi-annual);
- (13) Report on car-pooling (semi-annual);
- (14) Trip generation rate cap for any peak hour of no more than 530 trips (total of in and out) for all vehicle types (annual);
- (15) Report of arrival and departure times of faculty and staff (semi-annual);
- (16) Calculation of bus ridership and trip generation (semi-annual for first three (3)

years then annual);

(17) Plan for site circulation control and enforcement (semi-annual for the first three (3) years then annual);

(18) Method for preventing cut through traffic (annual);

(19) On-site Monitoring Procedures (annual);

(20) Trip Generation Monitoring Procedures and Enforcement (semi-annual). As noted in the definition and description of Phase II Assessment herein above, the Revised Transportation Management Plan must be further modified to incorporate the following trip generation sensitivity analysis methodology for the Phase II Assessment:

Real-time data collected by sensors to be installed at the FASNY entrance driveway shall be collected over a five (5) day period reflecting normal school use without any FASNY holidays or vacations, public school designated holidays or designated public holidays. Details on vehicle trips during the morning arrival and afternoon departure periods shall be provided in 15-minute increments from 7:00 AM to 9:30 AM and 2:00 PM to 6:00 PM. Potential future Phase II School Use traffic generation shall be modeled using the criteria included in the SEQRA Findings for Lower School students and described in the applicable Conditions herein, including, but not limited to Conditions A.1.a, A.1.b, and B.1.b(12), specifically the 21% utilization rate for grades N/P/K with 10 students per bus for

N/P/K students. For students in Grades 1 to 5 and any potential additional Upper School students in Phase II, actual trip generation criteria, including bus utilization and bus occupancy, and car-pooling from the semi-annual reports shall be used to model future trips from those grade levels. No permits for site disturbance and construction for Phase II Construction shall be issued until the Phase II Assessment is complete;

(21) Location and amount of parking for students, teachers, parent pick up and visitors, consistent with Condition A.19 (annual);

(22) Snow Storage Locations (as shown on approved plans);

(23) List of FASNY special events (“Special Events”), dates and timeframes (annual, on-line update);

(24) A Parking Management Plan for Special Events that locates parking as far as possible from adjoining residential properties on both Parcel A and D, with no Special Event parking permitted on Parcels B or C (annual);

c. No conveyance to FASNY of the discontinued portion of Hathaway Lane shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and A(1) of this Approval Resolution herein, shall take effect until all conditions of the Adopted Discontinuance Ordinance have been complied with including, but not limited to the Common Council

receiving a written confirmation from the City Clerk that FASNY has filed the Final Transportation Management Plan incorporating all applicable Conditions in Part II: Conditions, Sections A. and B. herein, as required by the Common Council approvals contained in Part IV: Determinations and Approvals in this Approval Resolution herein;

- d. In addition to the other Conditions herein above which modify the Revised Transportation Management Plan, the following Conditions B.1.d(1) through (40) further modify the Revised Transportation Management Plan and, as applicable, the Revised Site Plan and Revised Site Plan Sheets, as part of the Final Transportation Management Plan, the Final Site Plan, and the Site Plan Sheets; to provide that:

- (1) Section 3.4.3, entitled "Vehicle Trip Maximum," of the Revised Transportation Management Plan be modified to provide that the Deputy Commissioner of Parking for Transportation Engineering shall refer to the Common Council any pattern of high levels in trip generation during any AM or PM peak hour period (trips over 530 three (3) times a month over a three month period) not corrected within 90 days, for its review of the data and consideration of appropriate action. The Final Transportation Plan must provide that, if there is a pattern with or without proposed corrective actions, the Deputy Commissioner of Parking for Transportation Engineering shall be required to submit to the Common Council, along with the trip data, a report on the status of corrective measures taken by FASNY. During Phase I School Use, FASNY shall work with City staff to identify transportation options

that keep the trip generation number below 530 vehicles in the AM or PM peak hour. Any options not within the jurisdiction of the Deputy Commissioner of Parking for Transportation Engineering, and/or the Transportation Commission, shall require approval of the Common Council;

- (2) Environmental Finding F-16 must be cited in the header in Section 3.4 thereof;
- (3) Section 2.2 “Student Attendance Policy” of the Revised Transportation Plan must include reference to Section 3.1.1 “Policy” and 3.1.2 “Exemptions” which address mandatory busing enforcement and exemptions;
- (4) The Deputy Commissioner of Parking for Transportation Engineering shall submit semi-annual reports to the Common Council of any changes to signal phasing approved by the Deputy Commissioner or any change to signage approved by the Transportation Commission;
- (5) Sections 3.4.1.3 “Car-pooling”, 3.4.2 “Trip Sensitivity”, and 3.4.4 “Methodology for Assessment of Phase I Performance” of the Revised Transportation Management Plan shall affirmatively state that car-pooling data and trip generation reports will be provided as stated in B.1.b(10) herein above;
- (6) The unannounced monitoring of FASNY cut-through traffic by a license plate

survey shall be conducted by FASNY twice a year and more frequently if monitoring shows noncompliance, by FASNY retaining a professional engineer acceptable to the Deputy Commissioner of Parking for Transportation Engineering and who has Professional Traffic Operations Engineer (“PTOE”) certification;

(7) As per the November 19, 2014 communication from the Deputy Commissioner of Parking for Transportation Engineering, the Final Transportation Management Plan must require that the professional engineer conducting the cut-through traffic license plate survey and any other studies of cut-through traffic have Professional Traffic Operations Engineer (“PTOE”) certification;

(8) This Condition requires that, consistent with Environmental Finding J-23, and essential to the effective transportation management and vehicle trip monitoring program, a trip detection system including trip detector sensors and video cameras that can measure and record the trip generation and bus usage of the FASNY School must be installed at the North Street Access with cameras at the access to the small lot off Ridgeway. As per Conditions A.3.b and A.3.c, the sensors shall be required to be placed at the entrance and exit points of the FASNY Project North Street Access to count the number of vehicles (primarily buses and cars) entering and exiting the FASNY Project site. The data will be aggregated in quarter hour intervals over the day to determine and measure the AM and PM peak hour traffic rates accessing and exiting the FASNY Project site. These sensors and cameras shall be required to be connected to the City’s Central Traffic Control System, with

access to the information by the Department of Public Safety and to the Department of Parking so that there is convenient City access to the data. This Condition further modifies the Revised Transportation Management Plan to provide a detailed program for the trip detector sensor and video camera installation, location, maintenance, and review program, along with the methodology for Phase II Assessment included in applicable Conditions of this Approval Resolution herein, including, but not limited to B.1.b(20), for assessing the number of trips, separated by direction of travel into the FASNY Project site and direction of travel upon exiting the site, that are actually being generated. This data will enable FASNY and the City to assess both off-site and on-site traffic circulation, and queuing. This Condition further modifies the Revised Transportation Management Plan to provide that the type of trip detection equipment shall be subject to the approval of the Commissioner of Parking, the Deputy Commissioner of Parking for Transportation Engineering, and, with respect to the camera system, the Commissioner of Public Safety, all of whom have experience with detector and video camera traffic management systems;

- (9) Consistent with Condition A.6, the Revised Transportation Management Plan Figure 3 “Campus Circulation Plan” must be modified to clearly indicate the entire route of the emergency access for each building and structure, and must identify the portion of the Emergency Access Driveway open to the public after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends,

holidays and summer vacations;

- (10) The varying school beginning or dismissal times for different class levels must be listed in the Final Transportation Management Plan as one of the possible long-term corrective measures in Section 3.1.1;
- (11) Although enforcement of noise regulations is provided for in the Revised Transportation Management Plan, the Revised Transportation Management Plan must be further modified to state that the requirements to limit potential noise disturbances apply to people both picking students up at school as well as to people parking, and the penalty of revoking parking privileges should address both situations and make clear that failure to comply with the FASNY School regulations in both situations may result in parking privileges being revoked;
- (12) Consistent with Findings L-10 and L-11, to minimize noise from variable noise sources this Condition requires that those persons regularly driving to and from the FASNY Project site shall receive instructions directing them to respect the residents adjacent to the School by limiting use of devices which cause short duration noise events while they are on FASNY School property, including, but not limited to, car horns, beepers, radios, or digital and other electronic devices. Said Final Transportation Management Plan shall further require that FASNY provide signage at the entrance gate and in the parking areas stating that the parking lots and

queuing areas are “Quiet Zones.” These “Quiet Zones” must be monitored and compliance must be maintained by FASNY;

(13) Section 7.2 of the Revised Transportation Management Plan must be modified to include the statement that “although public access through the FASNY Project site will be permitted after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends, holidays and summer vacations, including when camp is in session, all access for FASNY campers to the FASNY Project site shall be through North Street;”

(14) Section 7.3 includes the requirement that the FASNY Liaison phone number will be provided to the Commissioner of Public Safety and Deputy Commissioner of Parking for Traffic Engineering, and be posted on the FASNY website, and that the Liaison will coordinate with these departments. Similarly, as per the November 6, 2014 communication from the Commissioner of Public Safety, Sections 8.1 and 8.2 must be revised to include notification of the Department of Public Safety of the name and number of the FASNY Traffic/Transportation Liaison, and provide advance notice (at least 5 days in advance, as in condition B.1.d(39) herein) to the Deputy Commissioner of Parking for Transportation Engineering and the Commissioner of Public Safety of modifications to the Special Events schedule;

(15) Where buses on site are allowed to queue in queuing lanes along the bus

driveway around the Central Parking Lot for Phase I and along the Central Lot and Lower School for Phase II, as shown on Figure 3 “Campus Circulation Plan” in the Revised Transportation Management Plan, the bus queuing must be strictly monitored and enforced. To avoid blocking of vehicles, bus queuing areas running the length of queuing zones must be clearly painted on the driveway;

(16) Guidelines established in the 2013 FASNY Environmental Findings Statement and included in the Final Transportation Management Plan must be referenced as guidelines not requirements;

(17) The Deputy Commissioner of Parking for Transportation Engineering, in consultation with the Commissioner of Public Safety, shall retain the right to adjust the number of FASNY traffic monitors if they determine it to be necessary for traffic flow and/or safety reasons;

(18) If the bus utilization ratios are not being reached, including, but not limited to, when a school district stops or reduces bussing, FASNY’s report to the City must explain how bussing levels will be achieved and trips remain at or below the 530 trip generation number. This Condition further modifies the Revised Transportation Management Plan to provide that, if a municipality eliminates bussing of private school students and FASNY hires a bus service for students from that municipality, the same obligations must be retained in the relevant contracts of the

students riding FASNY buses as required for students riding other school district buses;

(19) No buses shall be permitted to queue in the roundabout that is east of the Upper School lot. This must be clearly identified on Final Site Plan Sheets SP-14 and SP-15, and to all bus drivers, and must be strictly monitored and enforced by FASNY;

(20) A routing map must be provided for inclusion in the Final Transportation Management Plan that shows the route of buses in the PM peak hour to pick up students from multiple grade levels, such as Lower School (3:30 PM) and Upper School (3:40), at different locations on Campus;

(21) Although the City will have the ability to monitor vehicle trips and traffic counts on a real time basis, FASNY is required to provide breakdowns of the AM and PM peak hour counts on a weekly basis in its semi-annual report;

(22) The procedure for measuring car-pooling ratios must be included in the Final Transportation Management Plan;

(23) The Final Transportation Management Plan shall provide that the Level of Service analyses along North Street south of Ridgeway will be performed, including for the unsignalized roadways, if the 530 vehicle trip generation cap is

exceeded more than three (3) time a month for six (6) months for any AM or PM peak hour;

(24) FASNY has addressed possible operation of a Summer Camp on the FASNY Project site in Section 7.2 of the Revised Transportation Management Plan, projecting a maximum enrollment of 250 children and an estimated 374 vehicle trips. Since the Emergency Access Roadway will be open to through traffic during summer months, it is necessary for vehicular and pedestrian safety that the following information regarding the Summer Camp must be provided by FASNY, at least 30 days prior to the commencement of the Summer Camp to the Commissioner of Public Safety and Deputy Commissioner of Parking for Transportation Engineering: (1) location of pick-ups/drop-offs on dry days as well as on rainy days, according to which facilities and parking/drop-off areas will be utilized; (2) an estimate of how many campers and staff will be on the Campus (currently estimated in the Revised Transportation Management Plan as 250 campers and 40 staff) and; (3) the Summer Camp hours and duration. Although the Revised Transportation Management Plan does not anticipate any buses, if there is bussing to the Camp it will be subject to the same rules and regulations as are required for buses during the school year. The Conditions modifying the Revised Transportation Management Plan as part of the Final Transportation Management Plan must further provide that the same rules regarding the prohibition of traffic and drop off/pick up in the surrounding

neighborhood shall apply and be clearly stated as a requirement in both the Final Transportation Management Plan and in the Camp contracts. Said Final Transportation Management Plan must also provide that all Summer Camp traffic will be required to use the North Street Access and follow the same rules as apply to School related traffic during the FASNY school year. The current language in Section 7.2 of the Revised Transportation Management Plan provides that “Traffic circulation and parking for a summer camp will follow the same plan as regular operations of FASNY depending on which building or buildings are being used.” This Condition further modifies the Revised Transportation Management Plan to indicate that public through-traffic to/from Gedney Esplanade and Ridgeway will be permitted during the Summer Camp period, and provide details on the number of Camp traffic monitors and the procedures for monitoring for both vehicles and camper movements on Campus across internal roadways including, but not limited to, crossing the Emergency Access Driveway which will be open to two-way public through traffic. This Condition further modifies Section 7.2 of the Revised Transportation Management Plan by requiring that copies of the Camp Agreement be provided to the Commissioner of Public Safety at least 30 days prior to the opening of the Camp for purposes of Public Safety planning;

- (25) Since the number of peak hour trips permitted during Phase I School Use is the same as Phase II School Use, all off-site Phase I Construction roadway

improvements must be completed prior to the issuance of any permanent or temporary Certificate of Occupancy to commence Phase I School Use;

(26) Section 9.2 of the Revised Transportation Management Plan must be modified to obligate FASNY to identify those intersections that would be re-analyzed by a Level of Service analysis if additional off-site roadway mitigation measures are proposed by FASNY to address additional mitigation if vehicle trips exceed 530 trips in any three (3) AM or PM peak hour period within 30 days. Such intersection selection must be made in cooperation with the Deputy Commissioner of Parking for Transportation Engineering and the Commissioner of Public Safety, and the Common Council shall be notified of such intersection Level of Service analysis at least 10 days prior to the trip data collection;

(27) Since the Emergency Access Driveway will be open to the public for two-way through traffic during certain periods, it shall not be constructed of pervious material;

(28) A schedule for the opening and closing times of the Emergency Access Driveway gates for public access through the FASNY Project site, after regular school hours from 6:30 PM to 6:30 AM and on non-school days including weekends, holidays and summer vacations, must be provided in the Final Transportation Management Plan. This Condition requires that such

information must be maintained up-to-date on FASNY's website and through postings at the access points. Information must be clearly provided before the turn on Hathaway Lane at Gedney Esplanade to avoid the public having to turn around on Hathaway Lane. All signage must be approved by the White Plains Transportation Commission and must meet all federal and State roadway signage requirements;

(29) At the beginning of each semester FASNY shall provide to the Deputy Commissioner of Parking for Transportation Engineering the number, by grade, of students with exceptions to bus riding, including information on the category of reason for such exception, such as sports or after school program;

(30) As per the communication from the Chair of the Planning Board, dated August 25, 2014, FASNY should work with the Bee Line system to improve public bus service;

(31) FASNY must maintain a list of the number of students who access the FASNY Project site by public transportation and walk from the bus stops on either Mamaroneck Avenue or North Street, and those who walk from homes in the immediate area. This information must be provided to the Deputy Commissioner of Parking for Transportation Engineering at the beginning of each academic year;

- (32) The penalties described under the Enforcement section of the Revised Transportation Management Plan must be identified as annual, with consideration of the cumulative behavior of a student over time;
- (33) For consistency with other Conditions, Section 5.1 of the Revised Transportation Management Plan is modified by this Condition to clearly state that the internal Emergency Access Driveway is two way for its entire length;
- (34) The Revised Site Plan Sheet SP-15 must be modified to show the access point for the additional overflow parking on the Lower School athletic field and the layout of the parking spaces and drive aisles, since there is a stormwater management facility located under this ball field;
- (35) Section 9.2 “Potential Future Off-Site Improvements,” of the Revised Transportation Management Plan must be modified to indicate that improvements proposed along North Street or Mamaroneck Avenue, and at the intersection of the Hutchinson River Parkway require approval by Westchester County Department of Public Works and/or New York State Department of Transportation;
- (36) As recommended by City staff in its review of the Revised Transportation Management Plan, a section must be provided in the Final Transportation

Management Plan to identify, as applicable, long-term (teacher, administrator, student driver) parking areas and higher turn-over (visitors, etc.) areas, with any non-standard parking spaces being identified for long-term parking only. This information can be provided by amending Figure 6 “Campus Parking Plan” of the Revised Transportation Management Plan;

(37) Consistent with, Environmental Finding J-2, and as referenced in Conditions A.1.a., A.1.b, B.1.b(12), the Revised Transportation Management Plan utilizes a conservative estimate of bus demand of one (1) bus per ten (10) students with the previously stated 50% bus utilization. While this ratio must be applied in estimating the bus trip generation, after data has been collected for actual Phase I School Use, the actual numbers must be assessed against the estimates;

(38) Consistent with Environmental Finding K-12, the Revised Transportation Management Plan must be modified to include the Conditions in Section D: Mobile and Stationary Air Quality Conditions related to mobile air quality impacts;

(39) Consistent with Environmental Finding L-11, the Revised Transportation Management Plan must be modified to provide that FASNY provide information on the estimated number of cars coming to Special Events and provide estimated vehicle counts expected to be at such events to the Deputy Commissioner of Parking for Transportation Engineering and Commissioner of Public Safety at least

5 days prior to such events;

(40) This Condition modifies the Revised Transportation Management Plan to mandate that if any of the unsignalized intersections along North Street south of the FASNY School access point deteriorate below level C for any turning movement in the FASNY AM or PM peak hour, FASNY shall be required to develop mitigation measures which may be subject to the approval of the Common Council and Westchester County Department of Public Works and/or NYSDOT; and

(41) This Condition modifies the Revised Transportation Management Plan to further mandate that all vehicles coming to FASNY Special Events, whether during or after regular school hours, or on non-school days including weekends, holidays and summer vacations must access the FASNY campus via the North Street Access, and may not access the campus via the Emergency Access Driveway at any time.

2. As per the November 19, 2014 communication from the Deputy Commissioner of Parking for Transportation Engineering, the Applicant shall annually prepare, in consultation with City staff, an “Action Calendar” which lists actions to be taken by FASNY or the City in each month, related to the FINAL FASNY PROJECT, such as, by way of example, the following:

September:            Campus monitor observations  
                              Initial transportation meeting with City officials

Further monitor observations  
Volume Data Collection

October            Campus monitor observations  
Draft Demand Management Report submission  
Further monitor observations  
License Plate Survey, Etc.

