

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

PLEDGE TO THE FLAG: Hon. Nadine Hunt-Robinson

ROLL CALL: City Clerk

APPOINTMENTS:

1. Communication from the Mayor in relation to the re-appointment of Elisabeth Wallace as Personnel Officer to a term which will expire on September 15, 2022.

ADJOURNED

PUBLIC HEARING:

2. Public Hearing on a proposed amendment to the Zoning Ordinance to add 'Nursery Business' as a Special Permit Use, and add "Organic Manufacturing" as a Principal Permitted Use.
3. Communications from Commissioner of Building
4. Commissioner of Planning
5. Planning Board
6. Commissioner of Public Safety
7. Commissioner of Public Works
8. Traffic Division
9. Transportation Commission
10. Commissioner of Parking
11. Westchester County Planning Board
12. Environmental Officer
13. Environmental Findings Resolution
14. Ordinance amending an ordinance entitled the Zoning Ordinance of the City of White Plains by adding "Nursery Business" as a Special Permit Use and adding "Organic Manufacturing" as a principally permitted use.

32. Communication from Commissioner of Public Safety in relation to an Intermunicipal Agreement between the City and Westchester County Office of Drug Abuse Prevention & STOP DWI, in order for the City to be reimbursed for expenses in relation to the Program up to the amount of \$8,400.
33. Ordinance authorizing the Mayor or his designee, to enter into an Intermunicipal Agreement accepting a reimbursement award up to the amount of \$8,400, (Maximum Per Year) from the New York State STOP-DWI Foundation through the County of Westchester for the City's participation in the 2016-2020 STOP-DWI Enforcement Crackdown Program, an overtime, added patrol effort to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) in Westchester County for special STOP-DWI enforcement details that involve drug recognition expert DRE call-outs for the period January 1, 2016 through December 31, 2020.
34. Communication from Commissioner of Public Safety in relation to a grant in the amount of \$27,970 from the New York State Governor's Traffic Safety Committee, to be used for increased enforcement of dangerous driving behaviors.
35. Ordinance authorizing the Mayor or his designee, to execute necessary grant documents on behalf of the City of White Plains, Department of Public Safety, in relation to the acceptance of a Police Traffic Services Program Grant in the amount of \$27,970, awarded by the New York State Governor's Traffic Safety Committee, to be utilized for law enforcement purposes to increase motorist seatbelt usage, and to reduce dangerous driving behaviors that cause accidents that result in serious injury or death.
36. Communication from Deputy Commissioner of Public Safety in relation to an agreement between the City and Westchester County Department of Public Safety, to lease a Equipment Response Vehicle for Hazardous Devices for the sum of one dollar (\$1.00) per year.
37. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute a five (5) year Intermunicipal Agreement (IMA) on behalf of the City of White Plains, with the County of Westchester for a lease by the County to the City of the County's existing 2002 Equipment Response Vehicle for Hazardous Devices (2002 EVR) to benefit the City's Department of Public Safety for use in connection with calls in New York State Counter Terrorism Zone-3 (CTZ-3) which covers Westchester County, as well as in response to incidents in the City, in exchange for the City's agreement to man, operate, repair, store and maintain the 2002 ERV as needed to respond to calls within CTZ-3, as determined by the Commissioner/Sheriff of the County's Department of Public Safety.
38. Communication from Deputy Commissioner of Planning in relation to the proposed Schedule of Fees for the White Plains Education and Training Center to be effective January 1, 2017.

39. Ordinance of the Common Council of the City of White Plains authorizing the establishment and approval of a facility rental fee structure and non-resident participant fee structure for the White Plains Education and Training Center.
40. Communication from Deputy Commissioner of Planning in relation to an Interagency Agreement between the City and the New York State Department of Labor, to designate the White Plains Education and Training Center as a Workforce Partner.
41. Ordinance of the Common Council of the City of White Plains authorizing the Mayor to enter into an Interagency Agreement, on behalf of the City of White Plains, with the New York State Department of Labor (Local Workforce Investment Area One-Stop) to designate the White Plains Education and Training Center as a Workforce Partner.
42. Communication from Deputy Commissioner of Recreation and Parks in relation to a five year agreement between the City and Hubbard's Cupboard, LLC, for the maintenance and operation of a food concession at Ebersole Ice Rink in Carl J. Delfino Park.
43. Ordinance of the Common Council of the City of White Plains providing for the maintaining and operating of a food concession at Ebersole Ice Rink at Carl J. Delfino Park in the City of White Plains.
44. Communication from Deputy Commissioner of Recreation and Parks in relation to a personal privacy protection agreement with the County of Westchester Department of Senior Programs and Services, regarding access and use of data in the Statewide database known as PeerPlace and developed by PeerPlace Networks, LLC, for daily and monthly Nutrition and Transportation Data.
45. Ordinance of the Common Council of the City of White Plains authorizing the Commissioner of Recreation and Parks to execute on behalf of the City of White Plains with the County of Westchester Department of Senior Programs and Services, a personal privacy protection agreement regarding access to and the use of and entry of data into a Statewide database or system of records, known as PeerPlace, cloud based data management system, developed by PeerPlace Networks, LLC, which is maintained by and made available to the County of Westchester and its contractors by the New York State Office for the Aging, a State Agency.
46. Communication from the Mayor in relation to Executive Order 13223, which authorizes the payment of a differential in salary and extends benefits to employees who were called to active duty in response to the terror attack of September 11, 2001, and extends the differential through September 11, 2017.

47. Ordinance amending an ordinance entitled, “An ordinance granting compensatory benefits for up to six months to City Officers and Employees who are members of the Armed Forces Reserves and who are ordered to active military duty pursuant to Executive Order 13223, signed by the President of the United States on September 14, 2001, or other duty compelled by Federal or State Law related to the terrorist attacks of September 11, 2001.”
48. Communication from Chairman, Transportation Commission, in relation to amendment to the Traffic Ordinance at various locations around the City.
49. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a ‘one Hour Parking’ Zone on the north side of Holland Avenue, and modifying a “Two Hour Parking” Zone on the west side of Ferris Avenue.

RESOLUTIONS:

50. Communication from Commissioner of Building in relation to an application submitted on behalf of Westchester Healthcare Properties, Inc., for a one year extension to a previously approved site plan for the construction of a Skilled Nursing Facility at 120 Church Street.
51. Communications from Design Review Board
52. Commissioner of Planning
53. Planning Board
54. Commissioner of Public Safety
55. Commissioner of Public Works
56. Traffic Division
57. Transportation Commission
58. Commissioner of Parking
59. Westchester County Planning Board
60. Environmental Officer
61. Environmental Findings Resolution
62. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Westchester Healthcare Properties I, LLC (“Applicant”), for an additional one (1) year extension of the Special Permit/Site Plan approval originally granted on February 7, 2011, and extended for one year by resolution adopted on April 2, 2012, and extended and amended by resolution adopted August 5, 2013, and extended by a resolution adopted October 5, 2015, for a skilled nursing and rehabilitation facility to be known as the White Plains Institute of Rehabilitation and Healthcare, to be located at 116-120 Church Street and consisting of a five (5) story, approximately 88,605 square foot building that will house 160 beds, and include administrative and staff offices, common dining and recreation facilities, a second level outdoor landscaped plaza and a one level parking garage.

63. Communication from Commissioner of Building in relation to an application submitted on behalf of WPP Owners LLC, owners of White Plains Plaza, for a site plan amendment to renovate the Plaza area facing Main Street, at One North Broadway and 445 Hamilton Avenue, a Special "S" Zone.

64. Communications from Design Review Board
65. Commissioner of Planning
66. Planning Board
67. Commissioner of Public Safety
68. Commissioner of Public Works
69. Traffic Division
70. Transportation Commission
71. Commissioner of Parking
72. Westchester County Planning Board
73. Environmental Officer

74. Environmental Findings Resolution

75. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of WPP Owners LLC ("Applicant"), owner of the property known as One North Broadway, for an amendment to an approved site plan to update and renovate the existing plaza area facing Main Street, including the installation of new pavers throughout the area, seating areas, lighting, a raised platform/stage area and the installation of a living green wall along the westerly wall adjoining the 275 Main Street Building.

76. Communication from Corporation Counsel in relation to the settlement of litigation entitled, *French American School of New York against Mayor Thomas Roach and the Common Council of the City of White Plains*, (Westchester County Sup. Ct. Index No. 2967/15).

77. Resolution of the Common Council of the City of White Plains authorizing the settlement of litigation entitled, *French American School of New York against Mayor Thomas Roach and the Common Council of the City of White Plains*, (Westchester County Sup. Ct. Index No. 2967/15).

ITEM FOR REFERRAL:

78. Communication from Commissioner of Building in relation to an application submitted on behalf of OSG Mamaroneck LLC, for a one year site plan extension for previously approved improvements at 1311 Mamaroneck Avenue.

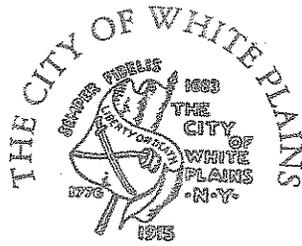
79. Communication from Commissioner of Building in relation to an application submitted by San Signs and Awnings on behalf of the Westchester Bank for approval to relocate an existing exterior sign to a higher level at 12 Water Street.

ITEMS FOR INFORMATION:

80. Communication from Commissioner of Finance transmitting the Capital Improvement Program Status Report for the period ending June 30, 2016.

81. Communication from Commissioner of Building in relation to a resolution adopted by the Historic Preservation Commission of the City of White Plains proposing that the Jack Harrington Greenway be designated as a Local Landmark.

82. Communication from Commissioner of Building transmitting a communication from the Chairperson of the Historic Preservation Commission and a resolution of the Commission recommending that the structure at 7 Cromwell Place (the Percy Grainger House) be designated as a Local Landmark.



THE BIRTHPLACE OF THE STATE OF NEW YORK
OFFICE OF THE MAYOR

THOMAS M. ROACH
MAYOR

t: 914.422.1411
f: 914.422.1395

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

Dear Council Members:

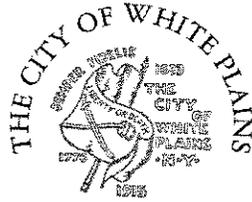
I hereby submit the nomination of Elisabeth Wallace for reappointment as Personnel Officer for the City of White Plains effective September 15, 2016. In accordance with Section 8 of the Charter of White Plains, your consent to this nomination is requested. Her term of office under the New York State Civil Service Law would be for six (6) years, expiring September 15, 2022.

Sincerely,

Thomas M. Roach
Mayor

Dated for: September 6, 2016

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

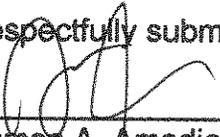
TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS

Per referral by the Common Council on August 2, 2016, the Department of Building has reviewed a revision to an ordinance amending an ordinance entitled The Zoning Ordinance of the City of White Plains with respect to "Nursery Businesses" and "Organic Manufacturing".

The purpose of this revision is to add a requirement for a minimum 300 foot setback between any organic manufacturing operation and the nearest residential zoning district Line.

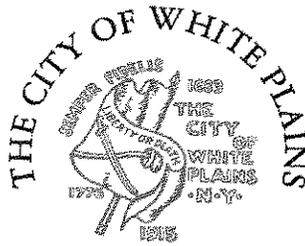
Our department supports this revision to the ordinance.

Respectfully submitted,



Damon A. Amadio P.E.
Commissioner of Building

Date; August 18, 2016
(For the September 5, 2016 Common Council Meeting)



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" BY ADDING "NURSERY BUSINESS" AS A SPECIAL PERMIT USE IN THE CAMPUS OFFICE (C-O) AND PLANNED CAMPUS DEVELOPMENT (PCD) DISTRICTS AND ADDING "ORGANIC MANUFACTURING" AS A PRINCIPALLY PERMITTED USE IN THE LIGHT INDUSTRIAL (LI) DISTRICT 300 FEET FROM A RESIDENTIAL ZONING DISTRICT BOUNDARY

The proposed zoning text amendment seeks to update Section 2.4 Definitions of the City Zoning Ordinance to clearly define, distinguish, and regulate "Nursery Business" from the separate and distinct use of "Organic Manufacturing" that includes the manufacturing or processing of raw materials into products for commercial resale as follows:

"Nursery Business":

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

"Organic Manufacturing":

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

The legislative intent of the ordinance is to clearly define and regulate low-impact traditional “Nursery Business” operation *and* prohibit the industrial use of land in residential districts for the operation of “Organic Manufacturing.” It is clear that the use of land for “Organic Manufacturing” in residential districts interferes with the quiet use and enjoyment of residential properties by creating:

1. Noxious fumes and odors during the decomposition process associated with the production of mulch, wood chips, top soil etc.
2. Negative visual impacts from the use and storage of industrial equipment, storage of raw materials and the presence of steam and/or vapor generated during the decomposition process
3. Dust and airborne irritants that spread to adjacent properties
4. Noise generated from the use of commercial and industrial equipment utilized in the grinding and processing of raw materials

Nursery Business

“Nursery Business” uses are proposed to be permitted via special permit issued by the Common Council in three mapped Campus Office and PCD Planned Campus Development districts comprising 333 acres of land adjacent to the Westchester Avenue corridor and east of Mamaroneck Avenue abutting the Hutchinson River Parkway in the southern end of the City. The proposed amendment also includes the addition of following text to **Section 6.7 Individual Standards and Requirements for Certain Special Permit “Uses”**, to which nursery businesses would need to comply with respect to deliveries/site circulation, public safety, and buffering of organic material from neighboring properties:

- 6.7.32.1 *Site material, including but not limited to mulch, top soil, wood or stone shall not be higher than 15 feet and may not be located in any required yard setback.*
- 6.7.32.2 *Piles shall be mechanically ventilated (turned over) to release heat as required and separated from adjacent piles by walls or bins of non-combustible construction.*
- 6.7.32.3 *Rows of material piles shall be accessible by approved fire apparatus access roads. In addition, the ground surface between piles of processed tree debris must be kept free of combustible materials.*
- 6.7.32.4 *Side and rear yards shall contain a minimum 10' landscaped buffer and site material shall be*

screened by fencing and/or evergreen landscaping.

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

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

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

Organic Manufacturing

“Organic Manufacturing” would be a principally permitted use within the city’s LI Light Industrial Districts *so long as it is at least 300 feet from any residential zoning district boundary*. Further analysis yields an area of approximately 12 acres within the Brockway Place and Fulton Street corridors that meets such criteria. It is of note that currently, and in absence of adoption of the proposed ordinance, such use would be classified under existing zoning as general “Manufacturing, Fabrication, Finishing or Assembly of Products”, a principally permitted use in all 71 acres of the four mapped LI Light Industrial Districts *without* buffer to neighboring residential zoning districts. Therefore, the addition of a new specific “Organic Manufacturing” use allows the city to clearly define and more fully regulate where such use is permitted.

The proposed amendment also includes provisions to amortize out any existing use meeting the definition of “Organic Manufacturing” outside the LI Light Industrial District. In such instance, any current operation must cease operation by May 31, 2021, or approximately five years from the date of enactment of the proposed zoning amendment. However, the Zoning Board of Appeals could grant up to a three year extension period for the cessation of a non-conforming use provided that that applicant has made a substantial financial expenditure related to the prohibited “Organic Manufacturing” activities in the two years prior to May 31, 2016 and subject to the following additional criteria proposed for **Section 10.3.4 “Non-Conforming Uses”**:

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

- 10.3.4.1.2 *Substantial financial expenditures related to the prohibited activities were made during the two year period prior to May 31, 2016. Financial expenditures shall mean the capital outlay made by the applicant to establish the prohibited activities, exclusive of the fair market value of the building in which such activity may be located and exclusive of any improvements unrelated to the prohibited activities.*
- 10.3.4.1.3 *The Applicant has not substantially recovered all of the financial expenditures related to the prohibited activities as demonstrated by competent financial evidence.*
- 10.3.4.1.4 *The period for which such establishment is permitted to continue is the minimum period sufficient for the applicant to recover substantially all of the financial expenditures incurred related to the prohibited activities but in no case may the period extend beyond an additional three years.*

Comprehensive Plan Consistency

The Comprehensive Plan makes several specific references to existing nurseries as low-impact, non-conforming uses in residential zoning districts but identifies community concerns over negative neighborhood impacts associated with their expansion to more industrial use as indicated below:

a. Vision Statement (II-I-77)

The Plan's vision for the privately-owned nurseries on Mamaroneck Avenue is for their continued operation as nurseries, thereby maintaining them as low intensity uses with a substantial open quality which contributes to the open space character of Mamaroneck Avenue. They also serve as sources of property and sales tax revenues for the City.

Since the nursery uses do represent valuable economic and open space resources for the City, their continued operation should be encouraged with reasonable controls on expansion... establishing nurseries as special permit uses with appropriate standards would enable the nurseries to make improvements to the properties under strict zoning controls... the City should establish mechanisms to encourage truly low impact existing nursery properties to continue.

2006 Comprehensive Plan Update

There are three nurseries located on Mamaroneck Avenue. The future development of these properties for other uses was considered in the 1997 Plan development, taking into consideration their location along the Mamaroneck Avenue corridor, the surrounding land uses, and the physical conditions of each site.

Gedney Farms Nursery is the 5.6-acre northernmost nursery property. The character and intensity of the operation of this nursery has changed over the past several years and is of serious concern. The front portion of the site, along Mamaroneck Avenue, contains a number of structures, while the rear portion, which slopes down to the Gedney DPW facility, *is being used for what appear to be more industrial purposes not associated with the nature of a nursery that was operated at the time when it became a nonconforming use under the Zoning Ordinance...* (Emphasis added)

Amodio's Nursery is the central nursery property on Mamaroneck Avenue. It encompasses approximately 8.5 acres to the north of Rosedale Avenue. An additional 11 acres of vacant land exist to the west and northwest of the nursery property which is not part of the nursery. The developed portion of the site, which includes a retail sales area, is situated along the Mamaroneck Avenue frontage. Sight distances at this portion of Mamaroneck Avenue restrict the site's accessibility. To the rear of the retail sales area are several nursery structures. Steep terrain leads to a relatively level area that is used for fabricating industrial nursery products. Beyond this portion, the site is heavily wooded and contains some areas of steep slope. This site and abutting vacant lands are currently zoned R1-12.5, which is consistent with surrounding residential zoning and single-family land use patterns. *The character and intensity of the operation of this nursery has changed over the past several years and is of serious concern. The facility is currently being used for more industrial purposes, not associated with a retail nursery use that was operated and understood at the time when it became a non-conforming use under the Zoning Ordinance.* (Emphasis added)

Nabel's Nurseries, a wholesale and retail nursery is located just south of Rosedale Avenue, is located on the eastern side of Mamaroneck Avenue. This 5.3-acre site, characterized by steep slopes and rock outcrops, has been re-zoned from campus office (CO) to single family R1-7.5, to be consistent with the surrounding density and uses.

All three nurseries are currently legally nonconforming, which means that any changes to the site should be prohibited as intensification of nonconforming uses. *The operation of the two northernmost nurseries does not appear to be consistent with their status as non-conforming uses. Activities being undertaken at both locations appear to be of a more intense industrial character, and appear to be having negative impacts on adjoining properties and neighborhoods, due to activities on site and commercial vehicular traffic to and from the site.*" (Emphasis added)

Conclusion

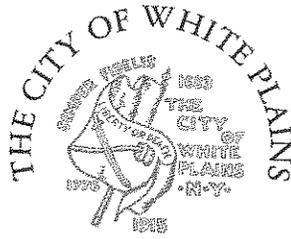
The Planning Department finds that the proposed zoning amendment is clearly consistent with the Comprehensive Plan that recommends both the establishment of retail nurseries as a special permit use with appropriate standards and identifies concern over the evolution of industrial operations at several non-conforming nursery sites in residential zoning districts. The Planning Department fully supports the proposed legislation to protect the general health, safety, and welfare of city residents and recommends adoption by the Common Council.

Respectfully submitted,

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

Christopher N. Gomez, AICP
Commissioner of Planning

Dated August 22, 2016
(For the September 6, 2016 Common Council Meeting)



PLANNING BOARD

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN J. McCLAIN
SECRETARY

August 23, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

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

At its meeting of August 16, 2016, the Planning Board reviewed the revised proposed amendment to the Zoning Ordinance to add "Nursery Business" as a special permit use and to add "Organic Manufacturing" as a principal permitted use in the Light Industrial zoning district. The revision establishes a 300-foot buffer around residential zoning districts, in which organic manufacturing would not be permitted.

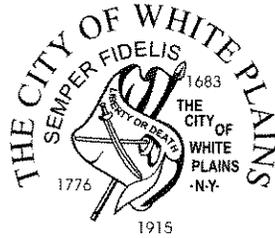
The Board found the addition of the 300-foot buffer around residential districts to be a significant improvement over the originally proposed amendment, and is supportive of the amendment in its current form.

Planning Board members voting in favor of recommending approval of the amendment to the Zoning Ordinance to add "Nursery Business" as a special permit use and "Organic Manufacturing" as a principal permitted use in the Light Industrial zoning district: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (7); Opposed: None (0); Absent: (0)

Respectfully submitted,

MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board

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

DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

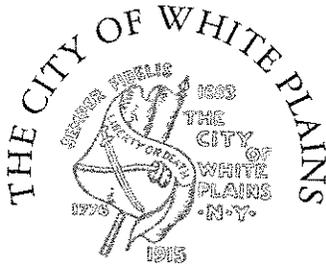
The Department of Public Safety has reviewed the plans for the following.
There are no objections.

Zoning Ordinance
Nursery Business Organic Manufacturing

David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: August 17, 2016



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed the proposed amendment to the Zoning Ordinance of the City of White Plains with respect to “Nursery Business” and “Organic Manufacturing.”

We have no objection to the approval of this application for incorporating a requirement for a minimum 300-ft. setback between any organic manufacturing operation and the nearest residential zoning district line.

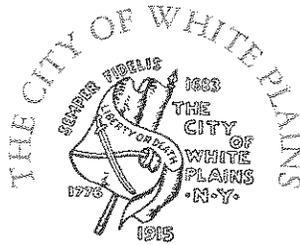
Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: September 6, 2016

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THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

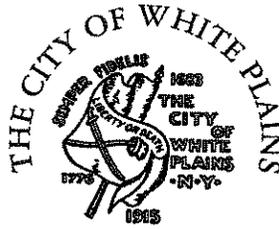
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS OF
THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the proposed zoning ordinance amendment to add "Nursery Business" as a Special Permit Use and add "Organic Manufacturing" as a Principle Permitted Use which was referred by the Common Council on August 1, 2016.

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

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

Dated: August 8, 2016
(for the September 6, 2016 Common Council Meeting)



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

THOMAS M. ROACH
MAYOR

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

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

The Transportation Commission, at its meeting held on August 17, 2016, reviewed the request for a revision to an ordinance amending an ordinance entitled "The Zoning Ordinance of the City of White Plains" with respect to "Nursery Business" and "Organic Manufacturing", as referred by the Common Council on August 2, 2016.

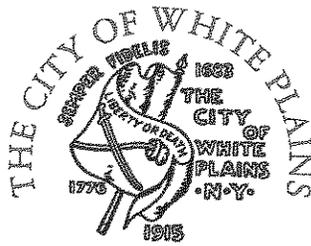
The Transportation Commission had no objection to the proposed changes.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: August 23, 2016 (for the September 6, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #3 Zoning Ordinance - Nursery Business Organic Manufacturing

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

The Department of Parking has no objection to the approval of this proposed zoning ordinance revision.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: August 25, 2016

10

Robert F. Astorino
County Executive

County Planning Board

August 8, 2016

Anne M. McPherson, City Clerk
City of White Plains
Municipal Building
255 Main Street
White Plains, NY 10601-2479

Subject: Referral File No. WHP 16-007B – Zoning Text Amendment: Nursery Business and Organic Manufacturing

Dear Ms. McPherson:

The Westchester County Planning Board has received a copy of a revised version of a proposed Local Law which would add "Nursery Business" as a Special Permit Use in the C-O and PCD districts and "Organic Manufacturing" as a Principal Permitted Use in the LI District.

Because the City intends to prohibit the commercial and industrial use of land in residential districts for the operation of organic manufacturing, the regulations also provide for a phase-out of non-conforming uses in residential districts that involve organic manufacturing by May 31, 2021. The regulations will also prohibit a nursery business from manufacturing products such as mulch, fertilizer, topsoil, loam, fill, gravel or stone.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. As there are no County or intermunicipal planning issues of concern to the County Planning Board, this action is a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

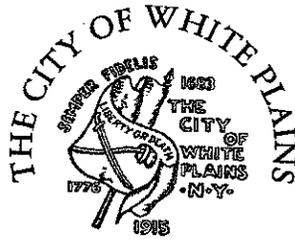
For:
By:



Edward Buroughs, AICP
Commissioner

EEB/KE

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ENVIRONMENTAL OFFICER

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

August 19, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ZONING ORDINANCE AMENDMENT TO ADD “NURSERY BUSINESS” AS A SPECIAL PERMIT USE AND ADD “ORGANIC MANUFACTURING” AS A PRINCIPALLY PERMITTED USE.

The proposed Zoning Ordinance amendment to regulate “nursery business” and “organic manufacturing” uses (“Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The following is a summary of the Proposed Action and the proposed text amendments to the Zoning Ordinance:

- a. Amend Section 2.4 Definitions clearly define, distinguish, and regulate “Nursery Business” from the separate and distinct use of “Organic Manufacturing” that includes the manufacturing or processing of raw materials into products for commercial resale as follows:

“Nursery Business”:

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

“Organic Manufacturing”:

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

- b. Amend Section 5.1, Schedule of “Use” Regulations and Section 5.2, List of Use Regulations to add “nursery business” as a special permit use in the C-O Campus Office and PCD Planned Campus Development Overlay District and add “organic manufacturing” if more than 300 feet away from a residential zoning district as a principally permitted use in the LI Light Industrial District.
- c. Amend Section 6.7, by adding Section 6.7.32, Individual Standards and Requirements for the “nursery business” use to which nursery businesses would need to comply with respect to deliveries/site circulation, enhance public safety, and buffer the stockpiling of organic material from neighboring properties.

RS

- d. Amend Sections 4.3.1 Continuing Existing “Uses,” “Buildings,” and “Structures,” and Section 10.3.4 “Non-Conforming Uses. “ The proposed amendment includes provisions to amortize out any existing use meeting the definition of (a) “Organic Manufacturing” outside the LI District and (b) “Nursery Business” outside the C-O and PCD District. In such instance, any current operation that meets the definition of “Organic Manufacturing” or “Nursery Business” uses must cease operation by May 31, 2021, or approximately five years from the date of enactment of the proposed zoning amendment.

SEQR

The Proposed Action represents a Type I Action under SEQR regulations in that it does involve adoption of changes in the allowable uses within any zoning district affecting more than 25 acres of land area. The addition “nursery business” as a special permit use in the C-O and PCD Districts would include an area of 333 acres of land adjacent to the Westchester Avenue corridor and Mamaroneck Avenue. The addition of “organic manufacturing” if more than 300 feet away from a residential zoning district as a principally permitted use in the LI Light Industrial District would be applicable to approximately 12 acres within the Brockway Place and Fulton Avenue LI Zones and corridors that meets such criteria.

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be a Type I Action under SEQR regulations; and (c) find that the Proposed Action when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment for the following reasons:

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

The operation of a commercial nursery is not defined or established as a permitted use in the White Plains Zoning Ordinance. There are currently four commercial nurseries operating in White Plains. These are legally nonconforming uses under the Zoning Ordinance, which means that any changes on the site would be prohibited as intensification of nonconforming uses. Three commercial nurseries are located within single family residential zoning districts at 856-876 Mamaroneck Avenue, 1160 Mamaroneck Avenue and 454 Ridgeway. There is also one commercial nursery located within the CO District at 1485 Mamaroneck Avenue.

Conformance with the Comprehensive Plan

The Comprehensive Plan recognizes that the nursery properties along Mamaroneck Avenue do represent valuable economic and open space resources for the City if continued as a low intensity operation. The Plan identifies alternative uses for the properties that include residential development at the existing base densities of the single family residential districts. There is a potentially higher commercial density for the nursery site that is currently zoned Campus Office.

The Plan notes that the operation of some of the nurseries appears to be of a more intense industrial character, and appear to be having negative impacts on adjoining properties and neighborhoods, due to activities on site and commercial vehicular traffic to and from the sites. To address issues related to the non-conforming nurseries, the Comprehensive Plan provides the following Vision Statement and Strategies:

Vision Statement

The Plan's vision for the privately-owned nurseries on Mamaroneck Avenue is for their continued

operation as nurseries, thereby maintaining them as low intensity uses with a substantial open which contributes to the open space character of Mamaroneck Avenue. They also serve as sources of property and sales tax revenues for the City.

Strategies:

- *Strictly enforce the limitations on use and operations at the nurseries on Mamaroneck Avenue and limit any future redevelopment of the Mamaroneck Avenue nursery sites and any development of the interior parcels behind the center nursery site to residential uses consistent with the existing base residential density. (Ongoing.)*
- *Recognizing that nursery properties are low impact uses that contribute to the open space character of the City, establish a mechanism to encourage existing nursery properties to continue, such as by special permit.*
- *Nursery uses which have remained consistent with the nature and character of the use at the time they became non-conforming are low impact uses that can contribute to the open space character of the City. The City should establish mechanisms to encourage truly low impact existing nursery properties to continue, such as by special permit.*

The Proposed Action conforms to the recommendations of Comprehensive Plan in that it proposes reasonable controls to avoid impacts to adjacent residential neighborhoods.

The Comprehensive Plan addresses the City's Campus Office and PCD Planned Campus Overlay districts with the following strategies related to campus office uses:

- *Do not expand or increase commercial development potential of existing campus office area.*
- *Develop land use regulations to permit adaptive reuse of campus office sites with uses that do not compete with Core Area uses and are compatible with surrounding uses.*
- *If not possible to maintain the Kraft site as campus office use, consider alternative uses with relatively low traffic impacts on North Street such as a senior citizen life care community.*

The addition of special permit "Nursery Business" use with the Individual Standards and Requirements for the "nursery business" does not represent an intensification of uses when considered against the uses currently permitted in that district.

The Comprehensive Plan provides the following strategies related to LI Light Industrial Districts:

- *Although a relatively small part of the local economy, light industrial uses play an important role in providing services to businesses and residents and in creating job opportunities for a range of workers. The City's light industrial areas - Westmoreland Avenue, Ferris Avenue, South Kensico Avenue, Haarlem Avenue, and Russell Street - need to be maintained and upgraded where appropriate.*
- *Encourage upgrading of the light industrial zone districts along Ferris Avenue and Haarlem Avenue so that they do not negatively impact on the abutting residential areas. .*
- *Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses, and their impacts.*

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

“Organic Manufacturing” would be a principally permitted use within the city’s LI Light Industrial Districts *so long as it is at least 300 feet from any residential zoning district boundary*. An area of approximately 12 acres within the Brockway Place and Fulton Avenue corridors that meets such criteria. It is of note that currently, and in absence of adoption of the proposed amendment, such use would be classified under existing zoning as general “Manufacturing, Fabrication, Finishing or Assembly of Products”, a principally permitted use in all 71 acres of the four mapped LI Light Industrial Districts *without* buffer to neighboring residential zoning districts. Therefore, the addition of a new specific “Organic Manufacturing” use allows the city to clearly define and more fully regulate where such use is permitted.

Zoning

The operation of a commercial nursery is not defined or established as a permitted use in the White Plains Zoning Ordinance. The current commercial nurseries are legally nonconforming uses under the Zoning Ordinance,

The Proposed Action would establish “Nursery Business” uses as special permit issued by the Common Council in the CO and PCD Districts . It would also add “organic manufacturing” if more than 300 feet away from a residential zoning district as a principally permitted use in the LI Light Industrial District.

The proposed amendment also includes provisions to amortize out any existing use meeting the definition of “Organic Manufacturing” outside the LI Light Industrial District. In such instance, any current operation that meets the definition of “Organic Manufacturing” use must cease operation by May 31, 2021, or approximately five years from the date of enactment of the proposed zoning amendment.

The Proposed Action would permit the city to clearly define and more fully regulate the “Nursery Business and organic manufacturing uses.

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

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

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.
- (d) The character or quality of important historical, archeological, architectural or aesthetic resources of the City or any neighborhood will not be adversely affected by the Proposed Action.

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

The purpose of this amendment is to address the evolution and expansion of commercial nursery businesses into more industrial manufacturing uses. Historically, a Nursery was a business that sold cultivated shrubs, trees and plants as well as concomitant items such as mulch, fertilizer, top soil, and various garden care products at retail.

Over time certain Nursery businesses began manufacturing some of these items on-site in an effort to market bulk products on a retail and wholesale basis. Specifically, Nurseries began the processing of organic residue, such as grass clippings and leaves into mulch and top soil, as well as the processing of dead tree material into woodchips. Manufacturing of this type requires specialized equipment that is industrial in nature and the process itself requires appropriate management to ensure fire safety and environmental protection.

"Organic manufacturing" is injurious to the public health and welfare when located within residential zoning districts. Such use interferes with the use and enjoyment of residential properties by creating noxious fumes and odors during the decomposition process associated with the production of mulch, wood chips, topsoil and the processing of other raw material necessary for "organic manufacturing." It creates negative visual impacts due to the storage of industrial equipment and raw materials, and produces unsightly vapor and steam as the raw materials decompose. The industrial equipment required to process the raw materials also generates noise that is out of character in the residential zoning districts. Finally, such use negatively impacts residential properties by creating dust and airborne irritants that spreads to adjoining properties. All of the above-noted negative impacts render "organic manufacturing" incompatible with residential districts.

In an effort to protect the residential zoning districts from the commercial and industrial use of land for the operation of "organic manufacturing," the proposed ordinance differentiates between the less intrusive "nursery business" as defined therein, and the intense industrial use of "organic manufacturing," and provides a mechanism for the orderly abatement of the latter.

The proposed zoning ordinance amendment also regulates where each of the two newly defined uses may be located within the City, and establishes standards as applicable.

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

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

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

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or

natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.

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

As stated above, in absence of adoption of the proposed amendment, the Organic manufacturing uses would be classified under existing zoning as general "Manufacturing, Fabrication, Finishing or Assembly of Products", a principally permitted use in all 71 acres of the four mapped LI Light Industrial Districts *without* buffer to neighboring residential zoning districts. Therefore, the addition of a new specific "Organic Manufacturing" use does not represent an intensification of land uses and allows the city to clearly define and more fully regulate where such use is permitted.

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

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A ZONING ORDINANCE
AMENDMENT TO ESTABLISH AND REGULATE “NURSERY BUSINESS” AND
“ORGANIC MANUFACTURING.” USES

WHEREAS, the proposed Zoning Ordinance amendment to regulate “nursery business” and “organic manufacturing” uses (“Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

The following is a summary of the Proposed Action and the proposed text amendments to the Zoning Ordinance:

- a. Amend Section 2.4 Definitions clearly define, distinguish, and regulate “Nursery Business” from the separate and distinct use of “Organic Manufacturing” that includes the manufacturing or processing of raw materials into products for commercial resale as follows:

“Nursery Business”:

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

“Organic Manufacturing”:

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

- b. Amend Section 5.1, Schedule of “Use” Regulations and Section 5.2, List of Use Regulations to add “nursery business” as a special permit use in the C-O Campus Office and PCD Planned Campus Development Overlay District and add “organic manufacturing” if more than 300 feet away from a residential zoning district as a principally permitted use in the LI Light Industrial District.
- c. Amend Section 6.7, by adding Section 6.7.32, Individual Standards and Requirements for the “nursery business” use to which nursery businesses would need to comply with respect to deliveries/site circulation, enhance public safety, and buffer the stockpiling of organic material from neighboring properties.
- d. Amend Sections 4.3.1 Continuing Existing “Uses,” “Buildings,” and “Structures,” and Section 10.3.4 “Non-Conforming Uses.” The proposed amendment includes provisions to amortize out any existing use meeting the definition of (a) “Organic Manufacturing” outside the LI District and (b) “Nursery Business” outside the C-O and PCD District. In such instance, any current operation that meets the definition of “Organic Manufacturing” or “Nursery Business” uses must cease operation by May 31, 2021, or approximately five years from the date of enactment of the proposed zoning amendment; and

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

WHEREAS, the Proposed Action represents a Type I Action under SEQR regulations in that it does involve adoption of changes in the allowable uses within any zoning district affecting more than 25 acres of land area. The addition “nursery business” as a special permit use in the C-O and PCD Districts would include an area of 333 acres of land adjacent to the Westchester Avenue corridor and Mamaroneck Avenue. The addition of “organic manufacturing” if more than 300 feet away from a residential zoning district as a principally permitted use in the LI Light Industrial District would be applicable to approximately 12 acres within the Brockway Place and Fulton Avenue LI Zones and corridors that meets such criteria; and

WHEREAS, the Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be a Type I Action under SEQR regulations; and (c) find that the Proposed Action when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

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

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

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

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

The operation of a commercial nursery is not defined or established as a permitted use in the White Plains Zoning Ordinance. There are currently four commercial nurseries operating in White Plains. These are legally nonconforming uses under the Zoning Ordinance, which means that any changes on the site would be prohibited as intensification of nonconforming uses. Three commercial nurseries are located within single family residential zoning districts at 856-876 Mamaroneck, Avenue, 1160 Mamaroneck Avenue and 454 Ridgeway. There is also one commercial nursery located within the CO District at 1485 Mamaroneck Avenue.

Conformance with the Comprehensive Plan

The Comprehensive Plan recognizes that the nursery properties along Mamaroneck Avenue do represent valuable economic and open space resources for the City if continued as a low intensity operation. The Plan identifies alternative uses for the properties that include residential development at the existing base densities of the single family residential districts. There is a potentially higher commercial density for the nursery site that is currently zoned Campus Office.

The Plan notes that the operation of some of the nurseries appears to be of a more intense industrial character, and appear to be having negative impacts on adjoining properties and neighborhoods, due

activities on site and commercial vehicular traffic to and from the sites. To address issues related to non-conforming nurseries, the Comprehensive Plan provides the following Vision Statement and Strategies:

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Strategies:

- *Strictly enforce the limitations on use and operations at the nurseries on Mamaroneck Avenue and limit any future redevelopment of the Mamaroneck Avenue nursery sites and any development of the interior parcels behind the center nursery site to residential uses consistent with the existing base residential density. (Ongoing.)*
- *Recognizing that nursery properties are low impact uses that contribute to the open space character of the City, establish a mechanism to encourage existing nursery properties to continue, such as by special permit.*
- *Nursery uses which have remained consistent with the nature and character of the use at the time they became non-conforming are low impact uses that can contribute to the open space character of the City. The City should establish mechanisms to encourage truly low impact existing nursery properties to continue, such as by special permit.*

The Proposed Action conforms to the recommendations of Comprehensive Plan in that it proposes reasonable controls to avoid impacts to adjacent residential neighborhoods.

The Comprehensive Plan addresses the City's Campus Office and PCD Planned Campus Overlay districts with the following strategies related to campus office uses:

- *Do not expand or increase commercial development potential of existing campus office area.*
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The Comprehensive Plan provides the following strategies related to LI Light Industrial Districts:

- *Although a relatively small part of the local economy, light industrial uses play an important role in providing services to businesses and residents and in creating job opportunities for a range of workers. The City's light industrial areas - Westmoreland Avenue, Ferris Avenue, South Kensico Avenue, Haarlem Avenue, and Russell Street - need to be maintained and upgraded where appropriate.*

- *Encourage upgrading of the light industrial zone districts along Ferris Avenue and Haarlem Avenue so that they do not negatively impact on the abutting residential areas. .*
- *Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses, and their impacts.*
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“Organic Manufacturing” would be a principally permitted use within the city’s LI Light Industrial Districts *so long as it is at least 300 feet from any residential zoning district boundary*. An area of approximately 12 acres within the Brockway Place and Fulton Avenue corridors that meets such criteria. It is of note that currently, and in absence of adoption of the proposed amendment, such use would be classified under existing zoning as general “Manufacturing, Fabrication, Finishing or Assembly of Products”, a principally permitted use in all 71 acres of the four mapped LI Light Industrial Districts *without* buffer to neighboring residential zoning districts. Therefore, the addition of a new specific “Organic Manufacturing” use allows the city to clearly define and more fully regulate where such use is permitted.

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The Proposed Action would establish “Nursery Business” uses as special permit issued by the Common Council in the CO and PCD Districts . It would also add “organic manufacturing” if more than 300 feet away from a residential zoning district as a principally permitted use in the LI Light Industrial District.

The proposed amendment also includes provisions to amortize out any existing use meeting the definition of “Organic Manufacturing” outside the LI Light Industrial District. In such instance, any current operation that meets the definition of “Organic Manufacturing” use must cease operation by May 31, 2021, or approximately five years from the date of enactment of the proposed zoning amendment.

The Proposed Action would permit the city to clearly define and more fully regulate the “Nursery Business and organic manufacturing uses.

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

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

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered

species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.

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

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

The purpose of this amendment is to address the evolution and expansion of commercial nursery businesses into more industrial manufacturing uses. Historically, a Nursery was a business that sold cultivated shrubs, trees and plants as well as concomitant items such as mulch, fertilizer, top soil, and various garden care products at retail.

Over time certain Nursery businesses began manufacturing some of these items on-site in an effort to market bulk products on a retail and wholesale basis. Specifically, Nurseries began the processing of organic residue, such as grass clippings and leaves into mulch and top soil, as well as the processing of dead tree material into woodchips. Manufacturing of this type requires specialized equipment that is industrial in nature and the process itself requires appropriate management to ensure fire safety and environmental protection.

"Organic manufacturing" is injurious to the public health and welfare when located within residential zoning districts. Such use interferes with the use and enjoyment of residential properties by creating noxious fumes and odors during the decomposition process associated with the production of mulch, wood chips, topsoil and the processing of other raw material necessary for "organic manufacturing." It creates negative visual impacts due to the storage of industrial equipment and raw materials, and produces unsightly vapor and steam as the raw materials decompose. The industrial equipment required to process the raw materials also generates noise that is out of character in the residential zoning districts. Finally, such use negatively impacts residential properties by creating dust and airborne irritants that spreads to adjoining properties. All of the above-noted negative impacts render "organic manufacturing" incompatible with residential districts.

In an effort to protect the residential zoning districts from the commercial and industrial use of land for the operation of "organic manufacturing," the proposed ordinance differentiates between the less intrusive "nursery business" as defined therein, and the intense industrial use of "organic manufacturing," and provides a mechanism for the orderly abatement of the latter.

The proposed zoning ordinance amendment also regulates where each of the two newly defined uses may be located within the City, and establishes standards as applicable.

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

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

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

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.

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

As stated above, in absence of adoption of the proposed amendment, the Organic manufacturing uses would be classified under existing zoning as general "Manufacturing, Fabrication, Finishing or Assembly of Products", a principally permitted use in all 71 acres of the four mapped LI Light Industrial Districts *without* buffer to neighboring residential zoning districts. Therefore, the addition of a new specific "Organic Manufacturing" use does not represent an intensification of land uses and allows the city to clearly define and more fully regulate where such use is permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Section 2.4 Definitions.

is hereby amended to add the following terms to read as follows:

"Nursery Business"

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

"Manufacturing, Organic"

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

B. Section 4.3.1, Continuing Existing "Uses," "Buildings," and Structures."

is hereby amended by adding sections 4.3.1.3 and 4.3.1.4 to read as follows:

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

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

C. Section 5.1, Schedule of "Use" Regulations

is hereby amended as follows:

1. BUSINESS

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

2. INDUSTRIAL

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

D. Section 5.2. List of Use Regulations.

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

2. District LI, is hereby amended by adding a use column before research, experimental or testing laboratories to read as follows: “Organic Manufacturing” if more than 300 feet away from a residential zoning district, and adding a type column labeled “PP”.

E. Section 6.2 Approving Agencies.

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

F. Section 6.5 Standards.

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

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

G. Section 6.7. Individual Standards and Requirements for Certain Special Permit “Uses.”

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

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

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

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

- piles of processed tree debris must be kept free of combustible materials.
- 6.7.32.4 Side and rear yards shall contain a minimum 10' landscaped buffer and site material shall be screened by 8' high solid panel fencing and/or 10' high evergreen landscaping.
- 6.7.32.5 Internal roadway/driveway must accommodate on-site deliveries and have proper space for turning movements to prevent backing onto or from public roadways.
- 6.7.32.6 All on-site equipment with back-up alarms shall be variable volume type.
- 6.7.32.7 In addition to the requirements of Section 7 of the Zoning Ordinance, a site plan depicting the location and quantity of outdoor storage of materials, including seasonal storage of materials and displays, must be submitted and approved.

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

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

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

- 10.3.4.1 Extend the permitted period for cessation of a "non-conforming use" in accordance with the requirements of Section 4.3.1.3 and/or Section 4.3.2.5 of this Ordinance provided:
 - 10.3.4.1.1 An application is made by the owner of at least 120 days prior to the date on which the activities of the use are required to cease and be discontinued.
 - 10.3.4.1.2 Substantial financial expenditures related to the prohibited activities were made during the two year period prior to May 31, 2016. Financial expenditures shall mean the capital outlay made by the applicant to establish the prohibited activities, exclusive of the fair market value of the building in which such activity may be located and exclusive of any improvements unrelated to the prohibited activities.
 - 10.3.4.1.3 The Applicant has not substantially recovered all of the financial expenditures related to the prohibited activities as demonstrated by competent financial evidence.
 - 10.3.4.1.4 The period for which such establishment is permitted to continue is the minimum period sufficient for the applicant

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

§ 2. This Ordinance shall take effect immediately.

Section 5.1

ZONING DISTRICTS	
"USES"	R1-30
	R1-20
	R1-12.5
	R1-7.5
	R1-5
	R2-4
	R2-2.5
	RM-2.5
	RM-2
	RM-1.5
	RM-1.5T
	RM-1
	RM-0.7
	RM-0.4
	RM-0.35
	C-O and PCD
	O-R
	B-1
	B-2
	B-3
BR-1	
BR-2	
CB-1	
CB-2	
CB-3	
CB-4	
UR-4	
B-6	
LI-M	
LI	
BUSINESS	SP
"Nursery Business	
INDUSTRIAL	
"Organic Manufacturing" if more than 300 feet away from a residential zoning district.	
PP	

Section 5.2

District: C-O and PCD

USE	TYPE
"Multi-family dwellings" in a "Planned Campus Development" as regulated by Section 5.9	PP
The keeping of "household pets" in a "Planned Campus Development" as regulated by Section 5.9	PA
Commercial indoor "recreation facilities"	SP
"Health Clubs"	SP
Health maintenance, rehabilitation and fitness centers not operated as "Health Clubs"	SP
Auditoria	PA
"Membership clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary" or "elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church, other place of worship, "membership club," or "public" or "private secondary" or "elementary school"	SP
"Universities," "colleges" or seminaries	PP
Business or professional offices	PP
"Planned Campus Development" as regulated in Section 5.9 "Planned Campus Development"	
Offices for individual or group education, training or counseling in "buildings" containing no residential "uses"	PP
Office in residence of a "professional person" as regulated by Section 5.4.2 and Section 5.9 "Planned Campus Development"	PA

District: C-O and PCD

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

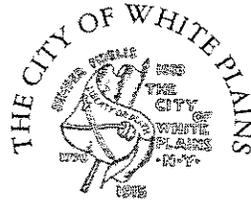
District: LI

USE	TYPE
Commercial indoor "recreation facilities"	PP
"Health clubs"	SP
Theaters	PP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
Business or professional offices	PP
Offices for group education, training or counseling in "buildings" containing no residential "uses"	PP
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP
Business or trade schools	PP
Newsstands	PA
Radio stations	PP
"Restaurants" or "cafeterias"	PP
"Fast food eating establishments"	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	PP
"Accessory electronic games"	PA
Veterinary hospitals, including boarding or care of small animals	PP
Motor vehicle sales or rental, including accessory "repair shops," service stations" or outdoor storage of motor vehicles	SP

District: LI

USE	TYPE
Motor vehicle "service stations"	SP
"Motor vehicle "repair shops"	SP
Auto laundries	SP
Manufacturing, fabrication, finishing or assembling of products	PP
"Organic Manufacturing," <u>if more than 300 feet away from a residential zoning district.</u>	PP
Research, experimental or testing laboratories	SP
Medical laboratories	PP
Printing plants	PP
Wholesale businesses, storage or warehousing	PP
"Mini-storage facility"	PP
Outdoor storage of building or other materials	SP
Outdoor storage of commercial or industrial vehicles or construction equipment	PP
Laundry or dry cleaning plants	PP
"Public utility buildings or structures"	PP
Automobile wrecking, storage or treatment of junk, iron, bottles, scrap paper or similar materials, provided operations are within a "building" and the "use" is legally existing as of the effective date of this Ordinance	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per Common Council referral the department of Building has reviewed an application filed on June 22, 2016 on behalf of Alex Lounge Bar & Grill, for a Special Permit for an "Accessory Cabaret" use at the Alex's Lounge, 213 East Post Road, White Plains, New York. The present and future use of the property is an Assembly (A-2) use group and is located within CB-1 Zoning District.

The Zoning Ordinance categorizes a cabaret as two types: (1) an "Accessory Cabaret" in which the entertainment and/or dancing, do not, in the aggregate, occupy more than 40% of the net floor area of the principal business of a restaurant; or (2) a "Primary Cabaret," in which the Entertainment and/or dancing, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant." The net floor area is defined as being the floor area of a premises open to the public but excluding the bathrooms.

Based upon the applicants drawing, received June 22, 2016, the net floor area of the restaurant is calculated to be approximately 1,649 square feet. The applicant is proposing to dedicate approximately 136 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation. This equates to approximately 8% of the net floor area. As the establishment is a restaurant with entertainment and/or dancing that occupies less than 40% of the net floor area, it is classified as a "Accessory Cabaret".

Based upon the above and information provided in our letter to the Common Council dated June 27, 2016, the Department of Building has no objection to this permit being issued.

Respectfully Submitted,



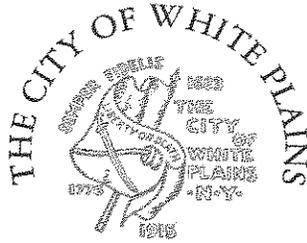
Damon A. Amadio P.E.
Commissioner of Building

Dated: August 29, 2016
(For the September 6, 2016 Common Council meeting)

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<http://www.cityofwhiteplains.com>

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PLANNING DEPARTMENT
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THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ALEX LOUNGE BAR AND GRILL
213 EAST POST ROAD
SPECIAL USE PERMIT TO OPERATE AN ACCESSORY CABARET

An application was filed on June 22, 2016, by Alejandro Tepititla on behalf of property owner PRE Properties WP, LLC, requesting a Special Use Permit for a Cabaret at Alex Lounge Bar and Grill, located 213 East Post Road. The City of White Plains Zoning Ordinance includes standards for cabaret uses at Section 6.5 "Special Permit Standards" and Section 6.7.10 "Cabarets." Alex Lounge Bar and Grill is an existing 1,649 square foot restaurant with a proposed "Accessory Cabaret" (less than 40% of net floor area dedicated to cabaret use) located within the CB-1, Core Business 1 zoning district and Central Parking Area (CPA). The Planning Department has reviewed the application for compliance with special permit standards and for consistency with the Comprehensive Plan, and provides the following analysis:

6.5 Special Permit Standards

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

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

The size of the proposed cabaret use is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the use at 213 East Post Road is in harmony with the appropriate and orderly development of the area. The cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment is proposed.

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

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

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

Cabaret uses serve as gathering places that attract large numbers of patrons; operate during the evening and night hours; operate sound systems; and sell alcoholic beverages. However none of these potential characteristics are more objectionable than those of other permitted uses in the downtown CB-1 Core Business-1 district.

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

Cabarets do not have a parking requirement in addition to the requirement for the restaurant.

Special Permit Standards for Cabaret Uses

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

6.7.10 "Cabarets"

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

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

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

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

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

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

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

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

The submitted plans prepared by Peter Klein, R.A., consisting of plan pages A-001.00, dated February 10, 2014; A-002.00, dated February 16, 2016; and A-003.00, dated February 16, 2016, comply with the above requirements. The plans show that seven tables, each with four chairs, will be relocated to create a 105 square foot dance floor. The storage area is shown to be the side of the bar, near the front of the building. The area does not appear large enough to store that much furniture, but there is additional space along the opposite wall, also at the front of the restaurant, if needed.

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

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

6.7.10.3 *“Cabarets” shall only be located at grade level.*

Alex Lounge Bar and Grill is located at grade level.

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

Conformity with the Comprehensive Plan

Cabaret use at 213 East Post Road is consistent with the Comprehensive Plan, which maintains that the City’s Core Area should remain the vibrant commercial and retail hub of Westchester County while limiting negative impacts on surrounding Close-In Area neighborhoods.

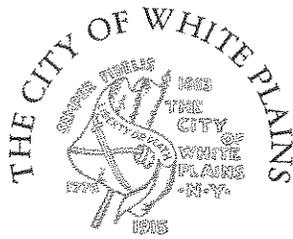
As indicated above, the application is consistent with the Comprehensive Plan and conforms to Section 6.5 “Special Permit Standards” and 6.7.10 “Cabarets” of the City Zoning. Based on the above analysis, the Department of Planning recommends approval of the Special Use Permit for an Accessory Cabaret.

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: August 23, 2016
For the September 6, 2016 Common Council Meeting



PLANNING BOARD

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

(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
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CHAIRMAN

CHRISTOPHER GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA PUOPLO
DEPUTY COMMISSIONER

EILEEN McCLAIN
SECRETARY

July 20, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ALEX LOUNGE BAR AND GRILL
213 EAST POST ROAD
SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET

At its July 19, 2016 meeting, the Planning Board reviewed the application made by Alex Lounge Bar and Grill for a Special Permit for an Accessory Cabaret Use. This is the first cabaret for this business, which has been in operation for about five months.

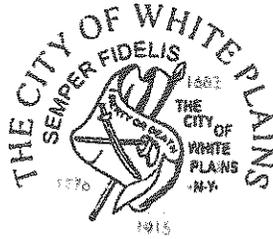
The Planning Board finds that the proposed cabaret use is consistent with the Comprehensive Plan, which recommends encouraging entertainment uses in the Central Business District. The Planning Board recommends granting the Special Permit for the accessory cabaret use, with the recommendation that Common Council require enforcement of the applicable provisions of the Noise Ordinance.

Planning Board members voting in favor of the motion to recommend approval of the Special Permit to Operate an Accessory Cabaret were: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (7); Opposed: None (0); Absent: None (0).

Respectfully submitted,

MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board

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DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
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DAVID E. CHONG
Commissioner
422-6350

ANNE FITZSIMMONS
Chief of Police
422-6258

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has reviewed the Special Permit application for a
Cabaret for the following site. There are no objections.

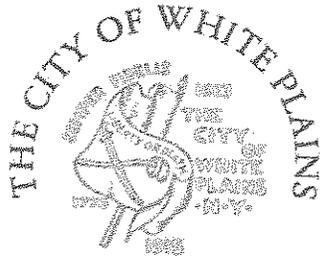
Alex Lounge Bar & Grill
Special Permit Accessory Cabaret
213 East Post Road



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: July 18, 2016



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
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THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

In response to the Building Department referral received June 27, 2016, the Department of Public Works has reviewed the request by Alejandro Tepetitla, dated June 16, 2016, on behalf of Alex Lounge Bar & Grill, to submit a petition for a Special Permit for an 'Accessory Cabaret' use, located within the City's CB-1 zoning district, at 213 East New York Post Road, which includes the construction of a new 105 square foot dance floor area and 31 square foot DJ area within the existing restaurant. Included in the submissions are plan sheets A-001.00 (dated 2/10/14), A-002.00 & A-003.00 (dated 2/16/16), prepared by Peter Klein Associates Architects, sheets 1 & 2 of a Building Department Short Form, file dated 6/22/16, a copy of a certificate of New York State Workers Compensation Insurance Coverage form, approve dated 5/3/16, a letter from the Alex Lounge Bar & Grill owner, Alejandro Tepetitla, addressed to the Common Council, dated June 16, 2016, a Short Environmental Assessment Form (Sheets 1 thru 3), dated 6/6/16, and a copy of the Alex Lounge Bar & Grill menu.

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

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

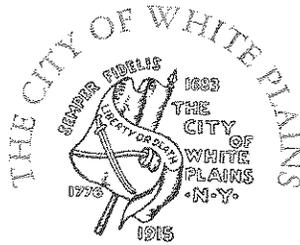
The Department of Public Works has no objection to the approval of this application for issuance of a Special Permit.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: July 18, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

The Department of Parking/ Traffic Division has reviewed the application from Alex Lounge Bar and Grill at 213 East Post Road for approval of a special permit to operate a "Cabaret" which was referred by the Common Council on July 5, 2016.

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

Thomas J. Soyk, PE, PTOE
Deputy Commissioner

Dated: July 20, 2016
(for the August 1, 2016 Common Council Meeting)



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

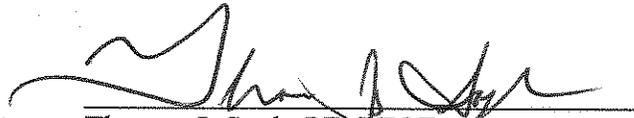
THOMAS M. ROACH
MAYOR

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

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

The Transportation Commission, at its meeting held on July 20, 2016, reviewed the request from "Alex Lounge Bar & Grill" at 213 East Post Road for a special permit to operate an "Accessory Cabaret" as referred by the Common Council on July 5, 2016.

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

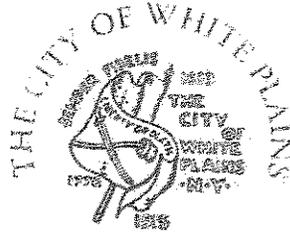


Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: July 20, 2016 (for the August 1, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #67 Alex Lounge & Bar & Grill Special Permit

The Department of Parking has received and reviewed the above-noted special permit for an accessory cabaret at 213 East Post Road.

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

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: July 8, 2016

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

County Ref. No. **WHP N16-007**

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

When completed save this form and e-mail to: muniref@westchestergov.com or print and fax to 914-995-3780.

Municipality: **White Plains**

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

Application Name and Local Case Number: **Alex's Lounge Bar & Grill**

Address: **457 Mamaroneck Avenue**

Section: **125.84** Block: **4** Lot: **4.5**

Submitted by (name and title): **Anne McPherson, City Clerk**

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

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

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

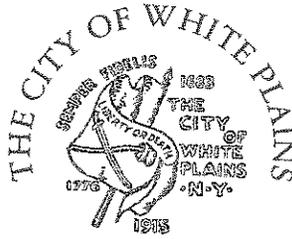
(Please note: All applications given a Positive Declaration pursuant to SEQR must be referred as a complete application. Do not use this form.)

Do not write below this line.

Date received by the Westchester County Planning Board: **7/11/16**

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

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ENVIRONMENTAL OFFICER

70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1300 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

July 25, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ALEX LOUNGE BAR AND GRILL
213 EAST POST ROAD
SPECIAL PERMIT FOR AN ACCESSORY CABARET USE

The application submitted by Alex Lounge Bar and Grill (“Applicant”) regarding a Special Permit to operate an Accessory Cabaret use at 213 East Post Road (“Proposed Action”) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves the operation of an Accessory Cabaret use within the existing restaurant facility which is located on the ground floor level of the building in the downtown area and within the CB-1 Zoning District.

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

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

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

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

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

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

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development:

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

The premises are situated along East Post Road within the City's established commercial downtown Core Area. A cabaret use is a Special Permit Use in the CB-1 District requiring approval by the Common Council. Thus, under current zoning, it is recognized that cabarets are an appropriate use in the downtown, subject to adequate controls to mitigate negative impacts on residential areas.

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

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

"Cabaret" use:

Any room, space or area used in connection with a business enterprise in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant."

However the following shall not constitute a "cabaret": A "restaurant" or "bar" located in a "hotel" having more than 50 sleeping rooms; or A "restaurant" or "café" that provides incidental Entertainment, without dancing, either by electrical devices such as but not limited to stereos radios or media players, but not including music provided by a disc jockey, not more than four (4) persons playing non-amplified music, or a person with or without a portable low-wattage amplifier associated with a single instrument or microphone.

"Accessory Cabaret" use:

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

Alex Lounge Bar and Grill is an existing 1,649 square foot restaurant. As shown on the plans prepared by Peter Klein, R.A., consisting of plan pages A-001.00, dated February 10, 2014; A-002.00, dated February 16, 2016; and A-003.00, dated February 16, 2016, the proposed "Accessory Cabaret" occupies 8% of the net floor area of the principal business of the restaurant.

Municipal Code Standards for Cabaret Uses

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

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

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

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

Sec. 4-4-6. Sound Amplification.

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

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

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

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

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

Sec. 4-4-7 Food Service.

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

Sec 4-4-8 Employee Roster.

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

Sec. 4-4-9. Entry Fee.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of an accessory cabaret to charge an entry fee payable at or prior to admission. However this shall not prohibit:

(1) imposing a fee or fixed charge for entertainment or service that is added to a bill for patrons with reserved table seating; or

(2) the selling of tickets in advance or the charging of a fee inside the premises for live musical entertainment, excluding a disc jockey, provided the Department of Public Safety approves a Live Musical Entertainment Permit, the Application for which shall be submitted at least ten (10) days in advance of the scheduled performance.

Special Permit Standards

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

6.5 Special Permit Standards

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

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

The size of the proposed cabaret use is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the use at 213 East Post Road is in harmony with the appropriate and orderly development of the area. The cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment is proposed.

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

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

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

Cabaret uses serve as gathering places that attract numbers of patrons; operate during the evening and night hours; operate sound systems; and sell alcoholic beverages. However none of these potential characteristics is more objectionable than those of other permitted uses in the downtown CB-1 Core Business District. The principal concerns raised by the operation of cabarets are sound emanating from the cabarets onto the surrounding uses, and the impacts of people queuing outside the cabarets and affecting pedestrian traffic on the sidewalks. The standards recently adopted by the Common Council regarding noise levels and a requirement for the Applicant to manage patrons within the sidewalk area will serve to avoid potential impacts.

6.5.4: "Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall

be laid out so as to achieve maximum convenience and safety.

Cabarets do not have a parking requirement in addition to the requirement for the restaurant. Public parking is available on-street and in nearby public parking structures at the Lyon Place Garage and the Waller/Maple parking lot.

Special Permit Standards for Cabaret Uses

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

6.7.10.2 "Cabarets":

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

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

6.7.10.3 "Cabarets" shall only be located at grade level

Alex Lounge Bar and Grill operates at grade level.

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

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

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

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

The general standards for all Cabaret permit uses in the Municipal Code and Zoning Ordinance, and any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts.

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.

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

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

The Proposed Action conforms to the Comprehensive Plan recommendations that promote a vibrant night life in the downtown.

The proposed cabaret use is similar to the other cabaret uses within the downtown area. The proposed conditions regarding the operation of the cabaret that have been applied to the other cabaret uses located in the nearby downtown area will assure that appropriate noise levels are maintained.

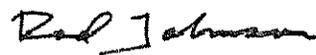
- (e) No major change in type or quantity of energy used will result from the Proposed Action.
- (f) No hazard to health or human safety will be created.

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

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

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING APPROVAL OF
A SPECIAL PERMIT FOR AN ACCESSORY CABARET USE TO BE OPERATED AT ALEX
LOUNGE BAR AND GRILL, LOCATED AT 213 EAST POST ROAD

WHEREAS, the application submitted by Alejandro Tepetitla, on behalf of property owner, PRE Property, LLC ("Applicant") regarding a Special Permit to operate an Accessory Cabaret use at the Alex Lounge Bar and Grill located at 213 East Post Road ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves the operation of an Accessory Cabaret use within the existing restaurant facility which is located on the ground floor level of the building in the downtown area and within the CB-1 Zoning District; and.

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

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

1. An application letter from Alejandro Tepetitla (Business Owner) dated June 16, 2016, including a notarized affidavit of ownership, signed by Todd Kosakousk, Managing Partner.
2. Certificate of NYS Workers' Compensation Insurance Coverage, dated May 3, 2016.
3. A Short Building Permit Application Form, dated June 6, 2016.
4. A Short Environmental Assessment Form, dated June 6, 2016.
5. A restaurant menu.
6. Peter Klein, R.A., consisting of plan pages A-001.00, dated February 10, 2014; A-002.00, dated February 16, 2016; and A-003.00, dated February 16, 2016.

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

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

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

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

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

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

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

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

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

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

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

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

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

- and build on these to attract restaurants, cafes and entertainment uses.
- Strictly control Core Area uses that would detract from the residential quality of the Core Area.

The premises are situated along East Post Road within the City's established commercial downtown Core Area. A cabaret use is a Special Permit Use in the CB-1 District requiring approval by the Common Council. Thus, under current zoning, it is recognized that cabarets are an appropriate use in the downtown, subject to adequate controls to mitigate negative impacts on residential areas.

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

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

"Cabaret" use:

Any room, space or area used in connection with a business enterprise in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant."

However the following shall not constitute a "cabaret": A "restaurant" or "bar" located in a "hotel" having more than 50 sleeping rooms: or A "restaurant" or "café" that provides incidental

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

"Accessory Cabaret" use:

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

Alex Lounge Bar and Grill is an existing 1,649 square foot restaurant. As shown on the plans prepared by Peter Klein, R.A., consisting of plan pages A-001.00, dated February 10, 2014; A-002.00, dated February 16, 2016; and A-003.00, dated February 16, 2016, the proposed "Accessory Cabaret" occupies 8% of the net floor area of the principal business of the restaurant.

Municipal Code Standards for Cabaret Uses

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

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

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

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

Sec. 4-4-6. Sound Amplification.

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

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

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

(c) *Sound Amplification Shut-Off. Whenever the building or space fire alarm system is activated all Sound Amplification Equipment within the cabaret shall be shut off. Sound Amplification*

Equipment shall mean speakers, amplifiers, audio systems, radios, televisions, or any device that can produce or reproduce sound.

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

Sec. 4-4-7 Food Service.

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

Sec 4-4-8 Employee Roster.

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

Sec. 4-4-9. Entry Fee.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of an accessory cabaret to charge an entry fee payable at or prior to admission. However this shall not prohibit:

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

Special Permit Standards

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

6.5 Special Permit Standards

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

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

The size of the proposed cabaret use is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the use at 213 East Post Road is in harmony with the

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

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

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

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

Cabaret uses serve as gathering places that attract numbers of patrons; operate during the evening and night hours; operate sound systems; and sell alcoholic beverages. However none of these potential characteristics is more objectionable than those of other permitted uses in the downtown CB-1 Core Business District. The principal concerns raised by the operation of cabarets are sound emanating from the cabarets onto the surrounding uses, and the impacts of people queuing outside the cabarets and affecting pedestrian traffic on the sidewalks. The standards recently adopted by the Common Council regarding noise levels and a requirement for the Applicant to manage patrons within the sidewalk area will serve to avoid potential impacts.

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

Cabarets do not have a parking requirement in addition to the requirement for the restaurant. Public parking is available on-street and in nearby public parking structures at the Lyon Place Garage and the Waller/Maple parking lot.

Special Permit Standards for Cabaret Uses

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

6.7.10.2 "Cabarets":

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

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

6.7.10.3 "Cabarets" shall only be located at grade level

Alex Lounge Bar and Grill operates at grade level.

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

flooding, leaching or drainage problems.

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

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

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

The general standards for all Cabaret permit uses in the Municipal Code and Zoning Ordinance, and any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts.

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.

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

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

The Proposed Action conforms to the Comprehensive Plan recommendations that promote a vibrant night life in the downtown.

The proposed cabaret use is similar to the other cabaret uses within the downtown area. The proposed conditions regarding the operation of the cabaret that have been applied to the other cabaret uses located in the nearby downtown area will assure that appropriate noise levels are maintained.

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

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

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

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF ALEX LOUNGE BAR & GRILL (APPLICANT”) FOR A ONE YEAR SPECIAL PERMIT TO OPERATE AN “ACCESSORY CABARET” AT ALEX LOUNGE BAR & GRILL LOCATED AT 213 EAST POST ROAD SUBJECT TO THE APPLICANT’S COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS (“ZONING ORDINANCE”), CHAPTER 4-4 OF THE WHITE PLAINS MUNICIPAL CODE, AND CERTAIN CONDITIONS CONTAINED HEREIN.

WHEREAS, the Common Council of the City of White Plains (“Common Council”), at a meeting held on July 5, 2016, received a communication from the Commissioner of Building, dated June 27, 2016, forwarding an application submitted on behalf of Alex Lounge Bar & Grill, for approval by the City of White Plains of a one year special permit to allow an “accessory cabaret” use at the ground level of the building containing the existing restaurant facility known as Alex Lounge Bar & Grill located at 213 East Post Road; and

WHEREAS, the premises is situated in the CB-1 (Core Business-1) Zoning District in which an accessory cabaret is a special permit use and is also located in the Central Parking Area (CPA); and

WHEREAS, the premises is designated on the Official Tax Assessment Map of the City of White Plains as Section 124.84, Block 4, Lot 5; and

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

WHEREAS, the Application included the following documents:

A. A cover letter from Mr. Alejandro Tepetitla, on behalf of the Applicant, Alex's Bar Lounge & Grill, dated June 16, 2016, requesting a special permit to operate a cabaret at 213 East Post Road; and

B. A Building Permit Short Form application certified by Todd Kosakoash, owner and received by the Building Department on June 22, 2016; and

C. A short form Environmental Assessment Form (EAF) dated June 6, 2016, certified by Mr. Carlos M. Sosa Streber on behalf of the Applicant; and

D. Architectural plans, drawings A-001.00 ("Plot Plan-General Notes-Zoning Data-Zoning Analysis Location Map and Legend"), A-002.00 ("Existing First Floor Plan." "Proposed First Floor Plan."), and A-003.00 ("Existing Cellular Safety Plan."), dated February 10, 2016, February 16, 2016, and February 16, 2016, respectively, generally entitled, "Proposed Cabaret on Existing Restaurant 213 East Post Road White Plains, New York," as prepared by Peter Klein Associates Architects; and

E. A copy of a full service menu from Alex's Lounge & Bar Grill restaurant; and

WHEREAS, at its July 5, 2016 meeting, the Common Council referred the Application for a Special Permit to operate an accessory cabaret to various City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

WHEREAS, at its August 1, 2016 meeting, the Common Council received a communication from the Corporation Counsel, dated July 26, 2016, and also unanimously adopted a resolution scheduling a public hearing on the Special Permit Application for the September 6, 2016 of the Common Council; and

WHEREAS, at its September 6, 2016 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then closed the public hearing; and

WHEREAS, the Common Council, at its September 6, 2016 meeting, received communications in relation to the Special Permit Application from the Commissioner of Building dated August 29, 2016; the Commissioner of Planning, dated August 23, 2016; the Commissioner of Public Safety, dated July 18, 2016; the Commissioner of Parking, dated July 8, 2016; the Commissioner of Public Works, dated July 18, 2016; the Deputy Commissioner of Parking for Transportation Engineering, dated July 20, 2016; the Acting Chair of the Transportation Commission, dated July 20, 2016; the Chair of the Planning Board, dated July 20, 2016; the Westchester County Planning Board, received July 11, 2016; and the Environmental Officer, dated July 25, 2016; and

WHEREAS, the Commissioner of Planning noted in a communication dated August 23, 2016 that the Applicant's restaurant is solely located on the ground floor of the building; and

WHEREAS, Alex's Lounge Bar & Grill is in conformance with the new Zoning

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

WHEREAS, the Zoning Ordinance now categorizes a cabaret as one of two types: (1) an “Accessory Cabaret” in which the entertainment and/or dancing, do not, in the aggregate, occupy more than 40% of the net floor area of the principal business of a restaurant; or (2) a “Primary Cabaret,” in which the entertainment and/or dancing, in the aggregate, occupy more than 40% of the “Net Floor Area” of the principal business of a “Restaurant;” the “Net Floor Area” is defined as the “floor area of a premises open to the public excluding bathroom facilities”; and

WHEREAS, the Commissioner of Building in a communication dated August 29, 2016 and the Commissioner of Planning, in a communication dated August 23, 2016, noted that Alex’s Lounge and Bar Grill restaurant occupies approximately 1,649 square feet of total gross floor area with a proposed “accessory cabaret” occupying less than 40% of the net restaurant floor area; and

WHEREAS, in accordance with the newly adopted Zoning Ordinance amendments, at Section 2.4, Definitions, “Cabaret, Accessory,” based upon the Applicant’s drawing submissions dated February 10, 2016, the net floor area is approximately 1,649 square feet; the Applicant is proposing to dedicate 136 square feet, less than 8% of the net floor area, for accessory cabaret use; and

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

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

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

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

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

WHEREAS, the proposed accessory cabaret use is in compliance with the applicable requirements in the CB-1 Zoning District; and

WHEREAS, on September 6, 2016, the Common Council adopted a resolution declaring itself as Lead Agency for the environmental review of the cabaret at 213 East Post Road

(“Proposed Action”) pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), determined that the Proposed Action constitutes an Unlisted Action, and adopted an environmental findings resolution in connection with the Application; and

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

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

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

WHEREAS, the principal concerns raised by the operation of cabarets are the impacts of people queuing outside the cabarets and affecting pedestrian traffic on the sidewalks, sound emanating from the cabarets onto the surrounding sidewalks and streets and surrounding uses, and

the potential for issues of public safety to arise both within and outside of the cabaret use; and

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

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

NOW, THEREFORE, be it

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

1. Subject to the Applicant's compliance with the applicable provisions set forth in the Zoning Ordinance, conditions set forth in this approval resolution herein, and requirements contained in Chapter 4-4 of the White Plains Municipal Code, in accordance with Section 6.5.1 of

the Zoning Ordinance, the Common Council finds that the size of the accessory cabaret use is similar to existing cabarets in the area. The location of the use at 213 East Post Road is in harmony with appropriate and orderly development of the area. The accessory cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment for the building is proposed.

2. Subject to the Applicant's compliance with the applicable provisions of the Zoning Ordinance, conditions set forth in this approval resolution herein, and the requirements set forth in Chapter 4-4 of the White Plains Municipal Code, in accordance with Section 6.5.2 of the Zoning Ordinance, the Common Council finds that no construction is proposed in connection with the cabaret and there are no changes proposed to the building and its facade or plantings such that the proposed special permit for accessory cabaret use at 213 East Post Road "would not hinder or discourage the appropriate development and use of adjacent property." Exterior views of the site will remain unaltered from conditions with the existing permitted restaurant use. Neither use will hinder or discourage appropriate development and use of adjacent property.

3. In accordance with Section 6.5.3 of the Zoning Ordinance, and subject to the Applicant's compliance with the applicable provisions of the Zoning Ordinance, conditions set forth in this approval resolution herein, and the requirements set forth in Chapter 4-4 of the White Plains Municipal Code, the operations in connection with the proposed accessory cabaret use at 213 East Post Road will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operation of other uses not requiring a special use permit in the CB-1 Zoning District. While cabaret uses serve as gathering places that attract large numbers of patrons, operate during the evening and night hours, operate sound systems, and sell

alcoholic beverages, none of these potential characteristics are more objectionable than those of other permitted uses in the downtown CB-1 Zoning District.

4. Cabarets do not have a parking requirement in addition to the requirement for the restaurant. Public parking is available on-street and in nearby public parking structures at the Lyon Place Garage and the Waller/Maple parking lot.

5. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed accessory cabaret use at 213 East Post Road conforms with the CB-1 Zoning District's height, bulk and density requirements.

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

7. The design of the proposed accessory cabaret at 213 East Post Road is in harmony with the uses in the neighboring area and will preserve the property values, and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance.

8. In accordance with Section 7.5.4 of the Zoning Ordinance, the accessory cabaret will not alter the architectural design of the building at 213 East Post Road in which it is located, which enhances and protects the character and property values of the neighborhood.

9. In accordance with Section 6.7.10.1 of the Zoning Ordinance, the Applicant's submitted plans, prepared by Peter Klein, R.A., consisting of plan pages A-001.00, dated February 10, 2014; A-002.00, dated February 16, 2016; and A-003.00, dated February 16, 2016, indicate that the square footage for the dance floor and the DJ band area, as well as the egress paths (which do not transverse areas identified for entertainment) and seating areas, are in compliance with Section 6.7.10.1.1-5 of the Zoning Ordinance. Occupancy calculations are provided for both the restaurant and the accessory cabaret configuration, as required by Section 6.7.10.1.6.

10. The aforementioned plans show that seven (7) tables, each with four (4) chairs, will be relocated to create an approximately 105 square foot dance floor. The storage area is shown to be the side of the bar, near the front of the building. The area does not appear large enough to store that much furniture, but there is additional space along the opposite wall, also at the front of the restaurant, as needed.

11. Section 6.7.10.3 of the Zoning Ordinance provides that "cabarets" shall only be located at grade level. Alex's Lounge and Bar & Grill is located on the ground floor of the building at 213 East Post Road; and be it further

RESOLVED, that based upon the above findings, the Common Council determines that the standards of Sections 2.4, 5.1, 6.5, 6.7, 7.5 and 8 of the Zoning Ordinance and Chapter 4-4 of the White Plains Municipal Code have been satisfied, and approval of the Special Permit Application for an "Accessory Cabaret" be and it is hereby granted, subject to the Applicant's compliance with the applicable provisions of the Zoning Ordinance, Chapter 4-4 of the White Plains

Municipal Code, and the following additional standards and conditions set forth herein:

1. The special permit shall be for one (1) year, and shall expire on September 5, 2017, subject to renewals by the Commissioner of Building, in accordance with Sections 6.6.5 and 6.7.10.4 of the Zoning Ordinance, upon a demonstration that the Accessory Cabaret has operated consistent with Chapter 4-4 of the White Plains Municipal Code, 6.7.10 of the Zoning Ordinance, and any of the conditions and controls as set forth in this approval resolution herein.

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

3. The Applicant shall be responsible for maintaining adequate sidewalk space in front of the cabaret. Any queuing of persons seeking to enter the facility shall not obstruct the flow of pedestrians on the sidewalk and shall be controlled by the Applicant in a manner satisfactory to the Commissioner of Public Safety.



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

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

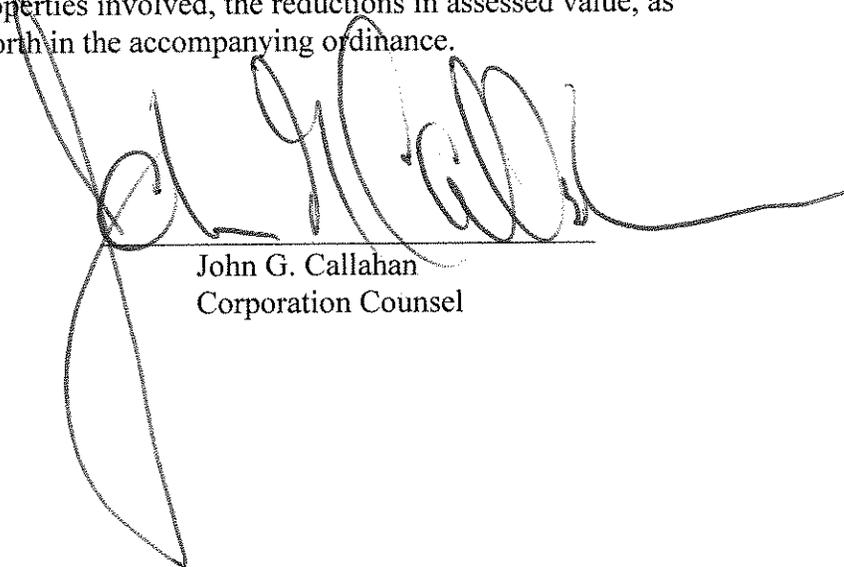
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the properties located at 48 and 50 North Broadway, White Plains, NY.

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



John G. Callahan
Corporation Counsel

Dated: August 30, 2016
(For the Common Council Meeting
of September 6, 2016)

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.

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

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

**50 North Broadway Owners, Inc.
50 North Broadway
SBL: 125.60-2-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 280,000	\$ 174,000	\$106,000	\$ 16,648.36
2010/11	\$ 280,000	\$ 196,000	\$ 84,000	\$ 14,096.88
2011/12	\$ 280,000	\$ 221,000	\$ 59,000	\$ 10,390.49
2012/13	\$ 280,000	\$ 241,000	\$ 39,000	\$ 7,194.33
2013/14	\$ 280,000	\$ 251,000	\$ 29,000	\$ 5,560.46
2014/15	\$ 280,000	\$ 236,000	\$ 44,000	\$ 8,630.16
2015/16	\$ 280,000	\$ 231,000	\$ 49,000	\$ 9,836.26
2016/17	\$ 280,000	\$ 226,000	\$ 54,000	\$ 10,851.30
			Total:	<u>\$ 83,208.24</u>

**48 North Broadway
SBL: 125.60-2-6**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>New Assessment</u>	<u>Assessment Reduction</u>	<u>Amount of City Tax to be Refunded</u>
2009/10	\$ 24,000	\$ 24,000	\$ 0	\$ 0.00
2010/11	\$ 24,000	\$ 24,000	\$ 0	\$ 0.00
2011/12	\$ 24,000	\$ 24,000	\$ 0	\$ 0.00
2012/13	\$ 24,000	\$ 24,000	\$ 0	\$ 0.00
2013/14	\$ 24,000	\$ 24,000	\$ 0	\$ 0.00
2014/15	\$ 24,000	\$ 24,000	\$ 0	\$ 0.00
2015/16	\$ 24,000	\$ 24,000	\$ 0	\$ 0.00
2016/17	\$ 24,000	\$ 24,000	\$ 0	<u>\$ 0.00</u>
			Total:	<u>\$ 0.00</u>

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

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

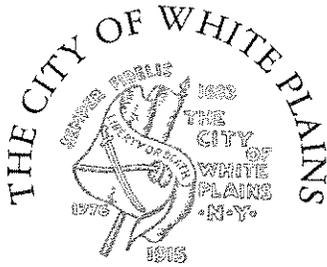
Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and the same hereby is approved.