Part II: Conditions

C. Site Landscaping and Site Landscaping Plan Conditions

RESOLVED that, the Conditions in this Section C are hereby incorporated into and made a part of the Final Site Landscaping Plan the Final Site Plan, and the Final Site Plan Sheets, as applicable, and, together, made a part of the FINAL FASNY PROJECT. As noted by the reference (Currently Incorporated), some of these Conditions may contain elements already in the Revised Transportation Management Plan, which are identified and restated herein for purposes of clarity and continuity.

1. This Condition provides, and FASNY has agreed, that the tennis courts shall have a 100 foot buffer setback to abutting properties to the west, and Revised Site Plan Sheets SP-14 must be modified to reflect this setback.
2. This Condition provides, and FASNY has agreed, that the buffer between the property line of abutting properties and all FASNY buildings, structures, athletic fields, and parking areas shall be a minimum 75 foot landscaped buffer setback area, as shown on the Revised Site

Plan Sheets SP-14 through SP-18, regardless of whether a front, rear or side yard is involved, and regardless of the minimum setback requirement in the Zoning Ordinance being less for any such yard.

3. Environmental Finding A-3.9 provides that *“the landscaping required under the minimum requirements of Section 4.4.19 of the Zoning Ordinance does not adequately mitigate significant adverse impacts of the School uses and accessory uses on abutting neighbors...”* Section 4.1.2 of the Zoning Ordinance states that *“In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare.”* Section 6.5 of the Zoning Ordinance states *“The approving agency may attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to applicable standards and requirements.”* This Condition provides that additional landscaping, over and above that established as the minimum by the Zoning Ordinance, is required to mitigate certain adverse visual and light impacts. This Condition further provides that the Landscaping Plans Sheets L101 through L105 must be revised to show consistency with said Revised Site Plan Sheets SP-14 through SP-16, regarding the plantings to be removed and a final layout that references a listing of the type and size of plant species to be removed and planted, along with landscaping enhancements in the following areas: (1) in the 75 foot buffer area along the western border of the FASNY School and abutting single family residential properties; (2) along the westerly side of the northerly parking area; (3) within the

Central Parking Area; (4) along the rear of residential properties on Ridgeway; (5) along the southern side and within the Expanded Parcel D Lower School parking area; (6) around the property at 57 Hathaway Lane, and (7) along the rear property line of the abutting properties on Southdale Avenue. The Final Site Landscaping Plan must address how the site will be prepared for and impacted by construction as defined and described in the Municipal Code Chapter 7.5-28 as the “Pre-Construction Site Development Plan.” All permits for any form of site disturbance must be consistent with the Approved SWPPP and Municipal Code Chapter 7.5 “Trees” consisting of the “Tree Preservation Guidelines” at Municipal Code Chapter 7.5 Article I, and “Protection, Preservation and Maintenance” at Municipal Code 7-5 Article II, (together referred to herein as “Municipal Code Chapter 7-5” or the “Tree Preservation Guidelines”). All provisions for the “Pre-Construction Site Development Plan” required by the Tree Preservation Guidelines are required by this Condition to be incorporated into the Final Site Landscaping Plan in accordance with this Approval Resolution herein.

4. This Condition modifies the Revised Site Landscaping Plan to include any updates to the FASNY Tree Inventory, required by the Tree Preservation Guidelines, covering species, location, installation, and maintenance of all landscaping on the property, as changes have occurred to landscaping on the Project site since the initial Tree Inventory was made in 2011.
5. Consistent with the Tree Preservation Guidelines at Municipal Code Chapter 7-5-28, no permits for site disturbance or construction in any area adjacent to the residential buffers along the western side of Parcel A, adjacent to 57 Hathaway Lane, along the southern

side of Expanded Parcel D, or along the portion of Expanded Parcel D abutting Southdale Avenue, other than permits for the demolition of existing buildings and structures, shall be issued until FASNY has filed with the City Clerk the Final Site Landscaping Plan. With the exception of the buffer areas listed in Condition C.3 herein above, the Revised Site Landscaping Plan must be modified to provide that the individual sub-plans for the individual disturbance areas designated in the SWPPP may be accepted separately by the Tree Preservation Committee before the issuance of permits for each area. The accepted plantings for the buffer areas must be planted at the earliest possible date consistent with the tree or plant's appropriate planting season.

6. As provided in this Condition, to ensure the proper level of screening is established, consistent with the intent of this Approval Resolution, there must be direct observation of the location of the proposed screening by walking the applicable sections of the Project site, and the Revised Site Landscaping Plan must be modified to provide that the Tree Preservation Committee shall retain and work with: (1) a certified landscape professional with expertise in the management of environmentally sensitive land, which certified landscape professional shall be funded by FASNY ("Certified Landscape Professional"); and (2) FASNY's landscape representative(s), to develop the Final Site Landscaping Plan, which meets, among other things, the requirements of the Tree Preservation Guidelines. The Revised Site Landscaping Plan is further modified by the following additional Conditions:
  - a. The Revised Site Landscaping Plan must be modified to provide details of all new buffer

landscaping to locate and maximize the screening of athletic fields, buildings, structures, and parking areas;

- b. Consistent with the Tree Preservation Guidelines, the Revised Site Landscaping Plan must be further modified to provide for the maintenance of all new landscaping and the maintenance of all existing landscaping to be preserved, and the list of landscaping material must be updated (1) prior to issuance of a temporary or final Certificate of Occupancy for Phase I School Use and (2) upon an increase in student enrollment and grade range in Phase II School Use, to reflect the final planting locations and species;
  
- c. Consistent with Environmental Findings A-3.9 and F-1, and pursuant to Municipal Code Section 7-5-28 of the Tree Preservation Guidelines, Part IV: Determinations and Approvals of this Approval Resolution makes “the issuance of permits for the development of the [FINAL FASNY PROJECT] subject to review and approval by the tree preservation committee of a pre-construction site development plan and on-site implementing procedures” (see Municipal Code Section 7-5-28(a) through (c)). In consultation with the Commissioner of Public Safety and the Certified Landscape Professional, this Condition further requires that funding for the Certified Landscape Professional, as well as a bond for the cost of the landscaping material and for installation during Phase I Construction, must be posted with the City prior to the issuance of any Phase I Construction permits for site disturbance or construction on or off-site; and for Phase II Construction before issuance of any Phase II Construction site disturbance and

construction permits on or off-site. In both cases, the value of the landscaping material and installation bond (“Landscaping Bond”) shall be determined by the Commissioner of Public Works, following current Department of Public Works procedures;

d. Consistent with the recommendations of the Planning Board in its August 25, 2014 communication, and as is required by the Tree Preservation Guidelines and as a Condition of this Approval Resolution, the Revised Site Landscaping Plan must be modified to require that the existing trees and tree clusters be marked on site as to their status (preserve or remove), before any permits can be issued affecting any of the trees in any area of the site identified as an area to be disturbed. Markings of the trees shall be reflected on the Pre-Construction Site Development Plan required by the Tree Preservation Guidelines;

e. The following Conditions, where consistent with the Approved SWPPP and the Tree Preservation Guidelines shall be Conditions modifying the Revised Site Landscaping Plan:

(1) As noted in other Conditions herein, this Condition requires that the buffer areas along residential properties be planted before commencement of site disturbance, other than demolition of existing buildings or structures, and before commencement of each Phase I Construction and Phase II Construction, to shield residents from noise and visual impacts related to site disturbance and construction, and to allow time for the landscaping to grow before the FASNY School opens in Phase I School Use or

expands in Phase II School Use, unless determined infeasible by the Tree Preservation Committee due to timing of planting season(s), in which case such planting shall take place in the next planting season for such plant or tree species;

(2) In locations where topography, wind conditions or depth and design of a buffer limit the screening role provided by the landscape buffer, and where determined appropriate by the Tree Preservation Committee in consultation with the Certified Landscape Professional, this Condition provides that the vegetation may be planted on berms to increase the screening effect. As an alternative to the Planning Board proposal, this Condition further provides that the Tree Preservation Committee may accept buffers designed to have plant material with solid opaque branch structures, such as evergreens, designed to be placed in two or three staggered rows so as to provide a meaningful and continuous screening to accomplish the buffering effect in a reasonable period of time. The multiple rows of trees, such as evergreens of appropriate varieties, are especially important in areas which are open and exposed to wind conditions;

(3) Consistent with other Conditions herein, this Condition provides that additional planting must be provided around and within the Central Parking Area and Lower School Parking Area to divide these parking lots into smaller parking clusters, as is the typical parking arrangement for non-residential uses in the surrounding neighborhoods, as demonstrated in the November 18, 2014 and November 19, 2014

reports from the Law Department Management Associate;

- (4) This Condition provides that the edge of the 75 foot buffer area adjacent to abutting residential properties along the western side of Parcel A must be staked in the field during Phase I Construction and the same for the residential properties along the south side of Parcel D during Phase II Construction;
- (5) This Condition provides that the size and species of plants within the residential buffer areas shall undergo final review by the Tree Preservation Committee, in consultation with the Certified Landscape Professional and with FASNY's representative(s) for height and screening effectiveness;
- (6) The Certified Landscape Professional shall review FASNY's proposed landscaping and existing site conditions plan, the Tree Preservation Guidelines, and the Approved SWPPP, and shall advise the Tree Preservation Committee of the adequacy of FASNY's proposed tree protection measures;
- (7) As noted in the Common Council findings in this FASNY Special Permit/Site Plan Approval Resolution herein, the Sycamore trees on site and in the public right-of-way along the FASNY Project site are declared in the Determinations and Approvals of the Approval Resolution herein, for purposes of this Project, to be specimen trees pursuant to Municipal Code Section 7-5-23(j) of the Tree Preservation Guidelines,

and are an important part of the character of the neighborhood which must be protected. This Condition further provides that the status and protection of the Sycamore trees, as well as all other protected and specimen trees, must be addressed to the satisfaction of the Tree Preservation Committee. Modifications to the Revised Site Landscaping Plan and to the Revised Construction Management Plan, must provide that the preservation and protection of the Sycamore trees and other specimen and protected trees are a high priority and any construction or other activity in the vicinity of such trees, whether on FASNY Property or City right-of-way, shall be subject to compliance with the SWPPP and MS4 Permit, and the Tree Preservation Guidelines. This Condition further provides that, if any Sycamore trees shown to be retained within the site or the public right-of-way die, it shall be the responsibility of the Applicant, or its successors and assigns, to replace these trees, at FASNY's or its successor or assign's sole cost and expense with Bloodgood London Plane Trees of similar size as those currently required to be planted along the Bloomingdale Road right-of-way as part of the Venue Project Site Plan Approval granted by the Common Council on May 7, 2013; and

- (8) This Condition provides that landscaping or fencing may be used to direct pedestrians on the site, and to discourage access from anywhere other than the designated FASNY access points. Fencing or dense vegetation or bio-swailes may be used to discourage people from dropping off students on Ridgeway, Hathaway Lane, or Gedney Esplanade because these features would obstruct pedestrian access to the

school entrances.

7. To reduce their perceived scale and breakup the line of parking along the southerly side of the Expanded Parcel D Lower School parking area, this Condition provides that the Revised Site Landscaping Plan and Revised Site Plan Sheets SP-14 and SP-15 regarding the landscaping in the area of the Central Lot and the Lower School parking area must be expanded to improve screening of the parking spaces and enhance visual parking clusters in each. Such additional landscaping must be developed by FASNY and its field location accepted by the Tree Preservation Committee in consultation with the Certified Landscape Professional and FASNY's representative(s).
8. The Revised Site Landscaping Plan must be further modified by this Condition to provide that the landscaping in and around the 80 space northerly lot on Parcel A requires final review by the Tree Preservation Committee in consultation with the Certified Landscape Professional and FASNY's representative(s) regarding the field location, density and diversity of the proposed plantings shown on Landscaping Plan Sheet L-101.
9. This Condition modifies the Revised Site Landscaping Plan L101 through L105 to confirm whether they provide sufficient screening of light sources and headlights from adversely impacting residential uses. Lighting in parking areas and on internal roadways must also provide for the safety of those using such parking areas and internal roadways. This Condition further requires that final site lighting plans showing lighting fixture and

installation specifications and field location of the fixtures must be accepted by the Commissioners of Building and Public Safety, the Deputy Commissioner of Parking for Transportation Engineering and the Tree Preservation Committee, with written notice of such acceptance to the Corporation Counsel. In addition, with respect to other lighting impacts from the FASNY Project, to minimize impacts on the “dark sky” character of the area, this condition further requires that building windows be designed to minimize light emanating from school building classrooms, hallways and facilities.

10. This Condition further modifies the Revised Site Landscaping Plan to provide that particular care must be taken while excavating in the areas of specimen and protected trees on and adjacent to the FASNY Project site. The locating of tree plantings and the locating of roadway lighting fixtures must protect root zones of the new and existing trees, and the excavating for and locating of utilities must not adversely impact the long-term viability of either the landscaping or the utilities. This Condition requires that the critical root zone of the trees in a disturbance area must be delineated on the ground by a qualified arborist followed by installation of appropriate barriers to avoid affecting the long-term survivability of these specimen and protected trees. Furthermore, as per the December 1, 2014 communication from the Commissioner of Public Works, this Condition modifies the Revised Site Landscaping Plan to provide that the City shall not be held responsible for disturbance of any site features (i.e. asphalt areas, bushes, trees, etc.) should utility work be undertaken within an easement area, and the planting of trees, installation of lighting or other appurtenances over public and private utilities in the easement areas shall not be permitted. Therefore, all

easements must be delineated on all applicable Site Landscaping Plan Sheets, and all proposed landscaping must be shown to be outside any easement area.

11. This Condition requires that a qualified Arborist funded by FASNY, must review the tree protection protocols (“Protection Protocol(s)”) prepared by FASNY for all specimen and protected trees, root zones and groundwater supply on the Project site where subject to disturbance impacts for the Tree Preservation Committee’s final review and acceptance, and implementation by FASNY.
  
12. This Condition provides that the Revised Site Landscaping Plan must be modified to provide that the final determination of the species and size of all perimeter landscaping to be located within the 75 foot perimeter setback buffer areas along the rear and side yards of abutting residential uses must be agreed to by the Tree Preservation Committee, in consultation with the Certified Landscape Professional and in consultation with FASNY’s designated representative(s). For Phase I Construction, such selected landscaping must be field located and, as noted herein above, be planted at the first available growing season appropriate for such landscaping for the western buffer area on Parcel A and buffering the property at 57 Hathaway Lane and for the buffering of the properties on the north side of Parcel D near Southdale and the construction of the North Street Access roadway, after issuance of the appropriate Building Permit or Site Disturbance therefor, other than the demolition of existing buildings and structures. No permits for site disturbance in any other designated disturbance area, other than permits for demolition of existing buildings or structures, shall

be granted until the Tree Preservation Committee and Commissioner of Public Safety have (1) accepted a Site Landscaping Plan sub-area plan for that SWPPP specified disturbance area, and (2) and a Landscaping Bond for all landscaping for Phase I Construction has been posted with the City by FASNY. For Phase II Construction, the landscaping for the southern side of Parcel D shall be planted according to the same requirements as for Phase I Construction in this Condition herein.

13. This Condition requires and the Final Site Landscaping Plan must provide that, prior to the issuance of any permit for site disturbance, other than demolition of existing buildings and structures, and prior to the issuance of permits for construction in a delineated disturbance area, the Pre-Construction Site Development Plan required by the Tree Preservation Guidelines for the construction and restoration phase for that individual disturbance area must be accepted by the Tree Preservation Committee in consultation with the Certified Landscape Professional and FASNY's representative, and must be consistent with the SWPPP Construction Phasing Plan for each disturbance area, including, but not limited to, the buffer landscaping areas on the western side of Parcel A, on the southern end of Expanded Parcel D Lower School, on Expanded Parcel D between the abutting properties on Southdale and the access roadway and bike trail, and adjacent to the property at 57 Hathaway Lane.

14. The Landscape Plans L101 through L105, submitted with the REVISED FASNY APPLICATION, must be revised to conform to the requirements of the Tree Preservation

Guidelines for a Tree Protection, Preservation and Reforestation Plan and Pre-Construction Site Development Plan and include the Tree Inventory and Integrated Site Plan required at Municipal Code Section 7-5-25 of the Tree Preservation Guidelines. The Tree Inventory for the Campus must be updated to ensure that it identifies protected and specimen trees or trees over specified caliper and groupings of trees deemed significant, and any grouping of twenty or more trees. This Condition further requires that designated City trees in the public right-of-way of the portion of Hathaway Lane to be discontinued must be replaced on the FASNY Property, as determined by the Commissioner of Public Works.

15. FASNY shall adhere to the requirements of the Tree Preservation Guidelines “Standards” as set forth at Chapter Section 7.5.26 of the Municipal Code.
16. FASNY shall adhere to the requirements of the Tree Preservation Guidelines “Review and Approval of Pre-Construction Site Development Plans and On-Site Implementation Procedures” at Chapter 7.5.28 of the Municipal Code.
17. Consistent with Environmental Finding H-4, this Condition requires that the Revised Site Landscaping Plan be further modified to provide that FASNY prepare a detailed plan for the watering and maintenance program, including landscaping installation and maintenance agreements for all landscaping within the Project site, in consultation with the Tree Preservation Committee and the Certified Landscape Professional.
18. This Condition provides that the final location of the North-South Bike/Pedestrian trail along

the westerly side of Parcel A and the new plantings along that western buffer shall be field located by FASNY in consultation with the Tree Preservation Committee, the City's Certified Landscape Professional and FASNY's designated representative(s). The trail shall be located to allow the maximum landscape screening for residences abutting the western side of Parcel A, the southern side of Parcel D, and the northern portion of Parcel D along the North Street Access roadway.

19. In accordance with the Part IV: Determinations and Approvals, the Commissioner of Public Safety and the Tree Preservation Committee shall be responsible for the final conformance review of the Final Site Landscaping Plan to ensure that all applicable approved Conditions have been incorporated.

## Part II: Conditions

### D. Mobile and Stationary Air Quality Conditions

RESOLVED that, the applicable Conditions in this Section D. are hereby incorporated into the Final Traffic Management Plan and made a part of the FINAL FASNY PROJECT.

1. Monitoring of bus idling must be strictly enforced. The 2013 FASNY Environmental Findings Statement and the Revised Transportation Management Plan in the REVISED FASNY APPLICATION both provide that FASNY shall pay the cost of all air quality monitoring. This Condition modifies the Revised Transportation Management Plan to require that air quality monitoring shall be triggered by any AM or PM peak hour vehicle trips exceeding 530 trips more than three times in any month.

2. If FASNY is required to conduct air quality monitoring as set forth in Condition D.1 herein above, and the monitoring reveals that if concentrations of CO, PM(10) and/or PM(2.5) exceed NAAQS' maximum predicted concentrations, or if it is demonstrated through any monitoring tests conducted by the City of White Plains or other governmental agency that concentrations of CO, PM(10) and/or PM(2.5) exceed NAAQS' maximum predicted concentrations, immediate corrective action, as determined by the Commissioner of Public Works and Deputy Commissioner of Parking for Transportation Engineering, must be immediately taken to bring the CO, PM(10) and PM(2.5) concentrations below NAAQS acceptable concentrations and DEC guidance, including, but not limited to, reducing vehicle trips.
  