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

aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

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

§4. This ordinance shall take effect immediately.



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

The following is an update of a special event, sponsored by the City, which requires a street closure in September of 2016:

JazzFest - Sunday, September 25, 2016 – City Sponsored

Time: 6 a.m. – 7:30 p.m. (including setup and breakdown)

Description: Jazz music, food and fun.

Additional: Outdoor cooking of food and utilizing the City's Showmobile unit.

Street to be closed: Mamaroneck Avenue between Post Road and Martine.

The City will notify the local businesses affected by the street closures. As this is a City sponsored event, there will be no deposit or fees.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: March 7, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE A CHANGE IN THE CLOSURE OF A PORTION OF A PUBLIC RIGHT OF WAY ON SUNDAY, SEPTEMBER 25, 2016, FROM MAMARONECK AVENUE BETWEEN MAIN STREET AND MARTINE AVENUE TO MAMARONECK AVENUE BETWEEN POST ROAD AND MARTINE AVENUE, FOR THE PURPOSE OF CONDUCTING A “JAZZFEST” EVENT SPONSORED BY THE CITY OF WHITE PLAINS.

WHEREAS, the Common Council of the City of White Plains, at a meeting held on March 7, 2016, adopted an ordinance authorizing the closure of certain portions of public streets in conjunction with various events, including for the “JazzFest,” to be held on Sunday, September 25, 2017, from 6:00 a.m. to 7:30 p.m. (including set up and breakdown time) with jazz music, food and fun with outdoor cooking, on Mamaroneck Avenue between Main Street and Martine Avenue, to be sponsored by the City of White Plains; and

WHEREAS, on behalf of the City of white Plains, the Department of Public Works has requested permission that the street closure now take place at Mamaroneck Avenue between Post Road and Martine Avenue; and

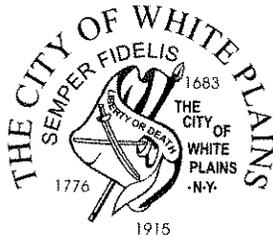
WHEREAS, the City of White Plains is desirous of conducting the “JazzFest” event; now, therefore

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

Section 1. A portion of Mamaroneck Avenue from Post Road and Martine Avenue , shall be closed on Sunday, September 25, 2016, from 6:00 a.m. to 7:30 p.m. (including set up and breakdown time) for the purpose of conducting a “JazzFest,” featuring jazz music, food and fun with outdoor cooking. The City of White Plains will notify the local businesses affected by the aforementioned street closure change.

Section 2. All other provisions of the ordinance adopted by the Common Council on March 7, 2016, entitled, “An Ordinance of the Common Council of the City of White Plains Authorizing the Closure of Certain Portions of Public Streets in Conjunction with the White Plains Farmers Market, Wednesdays, April 27, 2016 through November 23, 2016; the ‘Cinco de Mayo’ Celebration on May 7, 2016; the Memorial Day Parade on May 30, 2016; the Juneteenth Parade on June 11, 2016; the Annual White Plains Downtown Criterium Bike Race and Vendor Expo on June 5, 2016; Summer Solstice Celebration on June 20, 2016; ‘Yoga for All,’ on June 22, 2016 (Rain date June 23, 2016); Dancing Under the Stars/Disco Inferno on July 20, 2016; National Night Out on Crime on August 2, 2016; Outdoor Movie-‘Star Wars’ on September 10, 2016; JazzFest on September 25, 2016; Youth Bureau Wellness Week on September 17, 2016; ‘Octoberfest’ on October 9, 2016; ‘Halloween Frightfully Fun Festival’ on October 23, 2016 (Raindate October 30, 2016); ‘Winterfest’ on December 9, 2016 through December 18, 2016; the ‘White Plains New Years Eve’s Spectacular’ on December 31, 2016 through January 1, 2017,” as otherwise applicable, shall remain in full force and effect.

Section 3. This ordinance shall take effect immediately.



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

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

THOMAS M. ROACH
Mayor
422-1200

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

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

Dear Mayor and Council Members:

The Department of Public Safety was recently advised by the County of Westchester's Office of Drug Abuse Prevention & STOP DWI, that the City of White Plains is eligible for reimbursement up to the amount of Eight Thousand Four Hundred Dollars-\$8,400 (maximum per year) for its participation in the 2016-2020 STOP-DWI Enforcement Crackdown Program an overtime, added, patrol effort to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) in Westchester County. Each participating municipality, reimbursement from the New York State STOP-DWI Foundation.

Submitted for your consideration is an ordinance authorizing the Mayor or his designee to execute an agreement to participate in a special STOP-DWI enforcement details that involve DRE call-outs. This is a retroactive agreement to implement special enforcement details for the period January 1, 2016 through December 31, 2020. The New York State STOP-DWI Foundation, the funding agency for this Program, is now requiring that participating municipalities sign an agreement with the agency that is sponsoring the DRE Program with in their county (Westchester County).

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



David E. Chong
Commissioner of Public Safety

Dated: August 10, 2016
For the September 6, 2016 Common Council Meeting

"THE BIRTHPLACE OF THE STATE OF NEW YORK"
<http://www.cityofwhiteplains.com>

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AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN INTERMUNICIPAL AGREEMENT (IMA) ACCEPTING A REIMBURSEMENT AWARD UP TO THE AMOUNT OF \$8,400 (MAXIMUM PER YEAR) FROM THE NEW YORK STATE STOP-DWI FOUNDATION, THROUGH THE COUNTY OF WESTCHESTER, FOR THE CITY'S PARTICIPATION IN THE 2016-2020 STOP-DWI ENFORCEMENT CRACKDOWN PROGRAM, AN OVERTIME, ADDED, PATROL EFFORT TO ENFORCE THE NEW YORK STATE VEHICLE AND TRAFFIC LAWS AGAINST INTOXICATED AND IMPAIRED DRIVING (DWI/DWAI) IN WESTCHESTER COUNTY FOR SPECIAL STOP-DWI ENFORCEMENT DETAILS THAT INVOLVE DRUG RECOGNITION EXPERT (DRE) CALL-OUTS, FOR THE PERIOD JANUARY 1, 2016 THROUGH DECEMBER 31, 2020.

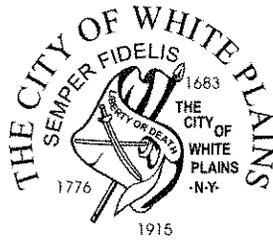
The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The City of White Plains through its Department of Public Safety has received a reimbursement award in the amount of up to \$8,400 (maximum per year) from the New York State STOP-DWI Foundation State of New York (through the County of Westchester), for the City's participation in the 2016-2020 STOP-DWI Enforcement Crackdown Program, an overtime, added, patrol effort to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) in Westchester County.

Section 2. The Mayor or his designee is hereby authorized to execute an Intermunicipal Agreement (IMA) with the sponsoring agency of the Drug Recognition Expert (DRE) Program, the County of Westchester, in order to participate in a special STOP-DWI enforcement details that involve DRE call-outs, for the period January 1, 2016 through December 31, 2020. Said Agreement shall be in a form acceptable to the Corporation Counsel.

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

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



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

DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

Dear Mayor and Common Council Members:

The Department of Public Safety has been awarded a Police Traffic Services Program grant in the amount of \$27,970.00 by the New York State Governors' Traffic Safety Committee.

The Department of Public Safety will use these funds for enforcement purposes to increase motorist seatbelt usage, and to reduce dangerous driving behaviors that cause accidents that result in serious injury or death.

Accordingly, submitted for your consideration is an ordinance authorizing the Mayor to execute the documents necessary to accept the funds for the Police Traffic Services Program grant.

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

David E. Chong
Commissioner of Public Safety

Dated: August 25, 2016

For the September 6, 2016 Common Council Meeting

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE NECESSARY GRANT DOCUMENTS ON BEHALF OF THE CITY OF WHITE PLAINS (DEPARTMENT OF PUBLIC SAFETY) IN RELATION TO THE ACCEPTANCE OF A POLICE TRAFFIC SERVICES PROGRAM GRANT IN THE AMOUNT OF \$27,970.00 AWARDED BY THE NEW STATE GOVERNORS' TRAFFIC SAFETY COMMITTEE, TO BE UTILIZED FOR LAW ENFORCEMENT PURPOSES TO INCREASE MOTORIST SEATBELT USAGE, AND TO REDUCE DANGEROUS DRIVING BEHAVIORS THAT CAUSE ACCIDENTS THAT RESULT IN SERIOUS INJURY OR DEATH.

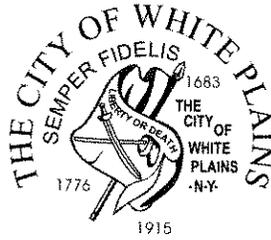
The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor of the City of White Plains or his designee is hereby authorized to accept on behalf of the City of White Plains (Department of Public Safety), a Police Traffic Service Program grant in the amount of \$27,970.00 awarded by the New York State Governors' Traffic Safety Committee, and in connection therewith, execute any and all necessary documents, in a form acceptable to the Corporation Counsel. The Department of Public Safety will utilize these funds for law enforcement purposes to increase motorist seatbelt usage, and to reduce dangerous driving behaviors that cause accidents that result in serious injury or death.

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

Section 3. This ordinance shall take effect immediately.

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DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
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DAVID E. CHONG
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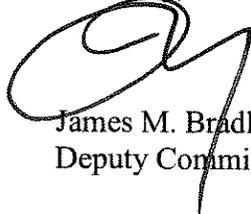
TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL
OF THE CITY OF WHITE PLAINS

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Westchester County Department of Public Safety is the owner of a 2002 Equipment Response Vehicle for Hazardous Devices (the "2002 ERV") which has been replaced with a new vehicle, but can be of great benefit to the City of White Plains Department of Public Safety. It will replace a non-working vehicle in the fleet that transports equipment and personnel to Special Operations incidents. The County is willing to lease to the City of White Plains Department of Public Safety said 2002 ERV in the sum of one dollar (\$1.00) per year.

Therefore, transmitted herewith for your consideration is legislation authorizing the Mayor to execute and agreement to lease the 2002 ERV from the Westchester County Department of Public Safety.

Sincerely,



James M. Bradley
Deputy Commissioner

Dated: August 25, 2016

For the September 6, 2016 Common Council Meeting

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A FIVE (5) YEAR INTERMUNICIPAL AGREEMENT (IMA) ON BEHALF OF THE CITY OF WHITE PLAINS (CITY) WITH THE COUNTY OF WESTCHESTER (COUNTY) FOR A LEASE BY THE COUNTY TO THE CITY OF THE COUNTY'S EXISTING 2002 EQUIPMENT RESPONSE VEHICLE FOR HAZARDOUS DEVICES ("2002 ERV") TO BENEFIT THE CITY'S DEPARTMENT OF PUBLIC SAFETY FOR USE IN CONNECTION WITH CALLS IN NEW YORK STATE COUNTER TERRORISM ZONE-3 ("CTZ-3") WHICH COVERS WESTCHESTER COUNTY, AS WELL AS IN RESPONSE TO INCIDENTS IN THE CITY, IN EXCHANGE FOR THE CITY'S AGREEMENT TO MAN, OPERATE, REPAIR, STORE AND MAINTAIN THE 2002 ERV AS NEEDED TO RESPOND TO CALLS WITHIN CTZ-3 AS DETERMINED BY THE COMMISSIONER/SHERIFF OF THE COUNTY'S DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the County of Westchester (County), through its Department of Public Safety recently acquired a new 2015 Equipment Response Vehicle for Hazardous Devices and has determined that its existing 2002 Equipment Response Vehicle for Hazardous devices ("2002 ERV") no longer meets the County Department's needs, but would benefit the City of White Plains (City Department of Public Safety) for use in connection with calls in New York State Counter Terrorism Zone-3 ("CTZ-3") which covers Westchester County, as well as in response to incidents in the City of White Plains; and

WHEREAS, the five (5) year intermunicipal lease agreement with the County and City, commencing upon execution thereafter, will allow for the strategic placement and operation of the 2002 ERV and will benefit the citizens of both the County and City; and

WHEREAS, in consideration for the lease of the 2002 ERV to the City, the City agrees to pay the County the sum of one dollar (\$1.00) and the City agrees, at its own cost and expense, to man, operate, store and maintain the 2002 ERV as needed to respond to calls within the

CTZ-3 as determined by the Commissioner/Sheriff of the Westchester County Department of Public Safety; and

WHEREAS, the City shall also have the ability to use the 2002 ERV for incidents not involving CTZ-3; and

WHEREAS, under the terms of the agreement, that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the City will indemnify the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the use and/or maintenance of the 2002 ERV by the City of third parties under the direction or control of the City; and

WHEREAS, the City will also provide insurance for the agreement; and

WHEREAS, in addition to standard termination provisions for cause, either the City or County may terminate the intermunicipal lease agreement in whole or part upon forty-five (45) days notice to the other party, when it deems termination to be in its best interest; now therefore

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

Section 1. The Mayor, or his designee, is hereby authorized to execute a five (5) intermunicipal lease agreement ("IMA") on behalf of the City of White Plains with the County of Westchester in relation to the City's lease of the County's existing 2002 Equipment Response Vehicle for Hazardous Devices ("2002 ERV") for use in connection with calls in New York State Counter Terrorism Zone-3 ("CTZ-3") which covers Westchester County, as well as in response to incidents in the City of White Plains. The IMA shall commence upon the date of execution by the parties and continue for a period of five (5) years thereafter, unless terminated sooner in accordance with the provisions of the agreement. In addition to standard termination provisions for cause, either the City or County may terminate the intermunicipal lease agreement in whole or part upon forty-five (45) days notice to the other party, when it deems termination to be in its best interest

Section 2. In consideration for the lease of the 2002 ERV to the City, the City agrees to pay the County the sum of one dollar (\$1.00) and the City agrees, at its own cost and expense, to man, operate, store and maintain the 2002 ERV as needed to respond to calls within the CTZ-3 as determined by the Commissioner/Sheriff of the Westchester County Department of Public Safety. The City shall also have the ability to use the 2002 ERV for incidents not involving CTZ-3.

Section 3. Under the terms of the agreement, that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the City will indemnify the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the use and/or maintenance of the 2002 ERV by the City of third parties under the direction

or control of the City. The City will also provide insurance for the agreement.

Section 4. The aforementioned intermunicipal lease agreement shall be in a form acceptable to the Corporation Counsel of the City of White Plains.

Section 5. This ordinance shall take effect immediately.



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

RE: White Plains Education & Training Center
Proposed Schedule of Fees Effective January 1, 2017

The recommended Proposed Schedule of Fees is attached to this communication for your review and approval. The proposed fee structure for the White Plains Education & Training Center includes short-term facility rentals as well as a non-resident participant fee for training programs.

Submitted for your approval is legislation authorizing the establishment of the White Plains Education & Training Center Proposed Facility Rental Fee Structure and Non-Resident Participant Fee Structure.

Respectfully submitted


Linda Puoplo
Deputy Commissioner

Dated: August 19, 2016

Attachment

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE ESTABLISHMENT AND APPROVAL OF A FACILITY RENTAL FEE STRUCTURE AND NON-RESIDENT PARTICIPANT FEE STRUCTURE FOR THE WHITE PLAINS EDUCATION & TRAINING CENTER.

WHEREAS, the Deputy Commissioner of Planning has recommended the establishment of a proposed fee structure for the White Plains Education & Training Center, including short-term facility rentals as well as a non-resident participant fee for training programs.

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

Section 1. The Common Council hereby establishes and approves the attached fee structure for short-term facility rentals as well as a non-resident participant fee for training programs at the White Plains Education & Training Center. The non-resident fee will be imposed per person, per training course, for any non-resident participating in a training program of the core targeted industry clusters for providers that do not have a lease agreement with the City of White Plains.

Section 2. This ordinance shall take effect January 1, 2017.



Facility Rental Fee Structure

Short-term rental (hourly to daily/multiday)

Classroom 1 or 2	\$50/hour or \$200/day
Conference Room	\$50/hour or \$200/day
Computer Training Center	\$75/hour or \$300/day
Café and Lobby	\$75/hour or \$300/day
Facility Usage Fee	\$55 per day
Overtime Fee	\$125 per hour, or any part thereof

Renter is not allowed to sub-rent to others. Renter must submit a certificate of insurance from an insurance company admitted in New York State and having an A.M. Best rating of A-/VII or better, with the Certificate Holder shown as "Attn: Finance Department, City of White Plains, 255 Main St Room 102, White Plains, NY 10601." Such insurance must include:

- General Liability
 - \$1,000,000 each occurrence;
 - Damage to Rented Premises \$1,000,000 each occurrence;
 - Medical Expenses (any one person) \$5,000;
 - Personal and Advertising Injury \$1,000,000;
 - General Aggregate \$2,000,000;
 - Products/Completed Operations Aggregate \$2,000,000;
 - Deductible not to exceed \$50,000
- Workers Compensation per New York State statutory limits, as evidenced by Workers Compensation Board Form C-105.2 or Form CE-200.
- The City of White Plains and the White Plains Housing Company Inc., together with their respective officials, officers, employees, volunteers, and agents are Additional Insured.

Non-Resident Participant Fee

A fee of \$50 per person, per training course will be imposed for any non-resident participating in a training program of the core targeted industry clusters for providers that do not have a lease agreement with the City of White Plains.



PLANNING DEPARTMENT

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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

RE: White Plains Education & Training Center
Interagency Agreement for Exchange of Confidential Information between the New York State Department of Labor and the City of White Plains, White Plains Education & Training Center

The White Plains Education & Training Center has the opportunity to be designated as a Workforce Partner of the New York State Department of Labor Local Workforce Investment Area One-Stop. Designation as a Workforce Partner includes access to the One Stop Operating System, which provides a range of opportunities for participants as well as access to a case management system that may authorize training funds for participants of the training programs located at the White Plains Education & Training Center.

Submitted for your approval is legislation authorizing the Mayor (or designee) to enter into an Interagency Agreement with the New York State Department of Labor Local Workforce Investment Area One-Stop to designate the White Plains Education & Training Center as a Workforce Partner.

Respectfully submitted.

Linda Puoplo
Deputy Commissioner

Dated: August 22, 2016

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO ENTER INTO AN INTERAGENCY AGREEMENT, ON BEHALF OF THE CITY OF WHITE PLAINS, WITH THE NEW YORK STATE DEPARTMENT OF LABOR (LOCAL WORKFORCE INVESTMENT AREA ONE-STOP) TO DESIGNATE THE WHITE PLAINS EDUCATION AND TRAINING CENTER AS A WORKFORCE PARTNER.

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

Section 1. The White Plains Education & Training Center has the opportunity to be designated as a Workforce Partner of the New York State Department of Labor Local Workforce Investment Area One-Stop. Designation as a Workforce Partner includes access to the One Stop Operating System, which provides a range of opportunities for participants, as well as access to a case management system, that may authorize training funds for participants of the training program located at the White Plains Education & Training Center.

Section 2. The Mayor is hereby authorized to enter into an interagency agreement, on behalf of the City of White Plains, with the New York State Department of Labor (Local Workforce Investment Area One-Stop) to designate the White Plains Education & Training Center as a Workforce Partner, and to permit the exchange of confidential information between the Department of Labor and the City of White Plains (White Plains Education & Training Center). Said agreement(s) shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER
FRAN CROUGHAN
DEPUTY COMMISSIONER

DEPARTMENT OF RECREATION AND PARKS

85 GEDNEY WAY
WHITE PLAINS, NEW YORK 10605

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

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

Submitted for your consideration is legislation authorizing the Commissioner of Recreation and Parks to execute on behalf of the City of White Plains a Personal Privacy Protection Agreement regarding access to and the use of and entry of data into a Statewide database or system of records, known as PeerPlace, a Cloud Based Data Management System (Data System), developed by PeerPlace Networks, LLC, which is maintained by and made available to the County of Westchester and its contractors by the New York State Office for the Aging (NYSOFA), a State agency.

The Agreement shall take effect August 31, 2016.

This Agreement is required for daily and monthly Nutrition and Transportation data reporting to Westchester County Department of Senior Programs and Services which authorize our monetary reimbursement from The New York State Office of the Aging.

Respectfully submitted,

Fran Croughan
Deputy Commissioner
Department of Recreation and Parks

Date: September 6, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE COMMISSIONER OF PARKS AND RECREATION TO EXECUTE ON BEHALF OF THE CITY OF WHITE PLAINS WITH THE COUNTY OF WESTCHESTER (DEPARTMENT OF SENIOR PROGRAMS & SERVICES) A PERSONAL PRIVACY PROTECTION AGREEMENT REGARDING ACCESS TO AND THE USE OF AND ENTRY OF DATA INTO A STATEWIDE DATABASE OR SYSTEM OF RECORDS, KNOWN AS PEERPLACE, CLOUD-BASED DATA MANAGEMENT SYSTEM (DATA SYSTEM), DEVELOPED BY PEERPLACE NETWORKS, LLC, WHICH IS MAINTAINED BY AND MADE AVAILABLE TO THE COUNTY OF WESTCHESTER AND ITS CONTRACTORS BY THE NEW YORK STATE OFFICE FOR THE AGING (NYSOFA), A STATE AGENCY.

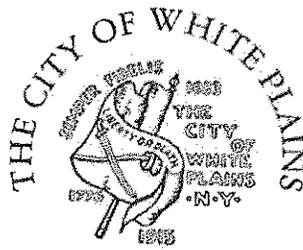
The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Commissioner of Parks and Recreation of the City of White Plains is hereby authorized to execute on behalf of the City of White Plains with the County of Westchester (Department of Senior Programs & Services) a Personal Privacy Protection Agreement (PPA) regarding access to and the use of and entry of data into a Statewide database or system of records, known as PeerPlace, Cloud-Based Data Management System, developed by PeerPlace Networks, LLC, which is maintained by and made available to the County of Westchester and its contractors by the New York State Office of the Aging (NYSOFA), a State agency.

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

Section 3. This ordinance shall take effect August 31, 2016.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER
FRAN CROUGHAN
DEPUTY COMMISSIONER

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

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

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

Submitted herewith for your approval is an ordinance providing for the maintaining and operating food and refreshment services for the Ebersole Ice Rink at Carl J. Delfino Park.

The Agreement would be for five years, commencing on October 1, 2016 and continuing through September 30, 2021. The Agreement will be between the City of White Plains Recreation and Parks and Hubbard's Cupboard, LLC.

Hubbard's Cupboard, LLC will pay the City of White Plains an annual fee of \$3,500.00 (Three Thousand Five Hundred Dollars) for the first two years of the agreement and \$3,750.00 (Three Thousand Seven Hundred Fifty Dollars) for the third and fourth years, and \$4,000 (Four Thousand Dollars) for the fifth year.

Respectfully submitted,

Fran Croughan, Deputy Commissioner
Department of Recreation and Parks

Dated: September 6, 2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS PROVIDING FOR THE MAINTAINING AND OPERATING A FOOD CONCESSION AT EBERSOLE ICE RINK AT CARL J. DELFINO PARK- IN THE CITY OF WHITE PLAINS.

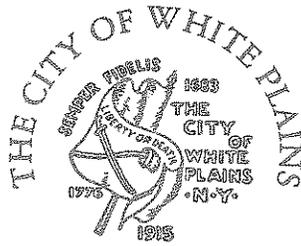
The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. Hubbard's Cupboard LLC shall be granted a license agreement for the purpose of maintaining and operating a food concession at the Ebersole Ice Rink at Carl J. Delfino Park in the City of White Plains .

Section 2. The term of the license agreement shall be for a period of five (5) years, commencing on October 1, 2016 and continuing to and including September 30, 2021. The annual fee to be paid by Hubbard's Cupboard LLC to the City of White Plains during the term fo the license agreement shall be \$3,500 for years one and two; \$3,750 for years three and four; and \$4,000 for year five.

Section 3. The Mayor or his designee is authorized to sign a license agreement upon such terms and conditions and periods of operation as may be determined by the Commissioner of Recreation and Parks, the form of said license agreement to be approved by the Corporation Counsel.

Section 4. This ordinance shall take effect immediately.



"THE BIRTHPLACE OF THE STATE OF NEW YORK"
OFFICE OF THE MAYOR

THOMAS M. ROACH
MAYOR

t: 914.422.1411
f: 914.422.1395

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

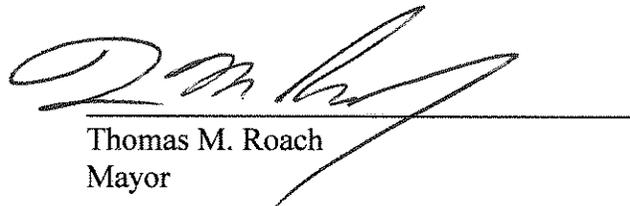
Dear Council Members:

On October 9, 2001, the Common Council passed an ordinance authorizing the payment of the differential in salary and extending benefits to employees who were called to active duty as a result of former President Bush's Executive Order 13223, or were compelled to perform duties in response to the terrorist attacks of September 11, 2001. That ordinance originally contained a sunset provision that benefit payments would cease on March 11, 2002. The ordinance has been subsequently amended a number of times to extend the ordinance's effective period until September 11, 2016.

As the need for our nation's response to terrorist activities continues, and some of our employees are still subject to orders for active duty and are still compelled to perform duties related to the September 11, 2001 terrorist attacks, your support is requested to extend the provisions of this ordinance for another year, through September 11, 2017.

The attached amendment to the Ordinance is submitted for your consideration.

Sincerely,



Thomas M. Roach
Mayor

Dated: August 25, 2016 for the
September 6, 2016 Common Council Meeting

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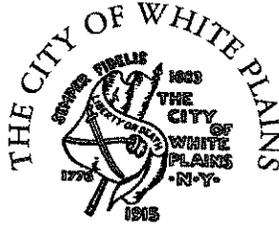
AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE GRANTING COMPENSATORY BENEFITS FOR UP TO SIX MONTHS TO CITY OFFICERS AND EMPLOYEES WHO ARE MEMBERS OF THE ARMED FORCES RESERVES AND WHO ARE ORDERED TO ACTIVE MILITARY DUTY PURSUANT TO EXECUTIVE ORDER 13223 SIGNED BY THE PRESIDENT OF THE UNITED STATES ON SEPTEMBER 14, 2001, OR OTHER DUTY COMPELLED BY FEDERAL OR STATE LAW RELATED TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001."

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

Section 1. Section 10 of an ordinance entitled "An ordinance granting compensatory benefits for up to six months to City officers and employees who are members of the armed forces reserves and who are ordered to active military duty pursuant to executive order 13223 signed by the President of the United States on September 14, 2001, or other duty compelled by federal or state law related to the terrorist attacks of September 11, 2001," adopted by the Common Council of White Plains on October 11, 2001, and last amended on September 8, 2015 for the period September 11, 2015 to September 11, 2016, is hereby amended to read as follows:

Section 10. This Ordinance shall take effect September 11, 20~~15~~16 and shall expire on September 11, 20~~16~~17.

Section 2. This Ordinance shall take effect immediately.



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

THOMAS M. ROACH
MAYOR

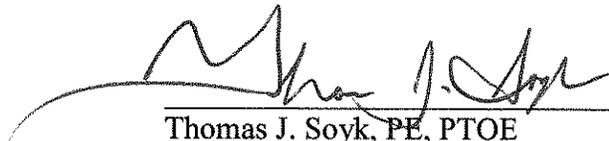
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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

Submitted herewith are ordinances amending the Traffic Ordinance of the City of White Plains as follows:

- 1.) Modify a "One Hour Parking" zone on the north side of Holland Avenue as described in Section 203, Subdivision 39.
- 2.) Modify a "Two Hour Parking" zone on the west side of Ferris Avenue as described in Section 203-a, Subdivision 5-a.

These amendments are in accordance with the recommendations of the Transportation Commission and are to become effective upon adoption by the Common Council.



Thomas J. Soyk, PE, PTOE

Acting Chairman

Dated: August 23, 2016 (for the September 6, 2016 Common Council Meeting)

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A “ONE HOUR PARKING” ZONE ON THE NORTH SIDE OF HOLLAND AVENUE AND MODIFYING A “TWO HOUR PARKING” ZONE ON THE WEST SIDE OF FERRIS AVENUE.

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

One Hour Parking

Section 1. Article II, Section 203, at Subdivision 39, of an ordinance adopted by the Common Council of the City of White Plains on the third day of September 1946, entitled, “An ordinance regulating traffic in the City of White Plains and providing penalties for the violations of its provisions,” as last amended on the 2nd day of February 2015, is hereby amended to read as follows:

39. Holland Avenue, on the north side, for approximately ~~605~~ 405 feet east, beginning at a point approximately 210 feet east of North Broadway, and on the south side, beginning at a point approximately 400 feet east of North Broadway and Thompson Avenue.

Two Hour Parking

Section 2. Article II, Section 203-a, at Subdivision 5-a of said ordinance, as last amended on the 7th day of July 1, 1996 and renumbered on the 6th day of July 2004, is hereby amended to read as follows:

5-a. Ferris Avenue, on the east side, between Park Avenue and Richards Street, and

for approximately 240 feet beginning at a point approximately 400 feet north from Richards Street, and for approximately 60 feet north beginning at a point approximately 700 feet north of Richards Street, and on the west side between Richards Street and Cemetery Road opposite the north curb line of Westview Avenue.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per referral by the Common Council on August 2, 2016, the Department of Building has reviewed a request by Westchester Healthcare Properties I, LLC for a one year extension of the site plan approval for their project at 120 Church Street.

Our department has no objection to this extension being granted.

A handwritten signature in black ink, appearing to read "Damon A. Amadio".

Damon A. Amadio P.E.
Commissioner of Building

Dated: August 18, 2016
(for the September 5, 2016, Common Council Meeting)



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

DAMON A AMADIO, P.E.
Commissioner of Building

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

NICK PUJA
Secretary

August 17, 2016

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

Dear Mayor and Council Members:

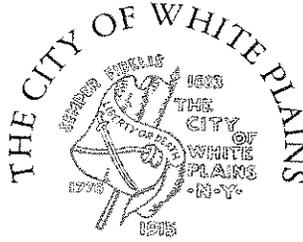
The Design Review Board, at its meeting on August 10, 2016, reviewed a request for a one (1) year extension to a Common Council Resolution originally approved on February 11th, 2011, in relation to a Special Permit/ Site Plan approval to construct a skilled Nursing facility at the intersection of Church St & Barker Ave for Westchester Health Care located at 120 Church Street, White Plains, NY.

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

Very truly yours,

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

**SUBJECT: WHITE PLAINS HEALTHCARE PROPERTIES I, LLC – 120 CHURCH STREET
ONE YEAR EXTENSION OF SITE PLAN AND SPECIAL PERMIT APPROVAL
FOR SKILLED NURSING FACILITY**

APPLICATION

The Building Department received a letter, dated July 19, 2016, from DelBello, Donnellan, Weingarten, Wise and Wiederkehr, LLP, on behalf of White Plains Healthcare Properties I, LLC (the “Applicant”), requesting a one-year extension of a Special Permit and Site Plan Approval for a skilled nursing and rehabilitation facility at 120 Church Street. In February 2011 the Common Council granted special permit and site plan approvals for the project which were extended and subsequently amended in August 2013 and October 2014. A one year extension was granted on October 5, 2015.

PROJECT SUMMARY

The Applicant proposes to construct a skilled nursing and rehabilitation facility to be known as the White Plains Institute of Rehabilitation and Healthcare, located at 116-120 Church Street. The facility will consist of a five (5) story, 65-foot tall, 88,605 square foot building to house 160 beds and 49 onsite parking spaces (with payment of a fee-in-lieu of providing four additional spaces), and include administrative and staff offices, common dining and recreation facilities, a second and third level roof garden, rehabilitation gym, and parking garage.

RECCOMENDATION

In February 2011, the Common Council granted special permit and site plan approvals for the project which were extended and subsequently amended in August 2013 to reduce the size and scope of the previously approved facility and extended again in October 2014 and October 2015. No changes to the previously approved project are proposed. On August 3, 2016, the Applicant applied for a building permit to begin construction.

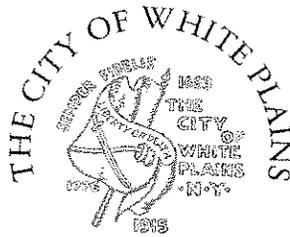
The Planning Department has no objection to a one-year extension of the Special Permit and Site Plan Approvals from August 4, 2016 to August 4, 2017. Because the applicant has filed a building permit application, it is anticipated that substantial construction will have been completed prior to the expiration of this extension, if approved by the Common Council.

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: August 23, 2016
For the September 6, 2016 Common Council Meeting



PLANNING BOARD

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

(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN J. McCLAIN
SECRETARY

August 23, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS HEALTH CARE PROPERTIES I, LLC, 120 CHURCH STREET -
EXTENSION TO A PREVIOUSLY APPROVED SITE PLAN AND SPECIAL
PERMIT TO CONSTRUCT A PROPOSED SKILLED NURSING FACILITY

At its August 16, 2016 meeting, the Planning Board reviewed the application for a one year extension of the Special Permit and Site Plan approvals granted by the Common Council in February 2011, amended in August 2013, and most recently extended in October 2015. No changes are proposed to the project since the last extension. The applicant stated at the meeting that a building permit has been filed for the project, and that construction should begin soon.

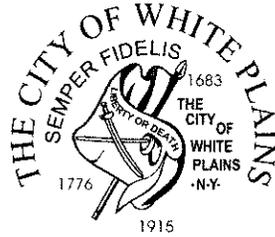
The Planning Board has no objection to extending the Special Permit and Site Plan approvals for a period of one year.

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

Respectfully submitted,

MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board

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RECEIVED
Per _____

AUG 18 2016

The City of White Plains
LAW DEPARTMENT

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

DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

Westchester Healthcare Properties
Skilled Nursing Facility Site
Plan Amendment
120 Church Street


David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: August 17, 2016



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have reviewed a request, dated 7/19/16, by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP on behalf of White Plains Healthcare Properties I, LLC for a one (1) year extension of the Site Plan approvals for the development of a five (5) story skilled nursing facility to house 160 beds, including an underground parking garage at the corner of Church Street and Barker Avenue. No new plans were submitted with this request.

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

- A Stormwater Pollution Prevention Plan (SWPPP) prepared by WSP Sells, Inc. dated January 2011 including Amendment #1 dated 7/16/13, was previously submitted and approved by the Department of Public Works (DPW).

Regulations governing stormwater have become more strict and were updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or Local requirements and fees in effect at the time of subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City or NYSDEC. Such regulations, as well as any revisions proposed to the stormwater design, would require another SWPPP amendment well in advance of the Building Department permitting process.

- The City of White Plains has formally adopted a Complete Streets ordinance which was made part of the Municipal Code. While many of these principles have been previously implemented by DPW within the right-of-way, the pedestrian component of this project must be reconsidered, in one part, due to the close proximity of a Senior Housing facility. The applicant proposes to remove and discard the bench presently located within the right-of-way of Church Street. The project must include provisions to replace this bench as well as furnish an additional bench on the Barker Ave. side, within the right-of-way. The location and design standards of the benches will be as directed by DPW.
- Pursuant to the Site Plan and Special Permit approval in 2011 including the extensions granted, the applicant has incorporated changes and further refinement of the plans resulting from input received from various entities such as the New York State Department of Health, the City's professional staff, boards and agencies. Some of the DPW comments stated in the Common Council resolution have not been incorporated on the plans, nor has the supporting information been provided. These comments critically affect the infrastructure requirements and right-of-way improvements required for the project. The applicant must address DPW's comments well in advance of the Building Dept. permitting stage to avoid a delay in the onset of construction.

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

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

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Dated: September 6, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

(914) 422-1232 Phone

(914) 422-1274 Fax

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

The Parking Department/Traffic Division has reviewed the request for an extension of the resolution granting Site Plan approval for 120 Church Street (White Plains Healthcare Properties) and referred by the Common Council on August 1, 2016.

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

Thomas J. Soyk, P.E., PTOE
Deputy Commissioner
City Transportation Engineer

Dated: August 8, 2016
(for the September 6, 2016 Common Council Meeting)

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

THOMAS M. ROACH
MAYOR

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

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

The Transportation Commission, at its meeting held on August 17, 2016, reviewed a request from White Plains Healthcare Properties (120 Church Street), for a special permit and site plan approval extension as referred by the Common Council on August 2, 2016.

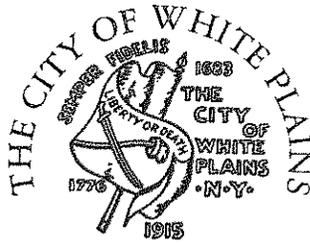
The Transportation Commission had no objection to granting the extension.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: August 23, 2016 (for the September 6, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #34 Westchester Healthcare Properties Skilled Nursing Facility
Site Plan Approval Extension 120 Church Street

The Department of Parking has received and reviewed the above-noted site plan approval extension.

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

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: August 25, 2016

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Robert P. Astorino
County Executive

County Planning Board

August 8, 2016

Anne M. McPherson, City Clerk
City of White Plains
Municipal Building
255 Main Street
White Plains, NY 10601-2479

Dear Ms. McPherson:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: Westchester Healthcare Properties — WHP 16-008
Action: One-Year Extension of Site Plan and Special Permit Approvals
Location: 116-120 Church Street

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the extension of these existing approvals are a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 
Edward Buroughs, AICP
Commissioner

EEB/LH



ENVIRONMENTAL OFFICER

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

August 17, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WESTCHESTER HEALTHCARE PROPERTIES I, LLC
116-120 CHURCH STREET
EXTENSION OF THE SITE PLAN AND SPECIAL PERMIT FOR A DOMICILIARY
CARE FACILITY USE.

The application submitted on behalf of Westchester Healthcare Properties I, LLC (the "Applicant") regarding a one-year extension of the Special Permit and Site Plan Approvals for a skilled nursing and rehabilitation facility to be located at 116-120 Church Street, which facility is to be known as the White Plains Institute of Rehabilitation and Healthcare, (hereinafter referred to as the "Proposed Action" or "Project") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

Under the White Plains Zoning Ordinance the proposed skilled nursing and rehabilitation facility is defined as a Domiciliary Care Facility use.

The approval for this facility was first granted by the Common Council on February 7, 2011 ("2011 Project") and then extended on April 4, 2012 for one year.

At its August 5, 2013 meeting, the Common Council approved an amendment to the Special Permit and Site Plan which reduced the size and scope of the previously approved facility and granted a one year extension to the site plan approval ("2013 Approval").

The Common Council granted a one year extensions to the site plan on October 6, 2014 and October 5, 2015 (2014 & 2015 Approvals).

The Proposed Action involves construction of a five (5) story, 65 foot high, 88,605 square foot skilled nursing facility (Domiciliary Care Facility use) that would house 160 beds and include administrative and staff offices, common dining and recreation facilities, and an outdoor garden.

The proposed project with 160 beds requires 53 parking spaces which are provided by 49 on-site parking spaces located within a one level garage, and fee-in-lieu of parking payment for 4 spaces.

The premises is located in an RM-0.35 Residential Multi-family Zoning District where "Domiciliary care facilities" or "community residences" of over 30 beds are a Special Permit use with the Common Council serving as the Approval Agency.

(60)

The 2014 & 2015 Approvals and the current Proposed Action requires the following approval actions:

1. Approval of a Special Permit to permit a Domiciliary Care Facility use on a site located in the RM-0.35 Zoning District under Section 6 of the Zoning Ordinance, subject to the general standards at Section 6.5 for all Special Permit uses and individual standards and requirements for Domiciliary Care Facilities at Section 6.7.1.
2. Site Plan approval under Sections 7, 7.5 and 8, including certain regulations under Section 4.4 of the Zoning Ordinance.
3. Approval and determination by the Common Council that a site plan with building coverage of approximately 60% is appropriate for the development pattern and character of the surrounding neighborhood and community, and waiver of the individual standard for Domiciliary Care Facilities under Section 6.7.1.1 of the Zoning Ordinance which states “‘building coverage’ by the ‘main building’ shall not exceed 30 percent.”
4. Pursuant to Section 4.4.19.2, substitution of a retaining wall and fence for a ten foot landscaped buffer adjacent to 40 Barker Avenue.
5. Approval of areas variances by the Board of Appeals for an outside patio and building canopy with the required yard setbacks at the corner of Church Street and Barker Avenue.