3. The Department of Building shall be present at the testing of the noise levels of all construction equipment prior to their use on the FASNY Project site, and the Applicant or its successors and assigns shall provide annual certified noise level testing reports to the Commissioner of Building.
  
4. The buildings' boilers and chiller system are located in the buildings at the maximum practicable distance from abutting residential properties and shall be fully insulated. Sound attenuating 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; and be it

Part II: Conditions

E. Construction Management Plan Conditions

RESOLVED that the Conditions in this Section E. are hereby incorporated into and made a part of the Final Construction Management Plan and the Final Site Plan, as applicable, and, together, made a part of the FINAL FASNY PROJECT. Some of the Conditions in this Section E. contain elements already in the Revised Construction Management Plan, which are identified as (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1-1. To protect the surrounding neighborhoods from significant adverse site disturbance and construction impacts, this Condition requires that the Revised Construction Management Plan be modified, as necessary, to include the following information:

- a. hours of operation of construction vehicles and construction work on the site, consistent with Chapter 3-4 “Noise Pollution” of the Municipal Code;
- b. hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site;
- c. length of time travel lanes can be encumbered without advanced approval by the Commissioner of Public Works;
- d. procedures for sidewalk closings or pedestrian diversions to ensure the safety of

pedestrians, how such diversions will be announced, and when police presence is necessary for traffic direction;

- e. controls on "fugitive dust";
- f. the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on anti-tracking mats or pads located on the site and all drainage must have proper filtration of the wash-down water);
- g. noise abatement;
- h. pest control;
- i. street cleaning schedule and distance;
- j. site security both during construction hours and after hours; and
- k. scheduling of periodic meetings with residents and City staff to coordinate FASNY Project construction and keep residents advised.

1-2. This Condition requires that FASNY take all appropriate steps to address any impacts to adjacent properties, including pre-disturbance surveys of properties abutting disturbance areas where chipping or blasting is proposed and location of all principal landscaping and fences along the perimeter buffer area to residential properties at the earliest possible

planting season date.

2. This Condition modifies the Revised Construction Management Plan to require the use of existing procedures approved by the Departments of Public Safety and Building for any rock chipping or pile driving, sheeting and shoring around any excavation area.

3. In developing the excavation and construction procedures, the Revised Construction Management Plan is modified by this Condition to require that FASNY hold informational meetings for residents abutting the FASNY Property or within 100 feet of each sub-phase of construction as illustrated on the construction phasing plans contained in the Approved SWPPP (“Construction Phasing Plans”), prior to the commencement of disturbance of each sub-phase, to ensure notice to these owners of the commencement of site disturbance and construction, and provide them with information on the nature of the construction to be undertaken in each sub-phase. This includes creating a photographic record of exterior structural conditions of individual residences in the designated construction impact area where chipping or blasting is proposed. For purposes of this Condition, the application of herbicides over the Conservancy Area, subject to the Conditions in G. Conservancy Area and Conservancy Area Master Plan Conditions shall be deemed a sub-phase of construction herein.

4. No Phase IB archaeological field test will be required.

5. The Revised Construction Management Plan is modified by this Condition to provide that the

Applicant shall submit a parking plan for construction workers that designates the FASNY Construction Manager as the responsible party to ensure that the proposed parking plan is enforced. This Condition further modifies Revised Construction Management to require (1) that FASNY ensure, through appropriate measures to be agreed upon between the City oversight departments and the Applicant, that the parking location requirements for construction workers are strictly enforced; and (2) that FASNY 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.

6. This Condition modifies the Revised Construction Management Plan to prohibit staging or "waiting" by construction vehicles on any City street unless specifically accepted in advance in writing by the Commissioners of Public Works and Public Safety. This prohibition shall be strictly enforced.
7. As to the control of "fugitive dust," this Condition modifies the Revised Construction Management Plan to provide that FASNY develop a dust control plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
8. Consistent with Condition E.1-1, this Condition modifies the Revised Construction Management Plan to provide that the hours of permitted construction or site disturbance work for both weekdays and weekends must be posted on the FASNY website for each construction phase and must be strictly enforced. Once accepted as in conformance with all

of the applicable Conditions in this Approval Resolution herein and consistent with the Approved Documents, a copy of the filed Final Construction Management Plan must be maintained in the on-site construction office and on the FASNY website, and must be available to the public for review upon request during posted hours for construction. Copies of the filed Final Construction Management Plan must also be maintained in the Departments of Planning, Building and Public Works, and shall be available to the public for review, during regular business hours at those locations, and a summary with all contact information must be posted on the FASNY website.

9. This Condition requires that, prior to the issuance of any permits for site disturbance or any construction permits, other than permits for the demolition of existing buildings or structures, FASNY and its construction management team, including principal contractors, must meet together with the Commissioners of Public Safety, Building and Public Works and the Deputy Commissioner of Parking for Transportation Engineering and the Environmental Officer (together the “Construction Management Review Staff”) or their representatives, to review the project’s filed Final Construction Management Plan to ensure that all responsible parties understand their responsibilities under that Plan. A meeting of the parties involved in the demolition of any existing buildings or structures must also be held with representatives of the Construction Management Review Staff or their representatives prior to the issuance of any demolition permit(s), to review the Project demolition work and ensure that all responsible parties understand their responsibilities with respect to the demolition process, and the Revised Construction Management Plan must be modified to reflect the requirements

for these meetings.

10. Due to the proximity of sensitive receptors, such as nearby residences, consistent with Condition E.1-1, this Condition requires that the Revised Construction Management Plan be modified to address both noise impacts and air quality impacts of construction equipment, including, but not limited to, the following Conditions:

- a. The internal combustion engine-powered construction equipment used in the construction of the Project shall be limited to late model (1998 or 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 are 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 upon a demonstration that it is not feasible or practicable to obtain the required equipment. 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 emissions 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 phase of this FASNY Project warrants the additional cost on the part of the 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 (as defined in the Vehicle and Traffic Law) or vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment; and
- e. "Non-road engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicles 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.

11. This Condition modifies the Revised Construction Management Plan to provide that the Applicant shall be responsible to ensure that all public streets and/or public roadway

infrastructure which are damaged as a result of construction activities are repaired to City standards at FASNY's expense, funding for such repairs to be drawn from the Site Reconstruction Bond posted with the City, FASNY's Builder's Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.

12. This Condition further modifies the Revised Construction Management Plan to address the maintenance of the property during the pre-construction and construction phases and provide that both prior to the commencement of any site disturbance or construction, and after commencement of same, 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.

13. This Condition further modifies the Revised Construction Management Plan to provide that for all off-site roadway construction or alteration, the City of White Plains Standard Construction Details and Specifications shall be used and supersede any other details or specifications. For on-site roadways, including the Emergency Access Driveway, the construction plans and specifications shall be subject to the approval of the Commissioners of Building, Public Safety and Public Works.

14. This Condition modifies the Revised Construction Management Plan to require a construction waste management and recycling program which shall describe: (1) how waste materials and recyclables will be collected and removed from the site; and (2) how recycling of construction debris will be maximized.

15. Since the FASNY Project site disturbance area exceeds one acre, in addition to the SWPPP which must be included in the filed Final Construction Management Plan by reference, this Condition provides that FASNY must include a note on the appropriate Final Site Plan Sheets noting the applicable soil and erosion control regulations and shall comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, but not limited to NOI, SWPPP, and SPDES regulations and requirements.
  
16. The Revised Construction Management Plan is further modified by this Condition to provide that the designated City departments which are required to: (1) approve permits for and oversee site disturbance and construction on the FASNY Project site; (2) enforce the filed Final Construction Management Plan; and/or (3) issue permits therefor, must strictly adhere to the filed Final Construction Management Plan in all aspects and all phases of the construction of the FASNY Project.
  
17. As also specified under Section G. Conservancy Area Master Plan Conditions, for inclusion in the Conservancy Area Master Plan, this Condition modifies the Revised Construction Management Plan to provide that, with respect to the removal of invasive species and establishment of a native meadow habitat, within the City and NYS DEC designated wetlands and watercourses, only such methods and procedures as are authorized by NYS DEC for its regulated Wetland G-7 and buffer area are permitted to be used on any and all City designated wetlands and watercourses, along with their designated “protective buffer

areas,” as defined in Section 2 and described in Section 4.4.25.5.2.2 of the Zoning Ordinance. This Condition further requires that, other than said provisions for the wetlands and watercourses, environmental features shall not be adversely impacted during the construction process or as a result of other human initiated actions. The wetlands and watercourses, along with their designated buffers, must be protected and a cash site restoration bond posted with the City (“Site Restoration Bond”) must cover restoration of any site disturbance or construction within 25 feet of the designated buffer areas to avoid any erosion or soil sedimentation in any of these environmental features or their buffer areas. The amount of the cash bond shall be approved by the Commissioner of Public Works and the Corporation Counsel. Where erosion or soil sedimentation occurs and impacts an environmental resource, FASNY shall be required to expeditiously restore same, drawing from the Site Restoration Bond. If costs exceed the amount of the Site Restoration Bond, FASNY or its successors and assigns shall still be responsible for the full cost. Any impacts to the “protective buffer areas” during site disturbance and construction must be restored to a natural vegetative habit. The manner in which such wetlands and watercourses, and their respective buffers will be protected and the method for calculating the Site Restoration Bond amount must be incorporated in the Final Construction Management Plan for all of the FASNY Property, not just the Conservancy Area.

18. This Condition requires that, if blasting is necessary to remove any rock on the site, FASNY shall be required to obtain all necessary permits and follow all of the City’s requirements for blasting required by the Departments of Building and Public Safety in the City’s Blasting

Protocol. The City's approved Blasting Protocol must be incorporated in the Final Construction Management Plan.

19. This Condition modifies the Revised Construction Management Plan to require that, within sixty (60) days of the adoption of the FASNY Special Permit/Site Plan Approval Resolution, FASNY must provide the Commissioners of Building and Public Works, and the Corporation Counsel with an estimate and back-up material, for establishing the amount of the Site Restoration Bond. The cost of restoring damaged environmental features may be included in the overall Site Restoration Bond for the Project site.

20. This Condition modifies the Revised Construction Management Plan to provide that noise mitigation measures during site disturbance and construction shall be addressed and mitigation measures must be identified in modifications to the Revised Construction Management Plan along with requirements for strict oversight and enforcement by the Departments of Building, Public Safety and Public Works.

21. This Condition modifies the Revised Construction Management Plan to provide that requirements for noise mitigation during construction shall apply to construction workers as well as to equipment including, but not limited to: (1) parking and access to the FASNY Project site; and (2) hours of arrival and departure from the Project site. This Condition further modifies the Revised Construction Management Plan to require that all noise mitigation measures listed in the Final Transportation Management Plan for vehicles coming to and parking on the Project site during Phase I School Use or Phase II School Use shall also

be applicable to construction workers traveling to and parking on the site. A statement to this effect must be included in Section 1.1 “Statement of Purpose” as a modification to the Revised Construction Management Plan.

22. According to the REVISED FASNY APPLICATION, implementation of FASNY’s Revised Construction Management Plan Site Logistics Plans requires in Month 1 of construction the closure of the portion of Hathaway Lane described in Exhibit A(1) of the Discontinuance Ordinance, which is also Exhibit A(1) of this FASNY Special Permit/Site Plan Approval Resolution. This Condition modifies the Revised Construction Management Plan to require that the route or routes open to emergency vehicles for access to and through the FASNY Project site be available at all times during all portions of Phase I Construction or Phase II Construction. The Revised Construction Management Plan is further modified by this Condition to provide that no site disturbance or construction permits may be issued, other than permits for the demolition of existing buildings or structures, until the Final Construction Management Plan has been filed with the City Clerk after final conformance review by the Construction Management Review Staff, to ensure that all applicable Conditions are incorporated therein, as provided in Part IV: Determinations and Approvals in this Approval Resolution herein.

23. The Revised Construction Management Plan is modified by this Condition to state that all construction staging, equipment and materials storage, and parking for construction workers shall be located outside the 75 foot buffer area from abutting residential properties with

screening to be provided by the installation of permanent field located landscaping where called for by the Final Site Landscaping Plan or, where landscaping is not called for, with a construction fence with fabric screening, or a combination of landscaping and fabric fence screening, as determined by the Tree Preservation Committee in consultation with the Certified Landscape Professional and a FASNY representative. Where fencing is shown on any of the Final Site Plan Sheets to be used for screening the decision on field location shall be made by the Commissioner of Building and the Environmental Officer.

24. The Revised Construction Management Plan is modified by this Condition to provide that any plant material damaged in either phase of the construction process shall be replaced by FASNY on an expedited basis by the next planting season, and that this requirement shall be strictly enforced. Furthermore, this Condition further modifies the Revised Construction Management Plan to provide that no trees shall be removed to accommodate construction worker or construction equipment parking, unless those trees are identified on an accepted individual subarea site disturbance landscaping plan for removal for construction of that particular disturbance area of the FASNY Project and so incorporated in the applicable sub-area landscaping plan.

25. This Condition modifies the Revised Construction Management Plan to include a map of the White Plains area clearly showing public routes for construction workers and construction related vehicles, including material and equipment delivery trucks, to travel to and from the Project site, excluding all streets identified in the City's 1997 Comprehensive Plan as local "minor streets." Delivery trucks and construction equipment to the FASNY Site may only

travel on “collector streets” and “arterial streets” as shown in the 1997 Comprehensive Plan, as amended, and approved on such routing map by the Transportation Management Review Commissioners. Until the North Street Access is opened, access to the FASNY Project site shall be exclusively from arterial roadways like Mamaroneck Avenue, Bryant Avenue and North Street to the collector street Ridgeway, with access to the FASNY Project site at the discontinued portion of Hathaway Lane at the current intersection of Ridgeway with Hathaway Lane. All of the routing map(s) must be accepted by the Transportation Management Review Commissioners before any staging is done on the site and any permits for site disturbance, including for demolition of existing buildings and structures, or permits for construction are issued. The routing map(s) must be strictly adhered to and contracts and agreements with construction companies must include copies of the routing map(s), and list penalties for construction workers or companies failing to observe the specified routes. The routing map(s) must be included in material provided by FASNY to all construction workers and construction equipment companies and their drivers, who must sign that they have received and will comply with the routes. The prohibition of construction worker and construction related vehicles on any neighborhood streets must be strictly enforced.

26. This Condition provides that Delivery trucks and/or other construction equipment engines will not be permitted to remain idling during loading, unloading or other inactive times, and the Revised Construction Management Plan is herewith modified by this Condition to require that the idling restrictions be enforced by on-site project staff, and fines issued for non-compliance.

27. This Condition requires that, during the period of any construction or construction staging related activities along Ridgeway and/or North Street, at FASNY's sole cost and expense, a public safety person shall be assigned to act as a crossing guard during the morning and afternoon school bus operations at affected roadway intersections when and where determined necessary by the Commissioner of Public Safety, with the Revised Construction Management Plan modified to reflect this Condition.

28. This Condition modifies the Revised Construction Management Plan to provide that regulations and controls over disturbance, moving, and disposal of hazardous materials will be directly overseen by the Commissioners of Building and Public Works according to their respective jurisdictions, and pursuant to local, NY State and federal regulations.

29. As per the December 1, 2014 communication from the Commissioner of Public Works, the FINAL FASNY PROJECT must be subject to and in conformance with any and all Conditions in the Approved SWPPP.

30. As per a communication from the Commissioner of Public Works dated May 19, 2015, the SWPPP for the FASNY Project was approved by the Commissioner of Public Works effective May 15, 2015. The SWPPP Limit of Disturbance per NYS law is five (5) acres or such other area size as is approved. FASNY submitted as part of its SWPPP, and the Commissioner of Public Works has approved a SWPPP Construction Phasing Plan which indicates the areas of disturbance and their sizes as approved by the Commissioner of Public Works. The approved Construction Phasing Plan embodied in the SWPPP shall be the

blueprint for the series of construction activities delineated in the filed Final Construction Management Plan.

31. Whereas the Final Construction Management Plan must incorporate the entire SWPPP by reference, it must further incorporate directly the SWPPP Construction Phase Plan sheets showing the size, location and area of each site disturbance area, along with the timeframe for and sequence of each area to be disturbed.
32. The Revised Construction Management Plan must be further modified to incorporate each of the Conditions set forth herein below:
  - a. Section 1.2 must be modified to include the statement: “No existing trees or shrubs required or proposed for Phase II Construction removal shall be removed in Phase I Construction”;
  - b. Section 3.11 must be modified to require that emergency lighting be provided on site for the safety of public safety personnel and for entry access to the site;
  - c. Section 3.6 “Storm Water Pollution Prevention Plan” must be modified to include Environmental Finding C-7 in the header and include the following language: “the Approved SWPPP contains an updated sediment and erosion control plan with improvements to be utilized during construction in a manner that would ensure compliance with the NYS DEC General Permit which sediment and erosion control plan is incorporated in this Final Construction Management Plan.” The Commissioner

of Public Works must verify that the proposed permanent improvements and the interim improvements to be utilized during construction have been designed in accordance with the requirements of the NYSDEC SPDES General Permit GP-0-1-0—1, and with the City of White Plains and New York State Stormwater Management Design Manual;”

- d. As per the December 1, 2014 communication from the Commissioner of Public Works, to ensure the proper maintenance of any stormwater management measures used on the site, the Revised Construction Management Plan must be modified to provide that the owner: (1) establish an escrow account in an amount determined by the Commissioner of Public Works; and (2) execute a standard DPW stormwater maintenance agreement with the City, which must be executed no later than six (6) months after issuance of a T.C.O., which shall be so conditioned by this requirement. These documents must be completed in accordance with the City’s Local Law requirements and coordinated with the Corporation Counsel upon Common Council approval this Approval Resolution. Required access easements to the City for post construction maintenance inspection must be recorded on the appropriate plans and must remain in effect with any transfer of the property. This requirement and the amount of the escrow account shall be included in Section 3.6 of the Final Construction Management Plan;
- e. Section 3.4 must be modified to require that during site disturbance and construction any roadway or sidewalk impact or diversion must be reviewed and accepted by the

Commissioners of Public Works, Public Safety and Deputy Commissioner of Parking for Transportation Engineering;

- f. It is essential that the public streets of White Plains be kept clean and free of mud and hazardous conditions. Section 3.7 must be modified to provide that the frequency and distance of street cleaning in the area of the access to the FASNY Project site shall be subject to the determination of the Commissioner of Public Works;
- g. Section 3.9 which addresses noise control and mitigation must be modified to include the following language modified from Environmental Finding N-6 of the December 19, 2014 Environmental Findings Statement: “Due to the location of the FASNY Project within a low density residential area with little ambient noise during evening hours, potential significant adverse noise impacts could occur from deliveries to the Site. Therefore, deliveries will be limited to only the hours that construction is permitted under Chapter 3-4 “Noise Pollution” of the Municipal Code.” This language shall also be included in Appendix A of the Final Construction Management Plan;
- h. Section 3.10 must be modified to include clear and enforceable language with regard to pest control before, during, and after site disturbance and construction;
- i. As per the Commissioner of Building, Section 3.11 addressing site security must be modified at subsection 3.11.a. to permit construction fences to be up to 8 feet in height with interwoven fabric or of solid construction, and to require a construction

trailer to be located near the construction site main entrance a minimum of 75 feet from any residential property line;