Note: The Board of Appeals granted the necessary variances on October 5, 2011 which were extended to October 2014 on October 3, 2012.

6. Approval of a Stormwater Pollution Prevention Plan by the Commissioner of Public Works; and

The Environmental Officer recommends that the following conditions contained in the February 7, 2011 approval, the April 2, 2012, August 5, 2013, October 6, 2014 and October 5, 2015 extension resolutions be continued and are herein considered a part of the Proposed Action (hereinafter referred to as “Conditions”):

Conditions included in the February 7, 2011 and April 2, 2012 Extension Resolutions

1. The Common Council has hereby approved the terrace, as shown on the Final Application plans, on the Church Street side of the proposed project site. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, the proposed terrace at the Barker Avenue/Church Street corner is specifically not approved as it is inconsistent with Section 4.4.14.3 of the Zoning Ordinance and will therefore require a variance from the Board of Appeals (Zoning) to project into the required yards.
2. The Common Council has hereby approved the projection of the canopy up to three feet into the front yard setback on Barker Avenue and side yard setback on Church Street. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, there is an architectural canopy proposed that projects from the building face above the terrace. A variance from the Board of Appeals (Zoning) will also be required to allow this projection into the required yards to extend beyond three feet into the required yard setback.

3. As per the communication of the Commissioner of Traffic dated January 5, 2011, the two-way entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of operation. All other markings shall be white except for handicapped space markings which shall be blue. Colors for markings must be indicated on the plans.
4. As per the communication of the Commissioner of Traffic dated January 5, 2011, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There shall be instead a stop sign and stop line for traffic exiting the covered parking on the lower level. The stop sign and stop lines for the driveway exiting at Barker Avenue shall be a minimum of four (4) feet behind the crosswalk. Stop lines shall also be shown for the exit to Church Street.
5. As per the communication of the Commissioner of Traffic dated January 5, 2011, there are two (2) corrections for the signs on sheet C1.02. The sign "G" shall be 24" x 30" in size. The sign "H" shall be colors of white on green.
6. As per the communication of the Chair of the Design Review Board dated November 12, 2010, the planting bed shall be irrigated.
7. As per the communication of the Chair of the Design Review Board dated November 12, 2010, the lower wall face below the patio on Church Street shall be brick.
8. As per the communication of the Commissioner of Planning dated January 30, 2011, while the design and operation of the exterior loading and refuse collection area being provided on the site have been reviewed by the Departments of Traffic and Public Works, and the Traffic Commission, the final design shall be subject to the review and approval by the Commissioners of Traffic, Planning, and Public Works if City garbage and recycling collection will be utilized.
9. As per the communication of the Commissioner of Planning dated January 30, 2011, the Landscape Design plan (L1.01) shows a drop curb at the driveway access and egress areas on both Church Street and Barker Avenue. These drop areas shall be level with the sidewalk so that the driveways do not create a cross slope to the sidewalk as this is necessary to facilitate ease of mobility for automated wheelchairs and for persons pushing a wheelchair. The final sidewalk design plan shall be subject to the approval of the Commissioners of Planning and Public Works to ensure that this issue is addressed.
10. As per the communication of the Commissioner of Planning dated January 30, 2011, all required landscaping shall be properly trimmed and maintained in good condition at all times by the Applicant.
11. As per the communication of the Commissioner of Planning dated January 30, 2011, a final exterior lighting plan showing foot candle levels and cuts of the lighting fixtures must be submitted to the Commissioners of Building and Planning for review and approval prior to the issuance of a Building Permit for the Project.
12. As per the communication of the Commissioner of Planning dated January 30, 2011, screening and sound attenuation of the roof top mechanical units shall be reviewed and approved by the Commissioners of Planning and Building prior to the issuance of a Building Permit.
13. As per the communication of the Commissioner of Planning dated January 30, 2011, the Applicant shall prepare, obtain approval for, and manage the construction of the proposed Project pursuant to

a Construction Management Plan meeting the requirements of the Construction Management Protocol as provided herein.

14. All work on the Proposed Construction Project will be subject to the City's Construction Management Protocol. This Protocol is summarized in the August 5, 2013 approval resolution..
15. As per the communication of the Commissioner of Planning dated January 30, 2011, prior to the issuance of a Building Permit, at the time plans are submitted for building permits, the Applicant must present to the City a more detailed report from a LEED certified architect or engineer explaining how the LEED Certification standards shown in the attached checklist have been met or exceeded in the final design of the project, and submit a further report to the City, from a LEED certified architect or engineer, prior to the issuance of a temporary or permanent Certificate of Occupancy, on the final LEED standards met by the Project.
16. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Stormwater Pollution Prevention Plan (SWPPP) was received on January 18, 2011, reviewed and approved by that department. As the design and construction plans are further developed, the Department of Public Works expects to see additional measures in the area of "green" stormwater control and usage.
17. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant must provide a certified property survey from a New York State licensed land surveyor.
18. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular methodology used to arrive at the required size of the water and sanitary sewer service lines. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant's New York State licensed design professional responsible for insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the stormwater flow from the building, to confirm that the sizes of the water and sewer service lines are designed to meet current New York State Plumbing Code requirements. When the final sizing of the building's service line(s) is determined by the Applicant's EOR, the Commissioner of Public Works shall have sole discretion to determine the nature and degree of upgrading (if necessary) for the City's infrastructure, and such improvements are to be the responsibility of the Applicant.
19. As per the communication of the Commissioner of Public Works dated February 7, 2011, the sidewalk improvements include using the City's "promenade" type (stamped concrete) treatment and the installation of new granite curbing, as well as the installation of new LED Lumec style lighting standards as determined by the Commissioner of Public Works.
20. As per the communication of the Commissioner of Public Works dated February 7, 2011, there are a number of technical items that must be addressed prior to the issuance of any Building Department permits, i.e. construction level stormwater comments, including dewatering, sanitary sewer service line aerated grease trap, number of water service connections (two required) and water valve configurations with proposed interconnect, plantings, grading and location of sidewalk within the municipal right-of-way, size of drain line within the building for the backflow prevention device(s), driveway apron and special sidewalk treatments, etc.
21. As per the communication of the Commissioner of Public Works dated February 7, 2011, all

construction under the jurisdiction of the Department of Public Works (DPW) must be in conformance with DPW standards regardless of what may be shown or omitted on the plan, i.e. all signs must be placed within private property.

22. As per the communication of the Commissioner of Public Works dated February 7, 2011, backflow devices must be installed on the fire and domestic services. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to DPW for review and subsequent final approval by the Westchester County Department of Health. The floor drain for said room must be adequate to comply with DPW and Westchester County Health Department standards.
23. As per the communication of the Commissioner of Public Works dated February 7, 2011, although the Applicant states that a private carter will be utilized for trash and recycling pick-up, the Applicant must amend its Solid Waste Management Plan. In particular, the Applicant must disclose the routing plan for removal of the waste to the collection point by the private carter.
24. As per the communication of the Commissioner of Public Works dated February 7, 2011, the construction of all stormwater facilities must be under the supervision of the stormwater design EOR, and an as-built must be provided to the DPW, signed and sealed by this engineer, or by a New York State licensed land surveyor.
25. As per the communication of the Commissioner of Public Works dated February 7, 2011, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be complete in accordance with the City's requirements and coordinated with the Corporation Counsel. A typical escrow account must be established for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the DPW shall receive 20% of all costs as an administrative fee.
26. A snow removal plan shall be submitted by the Applicant for approval to the Commissioner of Public Works prior to the issuance of a Building Permit.
27. As per the communication of the Environmental Officer dated February 1, 2011, the proposed on-site storm drains connect to the municipal drainage system which flow to the Bronx River. To help prevent water pollution and discourage deposition of waste chemicals and trash, all catch basins and area drains shall incorporate the City's "Eco-drain" standard which includes the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL RIVER" permanently casted into the curb plate or grating.
28. As per the discussion at the public hearing held by the Common Council on January 3, 2011, including statements from representatives of the Applicant, the roof above the sixth floor shall be a white roof constructed from roofing materials having a Solar Reflectance Index (SRI) equal to or greater than 78, which is the LEED standard for a low-sloped roof, with a minimum coverage of 75% of the roof surface; or such roofing system, approved by the Commissioners of Planning and Building which shall otherwise meet the requirements of the LEED - NC version 2.2 Sustainable Sites Credit 7.2 for "Heat Island Effect, Roof;" and

Additional Conditions included in the August 5, 2013, October 6, 2014 and October 5, 2015 Extension

Resolutions and hereby restated and amended for the Proposed Action:

1. A Stormwater Pollution Prevention Plan (SWPPP) prepared by WSP Sells, Inc. dated January 2011 including Amendment #1 dated 7/13/13, was previously submitted and approved by the Department of Public Works (DPW).

As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, regulations governing stormwater has become more strict and were updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or local requirements and fees in effect at the time of subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City or NYSDEC. Such regulations, as well as any revisions proposed to the stormwater design, would require another SWPPP amendment well in advance of the Building Department permitting process.

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, the City of White Plains has formally adopted a Complete Streets policy. While many of these principles have been previously implemented by the Department of Public Works within the right-of-way, the pedestrian component of this project must be reconsidered, in one part, due to the close proximity of a Senior Housing facility. The Applicant proposes to remove and discard the bench presently located within the right-of-way of Church Street. The project must include provisions to replace this bench as well as furnish an additional bench on the Barker Avenue side, within the right-of-way. The location and design standards of the benches will be as directed by the Department of Public Works.
3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, pursuant to the Site Plan and Special permit approval in 2011, and the extension granted in 2012 and 2013, the Applicant has incorporated changes and further refinement of the plans resulting from input received from various entities such as the New York State Department of Health, the City's professional staff, boards and agencies. The Department of Public Works comments stated in the Common Council resolution have not been incorporated on the plans, nor has the supporting information been provided. These comments critically affect the infrastructure requirements and right-of-way improvements required for the project, which includes the City's streetscapes treatment i.e. promenade type sidewalk lighting, etc. The Applicant must address the Department of Public Works' comments well in advance of the Building Department permitting stage to avoid a delay in the onset of construction.
4. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the two-way entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of two-way operation. All other site markings shall be white except for the handicap space markings which shall be blue. Colors for markings must be indicated on the plans.
5. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There must instead be a stop sign and stop line for traffic exiting the covered parking. There must also be a stop sign (located near the crossing of the sidewalk) and stop line for the driveway exit at Barker Avenue. Stop lines must be at a minimum of four (4) feet behind the crosswalk or sidewalk.
6. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there are two corrections for the signs on sheet

C1.02. The sign "G" shall be 24" x 30" in size. The sign "H" shall be colors of white on green.

7. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the handicap parking spaces must be signed with the appropriate sign from the NYS DOT MUTCD. The handicap loading areas (cross hatching next to spaces) must be signed as "No Parking."
8. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the one-way flow must be signed, particularly at the aisle intersection near the ramp. The turning radius for getting onto the ramp from the parking must be improved or exiting traffic will conflict with entering traffic at the base of the ramp; and

While substantial construction has not been completed within one year of the special permit and site plan approvals required by Section 7.6 of the Zoning Ordinance, the Applicant intends to commence construction upon closing of project financing.

The Applicant currently has approvals pending before the NYS Department of Health, the NY State licensing agency for such facilities.

Since the October 5, 2015 approval, the project has not been changed and there are no other relevant changes in circumstances related to the project.

Based on the above discussion, it is recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings adopted for the 2015 Approval; (d) reconfirm the SEQRA findings adopted October 5, 2015; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN EXTENSION OF THE SITE PLAN AND SPECIAL PERMIT APPROVALS FOR A DOMICILIARY CARE FACILITY USE AT 116-120 CHURCH STREET ON BEHALF OF WESTCHESTER HEALTHCARE PROPERTIES I, LLC.

WHEREAS, the application submitted on behalf of Westchester Healthcare Properties I, LLC (the "Applicant") regarding a one-year extension of the Special Permit and Site Plan Approvals for a skilled nursing and rehabilitation facility to be located at 116-120 Church Street, which facility is to be known as the White Plains Institute of Rehabilitation and Healthcare, (hereinafter referred to as the "Proposed Action" or "Project") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, under the White Plains Zoning Ordinance the proposed skilled nursing and rehabilitation facility is defined as a Domiciliary Care Facility use; and

WHEREAS, the approval for this facility was first granted by the Common Council on February 7, 2011 ("2011 Project") and then extended on April 4, 2012 for one year; and

WHEREAS, at its August 5, 2013 meeting, the Common Council approved an amendment to the Special Permit and Site Plan which reduced the size and scope of the previously approved facility and granted a one year extension to the site plan approval ("2013 Approval"); and

WHEREAS, the Common Council granted a one year extensions to the site plan on October 6, 2014 and October 5, 2015 (2014 & 2015 Approvals); and

WHEREAS, the Proposed Action involves construction involves construction of a five (5) story, 65 foot high, 88,605 square foot skilled nursing facility (Domiciliary Care Facility use) that would house 160 beds and include administrative and staff offices, common dining and recreation facilities, and an outdoor garden; and

WHEREAS, the proposed project with 160 beds requires 53 parking spaces which are provided by 49 on-site parking spaces located within a one level garage, and fee-in-lieu of parking payment for 4 spaces; and

WHEREAS, the premises is located in an RM-0.35 Residential Multi-family Zoning District where "Domiciliary care facilities" or "community residences" of over 30 beds are a Special Permit use with the Common Council serving as the Approval Agency; and

WHEREAS, the 2014 & 2015 Approvals and the current Proposed Action requires the following approval actions:

1. Approval of a Special Permit to permit a Domiciliary Care Facility use on a site located in the RM-0.35 Zoning District under Section 6 of the Zoning Ordinance, subject to the general standards at Section 6.5 for all Special Permit uses and individual standards and requirements for Domiciliary Care Facilities at Section 6.7.1.
2. Site Plan approval under Sections 7, 7.5 and 8, including certain regulations under Section 4.4 of the

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Zoning Ordinance.

3. Approval and determination by the Common Council that a site plan with building coverage of approximately 60% is appropriate for the development pattern and character of the surrounding neighborhood and community, and waiver of the individual standard for Domiciliary Care Facilities under Section 6.7.1.1 of the Zoning Ordinance which states “‘building coverage’ by the ‘main building’ shall not exceed 30 percent.”
4. Pursuant to Section 4.4.19.2, substitution of a retaining wall and fence for a ten foot landscaped buffer adjacent to 40 Barker Avenue.
5. Approval of areas variances by the Board of Appeals for an outside patio and building canopy with the required yard setbacks at the corner of Church Street and Barker Avenue.

Note: The Board of Appeals granted the necessary variances on October 5, 2011 which were extended to October 2014 on October 3, 2012.

6. Approval of a Stormwater Pollution Prevention Plan by the Commissioner of Public Works; and

WHEREAS, while substantial construction has not been completed within one year of the special permit and site plan approvals required by Section 7.6 of the Zoning Ordinance, the Applicant intends to commence construction upon closing of project financing; and

WHEREAS, the Applicant currently has approvals pending before the NYS Department of Health, the NY State licensing agency for such facilities; and

WHEREAS, the Environmental Officer recommends that the following conditions contained in the February 7, 2011 approval, the April 2, 2012, August 5, 2013, October 6, 2014 and October 5, 2015 extension resolutions be continued and are herein considered a part of the Proposed Action (hereinafter referred to as “Conditions”):

Conditions included in the February 7, 2011 approval and April 2, 2012 Extension Resolutions

1. The Common Council has hereby approved the terrace, as shown on the Final Application plans, on the Church Street side of the proposed project site. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, the proposed terrace at the Barker Avenue/Church Street corner is specifically not approved as it is inconsistent with Section 4.4.14.3 of the Zoning Ordinance and will therefore require a variance from the Board of Appeals (Zoning) to project into the required yards.
2. The Common Council has hereby approved the projection of the canopy up to three feet into the front yard setback on Barker Avenue and side yard setback on Church Street. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, there is an architectural canopy proposed that projects from the building face above the terrace. A variance from the Board of Appeals (Zoning) will also be required to allow this projection into the required yards to extend beyond three feet into the required yard setback.
3. As per the communication of the Commissioner of Traffic dated January 5, 2011, the two-way

entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of operation. All other markings shall be white except for handicapped space markings which shall be blue. Colors for markings must be indicated on the plans.

4. As per the communication of the Commissioner of Traffic dated January 5, 2011, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There shall be instead a stop sign and stop line for traffic exiting the covered parking on the lower level. The stop sign and stop lines for the driveway exiting at Barker Avenue shall be a minimum of four (4) feet behind the crosswalk. Stop lines shall also be shown for the exit to Church Street.
5. As per the communication of the Commissioner of Traffic dated January 5, 2011, there are two (2) corrections for the signs on sheet C1.02. The sign "G" shall be 24" x 30" in size. The sign "H" shall be colors of white on green.
6. As per the communication of the Chair of the Design Review Board dated November 12, 2010, the planting bed shall be irrigated.
7. As per the communication of the Chair of the Design Review Board dated November 12, 2010, the lower wall face below the patio on Church Street shall be brick.
8. As per the communication of the Commissioner of Planning dated January 30, 2011, while the design and operation of the exterior loading and refuse collection area being provided on the site have been reviewed by the Departments of Traffic and Public Works, and the Traffic Commission, the final design shall be subject to the review and approval by the Commissioners of Traffic, Planning, and Public Works if City garbage and recycling collection will be utilized.
9. As per the communication of the Commissioner of Planning dated January 30, 2011, the Landscape Design plan (L1.01) shows a drop curb at the driveway access and egress areas on both Church Street and Barker Avenue. These drop areas shall be level with the sidewalk so that the driveways do not create a cross slope to the sidewalk as this is necessary to facilitate ease of mobility for automated wheelchairs and for persons pushing a wheelchair. The final sidewalk design plan shall be subject to the approval of the Commissioners of Planning and Public Works to ensure that this issue is addressed.
10. As per the communication of the Commissioner of Planning dated January 30, 2011, all required landscaping shall be properly trimmed and maintained in good condition at all times by the Applicant.
11. As per the communication of the Commissioner of Planning dated January 30, 2011, a final exterior lighting plan showing foot candle levels and cuts of the lighting fixtures must be submitted to the Commissioners of Building and Planning for review and approval prior to the issuance of a Building Permit for the Project.
12. As per the communication of the Commissioner of Planning dated January 30, 2011, screening and sound attenuation of the roof top mechanical units shall be reviewed and approved by the Commissioners of Planning and Building prior to the issuance of a Building Permit.
13. As per the communication of the Commissioner of Planning dated January 30, 2011, the Applicant

shall prepare, obtain approval for, and manage the construction of the proposed Project pursuant to a Construction Management Plan meeting the requirements of the Construction Management Protocol as provided herein.

14. All work on the Proposed Construction Project will be subject to the City's Construction Management Protocol. This Protocol is summarized in the August 5, 2013 approval resolution.
15. As per the communication of the Commissioner of Planning dated January 30, 2011, prior to the issuance of a Building Permit, at the time plans are submitted for building permits, the Applicant must present to the City a more detailed report from a LEED certified architect or engineer explaining how the LEED Certification standards shown in the attached checklist have been met or exceeded in the final design of the project, and submit a further report to the City, from a LEED certified architect or engineer, prior to the issuance of a temporary or permanent Certificate of Occupancy, on the final LEED standards met by the Project.
16. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Stormwater Pollution Prevention Plan (SWPPP) was received on January 18, 2011, reviewed and approved by that department. As the design and construction plans are further developed, the Department of Public Works expects to see additional measures in the area of "green" stormwater control and usage.
17. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant must provide a certified property survey from a New York State licensed land surveyor.
18. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant's M.E.P. engineer of record (EOR) for the building's mechanical systems must submit design calculations to disclose the particular methodology used to arrive at the required size of the water and sanitary sewer service lines. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant's New York State licensed design professional responsible for insuring the project's service lines are adequate for its intended inhabitants and uses. The Applicant shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the stormwater flow from the building, to confirm that the sizes of the water and sewer service lines are designed to meet current New York State Plumbing Code requirements. When the final sizing of the building's service line(s) is determined by the Applicant's EOR, the Commissioner of Public Works shall have sole discretion to determine the nature and degree of upgrading (if necessary) for the City's infrastructure, and such improvements are to be the responsibility of the Applicant.
19. As per the communication of the Commissioner of Public Works dated February 7, 2011, the sidewalk improvements include using the City's "promenade" type (stamped concrete) treatment and the installation of new granite curbing, as well as the installation of new LED Lumec style lighting standards as determined by the Commissioner of Public Works.
20. As per the communication of the Commissioner of Public Works dated February 7, 2011, there are a number of technical items that must be addressed prior to the issuance of any Building Department permits, i.e. construction level stormwater comments, including dewatering, sanitary sewer service line aerated grease trap, number of water service connections (two required) and water valve configurations with proposed interconnect, plantings, grading and location of sidewalk within the

municipal right-of-way, size of drain line within the building for the backflow prevention device(s), driveway apron and special sidewalk treatments, etc.

21. As per the communication of the Commissioner of Public Works dated February 7, 2011, all construction under the jurisdiction of the Department of Public Works (DPW) must be in conformance with DPW standards regardless of what may be shown or omitted on the plan, i.e. all signs must be placed within private property.
22. As per the communication of the Commissioner of Public Works dated February 7, 2011, backflow devices must be installed on the fire and domestic services. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to DPW for review and subsequent final approval by the Westchester County Department of Health. The floor drain for said room must be adequate to comply with DPW and Westchester County Health Department standards.
23. As per the communication of the Commissioner of Public Works dated February 7, 2011, although the Applicant states that a private carter will be utilized for trash and recycling pick-up, the Applicant must amend its Solid Waste Management Plan. In particular, the Applicant must disclose the routing plan for removal of the waste to the collection point by the private carter.
24. As per the communication of the Commissioner of Public Works dated February 7, 2011, the construction of all stormwater facilities must be under the supervision of the stormwater design EOR, and an as-built must be provided to the DPW, signed and sealed by this engineer, or by a New York State licensed land surveyor.
25. As per the communication of the Commissioner of Public Works dated February 7, 2011, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be complete in accordance with the City's requirements and coordinated with the Corporation Counsel. A typical escrow account must be established for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the DPW shall receive 20% of all costs as an administrative fee.
26. A snow removal plan shall be submitted by the Applicant for approval to the Commissioner of Public Works prior to the issuance of a Building Permit.
27. As per the communication of the Environmental Officer dated February 1, 2011, the proposed on-site storm drains connect to the municipal drainage system which flow to the Bronx River. To help prevent water pollution and discourage deposition of waste chemicals and trash, all catch basins and area drains shall incorporate the City's "Eco-drain" standard which includes the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL RIVER" permanently casted into the curb plate or grating.
28. As per the discussion at the public hearing held by the Common Council on January 3, 2011, including statements from representatives of the Applicant, the roof above the sixth floor shall be a

white roof constructed from roofing materials having a Solar Reflectance Index (SRI) equal to or greater than 78, which is the LEED standard for a low-sloped roof, with a minimum coverage of 75% of the roof surface; or such roofing system, approved by the Commissioners of Planning and Building which shall otherwise meet the requirements of the LEED - NC version 2.2 Sustainable Sites Credit 7.2 for "Heat Island Effect, Roof;" and

Additional Conditions included in the August 5, 2013 and October 6, 2014 and October 5, 2015 Extension Resolutions and hereby restated and amended for the Proposed Action:

1. A Stormwater Pollution Prevention Plan (SWPPP) prepared by WSP Sells, Inc. dated January 2011 including Amendment #1 dated 7/13/13, was previously submitted and approved by the Department of Public Works (DPW).

As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, regulations governing stormwater has become more strict and were updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or local requirements and fees in effect at the time of subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City or NYSDEC. Such regulations, as well as any revisions proposed to the stormwater design, would require another SWPPP amendment well in advance of the Building Department permitting process.

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, the City of White Plains has formally adopted a Complete Streets policy. While many of these principles have been previously implemented by the Department of Public Works within the right-of-way, the pedestrian component of this project must be reconsidered, in one part, due to the close proximity of a Senior Housing facility. The Applicant proposes to remove and discard the bench presently located within the right-of-way of Church Street. The project must include provisions to replace this bench as well as furnish an additional bench on the Barker Avenue side, within the right-of-way. The location and design standards of the benches will be as directed by the Department of Public Works.
3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, pursuant to the Site Plan and Special permit approval in 2011, and the extension granted in 2012 and 2013, the Applicant has incorporated changes and further refinement of the plans resulting from input received from various entities such as the New York State Department of Health, the City's professional staff, boards and agencies. The Department of Public Works comments stated in the Common Council resolution have not been incorporated on the plans, nor has the supporting information been provided. These comments critically affect the infrastructure requirements and right-of-way improvements required for the project, which includes the City's streetscapes treatment i.e. promenade type sidewalk lighting, etc. The Applicant must address the Department of Public Works' comments well in advance of the Building Department permitting stage to avoid a delay in the onset of construction.
4. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the two-way entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of two-way operation. All other site markings shall be white except for the handicap space markings

which shall be blue. Colors for markings must be indicated on the plans.

5. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There must instead be a stop sign and stop line for traffic exiting the covered parking. There must also be a stop sign (located near the crossing of the sidewalk) and stop line for the driveway exit at Barker Avenue. Stop lines must be at a minimum of four (4) feet behind the crosswalk or sidewalk.
6. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there are two corrections for the signs on sheet C1.02. The sign "G" shall be 24" x 30" in size. The sign "H" shall be colors of white on green.
7. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the handicap parking spaces must be signed with the appropriate sign from the NYSDOT MUTCD. The handicap loading areas (cross hatching next to spaces) must be signed as "No Parking."
8. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the one-way flow must be signed, particularly at the aisle intersection near the ramp. The turning radius for getting onto the ramp from the parking must be improved or exiting traffic will conflict with entering traffic at the base of the ramp; and

WHEREAS, the Environmental Officer has recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQR findings for the 2015 Approval; (d) reconfirm the SEQR findings last adopted October 5, 2015; and (f) reconfirm that the Proposed Action will not have a significant effect on the environment; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQR findings for the 2014 and 2015 Approvals; and be it further

RESOLVED, based on the foregoing reasons, that the Common Council hereby reconfirms the SEQR findings adopted October 6, 2014 and October 5, 2015; and be it further

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF WESTCHESTER HEALTHCARE PROPERTIES I, LLC (“APPLICANT”) FOR AN ADDITIONAL ONE (1) YEAR EXTENSION OF THE SPECIAL PERMIT/SITE PLAN APPROVAL ORIGINALLY GRANTED ON FEBRUARY 7, 2011, AND EXTENDED FOR ONE (1) YEAR BY RESOLUTION ADOPTED ON APRIL 2, 2012, AND EXTENDED AND AMENDED BY RESOLUTION ADOPTED AUGUST 5, 2013, AND EXTENDED BY A RESOLUTION ADOPTED OCTOBER 6, 2014, AND EXTENDED BY A RESOLUTION ADOPTED OCTOBER 5, 2015, FOR A SKILLED NURSING AND REHABILITATION FACILITY TO BE KNOWN AS THE “WHITE PLAINS INSTITUTE OF REHABILITATION AND HEALTHCARE” TO BE LOCATED AT 116-120 CHURCH STREET CONSISTING OF A FIVE (5) STORY, APPROXIMATELY 88,605 SQUARE FOOT BUILDING THAT WILL HOUSE 160 BEDS AND INCLUDE ADMINISTRATIVE AND STAFF OFFICES, COMMON DINING AND RECREATION FACILITIES, A SECOND LEVEL OUTDOOR LANDSCAPED PLAZA AND A ONE LEVEL PARKING GARAGE.

WHEREAS, on February 7, 2011, the Common Council of the City of White Plains, after conducting a duly noticed public hearing, and adopting environmental findings, approved an application submitted on behalf of Westchester Healthcare Properties I, LLC (“Applicant”), a related entity of The Congress Companies (“Congress”) of Peabody, Massachusetts, a builder of health care and senior living facilities in New England and the mid-Atlantic Region, and the owner of the vacant property located at 116-120 Church Street, for a Special Permit/Site Plan to construct a skilled nursing and rehabilitation facility to be known as the “White Plains Institute of Rehabilitation and Healthcare,” to be located at 116-120 Church Street consisting of a six (6) story, approximately 96,989 square foot building that will house 180 beds and include administrative and staff offices, common dining and recreation facilities, a second level outdoor landscaped plaza and a two (2) level parking garage; and

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WHEREAS, the Special Permit/Site Plan approval granted on February 7, 2011, contained the following conditions:

1. The Common Council has hereby approved the terrace, as shown on the Final Application plans, on the Church Street side of the proposed project site. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, the proposed terrace at the Barker Avenue/Church Street corner is specifically not approved as it is inconsistent with Section 4.4.14.3 of the Zoning Ordinance and will therefore require a variance from the Board of Appeals (Zoning) to project into the required yards.

2. The Common Council has hereby approved the projection of the canopy up to three feet into the front yard setback on Barker Avenue and side yard setback on Church Street. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, there is an architectural canopy proposed that projects from the building face above the terrace. A variance from the Board of Appeals (Zoning) will also be required to allow this projection into the required yards to extend beyond three feet into the required yard setback.

3. As per the communication of the Commissioner of Traffic dated January 5, 2011, the two-way entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of operation. All other markings shall be white except for handicapped space markings which shall be blue. Colors for markings must be indicated on the

plans.

4. As per the communication of the Commissioner of Traffic dated January 5, 2011, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There shall be instead a stop sign and stop line for traffic exiting the covered parking on the lower level. The stop sign and stop lines for the driveway exiting at Barker Avenue shall be a minimum of four (4) feet behind the crosswalk. Stop lines shall also be shown for the exit to Church Street.

5. As per the communication of the Commissioner of Traffic dated January 5, 2011, there are two (2) corrections for the signs on sheet C1.02. The sign "G" shall be 24" x 30" in size. The sign "H" shall be colors of white on green.

6. As per the communication of the Chair of the Design Review Board dated November 12, 2010, the planting bed shall be irrigated.

7. As per the communication of the Chair of the Design Review Board dated November 12, 2010, the lower wall face below the patio on Church Street shall be brick.

8. As per the communication of the Commissioner of Planning dated January 30, 2011, while the design and operation of the exterior loading and refuse collection area being provided on the site have been reviewed by the Departments of Traffic and Public Works, and the Traffic Commission, the final design shall be subject to the review and approval by the

Commissioners of Traffic, Planning, and Public Works if City garbage and recycling collection will be utilized.

9. As per the communication of the Commissioner of Planning dated January 30, 2011, the Landscape Design plan (L1.01) shows a drop curb at the driveway access and egress areas on both Church Street and Barker Avenue. These drop areas shall be level with the sidewalk so that the driveways do not create a cross slope to the sidewalk as this is necessary to facilitate ease of mobility for automated wheelchairs and for persons pushing a wheelchair. The final sidewalk design plan shall be subject to the approval of the Commissioners of Planning and Public Works to ensure that this issue is addressed.

10. As per the communication of the Commissioner of Planning dated January 30, 2011, all required landscaping shall be properly trimmed and maintained in good condition at all times by the Applicant.

11. As per the communication of the Commissioner of Planning dated January 30, 2011, a final exterior lighting plan showing foot candle levels and cuts of the lighting fixtures must be submitted to the Commissioners of Building and Planning for review and approval prior to the issuance of a Building Permit for the Project.

12. As per the communication of the Commissioner of Planning dated January 30, 2011, screening and sound attenuation of the roof top mechanical units shall be reviewed and

approved by the Commissioners of Planning and Building prior to the issuance of a Building Permit.

13. As per the communication of the Commissioner of Planning dated January 30, 2011, the Applicant shall prepare, obtain approval for, and manage the construction of the proposed Project pursuant to a Construction Management Plan meeting the requirements of the Construction Management Protocol as provided herein.

14. All work on the Proposed Construction Project will be subject to the City's Construction Management Protocol. This Protocol is summarized below for the purpose of fully disclosing the obligations it imposes.

A. A Construction Management Plan ("CMP") is required for Construction Project which includes any work on the parcel located at 116-120 Church Street in regard to (1) all activities on the site involving or related to site disturbance and construction, and (2) all activities off-site involving or related to the Construction Project, including, but not limited to, activities in the public right of way, parking for construction workers, routing of construction vehicles and vehicles taking construction or other materials to or from the site.

1. The CMP shall be a written document which includes strict controls on all aspects of the construction, including construction related impacts to adjacent properties, such as, but not limited to, hours of operation of construction vehicles and construction work on

the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time public street travel lanes can be encumbered, public sidewalk closings or pedestrian diversions to ensure the safety of pedestrians, controls on "fugitive dust", including street sweeping and site stockpile management, and the management of run-off from the site into the City and County storm drainage system and adjacent properties, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with residents and City staff to coordinate project construction and keep residents advised.

2. The CMP shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

3. A copy of the approved CMP shall be maintained at the on-site construction office if any, and at the offices of the Project Owner. Copies of the approved CMP shall also be maintained in the Departments of Planning, Building and Public Works, and shall be

available to the public to review at those locations.

4. The Project Owner shall post on the construction fence along both the Church Street and Barker Avenue frontages of the site, in a location visible from each street, a summary of the CMP with the contact numbers of the Project Owner and Construction Manager. Copies of the summary will be provided to property owners within 500 feet, or building managers in the case of condominium and cooperative buildings and rental apartment buildings. Copies of the summary shall also be available at the Planning Department and the Building Department.

5. As part of the CMP, the Project Owner or its successors or assigns shall submit a parking plan for construction workers which designates the Construction Manager as the responsible party to ensure that the proposed parking plan is enforced. The CMP shall require that the Project Owner ensure through appropriate measures, to be agreed upon between the City and the Project Owner, that (1) construction worker parking on City streets is prohibited, (2) parking locations for construction workers have been designated and (3) construction worker parking will be strictly enforced. The Project Owner shall be required to provide all construction contractors with information on

where their workers and the subcontractors are permitted to park, and shall provide clear consequences for the failure to follow these regulations. Vehicles driven by construction workers and parked on City streets will be booted or towed at the owners expense.

If the Project Owner or Construction Manager wishes to pay for permits in a City owned parking facility during the construction period, they must make such arrangement with the Commissioner of Parking and pay the appropriate parking meter permit fees.

6. The CMP shall prohibit staging or "waiting" by construction vehicles on City streets and County roads unless approved in advance in writing by the Commissioners of Public Works and Public Safety, and, as applicable, the County Department of Public Works. This prohibition shall be strictly enforced.

7. Due to the proximity of sensitive receptors, such as the nearby residents, noise from the construction site could potentially have negative impacts. The CMP must address both noise impacts and air quality impacts of construction equipment including the following:

a. The internal combustion engine-powered construction

equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

- b. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project

warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.

- c. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.

- d. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, and that is not a motor vehicle or vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.

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

apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

8. The CMP shall address the maintenance of the property during the construction phase. Prior to the commencement of construction, the Project Owner or any successor or assign shall be required to maintain the property and ensure that the property is clean and free from hazardous conditions.

9. The CMP shall also include a construction waste management and recycling program which shall (1) describe how waste materials and recyclables will be collected and removed from the site, and (2) how recycling of construction debris will be maximized and reused on the site where possible.

B. Since vibration from excavation and construction equipment and work on the project site could have negative impacts on adjacent properties, the Project Owner must take all appropriate steps to avoid impacts to such properties, including (1) pre-disturbance surveys of the directly abutting properties and other properties determined by the Department of Building to be potentially impacted; (2) use of procedures approved by the Departments of Public Safety and

Building for any rock chipping or pile driving, sheeting and shoring around the excavation area if necessary; and (3) any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. It is further necessary that in developing the excavation and construction procedures, the Project Owner will be required to (1) consult with residents within the construction impact area, on their needs and concerns, and (2) provide adequate understanding and ensure proper notice to these owners.

C. If blasting is to occur, the CMP shall be immediately amended to include the City's Blasting Protocol. No blasting is anticipated with this Construction Project.

D. As to "fugitive dust," the Project Owner must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer, and this must be summarized in the CMP.

E. Hours of permitted construction work shall be determined in advance with the Commissioners of Public Safety, Building and Public Works, and shall be recorded in the CMP, and be strictly enforced.

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

their responsibilities under that Plan.

G. The Project Owner shall be responsible to ensure that all streets and/or roadway infrastructure which are damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Project Owner for such damage as is not covered by the bond or insurance. After all underground utility work is completed and accepted, and construction vehicles have completed their work on the project, repair of streets shall be undertaken by the Project Owner to include, as directed by the Commissioner of Public Works, milling and resurfacing of the pavement on the affected portions of the City's street(s) and shall be undertaken by the Project Owner at the Project Owners sole cost and expense.

H. The City of White Plains Standard Construction Details and Specifications shall be used and supercede any other details or specifications that may have been used by the Project Owner.

I. Existing unsuitable fill shall be removed from the site and appropriately disposed. Fill used on the site should come, to the maximum extent feasible, from other locations being excavated on the site. If any fill is brought from off-site, the Commissioner of Public Works must be notified in advance and all requirements of the City's Department of Public Works must be complied with, to ensure that only clean fill is brought to the site.

J. The Project Owner and the designated Construction Manager shall conduct a neighborhood meeting in advance of the commencement of construction.

K. The Project Owner shall provide to the building managers of residential buildings within 500 feet of the project site a list of contact numbers, including that of the owner and Construction Manager.

L. The Project Owner shall submit, as part of the CMP, a plan for pre-construction and during construction rodent control. Once approved, this rodent control plan shall be maintained in effect during the entire construction phase.

M. During the period of construction adjacent to and in the public right of way of Church Street or Barker Avenue, at the Project Owner's sole cost and expense, a public safety person, by the Commissioners of Public Safety and Public Works, shall be assigned to provide traffic management.

15. As per the communication of the Commissioner of Planning dated January 30, 2011, prior to the issuance of a Building Permit, at the time plans are submitted for building permits, the Applicant must present to the City a more detailed report from a LEED© certified architect or engineer explaining how the LEED© Certification standards shown in the attached checklist have been met or exceeded in the final design of the project, and submit a further report to the City, from a LEED© certified architect or engineer, prior to the issuance of a temporary or permanent

Certificate of Occupancy, on the final LEED© standards met by the Project.

16. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Stormwater Pollution Prevention Plan (SWPPP) was received on January 18, 2011, reviewed and approved by that department. As the design and construction plans are further developed, the Department of Public Works expects to see additional measures in the area of “green” stormwater control and usage.

17. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant must provide a certified property survey from a New York State licensed land surveyor.

18. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant’s M.E.P. engineer of record (EOR) for the building’s mechanical systems must submit design calculations to disclose the particular methodology used to arrive at the required size of the water and sanitary sewer service lines. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant’s New York State licensed design professional responsible for insuring the project’s service lines are adequate for its intended inhabitants and uses. The Applicant shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the stormwater flow from the building, to confirm that the sizes of the water and sewer service lines are designed to meet current New York State Plumbing Code requirements. When the final sizing of

the building's service line(s) is determined by the Applicant's EOR, the Commissioner of Public Works shall have sole discretion to determine the nature and degree of upgrading (if necessary) for the City's infrastructure, and such improvements are to be the responsibility of the Applicant.

19. As per the communication of the Commissioner of Public Works dated February 7, 2011, the sidewalk improvements include using the City's "promenade" type (stamped concrete) treatment and the installation of new granite curbing, as well as the installation of new LED Lumec style lighting standards as determined by the Commissioner of Public Works.

20. As per the communication of the Commissioner of Public Works dated February 7, 2011, there are a number of technical items that must be addressed prior to the issuance of any Building Department permits, *i.e.* construction level stormwater comments, including dewatering, sanitary sewer service line aerated grease trap, number of water service connections (two required) and water valve configurations with proposed interconnect, plantings, grading and location of sidewalk within the municipal right-of-way, size of drain line within the building for the backflow prevention device(s), driveway apron and special sidewalk treatments, etc.

21. As per the communication of the Commissioner of Public Works dated February 7, 2011, all construction under the jurisdiction of the Department of Public Works (DPW) must be in conformance with DPW standards regardless of what may be shown or omitted on the plan, *i.e.* all signs must be placed within private property.

22. As per the communication of the Commissioner of Public Works dated February 7, 2011, backflow devices must be installed on the fire and domestic services. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to DPW for review and subsequent final approval by the Westchester County Department of Health. The floor drain for said room must be adequate to comply with DPW and Westchester County Health Department standards.

23. As per the communication of the Commissioner of Public Works dated February 7, 2011, although the Applicant states that a private carter will be utilized for trash and recycling pick-up, the Applicant must amend its Solid Waste Management Plan. In particular, the Applicant must disclose the routing plan for removal of the waste to the collection point by the private carter.

24. As per the communication of the Commissioner of Public Works dated February 7, 2011, the construction of all stormwater facilities must be under the supervision of the stormwater design EOR, and an as-built must be provided to the DPW, signed and sealed by this engineer, or by a New York State licensed land surveyor.

25. As per the communication of the Commissioner of Public Works dated February 7, 2011, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be complete in

accordance with the City's requirements and coordinated with the Corporation Counsel. A typical escrow account must be established for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the DPW shall receive 20% of all costs as an administrative fee.

26. A snow removal plan shall be submitted by the Applicant for approval to the Commissioner of Public Works prior to the issuance of a Building Permit.

27. As per the communication of the Environmental Officer dated February 1, 2011, the proposed on-site storm drains connect to the municipal drainage system which flow to the Bronx River. To help prevent water pollution and discourage deposition of waste chemicals and trash, all catch basins and area drains shall incorporate the City's "Eco-drain" standard which includes the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL RIVER" permanently casted into the curb plate or grating.

28. As per the discussion at the public hearing held by the Common Council on January 3, 2011, including statements from representatives of the Applicant, the roof above the sixth floor shall be a white roof constructed from roofing materials having a Solar Reflectance Index (SRI) equal to or greater than 78, which is the LEED® standard for a low-sloped roof, with a minimum coverage of 75% of the roof surface; or such roofing system, approved by the Commissioners of Planning and Building which shall otherwise meet the requirements of the LEED® - NC version 2.2

Sustainable Sites Credit 7.2 for “Heat Island Effect, Roof;” and

WHEREAS, by letter dated January 19, 2012, Mark P. Weingarten, Esq., of the law firm of DelBello, Donnellan Weingarten Wise & Wiederkehr, LLP, counsel for the Applicant, requested a one (1) year extension of the Special Permit/Site Plan for the skilled nursing and rehabilitation facility previously approved by the Common Council on February 7, 2011, in anticipation of the Applicant’s failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”); and

WHEREAS, on April 2, 2012, the Common Council of the City of White Plains, after adopting environmental findings, approved the Applicant’s request for a one (1) year extension of the aforementioned Special Permit/Site Plan, subject to the Applicant’s compliance with all of the applicable conditions contained in the February 7, 2011 resolution, and subject to the Applicant’s compliance with the following additional condition set forth in the communication dated March 5, 2012, from the Commissioner of Public Works:

Regulations governing stormwater have become progressively more strict and have been updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or local requirements and fees in effect at the time of the subsequent issuance of any Building Department permit shall apply. This includes new regulations adopted by the City of White Plains and/or NYSDEC;

and

WHEREAS, the resolution adopted April 2, 2012, granting a one (1) year extension of the approved Special Permit/Site Plan for 116-120 Church Street expired February 4, 2013; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on February 4, 2013, received a communication from the Commissioner of Building, dated January 31, 2013, forwarding an application submitted on behalf of the Applicant, Westchester Healthcare Properties, LLC, for an additional one (1) year extension of the approved Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, originally approved on February 7, 2011, and extended for one (1) year on April 2, 2012, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"); and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on March 4, 2013, also received a communication from the Commissioner of Building dated February 25, 2013, forwarding an application, submitted on behalf of the Applicant Westchester Healthcare Properties, LLC, to amend the approved Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, including (1) reducing the number of beds from 180 to 160; (2) reducing the height of the building from 6 to 5 stories; (3) reducing the height of the building from 78 feet to 65 feet; (4) reducing the parking levels from two (2) levels to one (1) level; (5) reducing the number of on-site parking spaces from 52 spaces to 25 spaces and requesting

payment of a fee-in-lieu for the twenty-eight (28) spaces not provided; (6) increasing the basement space to accommodate additional building support space; (7) reducing the gross floor area from 96,989 square feet to 88,605 square feet; (8) eliminating a curb cut on Barker Avenue so that a total of three (3) curb cuts remain; one on Barker Avenue and two on Church Street; (9) adding a rehabilitation gym over the garage at the second level roof garden and including a new additional roof garden on the third level; and

WHEREAS, the Applicant subsequently revised the aforementioned Special Permit/Site Plan amendment application by expanding the basement of the proposed building to increase the number of on-site parking spaces from twenty-eight (28) to forty-nine (49) and requesting a “fee-in-lieu” payment for the balance of the remaining four (4) required parking spaces; and also including the following modifications: (1) reconfiguring the massing at the rear corner of the building to accommodate the new garage entry ramp; (2) relocating the “back of house” support space from its former location at the basement level to the ground floor level; (3) reconfiguring the ambulance space, roof garden stair and garage entry access to allow the creation of additional surface parking spaces (included in the 49 above-described parking spaces); relocating the loading access from the former ground level garage to the rear alley of the building; (4) replacing the previously proposed garage ventilation louvers on the building exterior with recessed brick masonry; and (5) incorporating several architectural modifications requested by the Design Review Board, including (A) the addition of decorative pedestal lighting along the Barker Street sidewalk; (B) the relocation of building mounted lighting (at the rear of the building) to the retaining wall to ensure that light shines toward the proposed building and away from the adjacent residential property; (C) the

addition of tinted glazing at all stairwell windows; and (D) the addition of windows and architectural detail on the previously blank wall at the rear of the building; and

WHEREAS, on August 5, 2013, the Common Council of the City of White Plains, after conducting a duly noticed public hearing, and adopting environmental findings, approved an additional one (1) extension to the Special Permit/Site Plan originally granted to the Applicant on February 7, 2011, and extended for one (1) year by resolution adopted April 2, 2012, for a skilled nursing and rehabilitation facility to be known as the White Plains Institute of Rehabilitation and Healthcare to be located at 116-120 Church Street, and also approved an amendment to modify the approved and extended Special Permit/Site Plan, including (1) reducing the number of beds from 180 to 160; (2) reducing the height of the building from 6 to 5 stories; (3) reducing the height of the building from 78 feet to 65 feet; (4) reducing the parking levels from two (2) levels to one (1) level; (5) increasing the number of on-site parking spaces from 28 to 49 spaces and requesting a “Fee-in-Lieu” payment for the balance of the required 4 spaces; (6) increasing the basement space; (7) reducing the gross floor area from 96,989 square feet to 88,605 square feet; (8) eliminating the curb cut on Barker Avenue; (9) adding a rehabilitation gym over the garage at the second level roof garden and including a ne additional roof garden on the third level; (10) reconfiguring the massing at the rear end corner of the building to accommodate the new garage entry ramp; (11) relocating the “back of house” support space from the basement level to the ground floor level; (12) relocating the loading access from the ground level garage to the rear alley of the building; and (13) several architectural modifications; and

WHEREAS, the aforementioned extension and amended Special Permit/Site Plan approval adopted August 5, 2013, contained the following additional conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013, regulations governing stormwater has become more strict and were updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or local requirements and fees in effect at the time of subsequent issuance of any Building Department permit would apply. This includes new regulations adopted by the City or NYSDEC. Such regulations, as well as any revisions proposed to the stormwater design, would require another SWPPP amendment well in advance of the Building Department permitting process.

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013, the City of White Plains has formally adopted a Complete Streets policy. While many of these principles have been previously implemented by the Department of Public Works within the right-of-way, the pedestrian component of this project must be reconsidered, in one part, due to the close proximity of a Senior Housing facility. The Applicant proposes to remove and discard the bench presently located within the right-of-way of Church Street. The project must include provisions to replace this bench as well as furnish an additional bench on the Barker Avenue side, within the right-of-way. The location and design standards of the benches will be as directed by the Department of Public Works.

3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013, pursuant to the Site Plan and Special Permit approval in 2011, and the extension granted in 2012, the Applicant has incorporated changes and further refinement of the plans resulting from input received from various entities such as the New York State Department of Health, the City's professional staff, boards and agencies. The Department of Public Works comments stated in the Common Council resolution have not been incorporated on the plans, nor has the supporting information been provided. These comments critically affect the infrastructure requirements and right-of-way improvements required for the project, which includes the City's streetscapes treatment *i.e.* promenade type sidewalk lighting, etc. The Applicant must address the Department of Public Works' comments well in advance of the Building Department permitting stage to avoid a delay in the onset of construction.

4. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the two-way entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of two-way operation. All other site markings shall be white except for the handicap space markings which shall be blue. Colors for markings must be indicated on the plans.

5. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There must instead be a stop sign and stop line for traffic exiting the covered parking. There must also be a stop sign (located near the

crossing of the sidewalk) and stop line for the driveway exit at Barker Avenue. Stop lines must be at a minimum of four (4) feet behind the crosswalk or sidewalk.

6. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there are two corrections for the signs on sheet C1.02. The sign "G" shall be 24" x 30" in size. The sign "H" shall be colors of white on green.

7. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the handicap parking spaces must be signed with the appropriate sign from the NYSDOT MUTCD. The handicap loading areas (cross hatching next to spaces) must be signed as "No Parking."

8. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the one-way flow must be signed, particularly at the aisle intersection near the ramp. The turning radius for getting onto the ramp from the parking must be improved or exiting traffic will conflict with entering traffic at the base of the ramp; and

WHEREAS, the resolution adopted August 5, 2013, granting a one extension of the approved Special Permit/Site Plan and amendment to same for 116-120 Church Street expired August 4, 2014; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on August 4, 2014, received a communication from the Commissioner of Building, dated July 29, 2014, forwarding an application in the form of a letter dated July 25, 2014, from Mark P. Weingarten, Esq., of the law firm of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, counsel for the Applicant, White Plains Healthcare Properties I, LLC, requesting an additional one (1) year extension of the approved amended Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, originally approved on February 7, 2011, extended for one (1) year on April 2, 2012, and extended and amended on August 5, 2013, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance; and

WHEREAS, on October 6, 2014, the Common Council, after adopting environmental findings, approved the Applicant's request for an additional one (1) year extension of the approved Special Permit/Site Plan, subject to the Applicant's compliance with all of the applicable conditions contained in the February 7, 2011 resolution, April 2, 2012 resolution, and August 5, 2013 resolution; and

WHEREAS, the resolution adopted October 6, 2014, granting a one (1) year extension of the approved Special Permit/Site Plan and amendment to same for 116-120 Church Street expired on August 3, 2015; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on

August 3, 2015, received a communication from the Commissioner of Building, dated July 21, 2015, forwarding an application in the form of a letter dated July 21, 2015, from Mark P. Weingarten, Esq., of the law firm of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, counsel for the Applicant, White Plains Healthcare Properties I, LLC, requesting an additional one (1) year extension of the approved amended Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, originally approved on February 7, 2011, extended for one (1) year on April 2, 2012, and extended and amended on August 5, 2013, and extended on October 6, 2014, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance; and

WHEREAS, on October 5, 2015, the Common Council, after adopting environmental findings, approved the Applicant's request for an additional one (1) year extension of the approved Special Permit/Site Plan, subject to the Applicant's compliance with all of the applicable conditions contained in the February 7, 2011 resolution, April 2, 2012 resolution, August 5, 2013 resolution and October 6, 2014 resolution; and

WHEREAS, the resolution adopted October 5, 2015, granting a one (1) year extension of the approved Special Permit/Site Plan and amendment to same for 116-120 Church Street expired on August 4, 2016; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on August 1, 2016, received a communication from the Commissioner of Building, dated July 21, 2016,

forwarding an application in the form of a letter dated July 19, 2016, from Janet J. Giris, Esq., of the law firm of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, counsel for the Applicant, White Plains Healthcare Properties I, LLC, requesting an additional one (1) year extension of the approved amended Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, originally approved on February 7, 2011, extended for one (1) year on April 2, 2012, and extended and amended on August 5, 2013, extended on October 6, 2014, and extended on October 5, 2015, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance; and

WHEREAS, the request for the one (1) year extension of the approved amended Special Permit/Site Plan was referred by the Common Council at its meeting of August 1, 2016, to the Departments of Law, Building, Planning, Public Safety, Public Works, Traffic and Parking, and the Planning Board, Design Review Board, Transportation Commission, Environmental Officer and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at a meeting held on September 6, 2016, in relation to the one (1) year extension of the amended Special Permit/Site Plan application, received communications from the Commissioner of Building dated August 18, 2016; the Commissioner of Planning, dated August 23, 2016; the Commissioner of Public Works, dated September 6, 2016; the Commissioner of Public Safety, dated August 17, 2016; the Commissioner of Parking, dated August 25, 2016; the Deputy Commissioner of Parking for Transportation Engineering, dated

August 8, 2016; the Chair of the Planning Board, dated August 23, 2016; the Acting Chair of the Transportation Commission, dated August 23, 2016; the Chair of the Design Review Board, dated August 17, 2016; the Environmental Officer, dated August 17, 2016; and the Westchester County Planning Board, dated August 8, 2016; and

WHEREAS, the Commissioner of Public Works, in a communication dated September 6, 2016, re-confirmed the recommendations set forth in a communication from the then Commissioner of Public Works dated August 5, 2013, incorporated as Conditions 1 through 3 of the extension and amended Special Permit/Site Plan approval resolution adopted August 5, 2013; the aforementioned Conditions 1 through 3 were also previously re-confirmed in a communication dated August 5, 2015, by the then Acting and now Commissioner of Public Works of the extension and amended Special Permit/Site Plan approval resolution adopted October 5, 2015; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, boards, commissions, and officers and the Westchester County Planning Board and has reviewed and considered the one (1) year extension of the amended Special Permit/Site Plan application, with respect to the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 4, 6, 7 and 8, and the 1997 Comprehensive Plan and the 2006 Plan Update, adopted by the Common Council on July 11, 2006; and

WHEREAS, the Applicant received the necessary variances for the project from the (Zoning) Board of Appeals on October 5, 2011, which were extended by the Board of Appeals

until March 31, 2017; and

WHEREAS, the Applicant's counsel in a letter dated July 19, 2016, states that since the time that the last extension was granted on October 5, 2015, the Applicant has been finalizing its construction drawings and its approvals from the New York State Department of Health for the project; the Applicant anticipates commencing construction of the project in September 2016; and

WHEREAS, the Applicant has paid its required fee pursuant to Section 11.5 of the Zoning Ordinance for this instant application herein to extend for one (1) year an amended Special Permit/Site Plan approval; and

WHEREAS, in relation to the one year extension application ("Proposed Action"), the Environmental Officer, in a communication dated August 17, 2016, has recommended in accordance with the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), that the Common Council reconfirm itself to serve as Lead Agency for the environmental review of the Proposed Action; reconfirm the Proposed Action to be an Unlisted Action under SEQRA regulations; determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings last adopted on October 5, 2015 for the extension and amended Special Permit/Site Plan approval; reconfirm the SEQRA findings adopted October 5, 2015; and reconfirm that the Proposed Action will not have a significant effect on the environment; and

WHEREAS, by resolution adopted September 6, 2016, the Common Council has re-confirmed itself to be the Lead Agency for the environmental review of the application to extend the approval of the amended Special Permit/Site Plan for an additional one (1) year pursuant to SEQRA; re-confirmed that the Proposed Action is an Unlisted Action; found that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings last adopted on October 5, 2015 for the extension and amended Special Permit/Site Plan approval; re-confirmed the SEQRA findings adopted October 5, 2015; and re-confirmed that the Proposed Action will not have a significant effect on the environment; now, therefore, be it

RESOLVED, that the Common Council hereby extends until August 7, 2017, the Special Permit/Site Plan approval originally granted by resolution adopted on February 7, 2011, the one (1) year extension approval granted April 2, 2012, the one (1) year extension and amended Special Permit/Site Plan approval granted August 5, 2013, the one (1) year extension approval granted October 6, 2014, and the one (1) year extension approval granted October 5, 2015, for a skilled nursing and rehabilitation facility to be known as the “White Plains Institute of Rehabilitation and Healthcare” to be located at 116-120 Church Street consisting of a five (5) story, approximately 88,605 square foot building that will house 160 beds and include administrative and staff offices, common dining and recreation facilities, a second level outdoor level landscaped plaza and a one level garage, subject to the Applicant’s compliance with of the applicable conditions set forth in the aforementioned approval resolutions.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

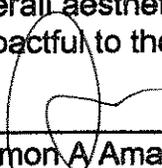
**TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Per referral by the Common Council on August 2, 2016, the Department of Building has reviewed an application for a site plan amendment associated with One North Broadway. This application was filed on July 21, 2016 by Cuddy and Feder LLP on behalf of WPP Owner LLC, the owner of One North Broadway.

The owner would like to renovate the outdoor plaza area and make certain improvements to the building facade. The proposed project scope will include, but is not limited to, new pavers, raised planters, seating areas, exterior lighting and a raised platform/stage area.

Our department has no objection to the renovation with the exception of the following items:

1. The final design of the sculpture including tenant identification shall be submitted for separate approval and should be identified as such in the resolution.
2. Eliminate the LED screen from the exterior of the building facade (facing Main Street) as shown on drawing A-5. It is our position that this panel will not add to the overall aesthetic improvements and maybe a distraction to passing vehicles and impactful to the neighbors on the other side of Main Street.



Damon A. Amadio PE
Commissioner of Building

Date: August 18, 2016
(for the September 5, 2016 Common Council meeting)



DESIGN REVIEW BOARD

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

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

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

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

NICK PUJA
Secretary

August 17, 2016

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on August 10, 2016, reviewed an application for Site Plan amendment to renovate the plaza area facing Main Street for WPP Owners LLC located at 1 No Broadway & White Plains Plaza located at 445 Hamilton Ave, White Plains, NY.

OUTCOME: The Design Review Board reviewed this application and had the following comments:

1. Approved as submitted "Excellent" presentation and improvement.
2. Sign package to be submitted upon completion for Board review.

Very truly yours,

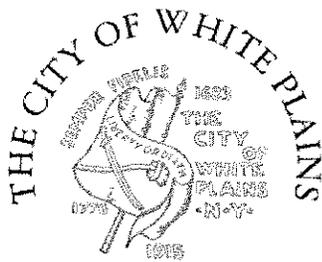
Norman DiChiara

Norman DiChiara, Chairman
Design Review Board

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<http://www.cityofwhiteplains.com>

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PLANNING DEPARTMENT

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THOMAS M. ROACH
MAYOR

CHRISTOPHER N.GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ONE NORTH BROADWAY
(SECTION 125.68, BLOCK 5, LOTS 2, 3 AND 5)
WPP OWNER LLC
APPLICATION FOR SITE PLAN AMENDMENT

By letter dated July 20, 2016, William S. Null, on behalf of WPP Owner LLC (the "Applicant") submitted an application to the White Plains Common Council for a site plan amendment to renovate the plaza area facing Main Street of the premises known as One North Broadway. The 1.79-acre (77,862 square feet) site is located at the northwest corner of Main Street and North Broadway and is adjacent to 275 Main Street – Walmart. The site is located in the CB-3 (Core-Business-3) Zoning District and was designated an "S" Zone within the former BR-4 (Business Residential) Zoning District (in 2002 the Zoning Ordinance was amended classifying the premises in the CB-3 District). As a designated "S" Zone, the property is subject to the provisions of the special legislation adopted by the City in 1954, in connection with the original development approvals for the property, which include the requirement that all subsequent changes to the property be approved by the Common Council. Section 3.6.2 of the Zoning Ordinance states that any changes to such design documents for "S" Zones shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of the Ordinance, provided that such amendments create no new non-conformity with the regulations of the Ordinance.

The Applicant proposes to update and renovate the plaza facing Main Street to enhance its appearance. To that end, new pavers will be installed throughout the area, as well as new stairs from Main Street, new raised planters, seating areas, lighting, and a raised platform/stage area. In addition, a living Green Wall will be installed along the westerly wall adjoining the 275 Main Street Building.

The Planning Department has reviewed the application for site plan amendment pursuant to Section 7.5 Site Plan Standards, and offers the following comments and recommendations for Common Council consideration.

I. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains Comprehensive Plan. It is located within the City's Core Area – defined as “a place to live, work, shop and spend quality leisure time.” The Comprehensive Plan envisions a vibrant, mixed use Core Area with its three unique sub-areas linked through pedestrian, streetscape, transit and signage improvements and land uses that complement one another. The Plan highlights the need for safe and efficient pedestrian movement in the central business district and identifies pedestrian traffic as a critical planning element in both the review and approval of new development and rehabilitation of existing structures.

The proposed project is consistent with the Plan recommendations in providing clear improvements to enhance pedestrian access to the site and provide safe and attractive pedestrian plaza in the Core Area.

Consistency with Westchester County Regional Planning Policies

The proposed site plan amendment is consistent with the Westchester County Planning Board's long range planning policies set forth in *Westchester 2025- Context for County and Municipal Planning and Policies to Guide County Planning*, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* as it represents redevelopment in an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

II. NEIGHBORHOOD CHARACTER

The project site is located in the City's downtown, and contains a 15-story building with ground multiple tenants including Panera and Crunch Gym. The site is also adjacent to several anchor tenants including Walmart and Burlington Coat Factory (275 Main Street) and is across the street from the Metropolitan Plaza (Cambria Suites, Wild Fusion) and the City Center. Due to its prominent downtown location, the plaza attracts pedestrian traffic at nearly all times of day.

The plaza was constructed in the 1970's together with the adjacent parking structure situated above the retail building at 275 Main Street. Although modifications to the plaza have been made over the years, the current site design is antiquated and provides limited opportunity for pedestrians to congregate outside.

III. ZONING COMPLIANCE

Site Plan Standards

- 7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As previously noted, the proposed project is consistent with many recommendations of the City's Comprehensive Plan including the 2006 Core Area Vision Statement that envisions a vibrant, mixed use Core Area with its three unique sub-areas linked through pedestrian, streetscape, transit and signage improvements and land uses that complement one another.

- 7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and adjacent to the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

The proposed enhancements to the plaza will have no effect on traffic conditions on existing streets.

- 7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The locations of vehicular and pedestrian entrances remain unchanged.

- 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.

Visibility into and out of the site has not changed.

- 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.

Off-street parking remains unchanged from the original site plan.

- 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.

There are no new curb cuts proposed. The interconnection of parking lots remains unchanged.

- 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.

The location and arrangement of loading spaces remains unchanged and continues to meet the requirements of Section 8 of the Zoning Ordinance.

- 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.

Pedestrian circulation within the plaza is greatly improved with the addition of bistro-style tables and chairs, raised planters (14-inches), recessed LED lighting, new pavers, and new stairs leading up to the plaza. The existing brick sidewalk along Main Street will be reset in accordance with the Department of Public Works requirements.

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

The existing ADA compliant ramp will remain, but the existing railings will be replaced with new cable railings in keeping with the new design elements of the plaza. A second ramp will be provided to access the proposed elevated stage area on the western portion of the renovated plaza.

- 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.

Significant landscaping and signage improvements are proposed for the plaza area and exterior of the building as discussed below in Section 7.5.3.1.

- 7.5.2.10 Adequacy of fire lanes and other emergency zones.

The fire lanes and emergency zones remain unchanged by this plan.

- 7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

- 7.5.3.1 The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, screen "parking lots" and "loading spaces," and conceal 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.

The newly designed plaza eliminates all existing individual planters (31), including a large raised planter bed in the center of the plaza, and replaces them with four (4) large, raised, and strategically placed planters constructed of Pennsylvania thermal

bluestone. Located primarily on the westerly side of the plaza, these planters will be 14 inches in height to allow for additional seating opportunities for pedestrians. Three raised planters flank a newly constructed and slightly elevated stage area that contains seven (7) "Wellspring" outdoor teak tables, each with seating for four (4) people. These tables replace eight (8) existing benches that will be removed. In addition, four bistro tables are proposed alongside a raised planter, each with two (2) seats. Two 43" x 103" benches are proposed along the easterly side of the plaza. Whereas the existing eight benches could seat roughly 24 people, the proposed tables and chairs could potentially seat up to 36 people. This number is further increased by the potential seating opportunities on the raised planters. Thus, the new seating plan and the location of the raised planters not only enhances the pedestrian flow through the plaza, but also provides many more places for people to congregate.

In addition to seating and landscaping enhancements the following upgrades are proposed:

- A new overhead 84-foot chrome canopy will be installed at the northern end of the plaza above the entrance to Panera's. Above the canopy, applicants have proposed a new LED metal media screen. The existing canopy on the easterly side of the plaza will remain; however the existing signage will be removed and replaced with a new aluminum metal address sign that coordinates with the overall design of the plaza. A metal media screen is proposed at this location as well. These metal media screens are not permitted pursuant to the City's sign ordinance and will be removed from any site plan approval.
- The plaza will be repaved with "blu grande" 19.5 x 32.5 shale grey polished concrete pavers. The stage area will contain "borealis" smoked pine 10" x 30" concrete pavers in a distinctive herringbone pattern. Access to the stage can be made via new, gradual stairs (two steps) as well as a ramp on the westerly side. New stairs up to the plaza will also be provided.
- The concrete pavers and other design elements will be extended through the tunnel into the parking area. LED recessed lighting (see Section 7.5.3.4) as well as new doors will be added to this area.
- A 62-foot living wall or "green wall" is proposed and will be located along the westerly wall between the plaza and Walmart and the parking garage above.
- A new monument sign is proposed at the entrance to the plaza. This sign is located within a new raised planter and is surrounded by a natural stone retaining wall with a cable rail railing. The applicant has not submitted any specific plans for this sign and should submit a detailed signage package.

In addition, several lighting enhancements are proposed, which are discussed below in Section 7.5.3.4.

- 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.

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

- 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.

The site is completely built-out. Therefore, there are no natural features, wetlands or unique wildlife habitat on the site.

- 7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

Continuous line recessed LED lighting is proposed throughout the plaza. These lights will be installed in the ground alongside "techo-bloc blu grande" 19.5" x 32.5" beige cream concrete pavers to create an additional design element. Additional lighting is proposed on the westerly side of the plaza, mounted to the building in order to light the newly constructed stage and green wall, all in conformance with City light standards.

- 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.

The project will continue to conform to City noise protocols.

- 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.

Drainage facilities for the fountain and planters are provided, pursuant to the recommendations of the Department of Public Works.

- 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.

No solar energy systems are proposed as part of the site plan amendment. The applicant proposes to construct a green wall on the westerly side of the plaza.

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.

The proposed upgrades to the plaza at One North Broadway are intended to modernize, revitalize, and enhance the overall visual appearance of the site to create a more vibrant and pedestrian friendly experience.

IV. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 7.5 Site Plan Standards, the Planning Department recommends that the Common Council grant the requested site plan approval subject to the following conditions:

1. All landscaping in the proposed Plaza, including the green wall, 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 growing season.
2. The installation of the LED light-screen feature ("New LED Metal Screen Alucobond Media, Traxon Technologies" and shown on Drawing Nos. A5 and A6) proposed to be mounted at the second floor level of the building façade along the northerly and easterly sides of the plaza area are not permitted and shall not be considered part of any site plan approval.
3. The Applicant must submit a detailed signage package illustrating the design and specifications of all new signage that is proposed, and in particular for the "New Monument Sign" proposed at the entrance of the plaza.
4. Prior to issuance of a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.
5. The proposed improvements to the plaza area and building façade do not represent a significant change to the approved site plan. The improvements do not involve changes to the building bulk, floor area or parking requirements. As such, the improvements conform to the approved site plan of the Special "S" Zone.
6. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.
7. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site,

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

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: August 23, 2016
For the September 6, 2016 Common Council Meeting



PLANNING BOARD

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN J. McCLAIN
SECRETARY

August 23, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS PLAZA - ONE NORTH BROADWAY - SITE PLAN
AMENDMENT TO RENOVATE THE PLAZA AREA FACING MAIN
STREET

At its August 16, 2016 meeting, the Planning Board reviewed the application for a site plan amendment for the outdoor plaza at One North Broadway. The renovation involves resurfacing of the plaza, including LED lighting in the floor surfaces; installation of a living wall on the east side of the Walmart building, facing the plaza; covering a walkway from the parking structure elevators to the office building; improving the lighting of the vestibule area near the elevators; construction of a raised platform for performance space and/or dining tables; replacement of the stairway and ramps and railings; and installation of a monument sign to project into the stairway adjacent to the Main Street sidewalk.

The applicant explained that the umbrella covered seating would not be dedicated to a particular restaurant.

The Board offers the following comments regarding the proposed design:

1. The canopy to cover pedestrians walking from the parking structure to the office building is a good addition.
2. Reducing the expanse of steps up to the plaza from the sidewalk will create a more pedestrian inviting space, and the addition of a monument sign listing the tenants will help businesses. The Common Council and Design Review Board will need to approve any signage before installation.
3. Although a green wall is proposed to be added, it will not be very visible from pedestrian vantage points on Main Street.

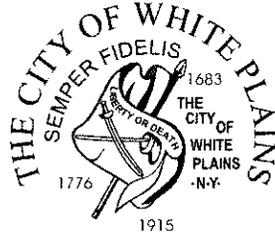
4. The trees currently on the site provide more landscaping than is proposed in this renovation. The applicant should consider increasing planting on the site.
5. The plan shows seating areas, including the walls around the proposed planting beds. Seating with backs and shaded areas would make the space more comfortable and inviting. Trees or arbors could provide shade.
6. The applicant should consider adding a water feature to attract pedestrians. (The applicant noted that a water feature was at the plaza in the past, but it was removed.)
7. Power should be provided at the stage for lighting and sound amplification.

The Planning Board has no objection to approval of the site plan amendment, finding that an upgrade to the plaza is due. Increasing exposure through signage and visibility from the street will help the existing businesses and future tenants that will occupy the vacant spaces. The Board recommends that the applicant consider the above comments to further enhance the plaza.

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

Respectfully submitted,

MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board



DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
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DAVID E. CHONG
Commissioner
422-6350

THOMAS M. ROACH
Mayor
422-1200

JAMES M. BRADLEY
Deputy Commissioner
422-6230

ANNE FITZSIMMONS
Chief of Police
422-6258

RICHARD L. LYMAN
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

White Plains Plaza
Site Plan Amendment
1 No. Broadway/445 Hamilton Ave.



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: August 17, 2016



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
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THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

The Department of Public Works has reviewed the request by Cuddy & Feder, LLP., dated July 20, 2016, on behalf of WPP Owners, LLC., 1 North Broadway, to submit a Site Plan Amendment in order to renovate the plaza along Main Street (aka 'White Plains Plaza'), including the placement of new concrete pavers, raised planting areas, plaza entrance stairs, drainage improvements and decorative lighting. The property is located within the CB-3 (Core Business 3) zoning district. Included in the request is a cover letter dated 7/20/16, prepared by Cuddy & Feder, LLP., plan sheets CD-1 thru CD-9, dated June 24, 2016, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, LLC, plan sheets A-0 thru A-8, revised dated June 30, 2016, and plan sheets S-1 thru S-3, revised dated June 3, 2016, prepared by Cardarelli Design & Architecture, PC., a City of White Plains Building Department 'Building Short Form', (sheets 1 thru 4), notarized June 29, 2016, agreement signed June 30, 2016, a 'Short Environmental Assessment Form - Part 1 - Project Information' (sheets 1 thru 3), signed dated June 30, 2016, a 'Short Environmental Assessment Form - Part 2 - Impact Assessment' (sheets 1 and 2) (undated and blank), and a letter from the Building Department Commissioner to the Mayor & Common Council, dated July 28, 2016.

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

- Provide a copy of a property survey, properly scaled, in which all information on the survey is clearly legible.
- The applicant must repair the side walk fronting the property (on Main St) prior to obtaining a Temporary Certificate of Occupancy (TCO) for the proposed plaza renovation.
- Since the plans indicate the installation of an additional drain basin and drain piping, the owner must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit.
- The City's right-of-way line along Main Street should be shown on all plan sheets.
- The new plaza surface should be pitched as necessary (toward the drain inlets) in order to minimize surface runoff from running toward the main steps and onto the City sidewalks.
- The proposed new drain inlets should be equipped with a 12" deep sump at the pipe outlet.

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- The locations of all existing utility service lines, (i.e. gas service, water service, sanitary sewer service, storm service, electric service), running from the main utilities along Main Street to any of the buildings within the work zone must be shown on the utility plan. Also, any utilities running under the sidewalk along Main Street should be shown and labeled on the utility plan.
- The more detailed site plans required by DPW must include all current New York State DEC guidelines for Soil and Erosion Control, including silt fencing, soil stockpile area and stabilized construction entrance, and associated City of White Plains DPW standard details for soil and erosion control.
- The applicant must provide a table of existing and proposed impervious and non-impervious areas. The tables should list the total square feet of all walkways/paver areas (impervious) and planter areas (pervious) for both the existing and proposed conditions. (If the applicant increases the amount of impervious area by 100 square feet or more, the applicant may be required to provide a storm water detention system(s). The design calculations for a detention system must be based on a 25 year storm event, 6.4" over a 24 hour period.)
- All construction under the jurisdiction of the Department of Public Works (DPW) must be in conformance with DPW standards regardless of what may be shown on the plans. A typical detail of the City of White Plains 'Promenade Sidewalk' should be added to the plans.
- If any work shall occur within the ROW all applicable DPW permits shall be filed (i.e. street and/or sidewalk obstruction and protection). During the demolition phase of the project, all removed materials, sediments and/or construction debris is prohibited from entering the City right-of-way. Construction fencing must be placed along the property line as required and directed by DPW to properly protect pedestrian and vehicular traffic.

In conclusion, we have no objection to conditioned approval provided the comments are addressed to the sole satisfaction of the Commissioner of Public Works prior to the issuance of a Building Department permit.

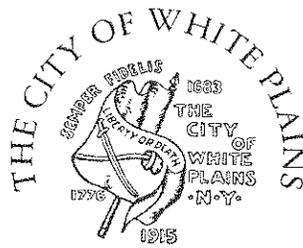
Respectfully Submitted,



Richard G. Hope
Commissioner of Public Works

Dated: September 6, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

The Department of Parking/ Traffic Division has reviewed the application for a site plan amendment at 1 North Broadway which was referred by the Common Council on August 1, 2016.

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

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

Dated: August 8, 2016
(for the September 6, 2016 Common Council Meeting)



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

THOMAS M. ROACH
MAYOR

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

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

The Transportation Commission, at its meeting held on August 17, 2016, reviewed a request from White Plains Plaza (One North Broadway), for a site plan amendment to revise the Plaza, as referred by the Common Council on August 2, 2016.

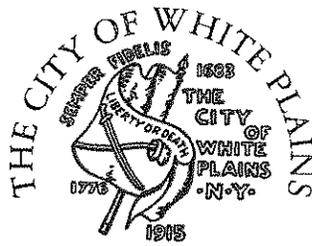
The Transportation Commission had no objection to the amendment.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: August 23, 2016 (for the September 6, 2016 Common Council Meeting)

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THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

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

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

Re: #36 WPP Owners, LLC-White Plains Plaza
Site Plan Amendment 1 North Broadway/445 Hamilton

The Department of Parking has received and reviewed the above-noted site plan amendment.

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

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: August 25, 2016



Robert P. Astorino
County Executive

County Planning Board

August 17, 2016

Anne M. McPherson, City Clerk
City of White Plains
Municipal Building
255 Main Street
White Plains, NY 10601-2479

Dear Ms. McPherson:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: One North Broadway Plaza Renovation — WHP 16-009
Action: Site Plan Amendment
Location: 1 North Broadway

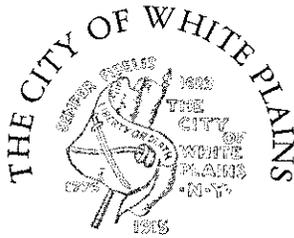
We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the proposed renovation of the outdoor plaza is a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

FOR:
By: 
Edward Buroughs, AICP
Commissioner

EEB/LH



ENVIRONMENTAL OFFICER

70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601

THOMAS M. ROACH
MAYOR

(914) 422-1300 • FAX: (914) 422-1301

ROD JOHNSON
ENVIRONMENTAL OFFICER

August 18, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS PLAZA
ONE NORTH BROADWAY
WPP OWNERS LLC
SITE PLAN AMENDMENT - SPECIAL "S" ZONE

The application submitted by WPP Owners LLC, owners of White Plains Plaza at One North Broadway, regarding a site plan amendment for property in a Special "S" Zone District ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The premises which is known as One North Broadway, encompasses 275 Main Street and 445 Hamilton Avenue and is shown on the Official Map of the City of White Plains as Section 125.68, Block 5, Lots 2, 3 and 5.

The Proposed Action involves improvements to renovate the outdoor plaza area including new plaza pavers, new stairs from Main Street, raised planters, seating areas, exterior lighting and a raised platform/stage area. Improvements to the adjacent building façades include, installation of a walkway canopy with the associated relocation of existing tenant signage and the installation of a "Green Wall" plant feature along the westerly wall adjoining the 275 Main Street Building.

As a designated S Zone, the property is subject to the provisions of the special legislation adopted by the City in 1954, in connection with the original development approvals for the property, which include the requirement that all subsequent changes to the property be approved by the Common Council. Section 3.6.2 of the Zoning Ordinance states that any changes to such design documents for "S" Zones shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of the Ordinance, provided that such amendments create no new non-conformity with the regulations of the Ordinance.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

1. The installation of the LED light-screen feature proposed to be mounted at the second floor level of the building façade along the western side of the plaza area IS NOT APPROVED. This

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feature is specified as “New LED Metal Screen Alucobond Media, Traxon Technologies” and shown of Drawing Nos. A5 and A6.

2. Plans and specifications for any “New Monument Sign” to be located in the planter adjacent to the Main Street stairs should be submitted for site plan approval by the Common Council.

The Applicant has submitted, a cover letter prepared by Mr. William Null, a Short Form Building Application dated June 29, 2016, a Short Environmental Assessment Form dated June 30, 2016, drawings A0 thru A8, S1, S2, and S3 prepared by Cardinelli Design and Architecture dated June 30, 2016, and drawings CD-1 thru CD-9 as prepared by JMC Engineering dated June 24, 2016.

It is recommended that the Common Council (a) designate itself to be the Lead Agency for the environmental review of the proposed action and (b) determine that the Proposed Action is an Unlisted Action under SEQR regulations; and (c) determine that the Proposed Action will not have a significant effect on the environment for the following reasons

- (a) The proposal is consistent with the 1997 Comprehensive Plan and 2006 Update and the White Plains Zoning Ordinance

The 1997 Comprehensive Plan and 2006 Update offer the following strategies with respect to the Mamaroneck Avenue Central Business District:

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

The premises are situated in the CB-3 (Core Business) District. In Section 5.5.1.9, the Zoning Ordinance states that the CB-3 District is a high-density, mixed-use district encompassing the core of the City’s Central Business District. It allows a combination of retail, office, government and service business uses appropriate to the role of the City as a regional center

One North Broadway is located in a Special “S” Zone and is subject to Section 3.6 of the Zoning Ordinance. Section 3.6 provides as follows:

3.6 Former Special Zones

3.6.1 Special zoning conditions affecting individual properties or groups of properties and heretofore adopted as S Zones by the Common Council under the provisions of the previous Zoning Ordinance, where determined to be still applicable have been annotated on the Zoning Map by an asterisk (*) and are hereby incorporated by reference in this Ordinance. "Uses" established or "structures" constructed pursuant to such special zoning conditions shall be deemed conforming under the terms of this Ordinance. An index map annotating the properties affected by such conditions and containing the text of those conditions, or appropriate reference thereto, is kept by the City Clerk, with copies thereof kept by the Departments of Planning and Building. If the Common Council amends such index map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the map kept by the City Clerk and to the copies kept by

the Departments of Planning and Building.

- 3.6.2 In S Zones where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved "site plans." Any amendments or changes to such design documents shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.

The proposed improvements to the plaza area and building façade do not represent a significant change to the approved site plan. The improvements do not involve changes to the building bulk, floor area or parking requirements. As such, the improvements conform to the approved site plan of the of the Special "S" Zone.

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

The proposed plaza and building improvements will not result in an increase of impervious surface area. The entire plaza area including the existing planters are installed on the roof of basement floor areas

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

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.

There are no natural landscape conditions on the site or in the nearby area.

The existing planter in the plaza area will be removed and replaced by other planters in the new plaza design.

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

The Proposed Action involves improvements to renovate the outdoor plaza area including new plaza pavers,

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

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

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or

other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN APPLICATION ON BEHALF OF WPP OWNERS LLC, FOR A SITE PLAN AMENDMENT FOR PROPERTY IN A SPECIAL "S" ZONE DISTRICT IN RESPECT TO THE WHITE PLAINS PLAZA AT ONE NORTH BROADWAY,

WHEREAS, the application submitted by WPP Owners LLC, owners of White Plains Plaza at One North Broadway, regarding a site plan amendment for property in a Special "S" Zone District ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the premises which is known as One North Broadway encompasses 275 Main Street and 445 Hamilton Avenue, and is shown on the Official Map of the City of White Plains as Section 125.68, Block 5, Lots 2, 3 and 5; and

WHEREAS, the Proposed Action involves improvements to renovate the outdoor plaza area including new plaza pavers, new stairs from Main Street, raised planters, seating areas, exterior lighting and a raised platform/stage area. Improvements to the adjacent building façades include, installation of a walkway canopy with the associated relocation of existing tenant signage and the installation of a "Green Wall" plant feature along the westerly wall adjoining the 275 Main Street Building; and

WHEREAS, as a designated S Zone, the property is subject to the provisions of the special legislation adopted by the City in 1954, in connection with the original development approvals for the property, which include the requirement that all subsequent changes to the property be approved by the Common Council.