- j. Section 3.12 must be modified to provide that monitoring of ultra-low sulfur diesel fuel usage shall be done by an independent monitoring company approved by the Commissioner of Public Works and, as provided by the Commissioner of Building, all fuel delivery receipts for construction vehicles shall be submitted to the Building Department to verify compliance;
- k. Section 3.14 must be modified to provide that the Construction Phase Environmental Health and Safety Plan (“CHASP”) must be reviewed by the Commissioner of Public Works and accepted as part of the Final Construction Management Plan and not submitted for review as part of Building Permit Application;
- l. The Construction Traffic Management Plan included in Section 3.15 must be modified to state that it is subject to all of the applicable Conditions of the Approved Documents and this Approval Resolution herein;
- m. The Site Logistics Plans for Phase IA Upper School of the REVISED FASNY APPLICATION shows access to the FASNY Project site for construction vehicles being moved to North Street in Months 14-24. The Revised Construction Management Plan must be modified to be consistent with the Approved SWPPP’s Construction Phasing Plan, to reflect that the opening of the North Street Access roadway occur in approximately the 31<sup>st</sup> week of construction, subject to seasonal

weather conditions, and that the proposed signal modifications determined necessary by the Deputy Commissioner of Parking for Transportation Engineering must be made at the time of the shift in access and periodically adjusted during the construction phase as required by the Deputy Commissioner of Parking for Transportation Engineering;

- n. All Site Logistic Plans must be reviewed to make certain that no soil stockpiles, tradesman parking or staging areas are shown as located over or adversely impacting any tree root systems. Any such encroachments must be removed. The Final Construction Management Plan cannot be filed with the City Clerk if any such conditions are shown on any site logistic plans;
- o. All Site Logistic Plans shall require revision to conform with the Final Construction Management Plan;
- p. The Site Logistics Plans in the Revised Construction Management Plan for Phase IA Months 1 through 14 of the REVISED FASNY APPLICATION must be modified to indicate in a note that “all construction worker parking, equipment storage or material storage must be located at least 75 feet from any residential property and that this separation standard also applies to the parking lot at the corner of Ridgeway and Hathaway”;
- q. The Site Logistics Plans must be modified to conform to the Approved SWPPP to indicate the route of emergency access to and through the FASNY Project site in all

phases of construction to be consistent with the Conditions herein for the modification of the Revised Construction Management Plan. The Final Construction Management Plan and the Final Transportation Management Plan must provide for how this emergency access will be maintained before, throughout and after the construction period;

- r. The Site Logistics Plans must be further modified to conform to the Approved SWPPP and the location, size and sequencing of areas of disturbance as approved by the Commissioner of Public Works in the SWPPP, subject to any comments or requirements of the New York State Department of Environmental Conservation (NYSDEC). There must be full conformance between the SWPPP, the Tree Preservation Guidelines, and the Final Construction Management Plan which incorporates the modified Site Logistics Plans;
- s. Section 3.16 addressing restoration of the site and landscaping of disturbed areas, must state that: "Site restoration and stabilization must occur as provided for in the SWPPP and same must be strictly enforced." The Final Construction Management Plan must include the site disturbance areas and sequence of areas to be disturbed, as provided in the Approved SWPPP. As noted herein, the Final Construction Management Plan must incorporate the SWPPP by reference, including the site stabilization and restoration language, and must address procedures for the posting and use of the Site Restoration Bond. Furthermore, in addition to the Site Restoration Bond and the requirements of the SWPPP, the Revised Construction Management

Plan at Section 3.16 must be modified in the Final Construction Management Plan to include the following language: If construction is to cease or be delayed for any period of 6 months or more, the City may draw on the Site Restoration Plan for the restoration of each disturbed area. The Site Restoration Bond shall be prepared in consultation with the Tree Preservation Committee and the Certified Landscape Professional, and shall conform to the Final Site Landscaping Plan and the Approved SWPPP”; and

- t. The Revised Construction Management Plan must be modified to provide that any expansions of tradesman and equipment parking areas on-site will require approval of the Common Council where such parking area expansion would encroach into the 75 foot minimum setback from residential properties. Minor field adjustments to parking areas may be accepted by the Tree Preservation Committee, subject to such modifications conforming to the Approved SWPPP. Approval of off-site “satellite parking” under Section 8.5.2 of the Zoning Ordinance applies only to required parking spaces and therefore does not apply to temporary off-site construction worker parking. To ensure proper oversight of the location and use of any off-site construction worker parking during the Phase I Construction and Phase II Construction periods, off-site parking areas for construction workers shall require approval by the Transportation Commission. Off-site parking of equipment or equipment delivery vehicles is not permitted as the storage of such equipment is not permitted in the residential districts.

33. Consistent with Environmental Finding M-1, this Condition requires that the following actions are necessary for FASNY to take in order to avoid impacts from the disturbance of contaminated soil on the site. Any soil disturbance is subject to FASNY's full compliance with the Approved SWPPP and MS4 Permit, as well as being subject to the requirements of this FASNY Special Permit/Site Plan Approval Resolution herein. The Revised Construction Management Plans must be modified to require that FASNY:

- a. Classify all soils as soils to "remain in place" and soils "to be removed" during construction;
- b. Manage disturbance of known contaminated soil and provide for a contingency plan to address other sources or areas of contamination, if any, encountered during construction activities, and ensure that all procedures involving disturbance of soil on the FASNY Project site are documented in a CHASP approved by the Commissioner of Public Works, and made a part of the Final Construction Management Plan;
- c. Ensure that all work involving disturbance of contaminated soils is under the supervision of licensed professionals with oversight by appropriately designated City staff and/or consultants, which requirement must be included in the Final Construction Management Plan;
- d. Provide in the CHASP and the Final Construction Management Plan that FASNY

shall have responsibility for all work and costs associated with the preparation and implementation of the CHASP, including sampling and monitoring, and cost of supervision by licensed professionals;

- e. As per the December 1, 2014 communication from the Commissioner of Public Works, this Condition modifies the Revised Construction Management Plan to provide that: (1) all fill brought to the site must first be tested not to exceed the Soil Cleanup Objective (SCO) numbers for any listed contaminants as shown on Table 375-6.8(b) of the NYSDEC classification requirements for “Restricted-Residential” fill as defined by the NYSDEC Division of Environmental Remediation’s Brownfield and Superfund Regulation 6 NYCRR Part 375, latest edition; (2) a licensed NYS professional engineer must evaluate the testing results and classify the soil accordingly; (3) the documents must be presented to the Department of Public Works prior to acceptance; and (4) upon acceptance, a chain of custody established, among other requirements; and
- f. This Condition modifies the Revised Construction Management Plan to require that FASNY must ensure full compliance with all local, State and Federal requirements for health and safety when disturbing any soil on the site.

34. Consistent with Environmental Finding M-2, to address potential significant adverse impacts from hazardous building materials, such as lead-based paint, asbestos, and PCB- or mercury-

containing materials exposed and/or disturbed during the full or partial demolition of existing on-site facilities including interior and exterior renovations, or during new construction and prior to the full or partial demolition of any structure or renovations thereto, certain safety procedures are required. Consistent with and in addition to all of the other applicable Conditions contained in the Approved Documents and this Approval Resolution herein, this Condition requires the following additional Conditions to address impacts from hazardous building materials which must be documented in modifications to the Revised Construction Management Plan:

- a. Any application for a demolition permit and/or the Final Construction Management Plan must provide that prior to the issuance of any permits for demolition, site disturbance, or construction, a hazardous materials survey, including sampling for asbestos containing materials, must be completed and submitted to the Commissioner of Building for review;
- b. Procedures for the removal, management, abatement, and disposal of hazardous building materials must be included in modifications to the Revised Construction Management Plan;
- c. Procedures for the removal, management, abatement, and disposal of hazardous building materials to be undertaken in full compliance with all local, State and Federal regulations must be included in modifications to the Revised Construction Management Plan;

- d. The Revised Construction Management Plan must be modified to provide that FASNY shall have responsibility for all work and costs associated with the removal, management, abatement, and disposal of hazardous building materials and the cost of supervision by licensed professionals;
- e. If the City does not have adequate licensed staffing to ensure full oversight of the removal, management, abatement, and disposal of hazardous building materials, FASNY shall fund, up to an amount not to exceed \$100,000, the cost of necessary licensed professional(s) to assist the Department of Building in such oversight and this must be provided in modifications to the Revised Construction Management Plan;
- f. If it is necessary to store building material containing hazardous materials on-site for any period of time, FASNY shall ensure that the location and method of storage has been approved by the Commissioners of Building and Public Works, and is monitored daily by a licensed professional under the oversight of the appropriately designated City staff. This procedure must be documented in modifications to the Revised Construction Management Plan; and
- g. All the procedures listed hereinabove must be fully implemented and strictly enforced by the Construction Management Review Staff.

35. Consistent with Environmental Finding M-3, as a Condition of this Approval Resolution herein the following language must be added to the Final Construction Management Plan:

“If not already fully mitigated, in order to mitigate potential significant adverse impacts from any hazardous materials in the debris pile currently located on Expanded Parcel D in proximity to the wetland buffer boundaries of the NYS registered G-7 wetland, the debris must be removed and transported off-site for disposal at a location licensed to receive such materials. The procedure for the removal, transport and disposal of this debris must be approved by the Commissioners of Building and Public Works and be detailed in the Final Construction Management Plan. This shall include, but not be limited to, environmental monitoring of the material during loading, and inspection for evidence of contamination of the area underlying the debris pile. If contamination is observed, additional sampling must be undertaken by FASNY of the underlying area, appropriate regulatory agencies and City staff notified, and approved remedial action taken. To the extent any of this debris is located within the NYS registered wetland or its 100 foot buffer area, FASNY must comply with any additional regulations for removal and disposal of such material required by NYS DEC.”

## Part II: Conditions

### F. Additional Public Works and Building Department Condition

RESOLVED that, the Conditions in this Section F. are hereby incorporated into and made a part of the FINAL FASNY PROJECT.

1. As per the December 1, 2014 communication from the Commissioner of Public Works, based on a note located on Site Plan Sheet SP-1, the existing base map was created from information taken from Westchester County Department of Information Technology Graphics Information Systems (GIS). The Applicant must confirm to the Commissioner of Public Works the existing topography elevations in all critical areas of the site which will be disturbed during construction, with a site specific topography survey by a NYS licensed land surveyor.
  
2. As per the December 1, 2014 communication from the Commissioner of Public Works, the Applicant has submitted proposed water consumption and sanitary flow volumes, which must be certified by a NYS licensed professional engineer as current, and reflective of all changes to the FASNY Project. The Applicant agreed that their MEP Engineer of Record (EOR) for the building's mechanical systems will submit more detailed design calculations which include taking into consideration the existing and proposed slope of the respective piping systems as well as the "half-full" volume capacities, to arrive at the proposed necessary size of the service lines. The EOR is the Applicant's NYS licensed design professional responsible for ensuring the FASNY Project's service lines are adequate for its intended inhabitants and uses, utilizing the New York State Plumbing Code. The calculations must be signed and sealed. The results of this analysis will provide the information pertaining to the upgrades as determined by DPW to the municipal water and sanitary sewer systems, in addition to the previously identified modifications included in the DEIS, that the Applicant would be required to undertake at their expense.

3. As per the December 1, 2014 communication from the Commissioner of Public Works, information regarding the sanitary sewer investigation is required in order for DPW to determine the upgrades to the municipal systems required to be undertaken at the Applicant's expense. The actual municipal infrastructure upgrades cannot be finalized until the Commissioner of Public Works has accepted a final Project Utility Plan, at which time the Department of Public Work's comments will be refined upon receiving additional investigative results for evaluation. All service revisions must be shown on the revised utility plans. These utility plans must also include the building configuration elements of the FASNY Project approved by the Common Council. In general, significant portions of current municipal sanitary sewer mains must be abandoned and rerouted with larger diameter pipes. This Condition provides that the discontinuance of the portion of Hathaway Lane and its conveyance to FASNY shall not take effect, until the Project Utility Plans are found to be complete and accepted by the Commissioner of Public Works.
  
4. As per the December 1, 2014 communication from the Commissioner of Public Works, the Applicant acknowledges that a master water meter concept must be utilized for the site. The Department of Public Works will require the property owner to provide a contract for maintenance of the new and existing private fire hydrants by an outside firm. The individual water meters that may use municipal water for the existing and/or proposed irrigation systems must be converted to private sub-meters, and the water consumption readings routed through the master water meter. Detailed plans must be provided demonstrating this

configuration.

5. As per the December 1, 2014 communication from the Commissioner of Public Works, it has been determined that solid waste and recycling would be collected by a private carter. Prior to the issuance of any Building Permit or site disturbance permits, FASNY must submit to the Commissioner of Public Works a letter stating that a private carter will be utilized, and provide a Department of Public Works Solid Waste Management Plan form, including details of the container storage area. The information on the Solid Waste Management Plan must reflect all the final revisions to the FASNY Project.
6. The building design and operational elements to promote an energy efficient design and meet the standards for LEED © (Leadership in Energy Efficient Design) Certification have been described by the Applicant to include, but not be limited to:
  - a. Preferential parking for fuel efficient hybrid or alternate fuel vehicles, bicycle rack(s), and high efficiency HVAC system;
  - b. Water efficient plumbing fixtures;
  - c. Exterior and interior lighting management controls;
  - d. Construction waste management and recycling; and
  - e. Mandatory recycling.
7. The Applicant shall retain a LEED certified architect or engineer to review the plans and specifications for the FASNY Project, and oversee the construction of the 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 for each Phase, describing how the design and operation of the building(s) meets the requirements for at least a LEED Certification.

8. In addition to the requirements for establishing LEED Certification level, FASNY is responsible for full compliance with the requirements of the City of White Plains for stormwater management, and is required to submit a Solid Waste Management Plan for the entire site which demonstrates how FASNY will comply with refuse and recycling requirements of the City.
9. The architectural plans for both the Middle and Upper School kitchen and the Lower School kitchen shall be revised to show the provision of grease filters incorporated into any and all kitchen exhaust systems with grease traps in the sanitary sewer line; and be it further

#### Part II: Conditions

##### G. Conservancy Area and Conservancy Area Master Plan Conditions:

RESOLVED that, the Conditions in this Section G. are hereby incorporated into and made a part of the Final Conservancy Area Master Plan, as applicable, and made a part of the FINAL FASNY PROJECT. Where any of these Conditions may contain elements already in the Revised Conservancy Area Master Plan, they are identified as (Currently Incorporated) and restated herein for purposes of clarity and continuity.

1. Although the Revised Conservancy Area Master Plan submitted with the REVISED FASNY APPLICATION addresses most Conservancy Area issues, it does not incorporate all of the applicable Conditions in Section G. of this Approval Resolution herein below.
  
2. FASNY states that implementation of the Revised Conservancy Area Master Plan would be in two stages. Stage 1 would be completed simultaneous with receipt of the first certificate of occupancy for Phase I School Use. This Condition provides that the Commissioner of Building shall not issue any permanent or temporary Certificate of Occupancy for any portion of the FASNY School Use until, among other Conditions in this Section G., the Conditions a. through i. listed below have been completed in the Conservancy Area to the satisfaction of the Commissioner of Public Safety and the Tree Preservation Committee and written notice thereof has been submitted to the Commissioner of Building:
  - a. Creating the two (2) small parking lots;
  - b. Enhanced maintenance and security;
  - c. Entry features and signage;
  - d. Outdoor classrooms;
  - e. Maintenance of existing golf cart paths as walking trails with additional mowed paths within the Conservancy;
  - f. Removal of invasive species in accordance with the Final Conservancy Area Master Plan and applicable portions of the Final Construction Management Plan,

such areas of removal through herbicides, such as the application of Rodeo, to be shown as an overlay on the Construction Phasing Plans for Phase I Construction and Phase II Construction;

- g. Introduction of native meadow species in the former fairways and greens, which native habitat meadow areas are intended for educational and passive recreational use;
  - h. Hiring a Conservancy “steward” to coordinate restoration of the habitat areas in alignment with FASNY’s educational mission (All Currently Incorporated); and
  - i. Filing of the Final Declaration establishing the Conservancy to the benefit of the City, in a form approved by the Corporation Counsel.
3. This Condition provides that FASNY must coordinate the Stage 1 Implementation with the Construction Management Review Staff prior to the issuance of any permits, except for demolition and abatement, to ensure that all work is coordinated and meets the requirements of both the Final Construction Management Plan, and the Final Conservancy Area Master Plan.
4. Stage II of the Conservation Area Master Plan shall include the following:
- a. Habitat restoration;
  - b. Wetland restoration;

- c. Stream restoration;
- d. Propagation greenhouse;
- e. Community garden;
- f. Seating areas;
- g. Shade structures and storage sheds;
- h. Observation deck and floating pier; and
- i. Woodland boardwalk and outlook.

FASNY states in its Revised Conservancy Area Master Plan that these Phase II School Use Conservancy Area items will only be undertaken as funding is available (Currently Incorporated). This Condition modifies the Revised Conservancy Area Master Plan to provide that, when FASNY proposes to undertake any work in any of these areas: (1) it must first contact the Commissioners of Building and Public Works to obtain any required permits, and must notify the Common Council in writing and the community through its website of the time frames for such work and the number of workers and type of work to be involved; (2) all access to the site for any such work must be exclusively through the North Street Access point and any parking for construction workers and/or equipment which must be within approved parking areas on the FASNY Project site; and (3) prior to commencement of work in any area affecting the NYS registered Wetland G-7, FASNY must obtain and present to the Commissioners of Building and Public Works all required permits and approvals from NYS Department of Environmental Conservation. For any site disturbance near or affecting the locally designated wetlands or their 100 feet of “protected buffer area” on Parcels C and D, FASNY must obtain permits from the Commissioner of Public Works pursuant to Chapter

3-5 of the Municipal Code, and the Revised Conservancy Area Master Plan must be modified to require same. Any Stage 2 work must also be reviewed by the Construction Management Review Staff in terms of compliance with the Final Construction Management Plan.