WHEREAS, Section 3.6.2 of the Zoning Ordinance states that any changes to such design documents for "S" Zones shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of the Ordinance, provided that such amendments create no new non-conformity with the regulations of the Ordinance.

WHEREAS, the Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

1. The installation of the LED light-screen feature proposed to be mounted at the second floor level of the building façade along the western side of the plaza area IS NOT APPROVED. This feature is specified as "New LED Metal Screen Alucobond Media, Traxon Technologies" and shown of Drawing Nos. A5 and A6.
2. Plans and specifications for any "New Monument Sign" to be located in the planter adjacent to the Main Street stairs should be submitted for site plan approval by the Common Council; and

WHEREAS, the Applicant has submitted, a cover letter prepared by Mr. William Null, a Short Form Building Application dated June 29, 2016, a Short Environmental Assessment Form dated June 30, 2016, drawings A0 thru A8, S1, S2, and S3 prepared by Cardinelli Design and Architecture dated June 30, 2016, and drawings CD-1 thru CD-9 as prepared by JMC Engineering dated June 24, 2016; and

WHEREAS, under the New York State Environmental Quality Review (SEQR) regulations (6

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NYCRR 617), the Common Council is required to incorporate environmental considerations in approval actions by a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council determine the Proposed Action to be reviewed as an Unlisted Action under SEQR regulations; and

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

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

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

- (a) The proposal is consistent with the 1997 Comprehensive Plan and 2006 Update and the White Plains Zoning Ordinance

The 1997 Comprehensive Plan and 2006 Update offer the following strategies with respect to the Mamaroneck Avenue Central Business District:

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

The premises are situated in the CB-3 (Core Business) District. In Section 5.5.1.9, the Zoning Ordinance states that the CB-3 District is a high-density, mixed-use district encompassing the core of the City's Central Business District. It allows a combination of retail, office, government and service business uses appropriate to the role of the City as a regional center

One North Broadway is located in a Special "S" Zone and is subject to Section 3.6 of the Zoning Ordinance. Section 3.6 provides as follows:

3.6 Former Special Zones

3.6.1 Special zoning conditions affecting individual properties or groups of properties and heretofore adopted as S Zones by the Common Council under the provisions of the previous Zoning Ordinance, where determined to be still applicable have been annotated on the Zoning Map by an asterisk (*) and are hereby incorporated by reference in this Ordinance.

"Uses" established or "structures" constructed pursuant to such special zoning conditions shall be deemed conforming under the terms of this Ordinance. An index map annotating the properties affected by such conditions and containing the text of those conditions, or appropriate reference thereto, is kept by the City Clerk, with copies thereof kept by the Departments of Planning and Building. If the Common Council amends such index map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the map kept by the City Clerk and to the copies kept by the Departments of Planning and Building.

- 3.6.2 In S Zones where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved "site plans." Any amendments or changes to such design documents shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.

The proposed improvements to the plaza area and building façade do not represent a significant change to the approved site plan. The improvements do not involve changes to the building bulk, floor area or parking requirements. As such, the improvements conform to the approved site plan of the of the Special "S" Zone.

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

The proposed plaza and building improvements will not result in an increase of impervious surface area. The entire plaza area including the existing planters are installed on the roof of basement floor areas

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

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. No other significant adverse impacts to natural resources will result from the Proposed Action.

There are no natural landscape conditions on the site or in the nearby area.

The existing planter in the plaza area will be removed and replaced by other planters in the new plaza design.

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

The Proposed Action involves the addition of limited retail floor area and changes to the exterior facade of the existing retail /office facility.

- (e) No major change in type or quantity of energy used will result from the Proposed Action.

- (f) No hazard to health or human safety will be created.

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

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF WPP OWNER LLC (“APPLICANT”), OWNER OF THE PROPERTY KNOWN AS ONE NORTH BROADWAY, FOR AN AMENDMENT TO AN APPROVED SITE PLAN TO UPDATE AND RENOVATE THE EXISTING PLAZA AREA FACING MAIN STREET, INCLUDING THE INSTALLATION ON NEW PAVERS THROUGHOUT THE AREA, AS WELL AS NEW STAIRS FROM MAIN STREET, NEW RAISED PLANTERS, SEATING AREAS, LIGHTING, A RAISED PLATFORM/STAGE AREA AND THE INSTALLATION OF A LIVING GREEN WALL ALONG THE WESTERLY WALL ADJOINING THE 275 MAIN STREET BUILDING.

WHEREAS, the Common Council of the City of White Plains, at its meeting held on August 1, 2016, received a communication from the Commissioner of Building dated July 28, 2016, forwarding an application, submitted on behalf of WPP Owner LLC (“Applicant”), owner of the property known as One North Broadway (encompassing 275 Main Street and 445 Hamilton Avenue and commonly referred to as “White Plains Plaza”) for an amendment to an approved site plan (Application”), in accordance with Section 7.7.2 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), to update and renovate the existing plaza area facing Main Street, including the installation of new pavers throughout the area, as well as new stairs from Main Street, new raised planters, seating areas, lighting, a raised platform/stage area and the installation of a living green wall along the westerly wall adjoining the 275 Main Street building; and

WHEREAS, the 1.79 acre (77,862) square foot site is located on the northwest corner of Main Street and North Broadway and is adjacent to 275 Main Street; and; and

WHEREAS, the premises located at One North Broadway is known and designated

on the Tax Assessment Map of the City of White Plains as Section 125.68, Block 5, Lot 5; and

WHEREAS, the property is located in a CB-3 (Core-Business 3 Zoning District of the City of White Plains (“CB-3 District”) and within the Central Parking Area (“CPA”); and

WHEREAS, the property is also designated a former Special Zone (“S Zone”), which had been located within the former BR-4 (Business Residential) Zoning District, (but in 2002, the Zoning Ordinance was amended classifying the premises in the CB-3 Zoning District); and

WHEREAS, as a designated “S” Zone, the property is subject to the provisions of special legislation adopted by the Common Council, in connection with the original development approvals for the property, including by resolution adopted June 21, 1965, and subsequent approvals thereto, including the requirement that all subsequent changes to the property be approved by the Common Council; and

WHEREAS, Section 3.6.2 of the Zoning Ordinance provides that in “S Zones” where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved “site plans”; any amendments or changes to such design documents shall be treated as amendments to approved “site plans” in accordance with Section 7.7.2 of the Zoning Ordinance, provided that such amendments create no new non-conformity with the regulations of the Zoning Ordinance; and

WHEREAS, the plaza was constructed in the 1970's, together with the adjacent parking structure situated above the retail building at 275 Main Street; and

WHEREAS, One North Broadway is a fifteen (15) story building, occupied by ground multiple tenants, including Panera Bread and Crunch Gym, and is primarily used as a professional/office space, but also includes a ground level restaurant and retail uses; and

WHEREAS, the site is also adjacent to several anchor tenants, including Walmart and Burlington Coat Factory (275 Main Street) and is across the street from the Metropolitan Plaza (Cambria Suites, Wild Fusion) and the City Center; and

WHEREAS, due to its prominent downtown location, the plaza attracts pedestrian traffic at nearly all times of day; and

WHEREAS, the instant Application includes the following documents:

A. A cover letter dated July 20, 2016, from William S. Null., of the law firm of Cuddy& Feder, transmitting the Application and describing same; and

B. Plans entitled, "One North Broadway Plaza Renovation, Tax Map Section 125.68, Block 5, Lot 5, Westchester County, One North Broadway, City of White Plains, New York 10601", prepared by JMC Planning, engineering, Landscape Architecture & Land Surveying, LLC, of the

following sheets:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
CD-1	Cover Sheet	6-24-2016
CD-2	Existing Conditions Plan	6-24-2016
CD-3	Site Demolition Plan	6-24-2016
CD-4	Site Layout Plan	6-24-2016
CD-5	Site Grading&Utilities Plan	6-24-2016
CD-6	Site Erosion &Sediment Control Plan	6-24-2016
CD-7	Site Landscaping Plan	6-24-2016
CD-8	Construction Details	6-24-2016
CD-9	Construction Details	6-24-2016; and

C. Plans entitled, “proposed Exterior Modifications, One North Broadway, White Plains, NY 10601, Section 125.68, Block 5, Lot 5,” prepared by Cardarelli Design & Architecture, P.C. consisting of the following sheets:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
A0	Cover Sheet	6-30-2016
A1	Overall Plan	6-30-2016
A2	Construction Plans	6-30-2016
A3	Canopy Glazing Plan	6-30-2016
A4	Composite Plan	6-30-2016
A5	Exterior Elevations	6-30-2016

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
A6	Wall Sections	6-30-2016
A7	Sections&Details	6-30-2016
A8	Interior Elevations	6-30-2016
S1	General Notes&Material Specifications	6-30-2016
S2	Plaza Canopy Plan	6-30-2016
S3	Sections	6-30-2016; and

D. A Short Environmental Assessment Form (EAF) in accordance with Article 8 of the new York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. at Part 617, as prepared by Mr. Anthony P. Nester, dated June 30, 2016; and

E. Application for a Building Permit, sworn to by Mr. Anthony Nester, and dated June 30, 2016; and

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

WHEREAS, in connection with instant Application, the Common Council at a meeting held on September 6, 2016, received a communication from the Commissioner of Building

dated August 18, 2016; the Commissioner of Planning dated August 23, 2016; the Commissioner of Public Works, dated September 6, 2016; the Commissioner of Public Safety, dated August 17, 2016; the Commissioner of Parking, dated August 25, 2016; the Deputy Commissioner of Parking for Transportation Engineering, dated August 8, 2016; the Chair of the Planning Board, dated August 23, 2016; the Chair of the Design Review Board, dated August 17, 2016; the Acting Secretary to the Transportation Commission, dated August 23, 2016; the Westchester County Planning Board, received August 17, 2016; and the Environmental Officer, dated August 18, 2016; and

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

WHEREAS, the proposed amendments to the plaza area and building facade do not represent a significant change to the approved plan and do not involve changes to the building bulk, floor area or parking requirements, and as such, the improvements conform to the approved site plan of the Special “S” Zone; and

WHEREAS, the proposed Application for an amended site plan is in full compliance with the applicable requirements of the CB-3 Zoning District and the former S-Zone and is

consistent with the Zoning Ordinance and the 1997 Comprehensive Plan and its amendments thereto adopted by the Common Council on July 11, 2006; and

WHEREAS, the Common Council has reviewed and considered comments from various City departments, boards, commissions, agencies, and officers and has reviewed and considered the amended site plan Application with respect to the standards set forth in Section 7.5 of the Zoning Ordinance.

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

1. In accordance with Section 7.5.1 of the Zoning Ordinance, the amended site plan Application is consistent with the strategies established in the 1997 and 2006 Update of the Comprehensive Plan adopted July 11, 2006 (“Comprehensive Plan”). It is located in the City’s Core Area-defines as “a place to live, work, shop and spend quality leisure time.” The Comprehensive Plan envisions a vibrant, mixed use Core Area with its three (3) unique sub-areas linked through pedestrian, streetscape, transit and signage improvements and land uses that complement one another. The Plan highlights the need for safe and efficient pedestrian movement in the Central Business District and identifies pedestrian traffic as a critical planning element in both the review and approval of new development and rehabilitation of existing structures.

2. In accordance with Section 7.5.1 of the Zoning Ordinance, the amended site plan

Application is consistent with the Comprehensive Plan recommendations in providing clear improvements to enhance pedestrian access to the site and provide safe and an attractive pedestrian plaza in the Core Area.

3. In accordance with Section 7.5.1 of the Zoning Ordinance, the amended site plan Application is consistent with the Westchester County Planning Board's long range planning policies set forth in *Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning*, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People* as it represents redevelopment in an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

4. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed amended site plan Application to renovate the outdoor plaza area, including new plaza pavers, new stairs from Main Street, raised planters, seating areas, exterior lighting and a raised platform/stage area, and improvements to the adjacent building facades, including installation of a walkway, canopy with the associated relocation of existing tenant signage and the installation of a "Green Wall" plant feature along the westerly wall adjoining the 275 Main Street building, conforms with the CB-3 Zoning District and S-Zone height, bulk and density requirements.

5. The vehicular and traffic circulation both within and without the site have been reviewed and are considered safe, adequate and convenient in accordance with Section 7.5.2 of the

Zoning Ordinance, based upon reports of the Traffic Department and the Traffic Commission. This Finding specifically includes, but is not limited to, consideration of the effects of the alterations, renovations and improvements on the traffic conditions on existing “streets”; vehicular and pedestrian access drives and walkways; visibility at all exit points of the site, including North Broadway, Hamilton Avenue and Main Street; arrangements for and on and off-street parking facilities, the location, arrangement and adequacy of loading spaces; patterns of vehicular and pedestrian circulation; facilities for the physically challenged; and the adequacy of emergency access.

6. Pedestrian circulation within the plaza is greatly improved with the addition of bistro-style tables and chairs, raised planters (14-inches), recessed LED lighting, new pavers, and new stairs leading up to the plaza. The existing brick sidewalk along Main Street will be reset in accordance with the City’s Department of Public Work standards.

7. The existing ADA compliant ramp will remain, but the existing railings will be replaced with new cable railings in keeping with the new design elements of the plaza. A second ramp will be provided to access the proposed elevated stage area on the western portion of the renovated plaza.

8. Significant landscaping and signage improvements are proposed for the plaza area and exterior of the building.

9. The fire lanes and emergency zones remain unchanged by the amended site plan

Application.

10. The design of these alterations, renovations and improvements are in harmony with adjacent uses and will preserve property values and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance.

11. The newly designed plaza eliminates all existing individual planters (31), including a large raised planter bed in the center of the plaza, and replaces them with four (4) large, raised, and strategically placed planters constructed of Pennsylvania thermal bluestone. Located primarily on the westerly side of the plaza, these planters will be 14 inches in height to allow for additional seating opportunities for pedestrians. Three (3) raised planters flank a newly constructed and slightly elevated stage area that contains seven (7) "Wellspring" outdoor teak tables, each with seating for four (4) people. These tables replace eight (8) existing benches that will be removed. In addition, four (4) bistro tables are proposed alongside a raised planter, each with two (2) seats. Two 24" x 103" benches are proposed along the easterly side of the plaza. While the existing eight (8) benches could seat approximately twenty-four (24) persons, the proposed tables and chairs could potentially seat up to thirty-six (36) persons. This number is further increased by the potential seating opportunities on the raised planters. Thus, the new seating plan and the location of the raised planters not only enhances the pedestrian flow through the plaza, but also provides many more places for individuals to congregate.

12. In addition to seating and landscaping enhancements, the following upgrades are

proposed in the amended site plan Application:

A. A new overhead 84-foot chrome canopy will be installed at the northern end of the plaza above the entrance to Panera's. Above the canopy, the Applicant has proposed a new LED metal media screen. The existing canopy on the easterly side of the plaza will remain. However, the existing signage will be removed and replaced with a new aluminum metal address sign that coordinates with the overall design of the plaza. A metal media screen is proposed at this location as well. These metal media screens are not permitted pursuant to the City's sign ordinance (Chapter 9-10 of the White Plains Municipal Code).

B. The plaza will be repaved with "blu grande" 19.5" x 32.5" shale grey polished concrete pavers. The stage area will contain "borealis" smoked pine 10"x30" concrete pavers in a distinctive herringbone pattern. Access to the stage can be made via new, gradual stairs (two steps) as well as a ramp on the westerly side. New stairs up to the plaza will also be provided.

C. The concrete pavers and other design elements will be extended through the tunnel into the parking area. LED recessed lighting as well as new doors will be added to this area.

D. A 62-foot living wall or "green wall" is proposed and will be located along the westerly wall between the plaza and Walmart and the parking garage above.

E. A new monument sign is proposed at the entrance to the plaza. This sign is

located within a new raised planter and is surrounded by a natural stone retaining wall with a cable rail railing. The Applicant has not submitted any specific plans for this sign and shall submit a detailed signage package to the Common Council for a separate approval . *See* Condition 3 set forth in this approval resolution herein.

13. The City's Construction Management Protocols must be adhered to the satisfaction of the Commissioner of Public Works. *See* Condition 6 set forth in this approval resolution herein.

14. The site is completely built-out. Therefore, there are no natural features, wetlands, or unique wildlife habitat on the site.

15. Continuous line recessed LED lighting is proposed throughout the plaza. These lights will be installed in the ground alongside "techno-bloc bu grande" 19.5" x 32.5" beige cream concrete pavers to create an additional design element. Additional Lighting is proposed on the westerly side of the plaza, mounted to the building in order to light the newly constructed stage and green wall all in conformance with the City's light standards.

16. The project will continue to conform with to City noise protocols.

17. Drainage facilities for the fountain and planters are provided, pursuant to the recommendations of the City's Department of Public Works.

18. No solar energy systems are proposed as part of the amended site plan Application. The Applicant proposes to construct a green wall on the westerly side of the plaza.

19. In accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration and recommendation of the Design Review Board, the architectural design of the alteration, renovations and improvements for the existing White Plains Plaza will enhance and protect the character and property values of the neighborhood. The proposed upgrades to the plaza at One North Broadway are intended to modernize, revitalize, and enhance the overall visual appearance of the site to create a more vibrant and pedestrian friendly experience; and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 3.6, 7.5, and 8 of the Zoning Ordinance have been satisfied and that the amended site plan Application be and hereby is granted, subject to the following conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated August 23, 2016, all landscaping proposed in the proposed plaza, including the green wall, 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 growing season.

2. As per the recommendation set forth in the communications of the Commissioner of Planning dated August 23, 2016, Commissioner of Building dated August 18, 2016, and the

Environmental Officer dated August 18, 2016, the installation of the LED light-screen feature (“New LED Metal Screen Alucobond Media, Traxon Technologies”) and shown on Drawings Nos. A5 and A6, proposed to be mounted in the second floor level of the building facade along the northerly and easterly sides of the plaza area are **not** permitted and shall not be considered part of any site plan approval herein and is therefore not approved, as the panel will not add to the overall aesthetic improvements and maybe a distraction to passing vehicles and could impact the neighbors on the other side of Main Street.

3. As per the recommendation set forth in the communications of the Commissioner of Planning dated August 23, 2016, the Commissioner of Building, dated August 18, 2016, the Chair of the Design Review Board, dated August 17, 2016, the Chair of the Planning Board dated August 23, 2016, the Applicant must submit to the Common Council, a detailed signage package illustrating the design and specifications of all new signage that is proposed, and in particular, for the “New Monument Sign” (sculpture) proposed at the entrance of the plaza listing the tenants

4. As per the recommendation set forth in the communication of the Commissioner of Planning dated August 23, 2016, prior to the issuance of a building permit, the Applicant shall ensure the Commissioner of Building that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.

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

of Planning dated August 23, 2016, a pre-construction meeting shall be held with the Applicant, the Building Inspector, and the Environmental Officer, and other appropriate staff, as needed, to review the construction plan and time-line, and to detail City requirements and Applicant responsibilities during construction.

6. As per the recommendation set forth in the communication of the Commissioner of Planning dated August 23, 2016, a Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Planning, and Public Works, the Deputy Commissioner of Parking for Transportation Engineering, and the Environmental

Officer.

7. As per the recommendation set forth in the communications of the Commissioner of Building dated August 18, 2016, the final design of the sculpture (monument), including tenant identification, shall be submitted for separate approval by the Common Council.

8. As per the recommendation of the Chair of the Planning Board dated August 23, 2016, reducing the expanse of steps up to the plaza from the sidewalk will create a more pedestrian inviting space, and the addition of a monument sign listing the tenants will help businesses. The Common Council shall approve any signage before installation.

9. As per the recommendation of the Chair of the Planning Board dated August 23, 2016, although a green wall is proposed to be added, it will not be very visible from pedestrian vantage points on Main Street.

10. As per the recommendation of the Chair of the Planning Board dated August 23, 2016, the trees currently on the site provide more landscaping than is proposed in this renovation. The Applicant shall consider increasing planting on the site.

11. As per the recommendation set forth in the communication of the Chair of the Planning Board dated August 23, 2016, the plan shows seating areas, including the walls around the proposed planting beds. Seating with backs and shaded areas would make the space more

comfortable and inviting. Tress or arbors could provide shade.

12. As per the recommendation set forth in the communication of the Chair of the Planning Board dated August 23, 2016, power may be provided at the stage for lighting and sound amplification.

13. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the Applicant shall provide a copy of a property survey, properly sealed, in which all information on the survey is clearly legible.

14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the Applicant must repair the sidewalk fronting the property on Main Street prior to obtaining a Temporary Certificate of Occupancy (TCO) for the proposed plaza renovation.

15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, since the plans indicate the installation of an additional drain basin and drain piping, the Applicant must obtain a City of White Plains Department of Public Works MS4 storm water permit prior to the issuance of a Building Department permit.

16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the City's right-of-way line along Main Street shall be

drawn on all plan sheets.

17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the new plaza surface shall be pitched as necessary (toward the drain inlets) in order to minimize surface runoff from running toward the main steps and onto the City sidewalks.

18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the proposed new drain inlets shall be equipped with a 12" deep sump at the pipe outlet.

19. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the locations of all existing utility service lines (*i.e.* gas service, water service, sanitary sewer service, storm service, electric service), running from the main utilities along Main Street to any of the buildings within the work zone shall be shown on the utility plan. Any utilities running under the sidewalk along Main Street shall also be shown and labeled on the utility plan.

20. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the more detailed site plans required by the City's Department of Public Works must include all current New York State Department of Environmental Conservation (DEC) guidelines for Soil and Erosion Control, including silt fencing, soil stockpile

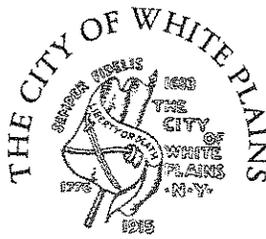
area and stabilized construction entrance, and associated City of White Plains Department of Public Works standard details for soil and erosion control.

21. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, the Applicant must provide a table of existing and proposed impervious and non-impervious areas. The tables shall list the total square feet of all walkways/paver areas (impervious) and planter areas (pervious) for both the existing and proposed conditions. If the Applicant increases the amount of impervious area by 100 square feet or more, the Applicant may be required to provide a storm water detention system (s). The design calculations for a detention system must be based on a 25 year storm event, 6.4" over a twenty-four (24) hour period.

22. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, all construction under the jurisdiction of the City's Department of Public Works must be in conformance with Department of Public Works standards regardless of what may be shown on the plans. A typical detail of the City of White Plains "Promenade Sidewalk" shall be added to the plans.

23. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 6, 2016, if any work shall occur with the City's right-of-way, all applicable Department of Public Works permits shall be filed (*i.e.* street and/or sidewalk obstruction and protection). During the demolition phase of the project, all removed materials, sediments and/or

construction debris is prohibited from entering the City right-of-way. Construction fencing must be placed along the property line as required and directed by the Department of Public Works to properly protect pedestrian and vehicular traffic.



DEPARTMENT OF LAW

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

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

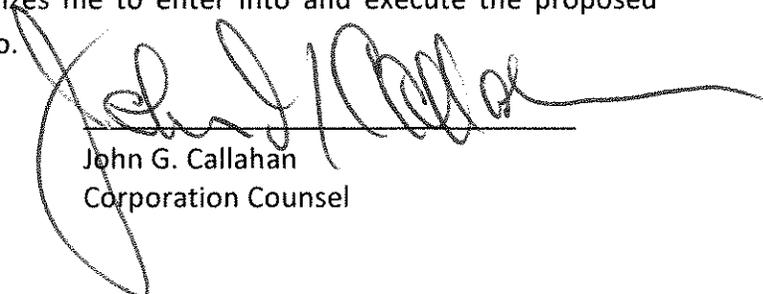
DANIEL K. SPENCER
Deputy Corporation Counsel

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

The French-American School of New York ("FASNY") commenced a legal proceeding, entitled *French American School of New York against Mayor Thomas Roach and the Common Council of the City of White Plains* (Westchester County Sup. Ct. Index No. 2967/15), by Order to Show Cause on September 3, 2015, challenging the actions of the City on August 5, 2015, respecting FASNY's application to discontinue a portion of Hathaway Lane and its Special Permit and Site Plan Application for a school on the site of the former Ridgeway Country Club in White Plains.

FASNY has offered to enter into a Stipulation of Settlement ("the Stipulation") with the City, pursuant to which FASNY would submit an alternative application for a school on the parcel containing the former Ridgeway Country Club clubhouse. If the application were to be approved, FASNY would discontinue the aforementioned litigation. Entering into the proposed Stipulation would not obligate the City to approve the alternative application.

The accompanying resolution authorizes me to enter into and execute the proposed Stipulation, a copy of which is annexed hereto.



John G. Callahan
Corporation Counsel

Date: September 1, 2016
(For the Common Council Meeting
Of September 6, 2016)

WHEREAS, the City has preliminarily reviewed the Alternative Plan, and based upon that preliminary review recognizes that the Alternative Plan presents a significantly reduced plan which does not require the closure of Hathaway Lane; and

WHEREAS, the Alternative Plan presents a potentially reasonable alternative for resolving and settling this matter; and

WHEREAS, the City encourages FASNY to present the Alternative Plan for consideration as a formal application (the "Alternative Plan Application") pursuant to the terms and conditions of this Stipulation of Settlement; and

WHEREAS, the Parties agree and acknowledge that while the City agrees in good faith to review and process the Alternative Plan Application diligently and promptly, the City cannot commit to any particular outcome regarding the Project, the Alternative Site Plan Application, the Site or future related approvals concerning the Project and the Alternative Plan Application under the State Environmental Quality Review Act ("SEQRA") or the White Plains Zoning Ordinance, and that the covenants, conditions and agreements set forth in this Stipulation of Settlement are subject to and conditioned upon compliance with each of the findings and determinations to be made as provided for by this Stipulation of Settlement and the public hearing(s) which will be held with respect to the Alternative Plan Application; and

WHEREAS, the Parties agree to take in good faith, diligently and promptly all reasonable actions to expedite and facilitate review of the Alternative Plan Application under SEQRA and other applicable laws; and

WHEREAS, the Parties mutually agree that the timeframes set forth in Paragraph 2 below (the "Milestones") are desirable goals; and

WHEREAS, the Parties agree that the City shall process the Alternative Site Plan Application pursuant to the terms and conditions of this Stipulation of Settlement without prejudice to or effect upon the Application that was before the Common Council on August 5, 2015 (except as otherwise provided in this Stipulation of Settlement if the Alternative Plan Application is approved),

NOW, THEREFORE, in consideration of the terms and conditions of this Stipulation of Settlement, the sufficiency of which the Parties acknowledge, the Parties agree, as follows:

1. Alternative Plan Application: FASNY and the Department of Building shall work together in a prompt and diligent effort to define within fourteen (14) days after this order is approved by the Court the itemized list of documents and submissions necessary to make the Alternative Site Plan Application complete. The City shall exercise its authority under Section 7.3.6 of the City Zoning Ordinance to require that the full administrative record for the Application that was before the Common Council in August 2015 be part of the record of the Alternative Plan Application.

2. Milestones: The City and FASNY shall in good faith, diligently and promptly exercise all reasonable efforts to meet the following milestones:

a. FASNY will file its Alternative Site Plan Application for the site plan approval and a special permit within seven (7) weeks after this order is approved by the Court.

b. The Commissioner of Building and the Commissioner of the Department of Public Works (respecting the Stormwater Pollution Prevention Plan (“SWPPP”)) will make a determination of the completeness of FASNY’s Alternative Plan Application within fourteen (14) days of FASNY’s submission of the Alternative Plan Application. If FASNY needs to amend, revise or supplement its Alternative Plan Application or the SWPPP in response to the applicable Commissioners’ determination it will do so within fourteen (14) days of the applicable Commissioner’s comments or determination, and the applicable Commissioner will endeavor to make a determination of the completeness on such amended, revised or supplemented Alternative Plan Application or SWPPP within seven (7) days of its submission.

c. Upon receipt of a complete application, the Commissioner of Building will submit the Alternative Plan Application to the Common Council for its next regular scheduled meeting. At the meeting where the Alternative Plan Application first appears on the Common Council’s agenda, the Common Council shall refer the Alternative Plan Application to the Department of Parking, the Planning Board, the Westchester County Planning

Board, and any other boards, commissions, or personnel that the Council deems appropriate, advising each agency that it requests a report within thirty (30) days. Within two (2) weeks of receiving the requested reports on the agenda, the Common Council shall adopt a resolution scheduling a Public Hearing with respect to the Alternative Plan Application and determine whether the Alternative Plan is on, involves or affects any “Environmentally Sensitive Site or Feature” as defined in Section 2.4 of the City Zoning Ordinance. The Public Hearing on the Alternative Plan Application shall commence no later than seventy-five (75) days after the date the Common Council first received the complete Alternative Plan Application, but not earlier than Labor Day 2016. To the extent that the Public Hearing needs to be continued, it shall be continued expeditiously thereafter, and in any event within fifteen (15) days.

d. The City shall endeavor to vote on the Alternative Plan Application within thirty (30) days, but in any event no later than forty-five (45) days, after (i) the approval of the SWPPP or (ii) the close of the Public Hearing, whichever is later.

3. Retention of Jurisdiction: The Court shall retain jurisdiction of this matter up to and including the Settlement Effective Date (as defined herein). The Court will hold monthly status conferences, or more if requested by any Party, to review with counsel the progress of the Alternative Plan Application, and reasonable compliance with the terms and conditions of this Stipulation of Settlement.

4. Settlement Contingent: If the City approves the Alternative Plan Application in accordance with all applicable State and municipal laws and ordinances, including, without limitation, SEQRA, either without any conditions, or with conditions to which FASNY, in its sole discretion, does not object within fourteen (14) days of the date on which the approval occurs, then this proceeding shall be dismissed with prejudice on the Settlement Effective Date and FASNY will deliver to the City a duly executed stipulation of discontinuance with prejudice, without costs, disbursements or attorneys’ fees to any Party, and a duly executed general release from liability. The Settlement Effective Date is the later of : (a) the date on which the limitations period for a legal challenge pursuant to Article 78 of the Civil Practice Law and Rules (an “Action”) has expired without any such Action having been commenced by any person or entity; or (b) if an Action is timely commenced, the date on which the Action is dismissed, denied or otherwise rejected in its entirety, and the time for appeal of such dismissal, denial or rejection has expired or all appellate options have been exhausted, or on an earlier date as FASNY shall determine in its sole discretion.

5. Settlement Denied: If the City denies the Alternative Plan Application, or approves the Alternative Plan Application with conditions to which FASNY, in its sole discretion, objects within fourteen (14) days of the date on which the approval occurs, or if the City fails to take action on the Alternative Plan Application within a reasonable period of time or in conformance with the terms and conditions of this Stipulation of Settlement, or if FASNY determines, in its sole discretion, that the City is not complying with the terms and conditions of this Stipulation of Settlement, then FASNY may:

(a) continue this action or commence any other action(s) based upon facts or claims, or actions taken by either Party, arising from or related to actions occurring unrelated to this Stipulation of Settlement, and the Parties reserve all rights, claims and defenses thereto, in

which case: (i) the Alternative Plan Application will be deemed to have been withdrawn; (ii) neither this Stipulation of Settlement nor any action taken by either Party in furtherance of this Stipulation of Settlement may be the subject of this or any other action or any litigation between the Parties; (iii) in any actions between the Parties no evidence may be offered in this action or any other litigation between the Parties arising from or related to this Stipulation of Settlement or any action taken by either Party in furtherance of this Stipulation of Settlement; and (iv) the City will have no less than twenty (20) days to answer the Petition/Complaint; or

(b) discontinue this action and commence a proceeding pursuant to CPLR Article 78 or a hybrid action, as the case may be, with respect to the City's action on the Alternative Plan Application (collectively, the "Alternative Plan Proceeding"), as well as commence any other action(s) based upon facts or claims, or actions taken by either Party, arising from or related to actions occurring unrelated to this Stipulation of Settlement, and the Parties reserve all rights, claims and defenses thereto, in which case: (i) if it discontinues this action, FASNY will deliver to the City, within thirty (30) days of the date on which the City acts on the Alternative Plan Application, a duly executed stipulation of discontinuance with prejudice with respect to this action, without costs, disbursements or attorneys' fees to any Party; (ii) neither this Stipulation of Settlement nor any action taken by either Party in furtherance of this Stipulation of Settlement may be the subject of any litigation between the Parties, except that FASNY may commence the Alternative Plan Proceeding as provided herein; and (iii) in any litigation between the Parties, no evidence may be offered arising from or related to this Stipulation of Settlement or any action taken by either Party in furtherance of this Stipulation of Settlement, except that FASNY may use the official record of the proceedings with respect to the Alternative Plan Application and the Alternative Plan Proceeding.

(c) Nothing in this Stipulation of Settlement is intended to prohibit FASNY from filing a new or amended application with the City and each Party reserves all of its rights, claims and defenses with respect to any such new or amended application, but: (i) such new or amended application will not be subject to the terms of this Stipulation of Settlement; and (ii) in any litigation between the Parties which may arise from or involve any such new or amended application, no evidence may be offered arising from or related to this Stipulation of Settlement or any action taken by either Party in furtherance of this Stipulation of Settlement.

6. Attorneys' Fees: If the City is or becomes a respondent or defendant (or both) in any action or proceeding challenging either this Stipulation of Settlement or any action the City takes under this Stipulation of Settlement, including, without limitation the approval of the Alternative Plan Application: (a) the City will actively and diligently oppose such action or proceeding, and, in the sole judgment of its attorneys, take all reasonable measures to support and defend this Stipulation of Settlement; and (b) FASNY will reimburse the City for the fees and disbursements the City incurs in defending the action, proceeding or both, in an amount up to seventy-five thousand dollars (\$75,000.00) in excess of any amounts obtained by the City pursuant to any insurance coverage. The City will diligently pursue reimbursement through any existing insurance policy.

7. Pending Proceedings Stayed: All proceedings in this action are stayed until the Alternative Plan Application has been determined under either Section 4 or Section 5 of this Stipulation of Settlement, except that: (a) the Court will hold conferences as provided in

Section 3 of this Stipulation of Settlement; and (b) the Parties may take such actions as, in their sole judgment, are necessary to take and maintain, or oppose, any appeals from the prior orders of this Court, provided, that the Parties agree to cooperate and take all necessary actions to stay, adjourn and/or enlarge all statutory timeframes so as to avoid all further motion practice or litigation during the pendency of this Stipulation of Settlement, and FASNY consents to the City's requests for any enlargements of time to perfect its appeals.

ZARIN & STEINMETZ
Attorneys for Petitioners

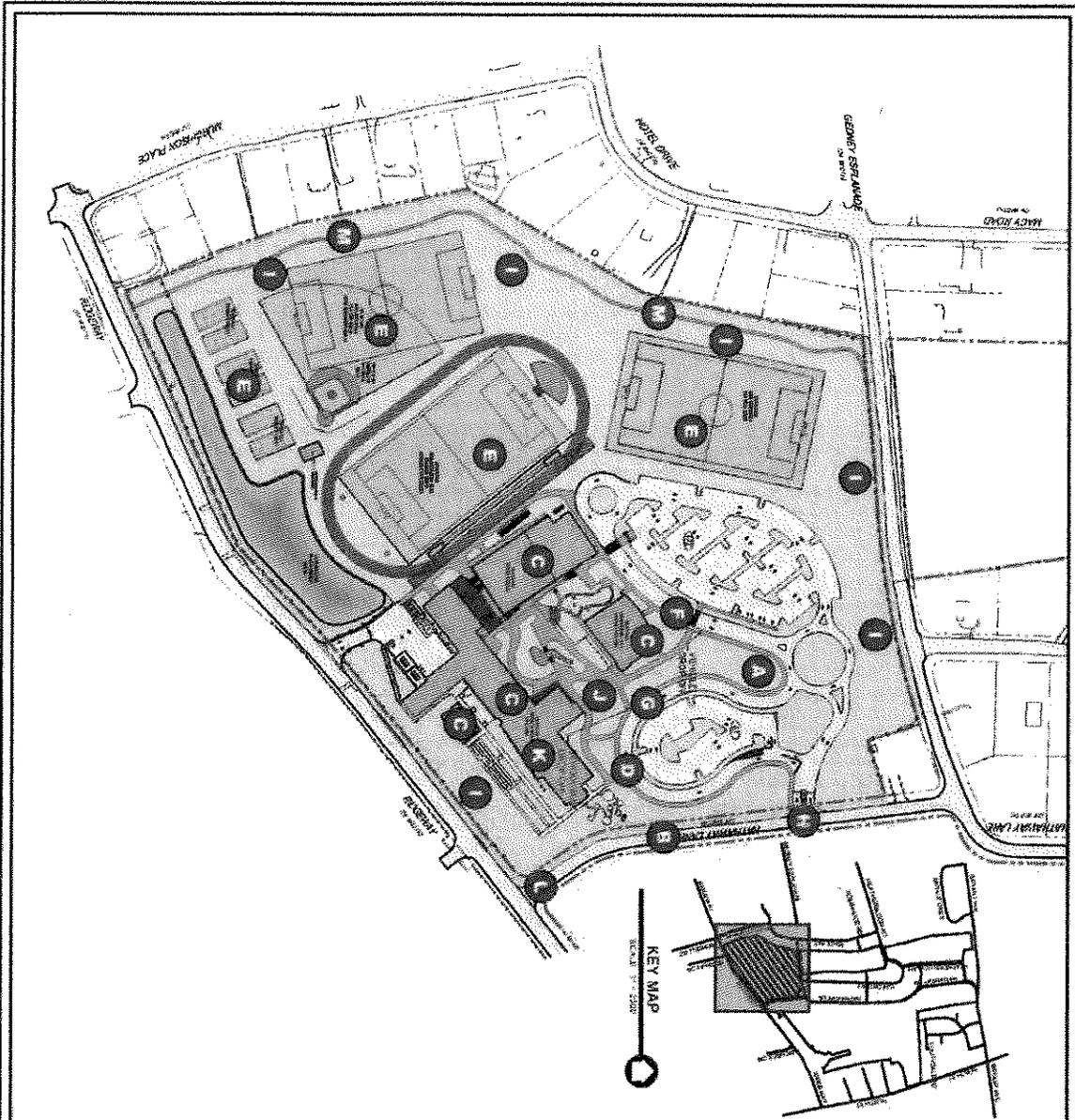
THE CITY OF WHITE PLAINS

By: _____
Michael D. Zarin

By: _____
John G. Callahan, Corporation Counsel

SO ORDERED:

Hon. Joan B. Lefkowitz, A.J.S.C.



SUMMARY OF PROPOSED PROJECT CHANGES	
DESIGNATION	DESCRIPTION
A	Development limited to Parcel A.
B	Hartway Lane maintained as a public roadway.
C	Proposed Upper School, Greenhouse, Gymnasium and Performing Arts Center buildings remain as originally proposed.
D	Black box theater building (6,000 Square Feet) has been removed from Parcel A.
E	Athletic field configuration remains as originally proposed.
F	Vehicular student drop off loop remains as originally proposed.
G	Bus drop off loop has been redesigned to be located entirely on Parcel A. Approximately 750 linear feet of drop off distance is proposed.
H	Vehicular access to the campus is provided via a driveway on Hartway Lane with a gate house.
I	75 foot open green setback adjacent to residential lot lines has been maintained.
J	Total proposed building square footage has been reduced from 243K square feet to 138K square feet (35% reduction). Total proposed parking has been reduced from 348 to 248 parking spaces (29% reduction).
K	Total student enrollment has been reduced from 950 to 640 students (33% reduction).
L	Maximum number of vehicle trips during the Peak AM and PM hour has been reduced from 530 trips to 415 trips (22% reduction). Maximum vehicle trips on Ridgeway from 7:00 AM to 9:00 AM from 715 to 415 (42% reduction).
M	Proposed pedestrian bike path

FRENCH-AMERICAN SCHOOL OF NEW YORK
 338 RIDGEMAN
 CITY OF WHITE PLAINS, NEW YORK

ALTERNATIVE SITE LAYOUT PLAN
 DATE 07/13/2016 JMC PROJECT 10170

FIGURE SK-1 SCALE: 1" = 200'

120 BEECHFORD RD
 ARMONK
 NY 10504
 (914) 273-6226
 BY 273-2107

JVC/PLC/CQM

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RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE SETTLEMENT OF LITIGATION ENTITLED *FRENCH AMERICAN SCHOOL OF NEW YORK AGAINST MAYOR THOMAS ROACH AND THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS* (WESTCHESTER COUNTY SUP. CT. INDEX NO. 2967/15).

WHEREAS, the French-American School of New York ("FASNY") commenced a hybrid proceeding, entitled *French American School of New York against Mayor Thomas Roach and the Common Council of the City of White Plains* (Westchester County Sup. Ct. Index No. 2967/15), by Order to Show Cause on September 3, 2015 (the "Litigation"), challenging the actions of the City on August 5, 2015, respecting FASNY's application to discontinue a portion of Hathaway Lane and its Special Permit and Site Plan Application for a school on the site of the former Ridgeway Country Club in White Plains; and

WHEREAS, based upon a review and consideration of all the significant and relevant facts and circumstances presented, including but not limited to, the reasonableness of the terms and conditions of a proposed settlement offer, and after conferring with counsel, the Common Council determines that the best interest of the City of White Plains will be served by entering into a stipulation of settlement (the "Stipulation"), a copy of which was previously provided to the Council, that incorporates the terms of said settlement offer; now therefore, be it

RESOLVED that John G. Callahan, Corporation Counsel, is hereby authorized to enter into and execute the Stipulation, containing the terms and conditions set forth in the proposed Stipulation in a form acceptable to the Corporation Counsel.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

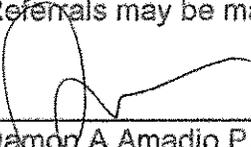
TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by OSG Mamaroneck, LLC d/b/a Onyx Equities, for an extension of the site plan approval for their project at 1311 Mamaroneck Avenue.

A letter petition, dated August 8, 2016, prepared by McCullough, Goldberger and Staudt LLP on behalf of Onyx Equities has been submitted for a one (1) year extension to a Common Council Resolution originally approved on September 8, 2015 relating to certain site improvements at the aforementioned premises. These improvements include introducing additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting.

It should be noted that the requisite site plan extension fee was paid by the applicant in conjunction with this request.

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



Damon A. Amadio P.E.
Commissioner of Building

Dated: August 31, 2016
(for September 6, 2016, Common Council Meeting)

Documents Letter prepared by Mr. Seth Mandelbaum dated August 8, 2016

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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McCULLOUGH, GOLDBERGER & STAUDT, LLP

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EVANS V. BREWSTER (1920-2005)

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JOANNA C. FELDMAN
DEBORAH A. GOLDBERGER
EDMUND C. GRAINGER, III
PATRICIA W. GURAHIAN
MEREDITH A. LEFF
RUTH F.-L. POST
KEVIN E. STAUDT
STEVEN M. WRABEL

CHARLES A. GOLDBERGER
KEITH R. BETENSKY
COUNSEL

August 8, 2016

Damon A. Amadio, P.E.
Commissioner of Building
70 Church Street
White Plains, NY 10601

Re: 1311 Mamaroneck Avenue
White Plains, NY

Dear Mr. Amadio:

This firm represents OSG Mamaroneck, LLC d/b/a Onyx Equities (the "Applicant") in connection with the premises located at 1311 Mamaroneck Avenue, White Plains, New York (the "Property"), regarding its project to expand the existing parking lot and add new signs to the Property, together with associated landscaping, lighting and other site improvements. This project received site plan approval from the Common Council on September 8, 2015.

Although some of the work has been completed (particularly on the signs and landscaping), construction has not yet commenced on the parking lot improvements, and thus substantial construction will not be completed within one year of approval, as required by Section 7.6 of the Zoning Ordinance. In light of the foregoing, on behalf of the Applicant, we respectfully request a one (1) year extension of the September 8, 2015 site plan approval, until September 8, 2017.

Kindly place this matter on the September 6th Common Council agenda for consideration. If you have any questions or require additional information, please do not hesitate to contact my office.

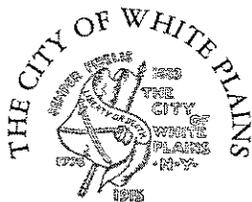
Very truly yours,


Seth M. Mandelbaum

SMM:srw

.c: John G. Callahan, Esq.
Anne M. McPherson, RMC, CMC
OSG Mamaroneck, LLC

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

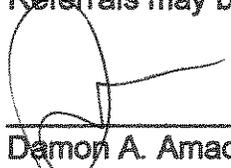
**TO THE HONORABLE THOMAS M. ROACH, MAYOR
AND MEMBERS OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS**

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is an application dated July 20, 2016 submitted by San Signs and Awnings on behalf of The Westchester Bank requesting Common Council approval of the relocation of an existing exterior sign at 12 Water Street.

The Westchester bank has an illuminated wall sign on the eastern face of the building that is no longer visible at certain times of the year because of the existence of mature trees. As such, they are requesting permission to relocate the sign to approximately 60 feet above grade. At this height the sign will clear the tree canopy.

The City of White Plains Sign Ordinance, Section 9-10-44 (g), permits one (1) sign for each building location or premise, per public street frontage. When the mounting height of a wall sign exceeds fifty (50'-0") feet or four (4) stories, whichever is lower, above the average grade of a building, the Common Council of the City of White Plains shall have jurisdiction over the approval thereof.

Referrals may be made at this time to appropriate City Departments and Boards,



Damon A. Amadio
Commissioner of Building

DATED: August 18, 2016
(For the September 5, Common Council Meeting)

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

DOCUMENTS SUBMITTED: A cover letter dated July 15, 2016 as prepared by The Westchester Bank; a letter from 12 Water Street Associates dated July 12, 2016; a Short Form Building Permit Application dated July 20, 2016; a Short Environmental Assessment Form dated July 26, 2016; and two (2) sign design drawings as prepared by San Signs and Awnings.

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>



DEPARTMENT OF BUDGET

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

TEL: (914) 422-1364 – Fax: (914) 422-1440

THOMAS M. ROACH
MAYOR

MICHAEL A. GENITO
BUDGET DIRECTOR

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

Submitted herewith is the Capital Improvement Program Status Report for the fiscal year ended June 30, 2016.


Michael A. Genito
Budget Director

Dated: August 22, 2016
(For the Common Council meeting of September 6, 2016)



THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action pursuant to White Plains Municipal Code, Chapter 9-6 Historic Preservation, Section 9-6-3(C), is the resolution from the Historic Preservation Commission of the City of White Plains proposing the Jack Harrington Greenway as a local landmark.

The Jack Harrington Greenway is dedicated parkland owned by the City. A public hearing will be held considering the proposed designation on September 14, 2016 at 7:00 pm in the Common Council Chambers.

Respectfully submitted,

Damon A. Amadio P.E.
Commissioner of Building

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

RELATED DOCUMENTS: Historic Preservation Commission Resolution, dated
September 1, 2016

**RESOLUTION OF THE HISTORIC PRESERVATION
COMMISSION OF THE CITY OF WHITE PLAINS
PROPOSING THE DESIGNATION OF PROPERTY KNOWN
AS THE JACK HARRINGTON GREENWAY, APPLICATION
NO. H-2016-4, AS A LOCAL LANDMARK.**

WHEREAS, pursuant to Section 9-6-2(h) of the City of White Plains Municipal Code (the "Municipal Code"), the Historic Preservation Commission of the City of White Plains (the "Commission") has the authority to recommend the designation of local landmarks or districts and is charged with maintaining an inventory of designated local landmarks or districts within the City; and

WHEREAS, pursuant to the Municipal Code Section 9-6, recommendations proposing properties for local landmark designation may be initiated by the Commission; and

WHEREAS, at its regular meeting on August 10, 2016, the Commission discussed an application recommending property known as the Jack Harrington Greenway, White Plains, NY (the "Greenway") be considered for possible designation as a local landmark;

WHEREAS, the application proposing the designation of the Jack Harrington Greenway included the following:

- (I) A concise description of the physical elements, qualities, period and historical significance represented by the site, including a consideration of design, scale, material, workmanship and spatial qualities, as relevant;
- (ii) A concise statement of how the site meets the criteria of "landmark" as provided in Municipal Code Section 9-6-3(b);
- (iii) Exterior photograph of the site illustrating the characteristics enumerated in Municipal Code Section 9-6-3(b);
- (iv) The name and address of the property owner(s);

- (v) The name, address and telephone number of the person, agency, organization or entity which submitted the proposal and the person, organization, agency or entity represented; and
- (vi) Any other information that the Commission may reasonably find necessary in order to consider an application for proposed designation; and

WHEREAS, the Greenway is dedicated parkland since 1996; and

WHEREAS, the Greenway is comprised of three separate lots designated on the Official Tax Assessment Map of the City of White Plains as: Section 131.13, Block 10, Lot 6.2; Section 131.09, Block 4, Lot 18.2; and Section 138.05, Block 20, Lot 10.2; and

WHEREAS, the Greenway is a linear parcel approximately 1.8 miles in length; and

WHEREAS, the Greenway included railroad tracks, four passenger stations and supporting infrastructure formerly used by the New York, Westchester and Boston Railway Company; and

WHEREAS, in 1906 a committee headed by J.P. Morgan and William Rockefeller bought the controlling interest in the New York, Westchester and Boston Railway Company, which company planned and constructed the railroad that formerly operated along the Greenway; and

WHEREAS, J.P. Morgan and William Rockefeller, the brother of John D. Rockefeller, Sr. and co-founder of Standard Oil, were prominent financiers; and

WHEREAS, the Rockefeller family is an important part of Westchester County and Pocantico Hills; and

WHEREAS, on November 16, 2012, the Greenway was dedicated in honor of Jack Harrington, a long-time historical preservationist and environmental advocate who resides in White Plains

WHEREAS, the construction of the railway began in 1909; and

WHEREAS, the railway was in use from 1912 until 1937 between New York City and White Plains and was an important factor in the population growth, economic growth and development of White Plains; and

WHEREAS, the Commission discussed the significance of the Greenway as well as its present conditions and surroundings; and

WHEREAS, approximately 1.4 miles of the Greenway is accessible as a walking trail with visible remnants of the railroad present; and

WHEREAS, based on the information contained herein, the Commissioner finds that there is sufficient reason to propose the Greenway as a potential local landmark pursuant to subsections “a,” “b,” “c” and “f” of Section 9-6-3(b)(1) of the Municipal Code; and

WHEREAS, after a review of the record, and after having had due deliberations thereon, now, therefore, be it

RESOLVED, that pursuant to Municipal Code Section 9-6-3, the Commission hereby makes an application proposing that a portion of the Greenway south of Gedney Way, and excluding the roadway and accompanying public right-of-way of Ridgeway, for designation as a local landmark; and

BE IT FURTHER RESOLVED, that the Historic Preservation Commission hereby directs the Secretary to give due notice of the proposed designation to the owner of the Jack Harrington Greenway and notice of the public hearing to be held on September 14, 2016 in the

Common Council Chambers at 255 Main Street, White Plains, New York at 7:00 p.m., in accordance with law.

Dated: August 31, 2016

HISTORIC PRESERVATION
COMMISSION OF THE CITY OF
WHITE PLAINS



ROBERT HOCH, Chairperson
Building Department
70 Church Street
White Plains, NY 10601
(914) 422-1269

I HEREBY CERTIFY the above to be a full, true and correct copy of a resolution duly adopted by the Historic Preservation Commission of the City of White Plains on the date above mentioned, four (4) members of the Board being present and concurring; said resolution being filed in the office of the City Clerk.



Anne McPherson
Secretary

Dated: August 31, 2016
White Plains, New York

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

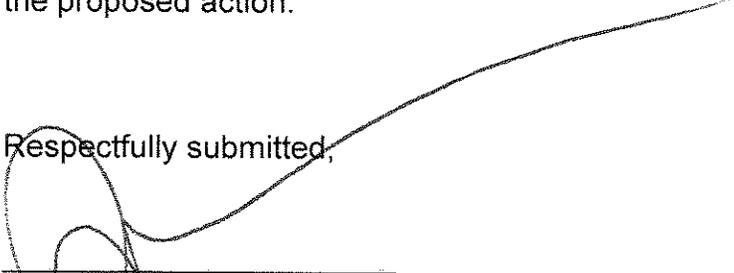
Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action pursuant to White Plains Municipal Code, Chapter 9-6 Historic Preservation, Section 9-6-3(C), is the report from the Historic Preservation Commission of the City of White Plains recommending designation of 7 Cromwell Place (the "Percy Grainger House"), listed on the Official Tax Assessment Map of the City of White Plains as Section 125.83, Block 5, Lot 6, as a local landmark.

The Commission's report sets forth the reasons for the recommendation that the Percy Grainger House be designated a local landmark. In accordance with Municipal Code Section 9-6-3(c)(3), the recommendation will be considered approved 45 days after this referral appears on the Council agenda unless, by resolution, the Council disapproves the proposed action.

Respectfully submitted,


Damon A. Amadio P.E.
Commissioner of Building

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

RELATED DOCUMENTS: Historic Preservation Commission Resolution, dated May 24, 2016

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>



HISTORIC PRESERVATION COMMISSION
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NY 10601
(914) 422-1227 • (914) 422-1330 Fax

Thomas M. Roach
Mayor

Robert Hoch
Chairman

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

Transmitted herewith is the Historic Preservation Commission's resolution recommending the designation of 7 Cromwell Place (the "Percy Grainger House"), listed on the Official Tax Map of the City of White Plains as Section 125.83, Block 5, Lot 6 as a potential local landmark in accordance with the White Plains Municipal Code Section 9-6-3(b). Pursuant to that recommendation, a public hearing was held on June 8, 2016. After reviewing all the testamentary and documentary evidence the Historic Preservation Commission voted, on July 11, 2016, in favor of recommending the designation of 7 Cromwell Place as a landmark pursuant to the White Plains Municipal Code Section 9-6-3(b)(1) subsections a, c and h.

Transmitted herewith is the Historic Preservation Commission's resolution with application for designation, which shall serve as the Commission's report, recommending that the Percy Grainger House be designated a landmark. The entire record is available at the Clerk's office for examination. Please be aware that the Commission's recommendation shall be deemed approved unless, by resolution, the Council disapproves the proposed action within 45 days after it first appears on the Council's agenda.

Respectfully submitted,

Robert Hoch
Chairperson

enc.

RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF WHITE PLAINS PROPOSING THE DESIGNATION OF PROPERTY KNOWN AS 7 CROMWELL PLACE (THE "PERCY GRAINGER HOUSE"), APPLICATION NO. H-2016-3, AS A LOCAL LANDMARK.

WHEREAS, pursuant to Section 9-6-2(h) of the City of White Plains Municipal Code (the "Municipal Code"), the Historic Preservation Commission of the City of White Plains (the "Commission") has the authority to recommend the designation of local landmarks or districts and is charged with maintaining an inventory of designated local landmarks or districts within the City; and

WHEREAS, pursuant to the Municipal Code Section 9-6, recommendations proposing properties for local landmark designation may be initiated by the Commission; and

WHEREAS, at its regular meeting on May 11, 2016, the Commission discussed an application recommending property known as 7 Cromwell Place, White Plains, NY, be considered for possible designation as a local landmark;

WHEREAS, the application proposing the designation of the Percy Grainger House contained the necessary information including the following:

- (i) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure, site or object, including a consideration of design, scale, material, workmanship and spatial qualities, as relevant;
- (ii) A concise statement of how the building, structure, site or object meets the criteria of "landmark" as provided in Municipal Code Section 9-6-3(b);
- (iii) Exterior photograph of the building, structure, site or object and a site map illustrating the characteristics enumerated in Municipal Code Section 9-6-3(b);
- (iv) The name and address of the property owner(s);
- (v) The name, address and telephone number of the person, agency, organization or entity which submitted the proposal and the person, organization, agency or entity represented; and
- (vi) Any other information that the Commission may reasonably find necessary in order to consider an application for proposed designation; and

WHEREAS, 7 Cromwell Place is designated on the Official Tax Assessment Map of the City of White Plains as Section 125.83, Block 5, Lot 6 and is owned by the International Percy Grainger Society; and

WHEREAS, the Percy Grainger House has been listed on the State and National Register of Historic Places since 1993; and

WHEREAS, the application contained the following information about George Percy Grainger (“Percy Grainger” or “Grainger”):

- He was born in 1882 in Melbourne Australia;
- Grainger is a noted pianist who performed throughout the world in countries such as England, Scandinavia, Holland, Germany Switzerland, Finland and Russia from approximately 1904 through 1917;
- He moved to the United States in September 1914 and later became a naturalized citizen on June 3, 1918;
- In 1921 Grainger and his mother, Rose, moved into house located on 7 Cromwell Place, which was previously constructed and owned by David Cromwell, former county treasurer, president of the White Plains Village Board of Trustees, founder and first president of the Home Savings Bank, and a founding trustee of White Plains Hospital; and whose son Chester Cromwell, a volunteer firefighter, was killed fighting the fire at the Mead Building on February 3, 1907;
- After Grainger married Ella Strom-Brandelius, the two occupied 7 Cromwell Place, where Grainger experimented in “free music,” worked on composing and arrangements of music, and recorded music on the gramophone;
- Grainger is best known for his arrangements of “Country Gardens” and “Oh Danny Boy” (“Londonderry Air”);
- Grainger gave his last public performance on April 29, 1960; and
- He died in White Plains Hospital on February 20, 1961, and after his death his wife, Ella, continued to occupy the property until her death in 1979; and

WHEREAS, Percy Grainger added vaults in the basement to store music manuscripts, yet no material additions or alterations were done to the exterior of the structure since its original construction: and

WHEREAS, based on the information contained herein, the Commission finds that there is sufficient reason to propose the Percy Grainger House as a potential local landmark pursuant to subsections “a” and “c” of Section 9-6-3(b) of the Municipal Code; and

WHEREAS, after a review of the record, and after having had due deliberations thereon, now, therefore, be it

RESOLVED, that pursuant to Municipal Code Section 9-6-3, the Commission hereby makes an application proposing 7 Cromwell Place for designation as a local landmark; and

BE IT FURTHER RESOLVED, that the Historic Preservation Commission hereby directs the Secretary to give due notice of the proposed designation to the owner of 7 Cromwell Place and notice of the public hearing to be held on June 8, 2016 in the Common Council Chambers at 255 Main Street, White Plains, New York at 7:00 p.m., in accordance with law.

Dated: May 24, 2016

HISTORIC PRESERVATION
COMMISSION OF THE CITY OF
WHITE PLAINS



ROBERT HOCH, Chairperson
Building Department
70 Church Street
White Plains, NY 10601
(914) 422-1269

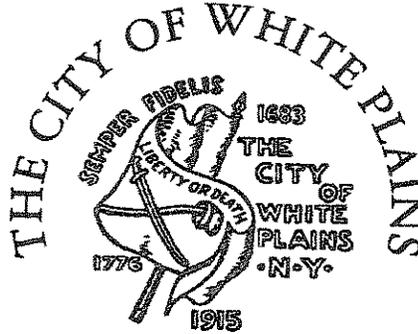
I HEREBY CERTIFY the above to be a full, true and correct copy of a resolution duly adopted by the Historic Preservation Commission of the City of White Plains on the date above mentioned, five (5) members of the Board being present and concurring; said resolution being filed in the office of the City Clerk.



Anne McPherson
Secretary

Dated: May 25, 2016
White Plains, New York

H-2016-3



**City of White Plains
Historic Preservation Commission**

LANDMARK FORM

Instructions:

This form is used by a property owner for making an application for local landmark or historic district status under the City of White Plains Historic Preservation Law. Please fill out this application completely. If an item does not apply to the property, please enter "N/A" for "not applicable" rather than leave the item blank. If additional space is needed, please use clearly marked continuation sheets.

For individual landmarks: Please attach exterior photographs of the building, structure, site or object and a site map illustrating the characteristics enumerated in Municipal Code Section 9-6-3 (b) (see also: Appendix 1).

For historic districts: Please attach a map showing the boundaries of the proposed district and the location of buildings, structures, sites or objects therein. Please also attach the name and address of every property owner within the proposed district.

Applicants may attach any other information that they believe the Commission may reasonably find necessary to consider an application for proposed designation.

Upon completion, please mail this application and all supporting documentation to:

White Plains Historic Preservation Commission

Robert Hoch, Chair
c/o Building Department
70 Church Street
White Plains, NY 10601

TEL (914) 422-1269 FAX (914) 422-1471

RECEIVED

MAY 02 2016

CITY OF WHITE PLAINS
DEPT. OF BUILDING

WHITE PLAINS HISTORIC PRESERVATION COMMISSION

NOMINATION FOR

DESIGNATION OF LANDMARK OR HISTORIC DISTRICT

(Pursuant to Title IX of the White Plains Municipal Code)

APPLICANT INFORMATION

Please Note: Only the property owner or the White Plains Historic Preservation Commission may initiate an application for the designation of a local landmark or historic district (see Sec. 9-6-3 White Plains Municipal Code).

Applicant Name: International Percy Grainger Society
Mailing Address: 7 Cromwell Place, White Plains, NY
Telephone: 1-914-582-1237 914-819-8924 10601
Stewart Kramelle Susan Gilson
Email: percygrainger.wp@gmail.com

If applicant is acting through an authorized agent or legal representative, identify agent's name, address and telephone:

(see above: Stewart is the long-time
archivist and curator; Susan is
a current board person)

PROPERTY INFORMATION

Designation Sought not sure
(check one): X Landmark _____ Historic District

6 & 8 Chester Ave
8 was the carriage
barn site

Please Note: Additional sheets may be added to this application if necessary to answer any or all of the questions below. For designation of a "Historic District," please include, as a separate appendix to this application, the "Property Information" requested below for each and every property located within said proposed district, which is believed to meet the criteria as an individual landmark.

Property Address: 7 Cromwell Place
White Plains, NY

Name of Property (if applicable): Percy Grainger home and studio

Tax Map ID No.: _____

Zoning Classification: _____

Parcel Size: _____

Present Use of Property: Museum / Headquarters / Archives

Historic Use of Property (if applicable): Percy Grainger Home / Studio

Year of Construction: c. 1892-3

Original architect (if known): unknown

Original builder (if known): David Cromwell

Original and subsequent owners of the property, including dates of ownership (if known):

David Cromwell, 1892 - 1921? (Priqqe Family
+ tenants)
1905-1920

Percy Grainger, 1921 -

Describe the architectural style of the property: _____

Four-square, "shingle"-style

Describe primary building materials:

Foundation: stone Roof: shingle

Walls: plaster & lath Other: _____

How does the property in its present condition materially differ from the property as originally constructed? Describe material alterations or additions to the property subsequent to its original construction (include dates if known):

Free standing fire proof vaults added
by P. Granger in basement.

Describe the present condition of the property:

Currently, in restoration.

Describe site and surroundings (e.g., outbuildings, landscaping, neighborhood):

Never had garage, had carriage barn behind
"Hanging garden" landscape, appropriate
to period. Neighborhood in transition.

Are there any presently known threats to the property? ?
Yes No

If yes, describe:

Not that we know of; security is a
concern. We have maintained a low-key
presence in order to avoid attracting the
wrong kind of attention.

Is the property associated with any personages
of historic significance? X
Yes No

If yes, identify and explain:

Percy Grainger, note: Oxford Dictionary
of the English Language.

Describe the physical elements, qualities, architectural style, period and historical significance
represented by the property/area, including a consideration of design, scale, material workmanship
and spatial qualities, as relevant. Indicate relevant sources of information.

Percy Grainger's personal items, as well as
his books, scores, concert programs and personal
papers are represented.

Please explain how the building, structure, site, object, or district meets the criteria of "landmark" as
provided in Municipal Code Section 9-6-3 (b) (i.e., why it merits designation as a landmark or

historic district). In the case of an historic district, provide a justification of the boundaries of the district.

Continually attracts musicians, artists and the public as a whole, who see their visit as a kind of ~~the~~ pilgrimage.

Please include exterior photographs of the building, structure, site or object which is the subject of this application, and a site map illustrating the characteristics enumerated in Municipal Code Section 9-6-3(b) (multiple photographs and maps may be included as an exhibit to this application).

CERTIFICATION

owned by the International Percy Grainger Society

APPLICANT: I hereby certify that this application is accurate and complete to the best of my knowledge, and that I am the owner in fee simple of said property located at 7 Cromwell Place, or I am the authorized agent of said owner.

Please Note: Applications submitted by property owners for a "Historic District" should include this "Certification" from all owners of properties located in such district that are believed to individually meet the criteria for landmark status. Applicant may include multiple pages to reflect such certifications.

Applicant's Signature: Stewart M. Murrell Date: April 23, 2016

Appendix 1:

City of White Plains Historic Preservation Law

Sec. 9-6-3. - Designation of local landmarks or historic districts.

(b) *Criteria.*

(1) *Individual landmarks.* The commission may designate an individual property as a local landmark if it:

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

(2) *Historic districts.*

- a. The commission may designate a group of properties as a historic district if the majority of properties contained therein meet one or more of the criteria for designation of an individual landmark.
- b. Historic buildings, structures, and sites must possess identified historic or architectural merit of a degree warranting their preservation.
- c. Districts may be geographic or thematic in nature.

The Percy Grainger House in White Plains, New York



Photo of the Grainger house by Pamela Tucker

Welcome to the Percy Grainger House

AREAS TO VISIT

Welcome to the Percy Grainger house in White Plains, home of Percy and Ella Ström Grainger. With its brown shingled sides curving up from the surrounding lawn, and crowned by its forest of gables, it seems to grow from the land, at one with its ancient trees. From it still emanate the sounds of Percy Grainger's music.

[Grainger home page](#)

We can imagine that Percy and Ella are welcoming us to visit and talk about music, ever generous in their hospitality.

[Grainger house tour](#)

[Grainger archives](#)

[Source Guide to Music of Percy Grainger \(biography and commentaries\)](#)

[Membership information](#)

[News, books,
and other
announcements](#)

[Related Web
sites](#)

[Contact the
Webmaster](#)



Percy and Ella Grainger, Christmas Eve Open House, 1959 (from Thomas P. Lewis, A Source Guide to the Music of Percy Grainger)



Click here if you want to listen to music while you look (we eventually hope to provide actual Grainger music to listen to, when we can put it in digital format).

Percy and Ella's home

The house which we know as the Percy Grainger house, at 7 Cromwell Place in White Plains, New York, was built in 1893 by the Cromwell family. This branch of the Cromwells was descended from the brother of Oliver Cromwell, the Lord Protector, who died in 1658. When Oliver's son Richard, who succeeded him, was replaced by Charles II in 1660, as the monarchy was restored, the brother moved to the Netherlands.

Percy Grainger and his mother Rose moved into the house in 1921. After Rose Grainger's death in 1922, Percy spent little time in the house, but in 1928 he married Ella Ström-Brandelius, and from then until his death in 1961, it was Percy and Ella's home. It continued to be Ella's home until her death in 1979. Since then, the house has been maintained by the International Percy Grainger Society.

The structure exhibits some changes made by Grainger, notably the large picture window on the south side of the living room. (This change almost derailed the listing of the house on the National Register, whose keepers are picky about landmarks being "in their original state," even when the change was made by the building's most illustrious inhabitant. Fortunately, good sense prevailed.) Grainger also built the fireproof vaults in the basement, to protect his music manuscripts. Other features, like Grainger's exercise bar, lashed between the columns at the entrance to the living room, which he used to maintain his vaunted physical fitness, can be noted when touring the house.

A virtual tour or an actual tour

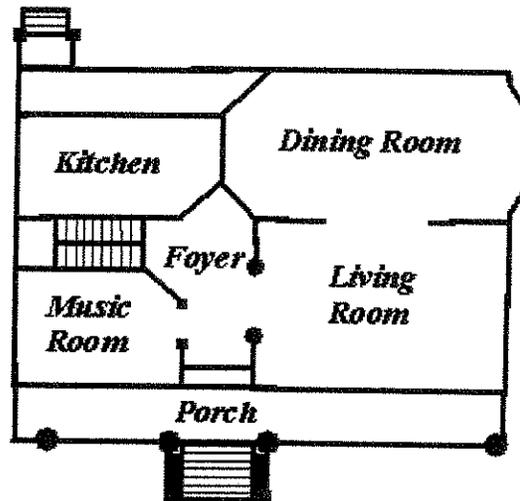
On these Web pages we offer a virtual tour of the Grainger house. You may, in fact, prefer to make an actual visit to the house. A map and directions to the house in White Plains, NY, will be found at the bottom of this page.



The tour starts when you go up the front steps. Percy would hop up and down these steps on one leg for exercise. (From Inez Bull, 7 Cromwell Place: A Loving Tribute to Percy Grainger.)

Going inside the house

The house has two main stories, a garret tucked up behind dormer windows, and a basement. Below is a plan of the ground floor. You may click on the name of any room on the plan itself or on the accompanying list to read about it and see the room as it is today. The rooms have not changed much since Percy and Ella lived there.



(Click on the names, or on the plan itself:)

[Kitchen](#)

[Dining room](#)

[Music room](#)

[Living room](#)

[Porch](#)

[Foyer](#)

The second floor includes the bedrooms and bathroom, opening off of a square upper hall. The basement contains the fireproof vaults specially built by Percy Grainger for his music archives.

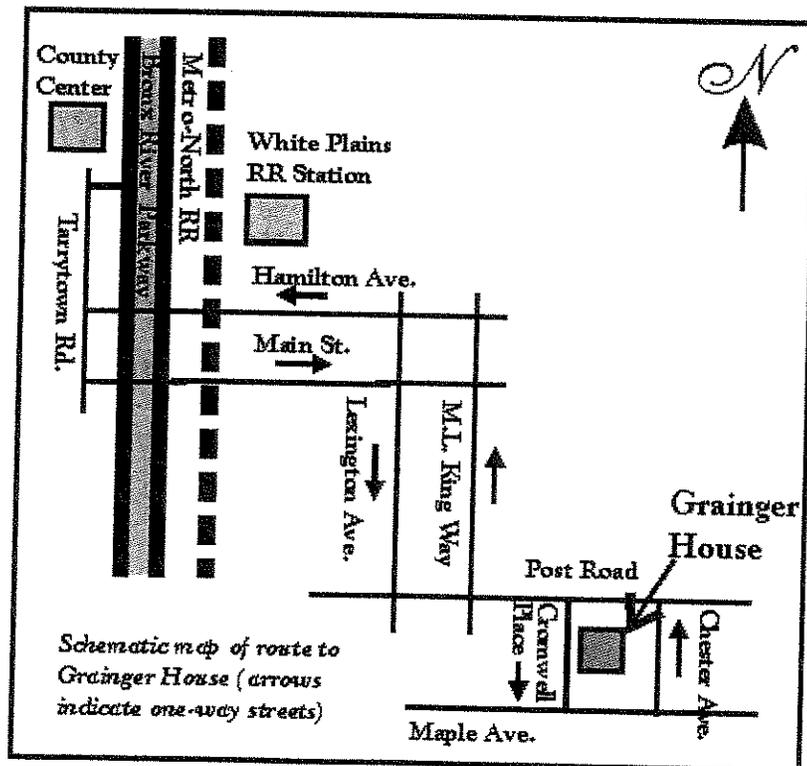
Ella Grainger's paintings

Ella Grainger was a poet and painter in her own right. At the Grainger House, you can see some of Ella's paintings, including portraits of herself and Percy.



Portraits of Percy and Ella, painted by Ella. Percy is wearing one of his famous Towel Suits, designed from striped toweling by Percy, made for him by Ella. (Photos by Pamela Tucker.)

If you want to visit the Grainger House in person



How to get to the Grainger House

As in the days of Percy and Ella, you are always welcome to visit the Grainger House in person. Use the map above to find your way around White Plains.

To arrange a visit, write to Mr. Stewart Manville, Curator and Archivist, at the Grainger House, 7 Cromwell Place, White Plains, NY 10601, or telephone (914) 582-1237 or (914) 948-7436.

To get to the Grainger House by train, take the Metro-North railroad from Grand Central Terminal in New York to the White Plains station; take a cab to the Grainger House. Or, if you want to emulate Percy himself, take a brisk walk; it's about a mile.

To get there by car, take the Bronx River Parkway to the Westchester County Center; drive south on Tarrytown Road and turn left on Main Street (just follow the traffic); turn right on Lexington Avenue, then left on Post Road, then right on Cromwell Place.



Return to Grainger [home page](#).

The Kitchen

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View of the kitchen. The large cast iron wood-and-coal-burning stove dominates the end of the room. In the background to the left is the dark wooden door to a pantry; on the right is the door into the foyer. (Photo by Pamela Tucker).

The kitchen as the hospitality center of the house

Percy and Ella's kitchen is cozy and old-fashioned, with one end dominated by its cast-iron stove. (The latter is superseded for modern everyday use by a microwave oven.) The back door, opening onto a small back porch, was used by Percy and Ella as a shortcut when going into town. A secret stairway leads from the opposite corner of the kitchen to the second floor, where it exits from an anonymous-looking door next to the main staircase, doubtless a reminder of the days when every well-to-do family had servants.

Inez Bull, singer, pianist, and interpreter of Percy Grainger's music, reminisces thus about the kitchen as the hospitality center of the house:

"There was the wood burning stove at the right wall as you entered Ella's kitchen, and a wooden table neatly set near the back door wall. A long wooden counter was always piled

high with lots and lots of Swedish goodies--especially the delicate cookies and the *knäckebröd* (Swedish krisp bread), which rested under the windows by the sink. And on the wall were shelves of cans and boxes of tea, mixed or matched. It really didn't matter whether the tea was English or American--it was there anxiously waiting to be brewed. Somehow, the kitchen invited everyone to sit down and have a "lovely party"... Here, in a country kitchen, guests from around the world gathered, talked, and just munched goodies as they enjoyed themselves immensely." (Inez Bull, *7 Cromwell Place: A Loving Tribute to Percy Grainger*, 1989).

The kitchen still welcomes guests

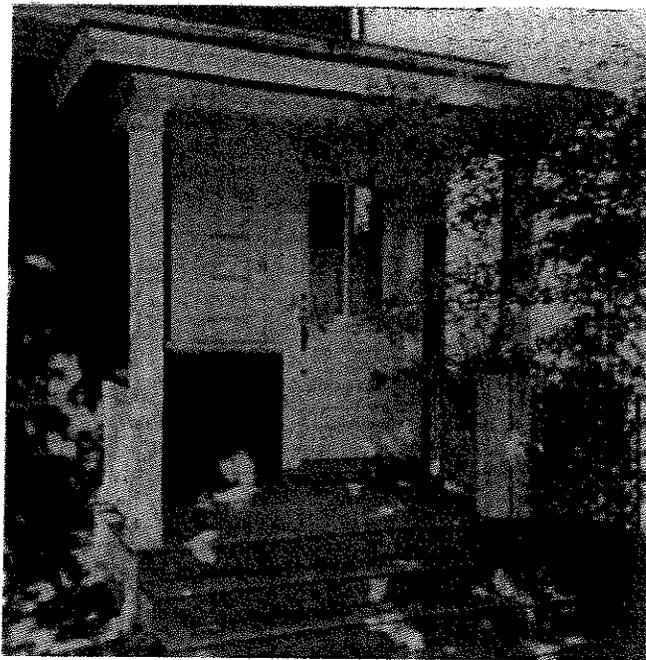
The kitchen is as comfortable a place to eat lunch and talk as it was in the days of Percy and Ella.



Here we see Stewart Manville, archivist and curator, in the kitchen after one of our meetings. Behind Stewart is the door to the back porch (pictured below). Out of sight to the left of the antique sink behind the rocking chair is the secret staircase that goes to the second floor. (Photo by C.A. Sowa.)

Visit the back garden

You can go out through the kitchen to the back porch, and visit the garden from another route.



View of the back porch and kitchen door. Note the small "milk-and-eggs" door to the left of the main door. Percy and Ella used this back door as a shortcut when going into town, and would leave food on its porch for the neighborhood cats. (Photo by Pamela Tucker).

Going from one room to another on the virtual tour

To "move about" from one room to another on our pictorial tour, click on the icons below:



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The Dining Room

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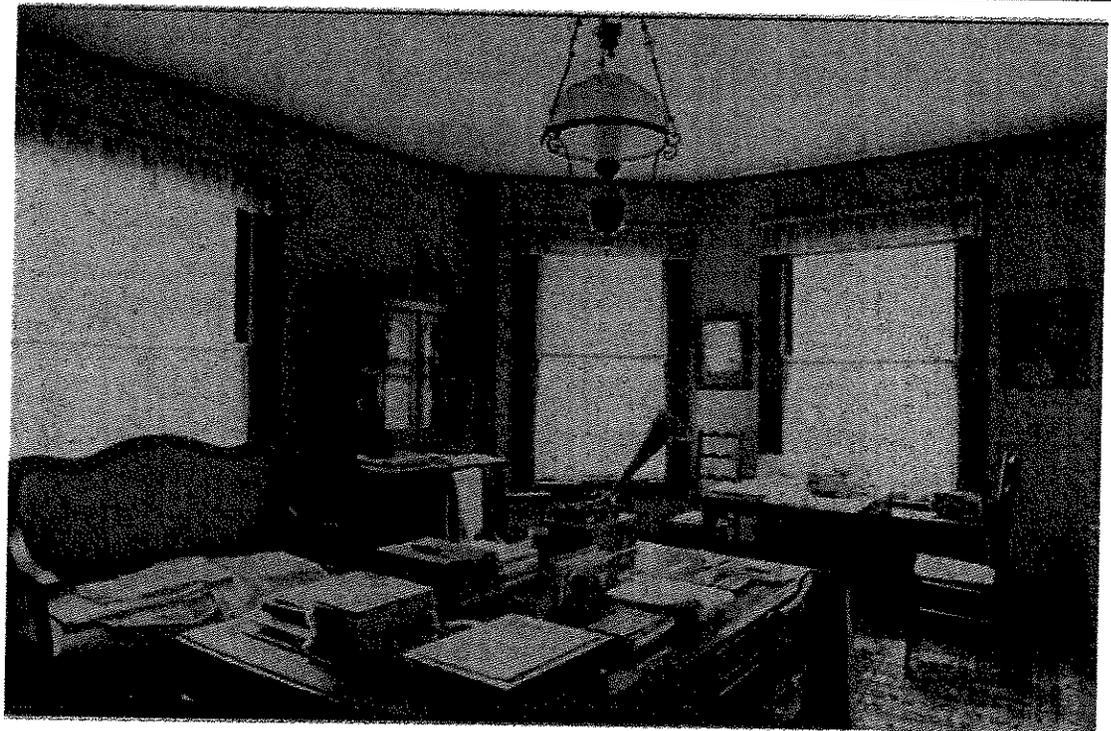
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View of the dining room (photo by Pamela Tucker). Notice the Edison cylinder machine on the desk and the portrait of Percy (as a young boy) and his mother on the wall.

A house from the gaslight era

The dining room lies behind the living room and forms an extension of it. Among other memorabilia, the visitor may see one of Grainger's Edison cylinder gramophones, on which he would record folk songs as he tramped around the British Isles.

A true product of the gaslight era, the house retains its dual-use light fixtures, which could use either gas or electricity. Such a light can be seen in the dining room. The effect of stepping through a time warp into an earlier era continues as you look out the wide bay window into the garden. Despite the fact that most of the block on which the house sits has become modern and commercial, the Grainger house garden remains charmingly natural and rural.