5. FASNY states in the Revised Conservancy Area Master Plan that it reserves the right, in its reasonable discretion, provided it is consistent with its approvals, to modify certain items in the Revised Conservancy Area Master Plan for health or safety reasons and/or to fulfill the Revised Conservancy Area Master Plan objectives (Currently Incorporated). However, this Condition provides that any proposed changes to the Revised Conservancy Area Master Plan must be submitted to the City's Corporation Counsel to determine whether the changes are minor modifications or require review by either the City staff designated in this Approval Resolution, or require review by the Common Council.
6. This Condition requires that the Revised Conservancy Area Master Plan and applicable Revised Site Plan Sheets be modified to show final boundaries of the approximately 84 acre area of the Conservancy as modified by this Approval Resolution herein. The final size of such Conservancy Area shall be established by a survey to be included in the Final Declaration.
7. The Revised Conservancy Area Master Plan provides additional information in Attachments A and B regarding FASNY's proposed approach to the removal of the golf course invasive species and the establishment of a meadow habitat on the approximately 84 acre Conservancy Area, including a protocol for the application, storage and handling of the

herbicide Rodeo which is the herbicide intended for use on the property. An application procedure manual, describing the method and procedures (i.e. protocol) for the application, storage and handling of the NYS DEC regulated herbicide Rodeo, entitled “Native Meadows A Guide to Their Installation, Development, Management, & Benefits,” and prepared by Larry Weaner Landscape Associates, dated May 2014, along with back up material is incorporated in the Revised Conservancy Area Master Plan (Currently Incorporated). The Revised Conservancy Area Master Plan Attachment B notes that the use of the herbicide Rodeo will “comply with all applicable standards, codes, laws, rules, and regulations; including, but not limited to, those promulgated by OSHA, MSHA, and the New York State Department of Environmental Conservation.” Attachment B further states that NYS DEC requires the issuance of a Freshwater Wetlands Permit for the application of NYS DEC regulated herbicides within the 100 feet of a New York State regulated wetland. Attachment B further sets forth the procedures under the mandatory Neighbor Notification Law. Such notification is required to be sent to all properties within 150 feet of the site of the proposed application, unless there is an intervening public street, in which case notification is not required (Currently Incorporated). The handling, application and storage of this herbicide material is also subject to certain requirements of the SWPPP, including the protocol for the Material Safety Data Sheets. Although the use and storage of the herbicide Rodeo is regulated by NYS DEC, not at the local level, and although this herbicide is approved for use on residential properties and in residential areas, consistent with the other Conditions of this FASNY Special Permit/Site Plan Approval Resolution herein, and consistent with FASNY’s goals and objectives for the Conservancy Area, this Condition requires that the Revised

Conservancy Area Master Plan be modified, to include the following requirements with respect to the herbicide protocol, and FASNY has agreed to such requirements:

- a. Due to the layout of the FASNY Property in four (4) parcels with local streets running around and through the Project site, the Neighborhood Notice shall be provided to all properties within 150 feet regardless of being separated by a public street;
  
- b. As stated in Environmental Finding N-4, *the Construction Management Plan must contain a detailed protocol for the storage and application of the chemical herbicide that demonstrates to appropriately designated City staff and/or consultants that it will not have an adverse impact on groundwater, stormwater, soil in situ or soil that may be carried off-site by ground or stormwater.* Thus the protocol must provide for compliance with all regulations and best management practices. Therefore, within 60 days of the passage of this Approval Resolution herein, FASNY must submit to the Commissioner of Public Works, who is responsible for the approval of the SWPPP and the MS4 Permit, the final Construction Phasing Plan(s) for Phase I Construction, modified to include for Phase I Construction, an overlay of the area(s) subject to the two applications of the herbicide to remove invasive species; and FASNY must further submit a Herbicide Management Plan, to be made part of the Final Conservancy Area Master Plan and the Final Construction Management Plan, which Herbicide Management Plan shall include, but not be limited to:

- (1) Name, address and contact information for the licensed Herbicide applicator(s) and NYS DEC license numbers, at this time indicated by FASNY to be Weeds, Inc., license #4962;
- (2) Description of Herbicide Application Protocol;
- (3) General outline of herbicide application schedule;
- (4) consistent with the SWPPP, requirement that a copy of all Material Safety Data Sheets be filed with the Commissioner of Public Works;
- (5) provide that in case of any accidental release, notification will include the Commissioner of Public Works;
- (6) Description of storage location and procedures, which must address all NYS DEC requirements; and
- (7) In order to ensure that the City receives notification of the application of the herbicide Rodeo on the portions of the Project site shown on the final Construction Phasing Plan(s) overlays, copies of the Neighborhood Notice, and any other notices or reports submitted by FASNY to NYS DEC, shall be provided to the Commissioner of Public Works with a copy to the Corporation Counsel; and

- c. This Condition requires that, pursuant to Section 4.4.25.5.2.2 of the Zoning Ordinance, the City designated wetlands and water course areas, and the two contiguous 50 foot “protective buffer areas” around the wetlands and water courses located on Parcels C and D and designated as wetlands under Chapter 3-5 of the Municipal Code and Section 4.4.25 of the Zoning Ordinance, shall be treated in the same manner as is approved by NYS DEC in a NYS DEC Freshwater Wetlands Permit, for the wetland and 100 foot buffer area designated by NYS DEC as Wetland G-7; and
  - d. This Condition requires that FASNY shall establish a critical root zone protection area on FASNY Property adjacent to and immediately abutting the private properties directly abutting the Conservancy Area, which critical root zone protection areas shall be excluded from the broad application of herbicides to exclude from herbicide treatment the root zones of private plantings on the directly abutting private properties along the FASNY Property line and to exclude from herbicide treatment, as appropriate, landscape screening located on the FASNY Property along such private property lines. The critical root zone protection areas shall also be delineated around all specimen and protected trees and such other plantings as is deemed necessary and appropriate by the Tree Preservation Committee, in consultation with the Certified Landscape Professional and FASNY’s representative(s).
8. This Condition requires that Section 4.4 of the Revised Conservancy Area Master Plan

addressing “*Develop Amenities for the Site for Publicly Accessible Open Space*” be modified to provide more detail on the amenities accessible to the public, including, but not limited to: (1) eight foot paved east-west and north-south bike/pedestrian paths with mowed margins; and (2) mowed paths for pedestrians only. The method of year round maintenance and snow removal is addressed in Section 9.4 of the Revised Conservancy Area Master Plan (Currently Incorporated). However, Figure 2 in Section 4.4 must be updated when the final field located plan for the Conservancy trailway system is laid out and confirmed by the Tree Preservation Committee.

9. Consistent with Finding C-1 in the 2013 FASNY Environmental Findings Statement which states: “*Due to the size of the site and the several areas of construction thereon, the environmentally sensitive nature of the site, and the critical nexus between storm water management and location and design of project buildings, athletic fields and structures, internal roadways and parking areas, any Revised Proposed SWPPP must be extensive, inclusive and detailed,*” the Approved SWPPP is extensive, inclusive and detailed. The requirements of the SWPPP are incorporated by reference in this FASNY Special Permit/Site Plan Approval Resolution herein and shall be incorporated by reference in the Final Conservancy Area Master Plan, as well as, as previously stated, by reference in the Final Construction Management Plan. Where there is any conflict between the SWPPP and the Final Conservancy Area Master Plan, the SWPPP shall control.
10. As part of its REVISED FASNY APPLICATION, FASNY submitted a Revised Declaration

of Covenants, Restrictions and Easements for the Conservancy Area, dated October 20, 2014. This document must be further modified at Section 11. Additional Areas subsection (a), to read, in part: "... Declarant hereby grants the City of White Plains the right to purchase the Conservancy from the Declarant or its successors and assigns for one dollar (\$1.00)", such Final Declaration to be in a form approved by the Corporation Counsel.

11. Section 7.2 of the Revised Conservancy Area Master Plan addresses uses of the Conservancy Area by the public. All public uses must be listed in an unambiguous manner in the Conservancy Area Master Plan and in FASNY's website, and the Final Conservancy Area Master Plan shall so provide.
12. Section 7.3 of the Revised Conservancy Area Master Plan addresses Conservancy Area security, which Section 7.3 must be accepted by the Commissioner of Public Safety and, once accepted, be incorporated into the Final Conservancy Area Master Plan.
13. This Condition requires that Section 9.3 of the Revised Conservancy Area Master Plan be modified to provide that an animal control service be under contract to the FASNY School and that this service will be called if and when any animal in the Conservancy Area displays abnormal behavior.
14. Since the City of White Plains Fire Department will be the first responders, this Condition requires that Section 9.5 of the Revised Conservancy Area Master Plan include the procedures to be used by FASNY to maintain the property, and any perimeter mowing or other mowing schedule or locations must be agreed to by the Commissioner of Public Safety.

15. This Condition requires that FASNY take all appropriate actions to ensure that the existing pond aerator pumps are maintained or replaced in order to minimize algae blooms.

## Part II: Conditions

### H. Additional Site Plan Sheet Revisions Conditions:

RESOLVED that, the Conditions in this Section H are hereby incorporated into and made a part of the FINAL FASNY PROJECT.

1. All Site Plan Sheets must be revised to conform to the Approved SWPPP.
2. The 45 parking spaces proposed on grass for overflow parking use during Special Events, and the landscaping of same, must be shown consistently on all Final Site Plan Sheets.
3. The distance from the southern property line of 57 Hathaway Lane to the FASNY roadway needs to be shown on SP-14.
4. The design of the Emergency Access Driveway connection to the public portion of Hathaway Lane needs to be shown consistently on the Final Site Plan and the Final Site Landscaping Plan.
5. Trees to be removed need to be identified consistently on all Final Site Plan Sheets and Final

Site Landscaping Plan Sheets.

6. Wetland and buffer area limits must be shown on all Final Site Plan Sheets and all Final Site Landscaping Plan Sheets.

### Part III: Common Council Findings Regarding

#### Compliance with White Plains Zoning, Environmental and Other Land Use Regulations

RESOLVED, that the Common Council hereby adopts the following findings with regard to the compliance of the FINAL FASNY PROJECT, incorporating all of the Conditions in Part II: Conditions herein above and consistent with the Approved Documents, with White Plains zoning, environmental and land use regulations. The FINAL FASNY PROJECT is reviewed against the following sections of the Zoning Ordinance: Section 2 (Definitions), 4.1.2 (Minimum Requirements), 4.4.1 (Lot for Every Building), 4.4.19 (Landscaping, Screening and Buffer Area), 4.4.20 (Exterior Lighting), 4.4.25 (Environmentally Sensitive Sites or Features) and 4.4.25.5 (Individual Standards for Environmentally Sensitive Features, subsection 4.4.25.5.2.2), 5.1 and 5.2 (Schedule of Use Regulations), 5.3 (Schedule of Dimensional Regulations), 6.1 (Regulations), 6.2.3 (Approving Agency), 6.3 (Application), 6.5 (General Standards for Special Use Permits), 7.5 (Site Plan), 7.6 (Expiration), 8.3 (Schedule of Parking Requirements), 8.5.2 (Satellite Parking), 8.7.3 (Partial Waiver of Improvements), and 8.7.5 (Landscaping); and to the following Chapters of the White Plains Municipal Code: Chapter 3.5 “Environmentally Sensitive Sites and Features” and Chapter 7.5 “Trees”.

*Use Standards of Sections 5.1 and 5.2*

1. The Common Council finds that the proposed Conservancy Area is not a separate use but a part of the “private secondary school” and “private elementary school” special permit use to which FASNY is permitting controlled public access. The Common Council further finds that approval of the FINAL FASNY PROJECT will: (1) maintain the consistency of FASNY Project land uses with the Zoning Ordinance; (2) ensure the use of the Conservancy Area for educational purposes; (3) ensure public pedestrian and bicycle access to and through the Conservancy Area and the North-South Bicycle-Pedestrian Pathway Public Access Area, as the same is defined in the Revised Declaration; (4) ensure the proper maintenance and safety of the Conservancy Area and the North-South Bicycle-Pedestrian Pathway Public Access Area; and (5) accept FASNY’s proposal to enter into the Final Declaration with a non-profit land trust or conservation organization, with the City of White Plains being a beneficiary of such Final Declaration and having the right to acquire the area covered by the Final Declaration for one dollar (\$1.00) in the event the School use is discontinued. The Common Council further finds that such approved Final Declaration is subject to approval as to form by the Common Council herein and with the Final Declaration subject to approval as to form by the Corporation Counsel prior to its execution by the Mayor or his designee.
2. Based on the definitions of “Minor Accessory Building” and “Main Building” in Section 2 of the Zoning Ordinance, FASNY submitted a request to the Assessor to merge the North Street

Property with Parcel D, creating an expanded Parcel D (“Expanded Parcel D”). The Assessor has submitted a communication dated March 23, 2015, stating that lot SBL 131.11-12-1, referred to herein as the North Street Property is merged with the existing lot SBL 131.14-9-3, referred to herein as Parcel D, creating the new Section-Block-Lot number 131.10-3-43.11 referred to herein as the Expanded Parcel D. The Common Council finds that the completed merger of the North Street Property with Parcel D by FASNY is appropriate to maintain the consistency of FASNY land uses with the Zoning Ordinance.

3. To maintain consistency of land uses on the Project site with the Zoning Ordinance, the Common Council finds that the merger of Parcel A and the Expanded Parcel D after the discontinuance of the portion of Hathaway Lane is appropriate and, with such merger, the building and accessory garage on the former North Street Property will conform to the Zoning Ordinance “use” standards as “Minor Accessory Buildings” on the merged lot.
4. To further maintain the consistency of land uses on the Project site with the Zoning Ordinance, the Common Council finds that it is necessary and appropriate that parking for the Upper and Middle Schools be permitted to be located, as shown on the Revised Site Plan Sheets SP-14 and SP-15, as same are further modified by the Conditions of the FINAL FASNY PROJECT, within the designated parking areas on Parcel A and the Expanded Parcel D, subject to the Common Council granting approval in this Approval Resolution herein for the Phase I School Use parking on Expanded Parcel D as satellite parking pursuant to Section 8.5.2 of the Ordinance for such period of time as Parcel A and the Expanded Parcel D are not merged.

5. Based upon Common Council findings 1 through 4 herein above, the Common Council finds that the “private elementary school” and “private secondary school” special permit use, accessory “nursery school” use, and accessory tennis court special permit use in the FINAL FASNY PROJECT, are all consistent with Section 5.1 Schedule of “Use” Regulations and Section 5.2 List of “Use Regulations of the Zoning Ordinance.

**Dimensional Standards of Section 5.3**

6. The Common Council finds that all of the buildings proposed by FASNY to be located on Parcels A and D, as shown on the Revised Site Plan Sheets SP-14 and SP-15, and included in the FINAL FASNY PROJECT, have less than the maximum building coverage and floor area ratios for main and accessory buildings and structures for Parcel A and the Expanded Parcel D, both in combination and individually, as shown in Section 5.3 of the Zoning Ordinance. There are no “Main Buildings” on Parcels B or C. There are no “Minor Accessory Buildings” on Parcel C. However, the Common Council finds that the “Minor Accessory Building” shown in the garden in Parcel B on Revised Site Plan Sheet SP-14 is not in conformance with Section 5.3 of the Zoning Ordinance as it would be an accessory building without a principal building, and must, therefore be removed as part of from Final Site Plan Sheet SP-14 and removed as part of FINAL FASNY PROJECT.
7. All “Main Buildings” and “Minor Accessory Buildings” shown on the Revised Site Plans Sheets SP-14 and SP-15 meet the maximum height requirements for the R1-30 District.

8. Consistent with Zoning Ordinance Sections 4.1.2 and 6.5, the Common Council finds that the setbacks shown on the Revised Site Plan Sheets SP-14, SP-15 and SP-16, meet or exceed the applicable requirements of the Zoning Ordinance regarding setbacks, including during construction, which provide that, with the exception of the tennis courts, the distance between the property line of abutting properties and all buildings, structures, athletic fields, and parking areas shall be a minimum of 75 feet, regardless of whether a front, rear or side yard is involved, and regardless of the minimum setback requirements for the R1-30 zoning district in the Zoning Ordinance being less for any such yard. The Common Council finds the 75 foot minimum setback for all buildings and structures, athletic fields and parking areas is necessary *“for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare”* (Zoning Ordinance Section 4.1.2) and to *“insure initial and continual conformance to all applicable standards and requirements”* of the Zoning Ordinance (6.5).
9. The Common Council finds, that the applicable Conditions in this FASNY Special Permit/Site Plan Approval Resolution herein regarding tennis court setbacks, including, but not limited to, Condition C.1, provide that the distance between the property line of abutting residential properties and the tennis court structures on Parcel A shall be at a 100 foot setback. The Common Council finds that it is necessary and appropriate to maintain a 100 foot minimum setback for the tennis courts from abutting residential properties to the west.
10. Based on Common Council findings 6 through 9 herein above, the Common Council finds

that the four individual lots (Parcel A, Parcel B, Parcel C and Expanded Parcel D) on the FASNY Project Site meet or exceed the Section 5.3 Dimensional Standards of the Zoning Ordinance for minimum lot area requirements for frontage, depth, minimum required yard dimensions and yard setbacks for the R1-30 Zoning District in which the four (4) lots are located.

**Special Permit Section 6.1 General Provisions**

*Special permit "uses" for which conformance to additional requirements is mandated by this Ordinance (see Sections 5.1 and 5.2) shall be deemed to be permitted "uses" in their respective districts, subject to the satisfaction of the conditions and standards set forth in this Section in addition to all other requirements of this Ordinance. All such "uses" are declared to possess characteristics of such unique and special form that each specific "use" must be considered as an individual case.*

11. Pursuant to Section 6.1 General Provisions of the Zoning Ordinance, the “private elementary school” and “private secondary school” special permit use and the special permit accessory tennis courts are “permitted ‘use’s” in the R1-30 District, “subject to the satisfaction of the conditions and standards set forth in this Section [6] in addition to all other requirements of this Ordinance,” and, consistent with Sections 4.1.2 and 6.5 of the Zoning Ordinance, as further stated in Section 6.1, the “private elementary school” and “private secondary school” special permit use and the special permit accessory tennis courts in the FINAL FASNY PROJECT “possess[es] characteristics of such unique and special form” that such Special Permit application for a “private elementary school” and “private secondary school” with accessory “nursery school”, and special permit structures (tennis courts) “must be

*considered as an individual case.*” The Common Council further finds that, to address the unique and special form of this “private elementary school” and “private secondary school” special permit use and special permit tennis court structures, and the parking areas and athletic fields therefor, in certain instances it is necessary and appropriate that applicable Conditions of this Approval Resolution exceed the minimum requirements of the Zoning Ordinance, as provided in Sections 4.1.2, 6.1 and 6.5 of the Zoning Ordinance.

**Special Permit Section 6.2 and Section 6.2.3**

12. Pursuant to Section 6.2 and 6.2.3 of the Zoning Ordinance, the White Plains Board of Appeals is the Special Permit/Site Plan approval agency for “private elementary school” and “private secondary school” special permit uses and accessory tennis court special permit uses. However, Section 6.2.3 of the Zoning Ordinance provides the following:

*Notwithstanding the foregoing provisions of Section 6.2 or any other provision of this Ordinance, the Common Council may, by adoption of a resolution, reclaim jurisdiction as approving agency for any special permit "use" upon the finding, in the Common Council's absolute discretion, that such special permit "use" is of substantial public importance,*

and, as stated in the WHEREAS clauses herein above, the Common Council, pursuant to Section 6.2.3 of the Zoning Ordinance, adopted such determination of “substantial public importance” by resolution adopted August 1, 2011 and reclaimed jurisdiction as approving agency of the Initial FASNY Application which Initial FASNY Application, as revised by FASNY to date, is the Application defined as the REVISED FASNY APPLICATION, and as modified by the Conditions in the Approved Documents and in this Approval Resolution

herein is the FINAL FASNY PROJECT.

**Special Permit Section 6.3 Application**

***A special permit application “shall include a “site plan,” as well as a written statement describing the nature of the proposed “use” and how it will serve to implement the purposes of [the] Ordinance”;***

13. The Common Council finds the requirement at Section 6.3 of the Zoning Ordinance, that an application for a special permit use must include a site plan, and the requirement at Section 6.5 of the Zoning Ordinance that it must comply with the standards of Section 7.5 of the Zoning Ordinance, to be necessary and appropriate “*for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare*” (Section 4.1.2 of the Zoning Ordinance) and to “*insure initial and continual conformance to all applicable standards and requirements*” (Section 6.5 of the Zoning Ordinance). The Common Council further finds that the FINAL FASNY PROJECT satisfies the requirement of Section 6.3 of the Zoning Ordinance.

**Special Permit Section 6.5 Standards**

***All special permit “uses” shall comply with the following standards [6.5.1 through 6.5.4] 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.***

***[and]***

***Zoning Regulations Section 4.1.2 “Minimum Requirements”***

***“[i]n interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare.”***

14. The Common Council finds that, pursuant to Sections 4.1.2 and 6.5 of the Zoning Ordinance, it is essential that the FINAL FASNY PROJECT incorporate all Conditions in the Approved Documents and this Approval Resolution herein, such Conditions being necessary *“to insure initial and continual conformance to all applicable standards and requirements, and for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare”* of the residents of the City of White Plains and the neighborhoods surrounding the proposed French-American School of New York. *See also* the Common Council findings under Zoning Ordinance Sections 6.1 and 6.3 hereinabove, the individual General Standards for special permits at Section 6.5 (6.5.1 through 6.5.4) herein below, and the Standards for Site Plans at 7.5 also herein below.

***Special Permit Section 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 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.***

15. The Common Council finds that, although the four principal parcels on the FASNY Property are not contiguous, the FASNY Project site represents one of the largest areas in common ownership in the City of White Plains, and has a distinctive open space and environmental character.
  
16. The Common Council finds that the Condition modifying the REVISED FASNY APPLICATION by designating as “protective buffer area” the two contiguous 50 foot buffer areas around the locally designated wetlands and water courses on Parcels C is necessary for conformance of the FINAL FASNY PROJECT with Section 4.4.25.5.2.2 of the Zoning Ordinance. The Common Council further finds that it is necessary and appropriate that the FINAL FASNY PROJECT, including, but not limited to, Conditions E.17 and G.7.d, provides for the use of a herbicide and/or pesticide within any City designated wetland, water course or associated buffer areas only if such use is authorized by NYS DEC in any DEC Freshwater Wetlands Permit for use on its NYS DEC regulated Wetland G-7 or its 100 foot buffer area.
  
17. The Common Council finds that, as shown on Site Plan Sheet SP-2, there are no NY State or locally regulated wetlands or water courses or their associated buffer areas on Parcels A and B.
  
18. The Common Council finds that, according to the Approved SWPPP, outside the NYS designated G-7 Wetland and 100 foot buffer area, the thresholds for disturbance of steep slopes or rock outcroppings set forth in Chapter 3-5 of the Municipal Code are not exceeded.

19. The Common Council finds that in the FINAL FASNY PROJECT all new buildings, structures and athletic fields are located on Parcel A or on the southern portion of Expanded Parcel D outside the limits of any wetlands and buffer areas and do not conflict with the *“appropriate and orderly development of the area in which [the FASNY Project] is located.”*
  
20. The Common Council finds that where there are any discrepancies between the Approved SWPPP and the FINAL FASNY PROJECT, the SWPPP controls.
  
21. The Common Council finds that it is necessary for *“the appropriate and orderly development of the area in which [the FASNY Project] is located,* and necessary for the protection of the *“public health, safety and welfare”*, and consistent with the requirements of Environmental Finding N-4 from the 2013 FASNY Environmental Findings Statement that, as modified by the applicable Conditions of this Approval Resolution herein, including, but not limited to, Condition G.7, the FINAL FASNY PROJECT requires a protocol in the Final Conservancy Area Master Plan and the Final Construction Management Plan for the implementation of the meadow restoration program using herbicides, such as Rodeo.
  
22. The Common Council finds that, consistent with the City’s environmentally sensitive sites regulations in the Zoning Ordinance at Section 4.4.25 and at Chapter 3-5 of the Municipal Code, and to protect environmentally sensitive features and their established buffer areas, it is necessary and appropriate that FASNY has located the principal FASNY School facilities, including buildings, tennis court structures, athletic fields and parking areas on Parcel A and

the lower portion of Expanded Parcel D, which areas do not contain, or are outside of the applicable buffer areas of environmentally sensitive features on the overall FASNY Property.

23. The Common Council finds that the FINAL FASNY PROJECT, modified by Conditions including, but not limited to, C.1 through C.19, E.1-1 through E.35, and G.1 through G.15, complies with the requirements of the City's environmental regulations in the Municipal Code at Chapter 3-5 and 7-5.

24. As detailed in the Conditions of the Final Transportation Management Plan herein and in the Approved Documents, the Common Council finds that the number of students defined in this Approval Resolution herein for Phase I School Use *"will be in harmony with the appropriate and orderly development of the area in which it is located,"* so long as the combined vehicle trips to and from the Project site in any AM or PM peak hour do not exceed 530 trips.

25. The Common Council finds the Phase II Construction and Phase II School Use as defined in Part I: Background hereof to be *"in harmony with the appropriate and orderly development of the area in which it is located,"* based on the Conditions in the FINAL FASNY PROJECT including the requirement for the Phase II Assessment and no more than 530 vehicle trips in the AM or PM peak hour periods.

26. The Common Council finds that, the FINAL FASNY PROJECT sets forth the use of the FASNY Project site and the nature of the operations involved therein which are consistent

with the surrounding residential area which includes several private and public schools, and is consistent with the 1997 Comprehensive Plan, as amended by the July 11, 2006 amendments.

27. With respect to access to the site from local streets, the Common Council finds that based on the findings contained in the 2013 FASNY Environmental Findings Statement neither the FASNY Initial 2011 Application nor the MPP/Ridgeway access alternative, both of which provided such access, is being considered as part of the REVISED FASNY APPLICATION or FINAL FASNY PROJECT.

28. With respect to access to the FASNY Project site being exclusively from North Street (except for 9 parking spaces for security/maintenance vehicles and except for deliveries from Ridgeway and small Conservancy Area parking lots), at a new intersection aligned with the White Plains High School access point, the Common Council finds that the FINAL FASNY PROJECT, modified by Conditions herein, including, but not limited to, A.2, A.3, B.1.d(13), B.1.d(24), B.1.d(39), E.23, E.27, and G.3, is consistent with the character and use of North Street and Bryant Avenue as arterial streets, and the protection of the character of local neighborhood streets which will not provide access to the FASNY School. The Common Council further finds that the conditions maintaining two-way through traffic through the FASNY Project site from Ridgeway to the public portion of Hathaway Lane south of Gedney Esplanade after regular school hours from 6:30 PM to 6:30 AM and on non-school days, including weekends, holidays and summer vacations, is, as stated in the Approved Discontinuance Ordinance, “appropriate to protect the public interest” and will further

protect the character of the local neighborhood streets.

29. As per the December 1, 2014 communication from the Commissioner of Public Works, the Common Council finds that it is necessary and appropriate for the Commissioner of Public Works to have the authority to make minor modifications in size and/or scope of the public easements that exist and are proposed in the FASNY Project's property, provided such changes do not alter the purpose and intent of these findings and approvals.

30. The Common Council finds that, consistent with Common Council findings #28 and #70, and consistent with protecting neighborhood streets and the character of the surrounding neighborhood, the FINAL FASNY PROJECT provides that access from North Street must be for all vehicles coming to or departing from the FASNY School during the use of the school and school events, with the exception of the limited number of vehicles authorized to access the Project site from Ridgeway.

31. Consistent with the Environmental Findings Statement, the Common Council finds that the full operation of the North Street Access in accordance with the Approved SWPPP, as required by the applicable Conditions of the FINAL FASNY PROJECT, is necessary to protect the character of the surrounding neighborhood and maintain the proper functioning of City streets.

32. With respect to the Final Site Landscaping Plan included in the FINAL FASNY PROJECT,

as per Section 6.5.1 of the Zoning Ordinance, the Common Council finds that “*location and size [of the FASNY Project, the] “nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to [the FASNY Phase I School Use and Phase II School Use], and the location of the site with respect to “streets” giving access to it, [being exclusively from North Street except for solid waste collection and nine (9) parking spaces off of Ridgeway], an arterial street, are such that the [FASNY Project] will be in harmony with the appropriate and orderly development of the area in which it is located.”*

33. Based upon Common Council findings #15 through #32, and the FINAL FASNY PROJECT, including, but not limited to, Conditions A.1 through A.19, and B.1 and B.2, the Common Council further finds that the FASNY Project satisfies the standard at Section 6.5.1 of the Zoning Ordinance in that “*the nature and intensity of the operations involved in [the FASNY Project] or conducted in connection with it, the size of site in relation to 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.”*

**Special Permit Section 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 such that the special permit “use” will not hinder or discourage the appropriate development and “use” of adjacent land and “buildings”.***

34. See Common Council findings #3, #4, #6, #7, and #8 which address dimensional standards of

the Zoning Ordinance.

35. Consistent with the Environmental Findings Statement, and based on Common Council findings #3,#4, #6, #7, and #8 herein above, the Common Council finds that, to satisfy the requirements of Section 6.5.2 and “*not hinder or discourage the appropriate development and ‘use’ of adjacent land and ‘buildings’*,” the Final Site Landscaping Plan requires that the location, the nature and extent of existing and proposed landscaping on certain portions of the FASNY School site, as shown on the Landscaping Plan Sheets L101 through L105, be further modified to incorporate said applicable Conditions regarding such field location of landscaping, consistent with the Final Site Landscaping Plans as part of the FINAL FASNY PROJECT.

**Special Permit Section 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.***

36. The Common Council finds that noise from the FASNY Project will be primarily from: (1) construction and construction vehicle traffic; (2) vehicles arriving, waiting or leaving the school, including buses and passenger cars; (3) car radios and musical devices; and (4) athletic events both during school hours and after school hours. There will also be some noise generated by stationary sources.

37. The Common Council finds that mitigation of noise from mobile sources is addressed in Conditions including, but not limited to, Conditions B.1.d(11), B.1.d(12) and B.1.d(39), C.6.e(1), D.3, E.10, E.20, E.21, and E.32.g. The Conditions for mitigating noise are detailed in the applicable Conditions in the Final Transportation Management Plan and the Final Construction Management Plan.

38. The Common Council finds that the noise mitigation measures in the Final Transportation Management Plan and the Final Construction Management Plan, including the conditions contained in this FASNY Special Permit/Site Plan Approval Resolution, are such that the FASNY Phase I School Use and Phase II School Use will not be more objectionable to nearby properties by reason of noise than would be permitted uses not requiring a special permit, such as public schools and houses of worship with permitted accessory “nursery schools” day care centers, and/or “recreation facilities.”

39. *[See also Common Council finding # 28]*

40. The FASNY traffic analysis shows that during the AM and PM peak hour, traffic on North Street south of Ridgeway will increase as a result of the FASNY Project related traffic on North Street. However, with respect to this FASNY Special Permit/Site Plan Approval Resolution, the Common Council finds that the FINAL FASNY PROJECT as modified by Conditions including, but not limited to, A.1.a-f, B.1.b(20), B.1.d(1), B.1.d(26), addresses

actions related to reducing the number of students in relation to vehicle trips to avoid exceeding 530 trips during any AM or PM peak hour.

41. Consistent with the Environmental Findings Statement, the Common Council finds that, with respect to traffic impacts from the FASNY Phase I School Use and Phase II School Use on public streets not directly accessing or abutting the FASNY Project site, the FINAL FASNY PROJECT, with access from North Street, avoids or minimizes negative traffic effects on such streets.

42. The Common Council finds that, as provided by Conditions of this FASNY Special Permit/Site Plan Approval Resolution, all FASNY School related traffic from events during non-school hours shall be required to enter and depart the Project site only from the North Street Access.

43. The Common Council finds that the closure of the portion of Hathaway Lane shown in Exhibit A(1) hereof, and the installation of gates at Ridgeway and at the access point of the Emergency Access Driveway to the public street portion of Hathaway Lane, as described in the applicable Conditions herein could potentially increase neighborhood traffic on minor streets such as portions of Gedney Esplanade, Hotel Drive, Murchison Place, and Seymour Lane to the west of Hathaway Lane which traffic is traveling to Ridgeway, and which traffic had previously accessed Ridgeway from Hathaway Lane. However, the Common Council finds that this has been addressed in the applicable Conditions of the FINAL FASNY PROJECT, including Conditions included in the Approved Documents and including, but not

limited to, Conditions A.2, A.3.j, B.1.d(6), B.1.d(7), B.1.d(24), B.1.d(28) and E.22, in this FASNY Special Permit/Site Plan Approval Resolution herein.

44. The Common Council finds it is necessary and appropriate that the Revised Transportation Management Plan is modified in the FINAL FASNY PROJECT to incorporate, as stated in the applicable Conditions contained in the Approval Documents and in this FASNY Special Permit/Site Plan Approval Resolution herein, which, consistent with the Final Site Plan Sheets SP-14 and SP-15 of the FINAL FASNY PROJECT, the description of the electronic and mechanical procedures under which the gates at Ridgeway and accessing the public portion of Hathaway Lane are opened and closed, and where signage will be provided of the dates when the Emergency Access Driveway is accessible to public through traffic.

45. According to the TRC Technical Review of the DFEIS, dated September 12, 2013, and the Environmental Findings Statement, the potential changes in traffic volumes along local streets such as Gedney Esplanade, Hotel Drive and Murchison Place, and along other local streets accessing arterial or collector streets such as Mamaroneck Avenue, Ridgeway or North Street, due to the discontinuance of the portion of Hathaway Lane shown in Exhibit A(1) hereof, will not significantly adversely change the Level of Service/Capacity on these minor street roadways and, therefore, not require roadway improvements. The Common Council finds that no such minor street roadway modifications are identified or proposed in the FINAL FASNY PROJECT Conditions.

46. The Common Council finds that the alternatives to the full closure of Hathaway Lane presented in the Planning Board communication dated August 25, 2014, create additional potential traffic impacts, or are not feasible due to cost and/or physical site conditions.
47. [*See also* Common Council finding #32]
48. With regard to mobile air quality impacts, the Common Council finds that, as set forth in the FINAL FASNY PROJECT Conditions including, but not limited to, Condition D-2 and E.6, to provide that fumes will not be more objectionable to nearby properties than permitted principal uses, and to protect the public health, safety and welfare, it is appropriate that said Conditions regulating air quality be incorporated in the Final Transportation Management Plan and in the Final Construction Management Plan which are part of the FINAL FASNY PROJECT.
49. The Common Council finds that, with respect to stationary sources of air quality impacts, the Condition D.4 herein, provides necessary and appropriate controls to ensure that adverse impacts from stationary air sources and noise will not be more objectionable to nearby properties than permitted principal uses.
50. The Common Council finds that it is necessary and appropriate, and Conditions E-10, E.26, and E.32.j so provide, that the Final Construction Management Plan shall impose limits on the use, and enforcement of regulations regarding all types of fuels, including idling time by construction vehicles. The Common Council further finds that it is necessary and appropriate

that the Final Construction Management Plan requires the enforcement of these requirements by FASNY, its Construction Manager, and its construction team which will be overseen, as provided in Construction Management Plans approved by City approval agencies, by the Departments of Building and Public Works.

51. Based on Common Council findings #36 through #50 herein above, the Common Council finds that, the FINAL FASNY PROJECT incorporating Conditions regarding noise, traffic, fumes, and vibrations and other characteristics of the FASNY Project satisfies the requirements of Section 6.5.3 of the Zoning Ordinance and *“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.”*

**Special Permit Section 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.***

52. The Common Council finds that the number of parking spaces required by user group, as set forth in Table 5 “Parking Supply” and Table 6 “Parking Demand” of the Revised Transportation Management Plan, is reasonable subject to the modifications set forth in applicable Conditions in the FINAL FASNY PROJECT in this Approval Resolution herein.

53. With respect to the number of parking spaces proposed to be provided for Phase I School Use

and Phase II School Use, the Common Council finds that the Applicant is requesting a Parking Waiver for Phase I School Use pursuant to Section 8.7.3 of the Zoning Ordinance. Section 8.7.3 of the Zoning Ordinance requires, among other things, that the approving agency “*determines, in connection with its review of such “site plan,” that less than the required number of “parking” or “loading spaces” will satisfy the intent of this Ordinance because of variations in the probable time of maximum use by joint users, use of attendant parking or for any other reason...*” The Common Council finds that it is not possible to accurately establish “*variations in the probable time of maximum use by joint users*” for teachers and administrators. Subject to the Conditions contained in this Approval Resolution herein related to the Parking Waiver in the Central Parking Area, including, but not limited to, Conditions A.12, A.18 and C.7, the Common Council further finds that such parking areas are of reasonable size subject to all such parking areas being properly landscaped to break down the size of parking clusters, as provided for in the Conditions in the FINAL FASNY PROJECT, including, but not limited to condition C.7.

54. With the Parking Waiver in the Central Lot for Phase I Construction, the Common Council finds that the size of parking lots shown on Revised Site Plan Sheets SP-14, SP-15 and SP-16 is modified by the applicable Conditions herein to reflect the Parking Waiver.

55. The Common Council finds that reducing the size and changing the configuration of the northerly, Central, and Lower School parking areas, as FASNY has done in the REVISED FASNY APPLICATION, helps reduce the visual impact of these parking areas. However,

further modifying the Revised Site Plan Sheets SP-14 through SP-16 and L101 through L105, to provide additional landscaping to create clustering of the parking spaces in all parking areas, and using field locating of plantings, including, but not limited to, Condition C.7, insures that the parking areas will be *“properly located and suitably screened from adjoining residential “uses,”*” and will be consistent with other schools, houses of worship and non-residential not-for-profit uses in the neighborhood. The Common Council further finds that the requirement for such additional landscaping and field locating of plantings has been included in the Conditions herein as modifications in the FINAL FASNY PROJECT, including, but not limited to, Conditions C.3, C.6.a, C.7, C.8, C.9, and C.12.

56. The Common Council finds that, in addition to compliance with the Conditions herein and in the Adopted Discontinuance Ordinance, the parking areas must address all of the requirements of the Approved SWPPP, and, in the case of a conflict, the SWPPP shall control.

57. The Common Council finds that it is essential that the FASNY Project address all of the standards set forth in Section 8.7.5 of the Zoning Ordinance with regard to landscaping of parking lots and Section 4.4.19 regarding landscaping, screening and buffer areas. However, as noted in this Approval Resolution herein above, and based on Sections 4.1.2, 6.1 and 6.5 of the Zoning Ordinance, the Common Council finds that it is necessary and appropriate that the FINAL FASNY PROJECT herein, in certain instances, such as with respect to the 75 foot setback buffers from abutting residential properties, include requirements exceeding the

minimum requirements of Section 4.4.19 and 8.7.5 to provide additional “*conditions and safeguards*” to “*insure initial and continued conformance to all applicable standards and requirements*” of the Zoning Ordinance, and to protect and preserve the character of the surrounding residential properties and the surrounding neighborhood.

58. The Common Council finds that it is necessary and appropriate, that the Commissioner of Public Safety confirm that final maps for emergency vehicle circulation on and through the Project site conform to the site emergency access plans and entrance and exit drives previously found by the Department of Public Safety to comply with NY State Fire Code, which plans, as approved, achieve maximum convenience and safety on, thru, entering and exiting the Project site during all phases of construction and use of the FASNY School.

59. Based on Common Council findings #52 through #58, the Common Council further finds that the location and number of parking spaces to be provided on the FASNY Project as modified by the applicable Conditions of the FINAL FASNY PROJECT, satisfy the requirements of Section 6.5.4 of the Zoning Ordinance, in that such parking areas: (1) are designed to avoid large areas of parking; (2) as agreed to by FASNY and reflected in the Revised Site Plan Sheets SP-14 through SP-16, are all a minimum of 75 feet from any residential lot lines; and (3) are landscaped to create smaller clusters and reduce lighting, noise and air quality impacts, such that the “*‘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.*”

**Site Plan Standards: Section 7.5**

*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.*

60. The Common Council finds that the FINAL FASNY PROJECT complies with both the spirit as well as the letter of the Zoning Ordinance including, specifically, Sections 4.1.2, 6.1 and 6.5 and 7.5 of the Ordinance.

*The approving agency shall specifically take into account the following:*

**Site Plan Section 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.*

61. As noted in Common Council finding #27 herein above, the FINAL FASNY PROJECT is consistent with the goals of the Comprehensive Plan and no variances are required.

62. Although the discontinuance of the portion of Hathaway Lane from Ridgeway to 50 feet south of the southern property line at 57 Hathaway Lane is not a zoning action, the Common Council finds that such discontinuance is consistent with the standards at Section 7.5 of the

Zoning Ordinance.

63. The Common Council finds that, based on Common Council findings #1 through #59 herein above for Sections 2, 4, 5 and 6 of the Zoning Ordinance, the FINAL FASNY PROJECT is consistent with the environmental and land use standards and regulations of the Zoning Ordinance.

**Site Section 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:***

**Site Plan Section 7.5.2.1**

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

64. The Common Council finds that, consistent with the Environmental Findings Statement, discontinuing the portion of Hathaway Lane shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and Exhibit A(1) of this Approval Resolution provides an alternative unlike other alternatives that have been considered which were reviewed in the environmental review process and rejected as having unmitigatable significant adverse impacts.

65. The Common Council finds that the Revised Transportation Management Plan addresses many issues identified in the 2013 FASNY Environmental Findings Statement and in

communications from City staff and consultants and the public. However, the Common Council further finds that to achieve “*safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site*,” it is necessary that the Revised Transportation Management Plan be modified to incorporate in the Final Transportation Management Plan, as part of the FINAL FASNY PROJECT, all of the applicable Conditions set forth in the Approved Documents and this Approval Resolution herein, regarding traffic and transportation, including, but not limited to, Conditions A.1 through A.19, B.1 and B.2.

66. The Common Council finds that the Conditions for the discontinuance of the portion of Hathaway Lane shown in Exhibit A(1) of the Adopted Discontinuance Ordinance and in Exhibit A(1) of this Approval Resolution herein, and which Conditions are contained in the FINAL FASNY PROJECT are required to satisfy the standards of Section 7.5.2 and 7.5.2.1 of the Zoning Ordinance related to traffic impacts to existing streets.

67. Consistent with Section 7.5.2.1 of the Zoning Ordinance, the Common Council finds the full implementation and strict enforcement of a detailed Final Transportation Management Plan to guide and regulate the traffic and transportation to, from, through and related to the FASNY Project Site to be necessary.

68. Based on Common Council findings #60 through #67 herein above, the Common Council finds that the FINAL FASNY PROJECT satisfies the Zoning Ordinance standard at Section at 7.5.2.1 and achieves “[s]afe, adequate and convenient vehicular and pedestrian traffic

*circulation both within and without the site,” while minimizing impacts on local streets.*

**Site Plan Section 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.***

69. The Common Council finds that, as provided in Conditions in the Final Transportation Management Plan, since North Street is a County Road, the access to North Street from the FASNY Project site, opposite the White Plains High School, shall require approval of the Westchester County Department of Public Works and White Plains Commissioner of Public Works, and, as necessary, the NYS Department of Transportation.

70. The Common Council finds that, the applicable Conditions in this Approval Resolution herein, provide that after completion of the North Street Access roadway, no school related vehicles shall enter or exit the Project site from any other exit/entrance point, other than those exceptions identified in the applicable Conditions, including, but not limited to, B.1.d(13), B.1.d(24), and B.1.d(39), which minor number of exceptions will directly access the Campus from Ridgeway.

71. The Common Council finds that to satisfy Zoning Ordinance Standard 7.5.2.2, the Revised Site Plan Sheets SP-14, SP-15, and SP-16 have been modified by Conditions in the FINAL

FASNY PROJECT to reflect the final “*number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.*”

**Site Plan Section 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.***

72. The Common Council finds it is necessary and appropriate that the FINAL FASNY PROJECT, including, but not limited to, Condition A.3, requires that the Transportation Management Review Commissioners, and the Westchester County Department of Public Works, and NYSDOT in the case of North Street, have approval over the final construction drawings and technical specifications, according to their respective jurisdictions, with respect to, among others, the exit and entry points either to or through the Project site at: (1) Ridgeway and the former Hathaway Lane; (2) the access of the FASNY Emergency Access Driveway to the public portion of Hathaway Lane south of Gedney Esplanade; (3) the access point at North Street; and (4) interior roadways and intersections. Such Conditions provide that this requirement shall be incorporated in the Final Transportation Management Plan.

**Site Plan Section 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.***

73. The Common Council finds that although Section 8 of the Zoning Ordinance does not establish a specific parking requirement for “private elementary school” and “private secondary school” or accessory tennis court special permit uses. Based on findings #52 through #59, such parking as is proposed to be provided, is adequate for the proposed special permit uses. The parking requirement for “nursery school” uses of 1 space per 1,000 square feet of “nursery school” area is satisfied by this Project [*See*-Common Council findings #52 through #59 under Special Permit Section 6.5.4. herein above.]

**Site Plan Section 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.***

74. The Common Council finds that it is necessary and appropriate that the interconnection between parking areas and the internal roadway and bike/pedestrian trailway system achieve the maximum safety, efficiency, and convenience of the following: (1) the parking areas and site circulation; (2) the interconnected parking; (3) school bus access routes and pickup/drop-off areas; (4) passenger vehicles pickup/drop-off areas; (5), emergency access routes through the Project site; (6) emergency access routes on the Project site; (7) public transit through the Project site during non-school days; and (8) pedestrian walkways throughout the Project site. The Common Council further finds that such interconnections are achieved through the Conditions in the FINAL FASNY PROJECT, including, but not limited to, Conditions A.4.n,

A.10, A.12 and C.9.

**Site Plan Section 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.***

75. The Common Council finds that Section 8 of the Zoning Ordinance does not establish a specific requirement for loading spaces for either “private elementary school” and “private secondary schools,” accessory “nursery schools,” or accessory tennis courts. The Common Council further finds that the loading area shown on Revised Site Plan Sheet SP-14 satisfies the intent of the Zoning Ordinance for location, arrangement and adequacy of loading spaces for the FASNY School.

**Site Plan Section 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.***

76. The Common Council finds that the patterns of vehicular and pedestrian circulation both within the boundaries of the FASNY Project and in relation to adjoining streets and sidewalks are appropriate as shown on the Revised Site Plans SP-14 through SP-16 as modified by the applicable Conditions contained in this FASNY Special Permit/Site Plan Approval Resolution and in the Approved Documents, and it is necessary and appropriate that the final technical specification and construction drawings, are subject to final review

and approval by the Commissioners of Public Safety and Public Works and the Deputy Commissioner of Parking for Transportation Engineering, according to their respective jurisdictions.

***Site Plan Section 7.5.2.8***

***The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved "parking spaces."***

77. The Common Council finds that, as described in the applicable Conditions of this Approval Resolution herein, specifically Condition A.4.o, all facilities for the physically handicapped must be consistent with all Federal and NY State rules and regulations, with final acceptance of all facilities for the physically handicapped by the Commissioner of Public Safety and/or the Deputy Commissioner of Parking for Transportation Engineering, according to their respective jurisdictions, consistent with the FINAL FASNY PROJECT.

***Site Plan Section 7.5.2.9***

***The location, arrangement and adequacy of landscaping within and bordering "parking lots" and "loading spaces," which shall, at a minimum, meet the requirements of Section 8.7.5 of this Ordinance.***

78. The Common Council finds that this requirement has been addressed. [See Conditions #56 through #58 under Special Permit Section 6.5.4 herein above].

**Site Plan Section 7.5.2.10**

***Adequacy of fire lanes and other emergency zones. The approving agency may require the provision of fire zones and may also require suitable legal agreements for enforcement of any accompanying parking restrictions.***

79. The Common Council finds that it is necessary and appropriate that the FINAL FASNY PROJECT Condition A.15 requires the Emergency Access Driveway alignment and all roadways within the FASNY Project site, including any subsequent changes thereto, to fully comply with Section 503 of the New York State Fire Code.

**Site Plan Section 7.5.3**

***The protection of environmental quality and the preservation and enhancement of property values in the neighboring area. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:***

**Site Plan Section 7.5.3.1**

***The location, height and materials of walls, fences, hedges and plantings so as to insure harmony with adjacent development, screen "parking lots" and "loading spaces," and concealed storage areas, refuse areas, utility installations and other such features. Such walls, fences, hedges and plantings shall, at a minimum, meet the requirements of Sections 4.4.16, 4.4.19 and 8.7.5 of this Ordinance.***

80. Consistent with Common Council finding #35 herein above, the Common Council finds that Final Site Landscape Plan Sheets L101, L102 and L103 which are modified by the applicable Conditions herein show “*the location, height and materials of walls, fences, hedges and*

*plantings” [and] “insure harmony with adjacent development, screen ‘parking lots’ and ‘loading spaces.’ ”*

81. The Common Council further finds that the Final Site Landscaping Plan provides that the landscaping must, at minimum meet, and where determined necessary by the Common Council, exceed the requirements of Sections 4.4.16, 4.4.19 and 8.7.5 of the Zoning Ordinance to protect the public health, safety and welfare, ensure harmony with adjacent development, and protect the continued enjoyment of their properties by surrounding residents, such Conditions being part of the FINAL FASNY PROJECT, including Conditions C.1 through C.19. In particular, the Common Council finds that:

- a. As per Section 4.4.19.1, *“All portions of ‘lots’ subject to special permit review under Section 6 of this Ordinance or ‘site plan’ review under Section 7 of this Ordinance which are not used for locations for ‘buildings,’ ‘structures,’ ‘parking lots,’ ‘loading spaces,’ ‘sidewalks or similar purposes, shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees and shrubbery, in accordance with specifications approved as part of the ‘site plan.’ ”*
- b. As per the Conditions herein, and as agreed to by FASNY, the Final Site Landscaping Plan shall exceed the minimum landscape buffer screening requirement provided in Section 4.4.19.2, of *“at least 10 feet in width along any ‘lot line’ abutting a ‘lot’ in a residential district”* by providing field located landscaping within the 75 foot

landscaped buffer area, and the Final Site Landscaping Plan shall so indicate.

- c. As per Section 4.4.19.3 and Section 8.7.5.5 *“all required landscaping shall be properly trimmed and maintained in good condition at all times”, and “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.”*
  
- d. As per Section 8.7.5, all FASNY parking lots and loading spaces *“shall be screened and landscaped with appropriate trees, shrubs, ground cover and other plant materials [and/or bio-swales] to assure the establishment of a safe, convenient and attractive facility;”* and
  
- e. As per Section 8.7.5.4, *“The selection, amount and location of all landscaping materials shall be subject to approval by the agency approving the ‘site plan’ based upon consideration of the adequacy of the proposed landscaping to serve its intended purpose with minimal maintenance problems, including plant care, snow plowing and leaf removal.”*

82. The Common Council finds that, consistent with the Tree Preservation Guidelines, it is necessary and appropriate that the Tree Preservation Committee, with the additional expertise of the Certified Landscape Professional and the Commissioner of Public Safety, after

approval of the FINAL FASNY PROJECT in this Approval Resolution herein and prior to filing of a Final Site Landscaping Plan undertake a final conformance review of the Final Landscaping Plan submitted by FASNY, to ensure that all applicable Conditions, including, but not limited to, Conditions related to the Tree Preservation Guidelines and the implementation thereof, which are made a part of the FINAL FASNY PROJECT, have been incorporated in the Final Site Landscaping Plan.

**Site Plan Section 7.5.3.2**

***The prevention of dust and erosion, both during and after construction, through the planting of ground cover or the installation of other appropriate ground surfaces.***

83. The Common Council finds that the Conditions including, but not limited to, Conditions E.1-1.e, E.7, E.15, and E.32.c, provide that the Revised Construction Management Plan be modified to incorporate as a part of the FINAL FASNY PROJECT all of the applicable Conditions which provide necessary and appropriate controls for *“the prevention of dust and erosion, both during and after construction.”*

84. The Common Council finds that the limitation on the size of disturbance areas, as shown in the Approved SWPPP, and the requirements of the SWPPP for planting each area after it has been disturbed, provide further protection against dust and erosion. The Common Council further finds that such site disturbance and restoration measures, and the other requirements of the Approved SWPPP are also required by Conditions in the FINAL FASNY PROJECT,

to be incorporated in the Final Construction Management Plan, and where any inconsistencies arise, the SWPPP shall control.

85. The Common Council finds that the Final Construction Management Plan, amended to incorporate all of the applicable site disturbance and construction Conditions herein must, upon approval of the FINAL FASNY PROJECT in this Approval Resolution herein, be submitted to the Construction Management Review Staff for final conformance review, to ensure that all applicable approved Conditions are incorporated in the Final Construction Management Plan.

**Site Plan Section 7.5.3.3**

***The preservation of natural features of the site such as wetlands, unique wildlife habitats, historic "structures," major trees and scenic views both from the site and onto or over the site.***

86. Regarding wetlands and environmentally sensitive features on the FASNY Project site, *see* Special Permit Section 6.5.1, Common Council findings #15 through #23 herein.

87. Regarding unique wildlife habitats, the Common Council finds that there have been no endangered species identified on the FASNY Project site.

88. With regard to historic buildings or structures, the Common Council finds that there are several locally significant buildings in the area of the former Ridgeway Golf Course and the neighborhood which represent a visual asset to the City. The Common Council further finds

that with the Conditions in the FINAL FASNY PROJECT, sufficient field located landscaping is provided to prevent FASNY buildings and structures from having an adverse visual impact on the Woman's Club, Westchester Hills Golf Club, the former Ridgeway School House, and the visual character of the Gedney area neighborhood.

89. Regarding protected and specimen trees defined in Municipal Code Section 7-5-23 of the Tree Preservation Guidelines, the Common Council finds that the Revised Site Landscaping Plan Sheets L101 through L105, are required by Condition C.6.e(7) to be modified in the Final Site Landscaping Plan to show the location and disposition of protected and specimen trees on the Campus. The Common Council further finds that it is necessary and appropriate that the Common Council, as approving agency, declare, pursuant to Section 7-5-23(j) of the Municipal Code and the Tree Preservation Guidelines that the Sycamore trees on the FASNY Campus and in the public right of way along Gedney Esplanade are specimen trees.

90. The Common Council finds that the FINAL FASNY PROJECT has limited impacts to the views onto and over the Project site by limiting buildings to Parcel A and the lower portion of the Expanded Parcel D, providing landscaping along the access roadway from North Street, permitting no "Minor Accessory Buildings" on Parcels B and C, and only permitting "Minor Accessory Buildings" or structures within the Conservancy Area on Expanded Parcel D.

**Site Plan Section 7.5.3.4**

*The conformity of exterior lighting to the requirements of Section 4.4.20 of this*

***Ordinance.***

91. The Common Council finds that the applicable Final Site Landscaping Plan Conditions herein, including but not limited to, Conditions C.2, C.6.a, C.9 and F.7, are necessary to address Section 4.4.20 of the Zoning Ordinance which requires that *“all exterior lighting accessory to multi-family or non-residential ‘uses,’ including the lighting of signs, shall be of such type and location and have such shading as will prevent the source of light from being seen from any adjoining ‘streets’ and residential properties and which will prevent objectionable glare observable from such ‘streets’ or properties.”*
92. With respect to other lighting impacts from the FASNY Project, the Common Council finds that it is necessary and appropriate that Condition C.9 requires that FASNY minimize light emanating from school building classrooms, hallways and facilities to minimize effects on the dark sky character of the site and the neighborhood.

**Site Plan Section 7.5.3.5**

***The design and arrangement of "buildings," "structures" and accessory facilities (such as air conditioning systems, public address systems, etc.) so as to achieve minimum and acceptable noise levels at the property boundaries.***

93. With respect to stationary sources of noise impacts, the Common Council finds with the implementation of Condition D.4 herein, noise from stationary sources will not be more objectionable to nearby properties than permitted principal uses.

**Site Plan Section 7.5.3.6**

***The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding. Upon completion of development, the control and retention of storm water runoff shall be provided as directed by the Commissioner of Public Works, who may require the submission of an Engineer's Report.***

94. The Common Council finds that, with the implementation of the FINAL FASNY PROJECT, and with the requirements of the Approved SWPPP, the requirements of this standard are met.

**Site Plan Section 7.5.3.7**

***Access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping, meeting at a minimum the requirements of Section 4.4.21 of this Ordinance.***

95. The Common Council finds that, with the implementation of the FINAL FASNY PROJECT, access to sunlight for present and potential solar energy systems, both on and off site, as well as "building" siting, orientation and landscaping" meet the requirements of Section 4.4.21 of the Zoning Ordinance.

**Site Plan Section 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.*

96. Based on the report and recommendations from the Design Review Board, in its communication dated July 3, 2014, and further based upon its own review of the architectural features of the proposed Project shown in Site Plan Sheets, the Common Council finds that the FASNY Project satisfies the standard at Section 7.5.4 of the Zoning Ordinance and represents a “*quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent 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.*”

***Site Plan Section 7.6***

***Unless other provisions are specifically set forth by the approving agency in connection with its approval of a “site plan,” such approval shall expire if substantial construction is not completed within 1 year of approval, or if all required improvements are not completed within 3 years of approval or if the construction or “use” shall cease for more than 6 months in any 12 month period.***

97. The Common Council finds that Section 7.6 of the Zoning Ordinance permits an approving agency to set forth an expiration date for a site plan approval other than that specified in Section 7.6. However, the Common Council further finds that, for the approving agency to modify the site plan expiration time frames set forth in Section 7.6, it is necessary and appropriate that the approving agency provide the specific terms of such modified approval expiration in the approval resolution. The Common Council further finds that the specific

terms provided in Part IV: Determinations and Approvals in this Approval Resolution herein for the expiration of the Site Plan Approval for the FINAL FASNY PROJECT are necessary and appropriate to the Conditions of this Site Plan Approval herein; and be it further

PART IV: Determinations and Approvals

RESOLVED, that: (1) based upon full implementation and enforcement of the FINAL FASNY PROJECT consisting of, as defined herein above, the REVISED FASNY APPLICATION as modified by the Conditions in Part II: Conditions, Section A. through H. of this FASNY Special Permit/Site Plan Approval Resolution which are consistent with the terms conditions, and requirements of the Approved Documents; and (2) based further upon the Common Council findings #1 through #97 in Part III: Common Council Findings of this Approval Resolution herein, regarding the conformance of the FINAL FASNY PROJECT with the environmental and land use standards and regulations of the City of White Plains, the Common Council hereby determines that:

1. The FINAL FASNY PROJECT conforms to and is consistent with the environmental record and the Environmental Findings set forth in the Environmental Findings Statement;
2. The FINAL FASNY PROJECT meets or exceeds the standards and satisfies the regulations of the Zoning Ordinance, and Chapters 3.5 and 7.5 of the Municipal Code;

3. The Common Council hereby approves the FINAL FASNY PROJECT including:
- a. Special Permit/Site Plan approval for the “private elementary school” and “private secondary school” as the same is defined in the Zoning Ordinance and described in this Approval Resolution herein, subject to all of the applicable Conditions in this Approval Resolution herein which are consistent with the Approved Documents;
  - b. Site Plan approval for the accessory “nursery school” as the same is defined in the Zoning Ordinance and described in this Approval Resolution herein, subject to all of the applicable Conditions contained in this Approval Resolution herein which are consistent with the Approved Documents;
  - c. Special Permit/Site Plan approval for the accessory tennis court “structures” and the 100 foot setback buffer area between the abutting residential properties to the west of the tennis court “structures” and the tennis court “structures,” subject to all of the applicable Conditions contained in this Approval Resolution herein which are consistent with the Approved Documents;
  - d. Approval, pursuant to Section 8.7.3 of the Zoning Ordinance, of the Parking Waiver, subject to all of the applicable Conditions contained in this Approval Resolution which are consistent with the Approved Documents;

- e. Approval of the development of the FINAL FASNY PROJECT on an environmentally sensitive site, pursuant to Section 4.4.25 of the Zoning Ordinance and Section 3-5 of the Municipal Code, subject to all of the applicable Conditions contained in this Approval Resolution which are consistent with the Approved Documents;
  
- f. Approval, pursuant to Sections 2 and 4.4.25.5.2.2 of the Zoning Ordinance, of the establishment of two contiguous 50 foot “protective buffer areas” around each of the White Plains designated and regulated wetlands and watercourses located on Parcels C and Expanded Parcel D, permitting only the methods and procedures for the elimination of invasive species on these City designated wetlands and watercourses and their respective “protective buffer areas” on Parcels C and Expanded Parcel D as is authorized by NYS DEC in any Freshwater Wetlands Permit issued by NYS DEC for its regulated Wetland G-7 and/or the Wetland G-7 100 foot wetland buffer area, including, if so authorized by NYS DEC, the application of herbicides, to enable the conversion of the City designated and regulated wetlands and watercourses and their two contiguous “protective buffer areas,” from their existing conditions to an indigenous species meadowland;
  
- g. Approval of satellite parking for the Middle and Upper School on Expanded Parcel D pursuant to and subject to the requirements of Section 8.5.2 of the Zoning Ordinance, unless and until Parcel A and the Expanded Parcel D tax lots are officially merged on

the tax rolls and tax maps of the City of White Plains, subject to the applicable Conditions contained in this Approval Resolution which are consistent with the Approved Documents;

- h. Designation of the Sycamore trees on the FASNY Property as specimen trees as defined in the Municipal Code Chapter 7-5 “Trees,” with such specimen trees and protected trees, as defined in said Chapter 7-5-23, to be protected as provided in such Municipal Code Chapter 7-5, with any Sycamore trees or other specimen or protected trees which must be removed due to health conditions or location within an area subject to development to be addressed as provided in the Municipal Code Chapter 7-5;
- i. Approval of the Final Transportation Management Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Transportation Management Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Transportation Management Review Commissioners that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Transportation Management Plan document with the City Clerk, such Final Transportation Management Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City’s website;

- j. Approval of the Final Site Landscaping Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents, including Municipal Code Section 7-5-28 in conformance with which the Common Council herewith makes issuance of permits for the development of the Project site subject to review and approval by the Tree Preservation Committee of a Pre-Construction Site Development Plan and on-site implementing procedures, with such Pre-Construction Site Development Plan and on-site implementing procedures being incorporated in the Final Site Landscaping Plan. Upon adoption of this Approval Resolution, FASNY must compile the Final Site Landscaping Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Tree Preservation Committee and Commissioner of Public Safety that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Site Landscaping Plan document with the City Clerk, such Final Site Landscaping Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City's website;
- k. Approval of the Final Conservancy Area Master Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Conservancy Area Master Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Transportation Management Review Commissioners that all applicable approved Conditions have been

incorporated by FASNY therein. After filing the Final Conservancy Area Master Plan document with the City Clerk, such Final Conservancy Area Master Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City's website;

- l. Approval of the Final Construction Management Plan incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Construction Management Plan document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Tree Preservation Committee and Commissioner of Public Safety that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Construction Management Plan document with the City Clerk, such Final Construction Management Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on City's website;
- m. Approval of the Final Site Plan and Final Site Plan Sheets incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Documents. Upon adoption of this Approval Resolution, FASNY must compile the Final Site Plan and Final Site Plan Sheets document to be filed by FASNY with the City Clerk after receipt by FASNY of written notice from the Commissioner of Building that all applicable approved Conditions have been incorporated by FASNY therein. After filing the Final Construction Management

Plan document with the City Clerk, such Final Construction Management Plan document must be distributed to the Common Council and appropriate City staff and made available to the public on the City's website; and

- n. Approval of the Final Declaration incorporating the applicable Conditions in this Approval Resolution which are consistent with the Approved Document, subject to its final approval as to form by the Corporation Counsel.

4. The following time limits for the expiration of Site Plan Approval under Section 7.6 of the Zoning Ordinance:

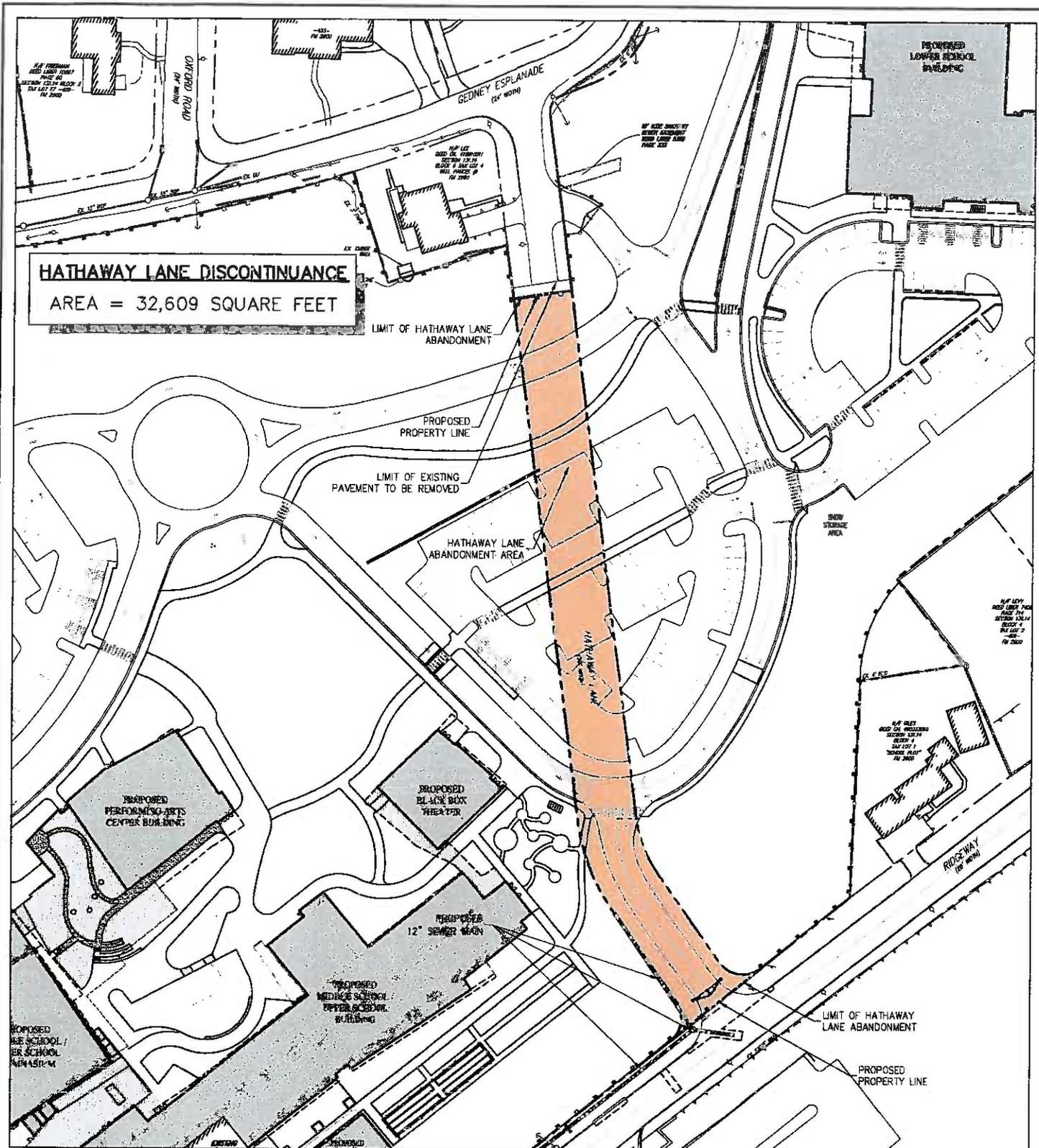
- a. Site Plan Approval for Phase I and Phase II of the FASNY Project shall commence on the date of the approval of this FASNY Special Permit/Site Plan Approval Resolution herein;

- b. Site Plan Approval for Phase I shall expire in four years (4) from the adoption of this resolution, if Phase I Construction of the FASNY Project is not completed within said four year period;

- c. Site Plan Approval for Phase II shall expire if Phase II Construction of the FASNY Project is not completed within four (4) years of the certification of the Phase II Assessment, as defined in this Approval Resolution herein, by the Commissioner of Public Safety and the Deputy Commissioner of Parking for Transportation Engineering.

Phase I Construction and Phase II Construction being defined in the definitions of Phase I and Phase II contained in “Part 1: Background” of this Approval Resolution herein.

All such approvals being for both Phases I and II of the FINAL FASNY PROJECT, as such phases are defined in Part I: Background, herein.



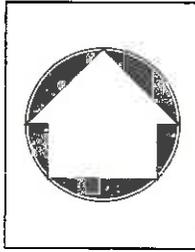
**HATHAWAY LANE DISCONTINUANCE**  
 AREA = 32,609 SQUARE FEET

**FRENCH-AMERICAN SCHOOL OF NEW YORK**  
 400 RIDGEWAY CITY OF WHITE PLAINS, NEW YORK

**HATHAWAY LANE DISCONTINUANCE AREA**

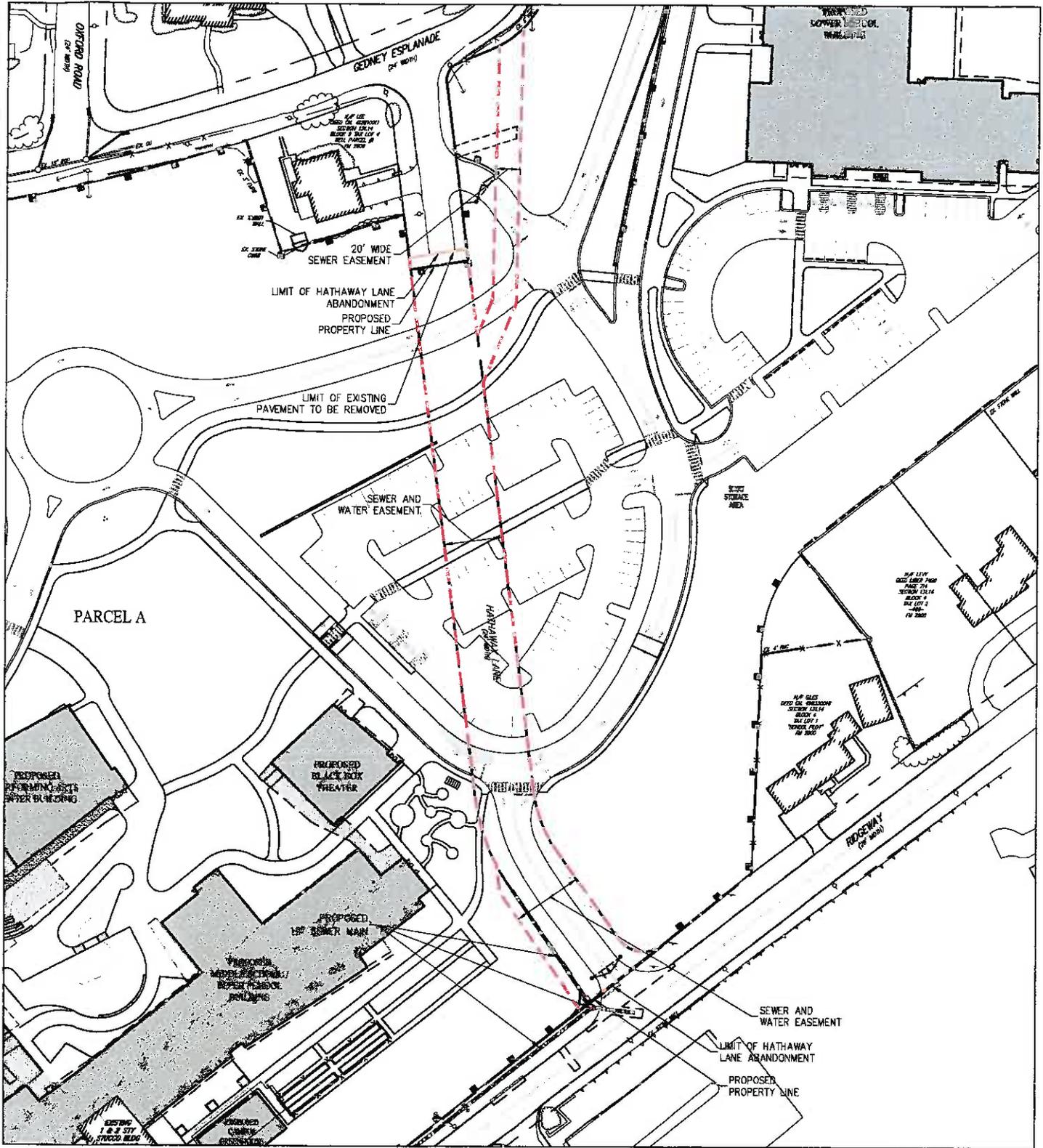
DATE: 03/30/2015 **EXHIBIT A(1)** JMC PROJECT: 10170

EXHIBIT: 1 SCALE: 1" = 120'



**JMC**  
 SITE DEVELOPMENT CONSULTANTS  
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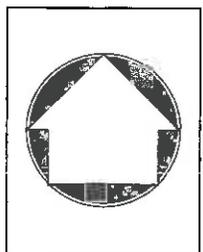
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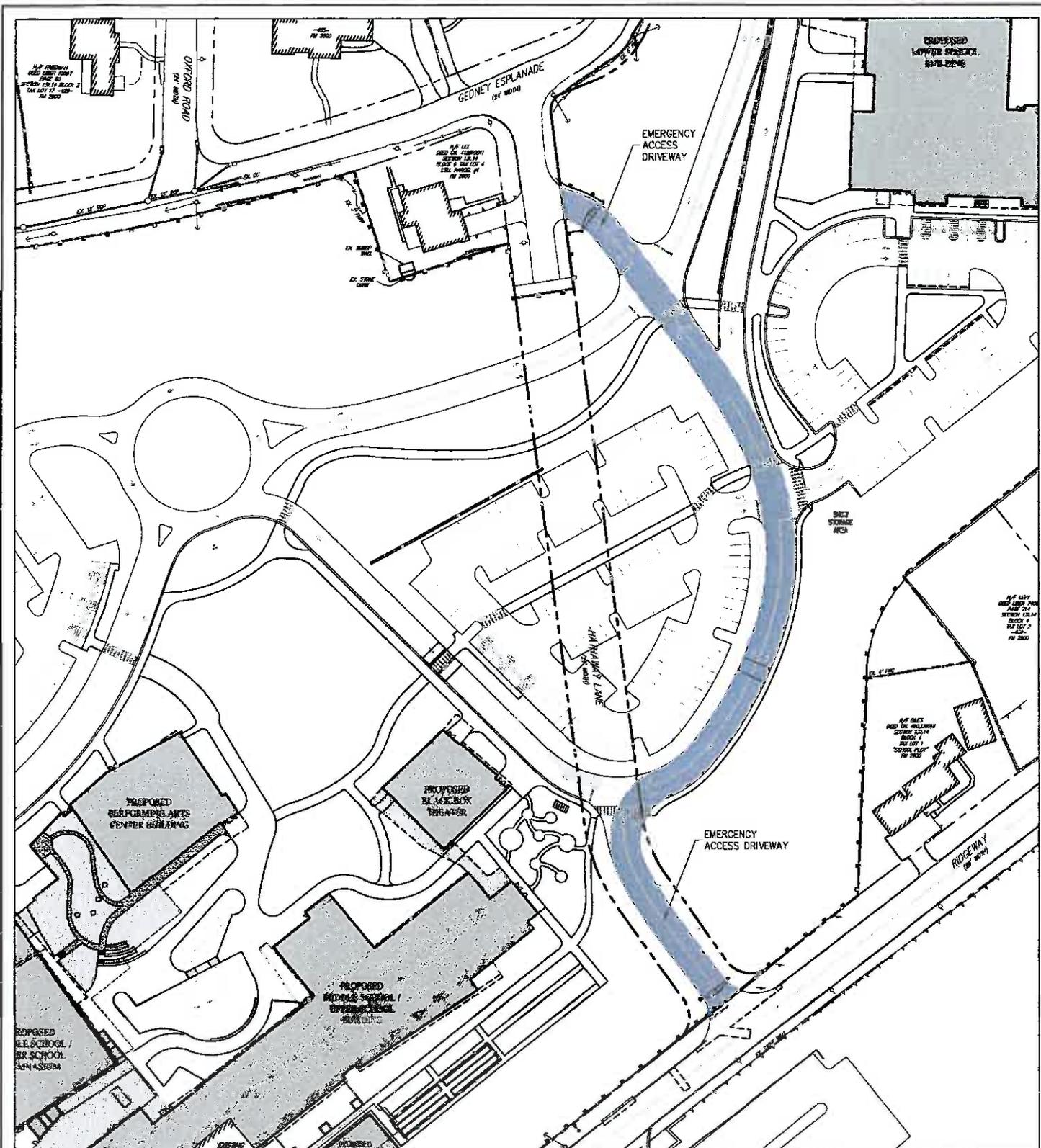
**HATHAWAY LANE EASEMENT AREA**  
**EXHIBIT A(2)**  
 DATE: 03/30/2015  
 JMC PROJECT: 10170

EXHIBIT: 2  
 SCALE: 1" = 120'



**JMC**  
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**FRENCH-AMERICAN SCHOOL OF NEW YORK**  
 400 RIDGEWAY CITY OF WHITE PLAINS, NEW YORK

**HATHAWAY LANE EMERGENCY ACCESS DRIVEWAY**  
**EXHIBIT A(3)** JMC PROJECT: 10170

DATE: 04/01/2015

EXHIBIT: 3

SCALE: 1" = 120'



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