The Music Room

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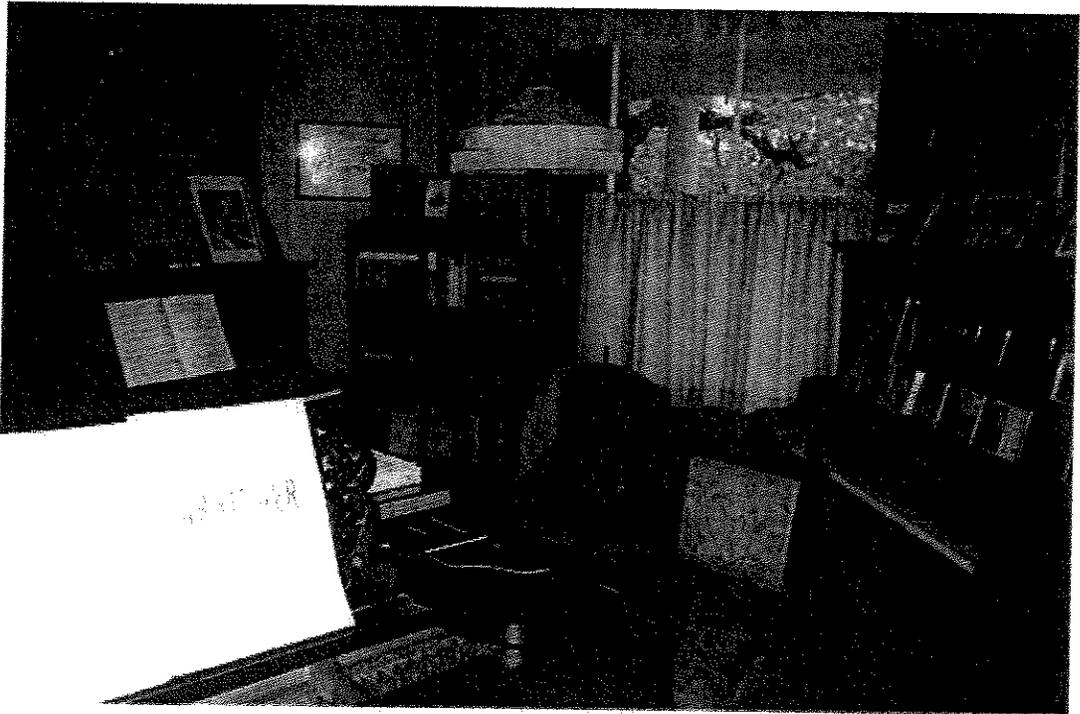
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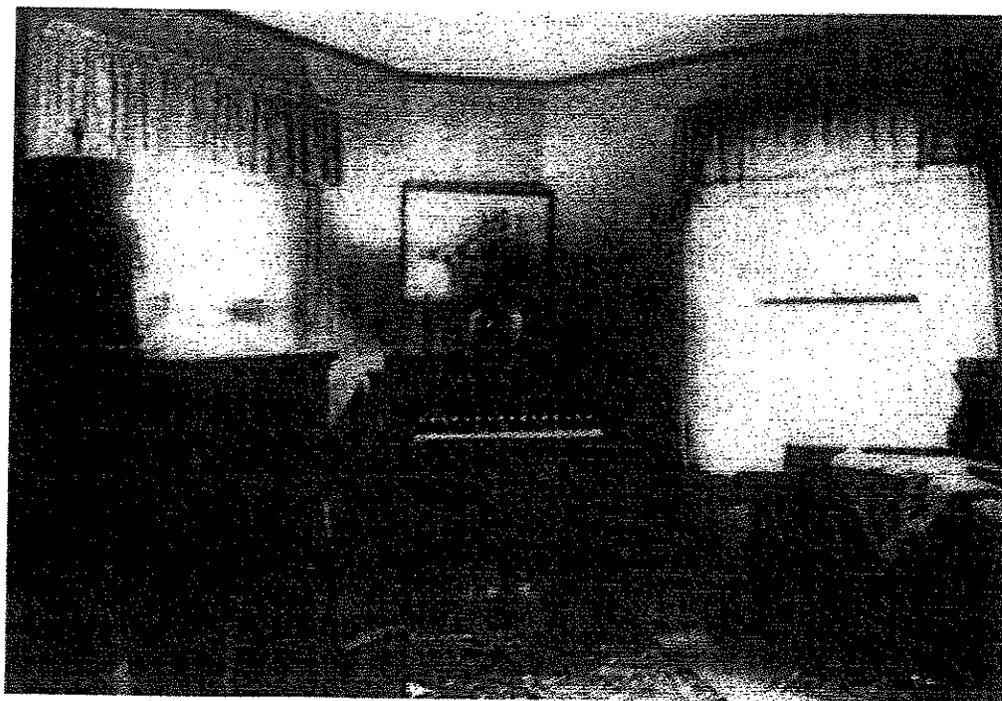


A view from the back of the music room, showing its various instruments. The window on the right looks out on the front porch. Beside the window, on the back of one of the pianos, you can see a display of CD's of Grainger's music. (Photo by C.A.Sowa.)

The music room, to your left as you enter the house, contains three of Percy Grainger's pianos. It was here that he did much of his composing and arranging. A display of CD's that have been issued of his many works is prominently on view.



A view into the music room from the foyer. In the background some of the many CD's of Percy's music can be seen. (Photo by C.A. Sowa.)



An older view into the music room. (Photo from Inez Bull, 7 Cromwell Place, a Loving Tribute to Percy Grainger, 1989)

The Living Room

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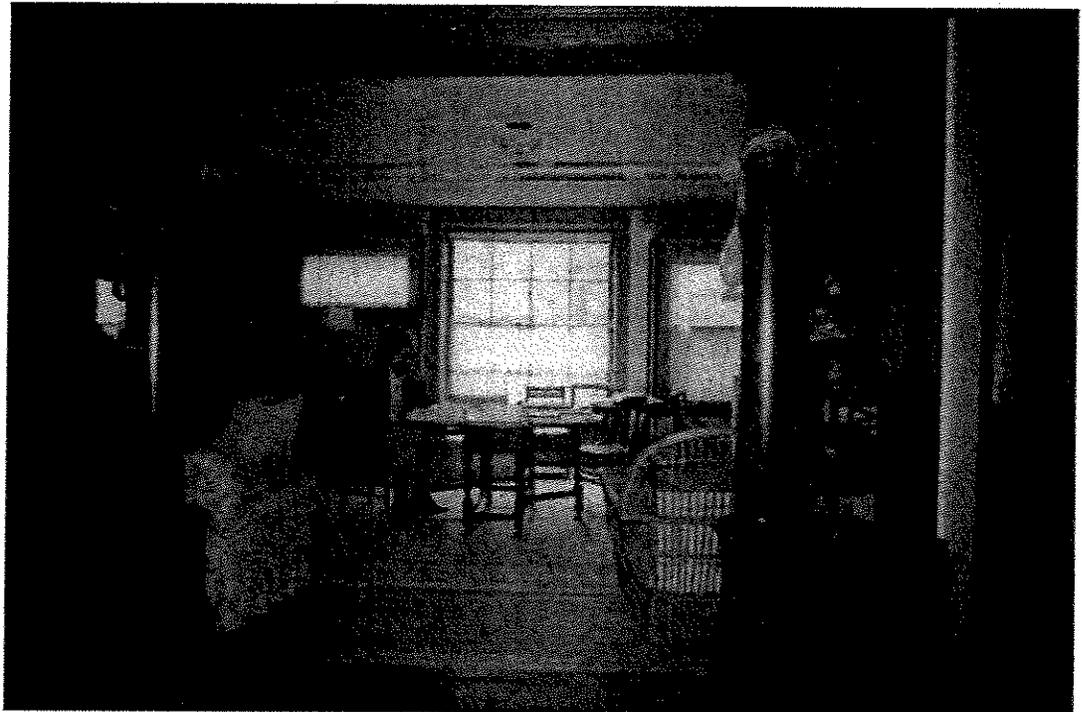
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View of the living room, looking from the foyer. The big picture window at the south end of the room, an addition made by Grainger, and his exercise bar, lashed between the entry columns, can be seen. (Photo by Pamela Tucker).

Grainger's chinning bar is the gateway to the living room

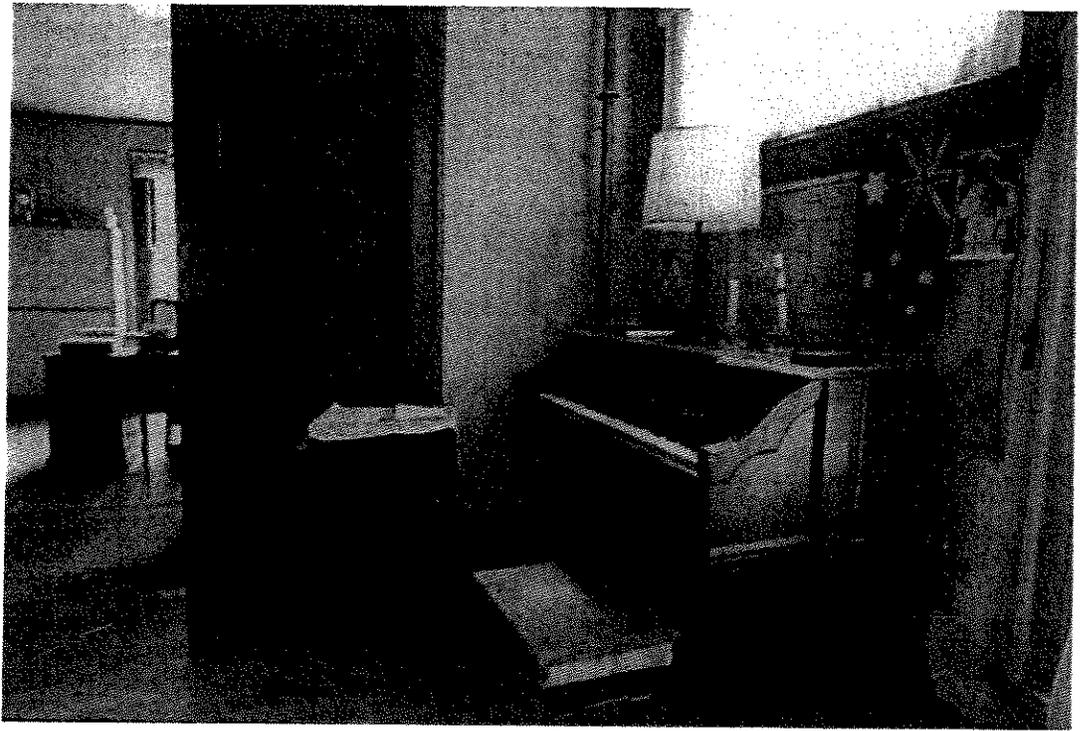
The living room is on your right as you enter the foyer from the front door. Light floods in from the south-facing picture window installed by Grainger. A horizontal bar lashed in place overhead between the columns on either side of the entry to the living room was placed there by Grainger, an adherent of physical fitness, for exercising.



View of the living room, looking toward the foyer. (Photo by Pamela Tucker)



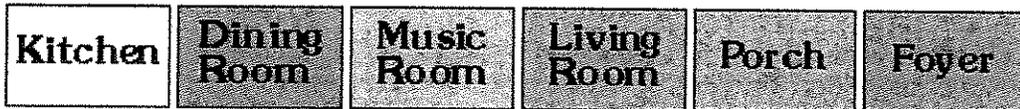
View of the living room, looking across the foyer toward the music room. To the right of the music room can be seen (just barely), the stairway with its Tiffany window (Photo by Pamela Tucker)



Parlor organ in living room. In the background, the dining room (Photo by Pamela Tucker)

Going from one room to another on the virtual tour

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The Front Porch

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View of the south end of the porch as it is today, looking past the living room windows into the shady side yard. (photo by Pamela Tucker).

The porch, where Percy and his mother Rose took their tea

The front porch is of generous dimensions, providing a view, towards the front, of the passing scene on the street below, and to the side, of the trees and luxuriant plants of the old-fashioned garden.

When Percy and his mother Rose moved into the house, she furnished it like a comfortable solarium, with willow furniture, hammocks, and all the accoutrements for serving a civilized tea. In her memoirs, she wrote:

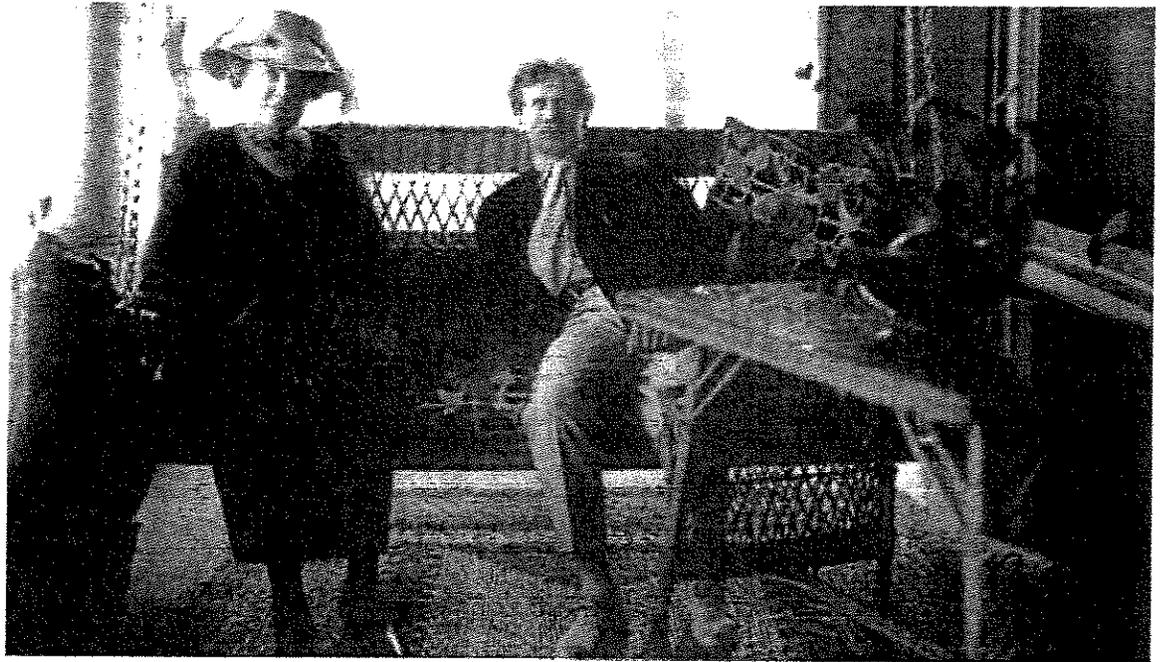
"I awoke at 5:30 this morning hearing the birds singing in the lovely trees which surround our sweet home, which my beloved Son bought for us last May, 1921... The house... has 10 rooms and a large front verandah, which we have furnished very comfortably indeed with Chinese Mats (3 large ones), willow furniture, 2 willow

swinging hammocks, cushioned with very coarse, handsome patterned crettone, willow-made working table with added glass top, for Percy, 2 chairs, & china cabinet to match. We live a great deal on this Porch, & often take our tea there. We have an electric connection there to boil our water for our tea...

We have some dear little Squirrels living in our trees, which seem not unfriendly. We leave water, bread & nuts for them, near the verandah. Percy also discovered 2 toads, near the side of our house, which he liked, but since a severe storm a few days ago we have not seen them. We hope they will come again. Percy has been practising his Tenor Sarrusophone this morning on the top floor of our house, which he found *pretty warm...*"

(From recollections by Rose Grainger, reproduced in facsimile in *Photos of Rose Grainger and of 3 Short Accounts of Her Life, in Her Own Handwriting*, privately published by Percy Grainger, 1923)

The picture below shows Percy and his mother on the "verandah."



Percy and his mother, Rose Grainger, on the porch, ca. 1921, in a photo taken by Frederick Morse, photographer and friend.

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The Foyer

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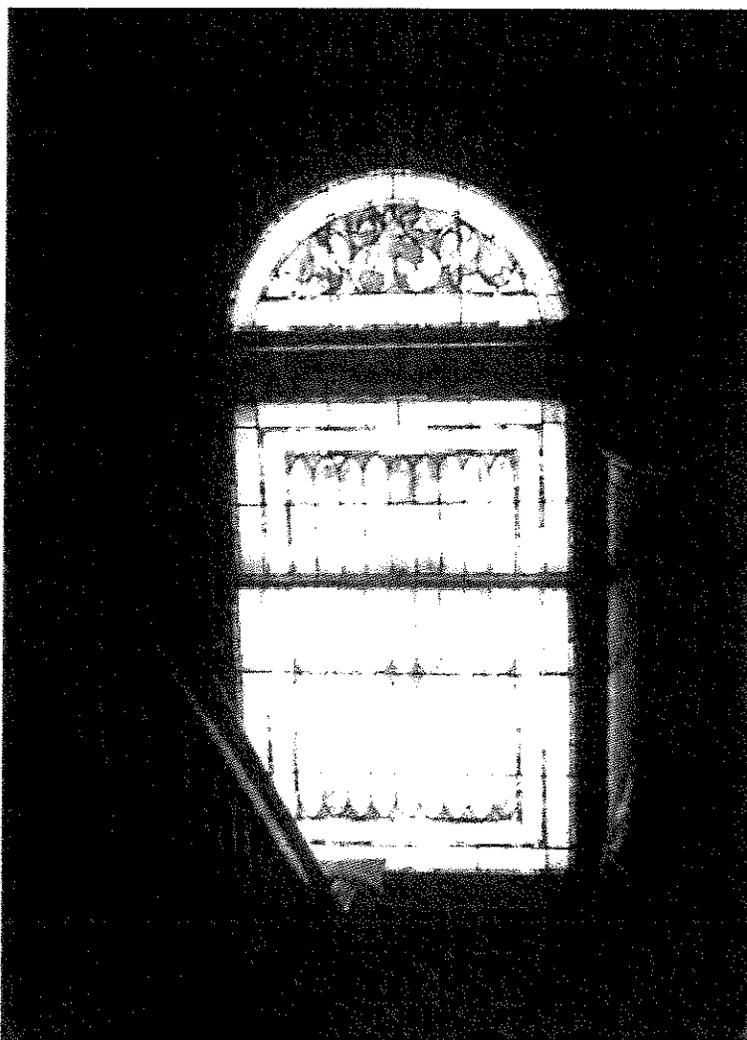
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The foyer is irregularly shaped, with oddly quirky angles. Rising from one angle is the main staircase, with dark carved wood and a Tiffany window. (Photo of Tiffany window by Pamela Tucker).

An odd little entrance hall with a beautiful window

The foyer or entrance hall is entered after coming in the front door from the porch (after passing through a little vestibule). It is full of odd angles; the other rooms on the ground floor, as well as the stairway to the second floor, all have entrances onto it, but scarcely any are at right angles to each other. To your right is the living room, its wide entrance framed by two pillars. To the left the music room. Beyond the music room is the main staircase to the second floor, with its Tiffany window. Beyond the stairs, in an odd angle, is the door to the kitchen; across from it, behind the

Australian Dictionary of Biography

Grainger, George Percy (1882–1961)

by Kay Dreyfus

This article was published in *Australian Dictionary of Biography, Volume 9, (MUP), 1983*

George Percy Grainger (1882-1961), musician, was born on 8 July 1882 at Brighton, Melbourne, only child of John Harry Grainger, architect, and his wife Rosa (Rose) Annie, née Aldridge, of Adelaide.

John Grainger (1855-1917) came originally from Durham, England, and was educated there and in London and France. He migrated to Adelaide in February 1877 to take up a post in the Engineer-in-Chief's Office; he resigned in mid-1878 to concentrate on his extensive private practice. Soon after his marriage to Rose on 1 October 1880 he set up in private practice in Melbourne, where he had made a name for himself in 1879 as winner of a competition for the design of the new Princes Bridge. Later, as chief architect in the Western Australian Department of Public Works in 1897-1905, he was responsible for sections of the Western Australian Museum and Art Gallery, the Public Library of Western Australia and the Perth Law Courts, and for the first stage of Parliament House. The fine Wardens' Court in Coolgardie was designed by him. A close friend of David Mitchell and his family, he designed Dame Nellie Melba's Coombe Cottage, built at Coldstream near Melbourne in 1912.

Percy Grainger's parents, his mother particularly, had little doubt that he would be 'an artist'. The boy obliged by showing precocious talent in both graphic and musical arts, the first of which developed under his father's, the second under his mother's tutelage. He had three months formal schooling at the Misses Turner's Preparatory School for Boys in Caroline Street, South Yarra, probably in 1893 or 1894. His piano studies continued from 1892 with Louis Pabst, then, after Pabst's departure for Europe in 1894, with his pupil Adelaide Burkitt. He studied harmony for a brief period, possibly with Julius Herz. His first composition, a birthday gift for his mother, dates from 1893.

In September 1890 John Grainger had returned home to England on a visit, leaving his wife and son in Melbourne. Though he was back in Australia by the end of that year, he did not rejoin his family. Thereafter they met only occasionally, in Europe and Australia.

Percy first came before the public eye as a pianist at a Risvegliato concert in the Masonic Hall, Melbourne, on 9 July 1894. Various other public performances included three appearances at Walter James Turner's People's Promenade Concerts at the Exhibition Building in October 1894. The boy's 'exceptional talent' was repeatedly noted.

In May 1895, following a benefit concert in the Melbourne Town Hall under the direction of George Marshall-Hall, Grainger left with his mother to further his musical studies in Germany. He never returned to Australia to live but retained a ferocious nationalism, an intense love of the landscape and a rather quixotic view of the virtues of the Australian character.

Grainger entered Dr Hoch's Conservatorium in Frankfurt-am-Main at the minimum age of 13. Over the next four and a half years he studied piano with James Kwast, taking counterpoint and composition classes with Iwan Knorr. Several compositions date from these years, including the earliest of his settings of Kipling. He continued his lessons in painting and drawing with Georg Widmann. A Frankfurt graphic artist and amateur musician, Karl Klömsch, had a profound influence on Grainger, who later described him as 'my only composition teacher'.

A solo recital given in Frankfurt on 6 December 1900 marked the end of Grainger's student years and the beginning of a long and arduous concert career which took him first to London, where he lived with his mother from May 1901 to August 1914. Grainger benefited greatly from the close-knit strength of the Anglo-Australian community in London in the first years, but he was soon accepted by the best society. He played several times before royalty, accumulating an impressive collection of aristocratic tie-pins and cuff-links. His 1907 solo recital enjoyed the patronage of Queen Alexandra.

Various landmarks highlight the growth of his pianistic career through these London years: his tour of the English provinces with Adelina Patti in 1902; his studies in Berlin with Ferruccio Busoni in 1903; his tour of Australasia and South Africa as a member of Ada Crossley's concert party in 1903-04; further extensive tours with Crossley of the English provinces in 1907, and of Australasia in 1908-09. His career as a virtuoso was enhanced by the publicly expressed admiration of Grieg, who selected Grainger to play his concerto under his baton at the Leeds Festival in 1907. Though Grieg died before the festival, Grainger's reputation as 'the greatest living exponent' of Grieg's piano music was established. That year, also, began a close friendship and professional association with Frederick Delius.

From his first Danish engagements of 1904, Grainger's European touring circuit grew annually to include regular appearances throughout Scandinavia, as well as in Holland, Germany and Switzerland. In 1913 he was gave concerts in Finland and Russia. Between times, in London, he took pupils, played at 'at homes' and went about in society in the way Rose considered essential to 'getting on'. The pace was relentless and the financial pressures considerable, especially since from about 1906 he was supporting both his parents. Grainger was a man who could not afford to fail. In later years, although his earning power was immense, this



George Percy Grainger (1882-1961), by John Singer Sargent

State Library of South Australia, SLSA: B61881

financial pressure was exacerbated by an almost self-destructive generosity.

Although there were performances of his music from as early as 1902, the Balfour Gardiner Choral and Orchestral Concerts of 1912 and 1913 really brought Grainger before the public as a composer, and as conductor of his own music. Success was instantaneous. Schott & Co., London, began publishing his music as fast as he could prepare it. There were numerous performances throughout Britain and in Europe, and he began to add conducting to his concert activities. In October 1911 he took the professional name of 'Percy Aldridge Grainger'.

The Graingers' sudden departure for the United States of America at the beginning of September 1914, traumatic in its immediate effects and later repercussions, cost them the goodwill of many of their patriotic upper-class British friends. This hostility was to some extent ameliorated when Grainger joined the U.S. Army as a bandsman in June 1917. He did not see active service, but he did appear a number of times in uniform at concerts in aid of the Red Cross and other wartime charities. He became a naturalized American citizen on 3 June 1918.

On being discharged from the army on 7 January 1919, Grainger embarked on what was perhaps the most flamboyant decade of his career. Lionized as a pianist and fêted as a composer, he was acclaimed as 'a latter-day Siegfried' and a worthy successor to Paderewski. Essentially the pattern of constant touring, teaching and composing did not change. Financial security came gradually: in 1921 he bought the house at White Plains, New York, in which he lived until he died. Much of his music was now published by the firm of G. Schirmer Inc., New York. His record-breaking piano piece *Country Gardens*, a piece which most music-lovers associate above all else with his name, was published by Schirmer's in 1919.

Grainger's father had died in Melbourne of syphilis on 13 April 1917. His mother's suicide in April 1922, from despair at rumours of incest and gathering effects of syphilis, was a crushing blow. She had been his constant companion, 'managed' his business, social and emotional affairs, guided his career with single-minded purpose. Her influence was definitive; her death left Grainger with a lifetime legacy of guilt and remorse.

Grainger visited Australia twice during the 1920s, privately in 1924 to see his mother's family, then in 1926 on a concert tour for J. C. Williamson's. Both tours marked new departures.

On the 1924 tour he began to present, albeit privately, a new type of 'lecture recital', concerts in which he talked as much as he played and in which his choice of music was determined primarily by his own cultural interests, however much these might go against the mainstream of audience taste. The results were often controversial.

The 1926 tour was significant more for personal reasons. Returning home from Australia to the United States he met on board ship a Swedish-born poet and painter, Ella Viola Ström. They were married on 9 August 1928 at a public ceremony at the conclusion of a concert in the Hollywood Bowl, Los Angeles. Ella was Grainger's 'Nordic Princess', a woman of outstanding beauty, 'generosity, joy-in-life and commonsense'. The marriage restored to Grainger the kind of exclusive companionship he had had with Rose. There were no children.

Grainger returned to Australia in 1934-35, touring for the Australian Broadcasting Commission. Income from this tour established the 'Music Museum and Grainger Museum' in the grounds of the University of Melbourne. He also gave a series of twelve radio talks called 'A commonsense view of all music'. Museum and broadcasts sprang from a single impulse: the desire to educate the Australian musical public to a 'universalist' view of music, celebrating the superior achievements of the composers of the 'Nordic group', but also embracing a selection of the world's musics, folk and art, Western and non-Western, 'primitive' and 'sophisticated', ancient and modern.

In these activities Grainger was projecting the universalism of his outlook. His musical eclecticism and aesthetic curiosity opened his mind to the beauties of an extraordinarily wide range of music which he variously collected, transcribed, edited, arranged, taught, performed and wrote about. The impulse to explore other cultures led him to the study of languages. He was fluent in some half-dozen European languages and their dialects, and read and studied as many more. His idiosyncratic and vigorous English prose style, exemplified in his enormous correspondence, shows the same fresh approach to language. An obverse of this eclecticism was a rather cranky concentration on notions of Nordic racial superiority and language purification. The letters also document Grainger's complex sexuality, his regular practice of flagellation, and his private absorption with what he called his 'cruelty instincts'—which were tempered in reality by an intense and tender approach to human relationships.

In the latter part of his life, Grainger's surplus energy and time were directed into two large-scale projects: the completion and arrangement of his museum in Melbourne, and his White Plains-based experiments in what he called 'free music'. In pursuit of the imagined sound of his free music, a music unconstrained by fixed pitch, regular metre and human performance, he built mechanical music machines which combine the makeshift and the futuristic. The museum building was finished and opened on a return trip to Melbourne in 1938. His concert activity continued on a reduced scale through the 1940s and 1950s. He even began to enjoy the special advantages that came with age. 'When I take part in a concert', he wrote in 1951, 'the concert-givers are only glad that one doesn't have a stroke on stage, and they don't expect one to play the right notes any more'.

The last decade of Grainger's life was shadowed by illness, and he underwent major surgery several times. Overwhelmed by a sense of his failure as a serious composer, his habit of bitter introversion intensified. Despite these inhibitions he continued his work, visiting Australia and his museum for the last time in 1955-56 and giving his last public concert performance on 29 April 1960. He died of cancer in the White Plains hospital on 20 February 1961. His gross estate was valued in the United States at \$208,293. His remains were brought to Australia for burial in the Aldridge family grave in Adelaide, where his mother was also buried. His wife died at White Plains on 17 July 1979.

Of Grainger the pianist the *New York Times's* music critic Harold Schonberg wrote, 'He was one of the keyboard originals—a pianist who forged his own style and expressed it with amazing skill, personality and vigor'. This opinion may be measured against the many gramophone records Grainger made in a long recording career from 1908 to 1957. He also cut Duo-Art piano rolls with the Aeolian Co. in the United States, though these are generally regarded as less reliable guides to an artist's playing because of the possibilities of editorial interference. Something of his style at the keyboard and on the conductor's rostrum can be seen in a short silent film, probably made by Schirmer's for promotional purposes in 1920.

His reputation as a composer was indelibly stamped by the success of *Country Gardens*, and he became known primarily as the composer of cheerfully extroverted piano pieces. In fact, he wrote very little originally for the piano. In recent years, as the growing number of recorded performances draws attention to the quantity and variety of his output, his reputation has revived and grown again. His compositions for military band are regarded as classics of the genre; his settings of British and Danish folksongs are acclaimed for their sensitivity and appropriateness.

The fact that Grainger's appearance matched his talent was a not insignificant component of his success. As a young man, his Byronic good looks and his golden hair were almost as much admired and as often remarked as was the strength and vigour of his playing. In later years he affected a markedly eccentric presentation, a personal style which, if nothing else, made for good 'copy'. Grainger's pianistic feats were complemented by a vigorous athleticism; long-distance walking was a favourite if intermittent pastime. Throughout his life he abstained from alcohol and tobacco and in his middle years he became a vegetarian.

There are several portraits, most notably two by Rupert Bunny (1902 and 1904) and one by Jacques-Emile Blanche (1906) in the Grainger Museum, and a charcoal sketch by John Singer Sargent (1908) in the National Gallery of Victoria.

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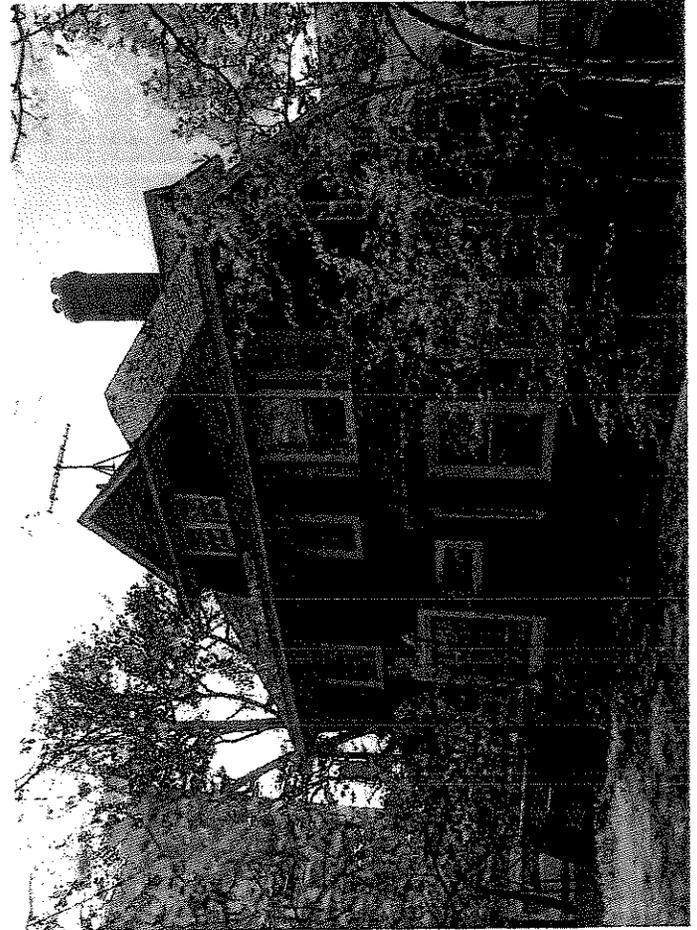
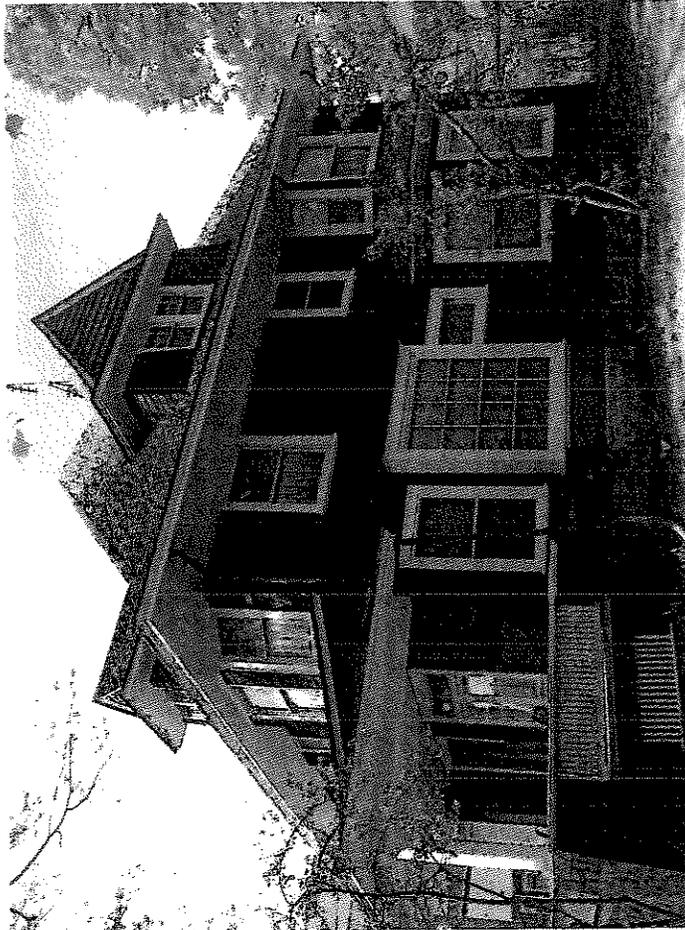
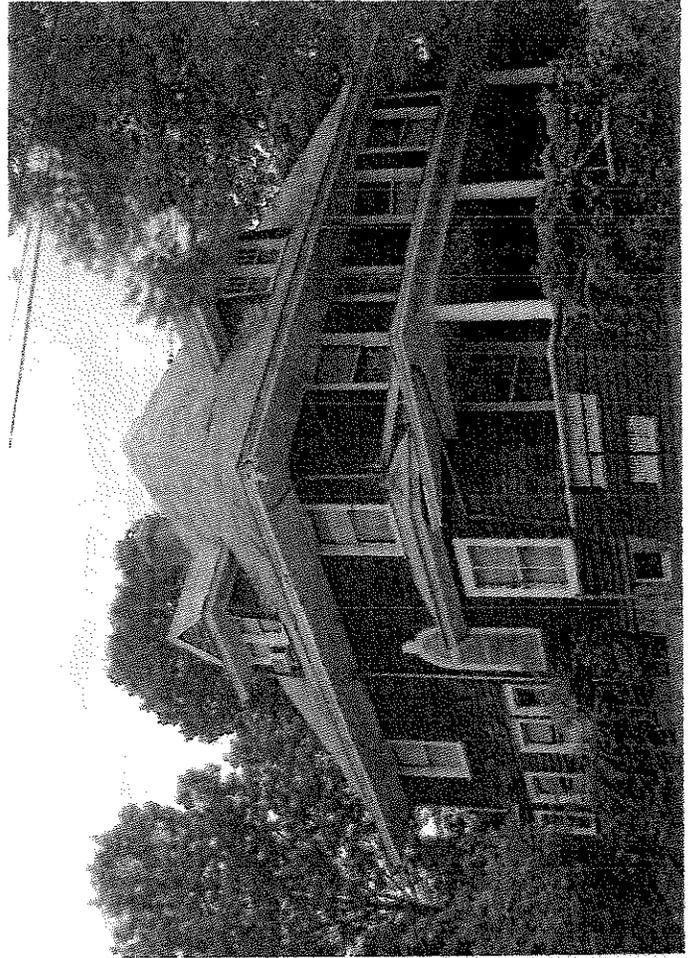
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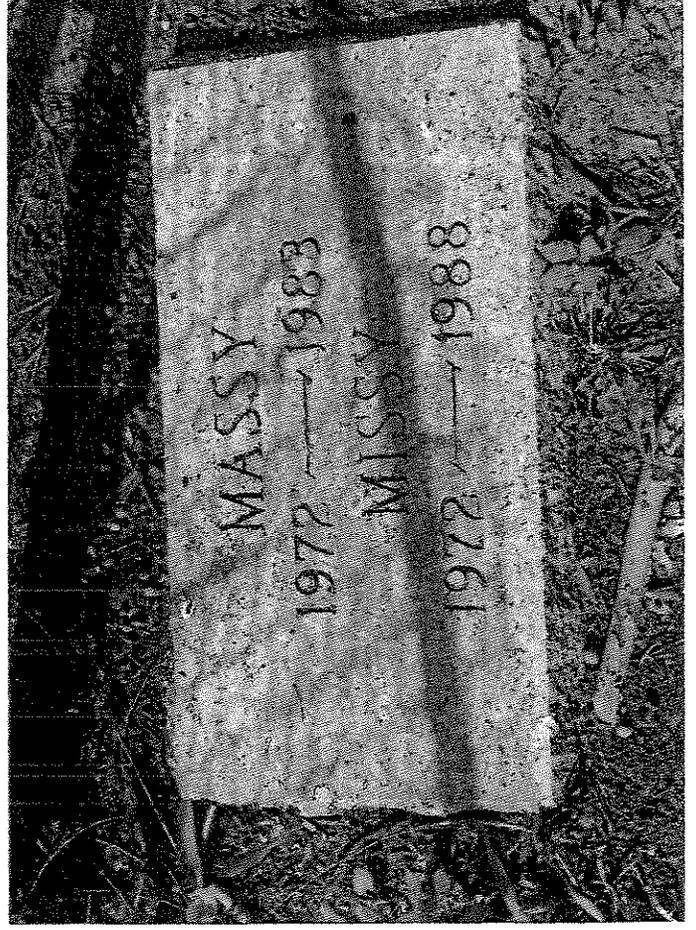
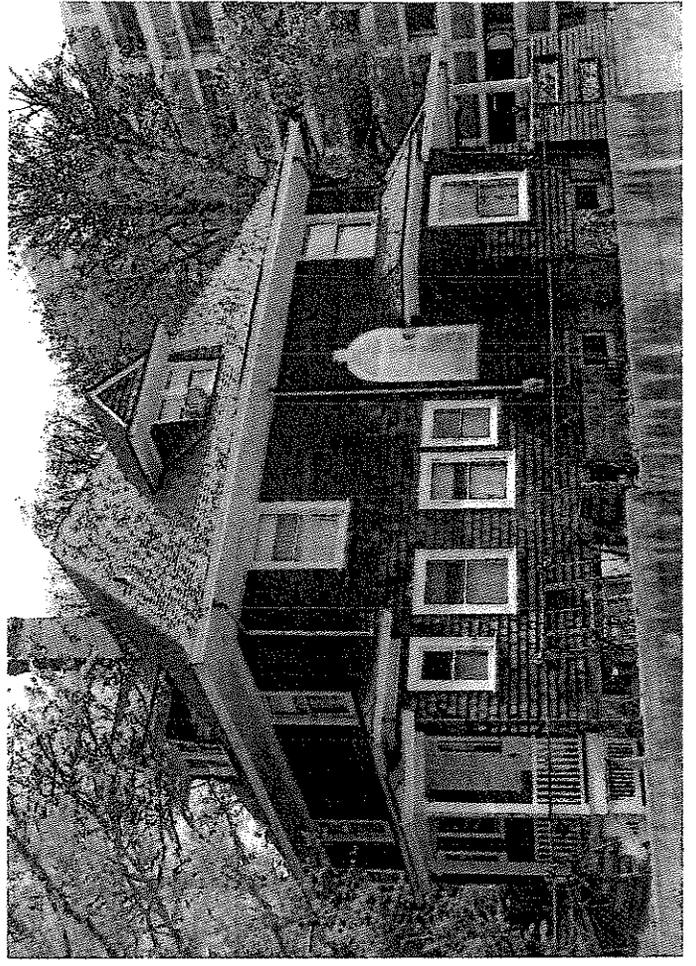
- Grainger, John Henry (father) 
- O'Hara, Henry Michael (friend)  
- Joyce, Eileen Alannah (acquaintance)  

Citation details

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Community Man

The year 1879 brought David Cromwell to our village. Here he was elected president of the White Plains Building and Loan Association and six years afterward president of the Village Board of Trustees.

Born in New York City in 1838, Cromwell was a lineal descendant of Richard Cromwell who fathered two famous sons, Oliver and Colonel John. It was the latter who came to America and established the American branch of the family.

After graduating from Cornwall Collegiate School, and while residing in Eastchester, Cromwell served as the Eastchester supervisor. He was elected and

relected for four terms to the office of county treasurer.

In White Plains he founded and was the first president of the Home Savings Bank, the oldest bank in the city still retaining its original name. He organized and was president of the First National Bank which in 1920 consolidated with the County Trust Company. He became involved with many other banking institutions.

Deeply committed to community work, Cromwell involved himself with local organizations. In 1893 he was one of the founders of the White Plains Hospital and was elected the first treasurer and president of its board of governors. Mrs. Cromwell served as the first president of the hospital's Ladies Guild.

Cromwell was president of the White Plains Citizens Association, a trustee of the White Plains Public Library, chairman of the board of trustees of the Presbyterian Church, a member of the Chamber of Commerce of New York State, and treasurer of the New York State Bankers Association. He was a Mason for 40 years. (See Presbyterian Trustees.)

Cromwell built the house on Cromwell Place in 1893 which later was occupied by Percy Grainger. Here Cromwell lived until 1905 when he completed a large brick house on Post Road and Chester Avenue, site of today's Coachman Inn.

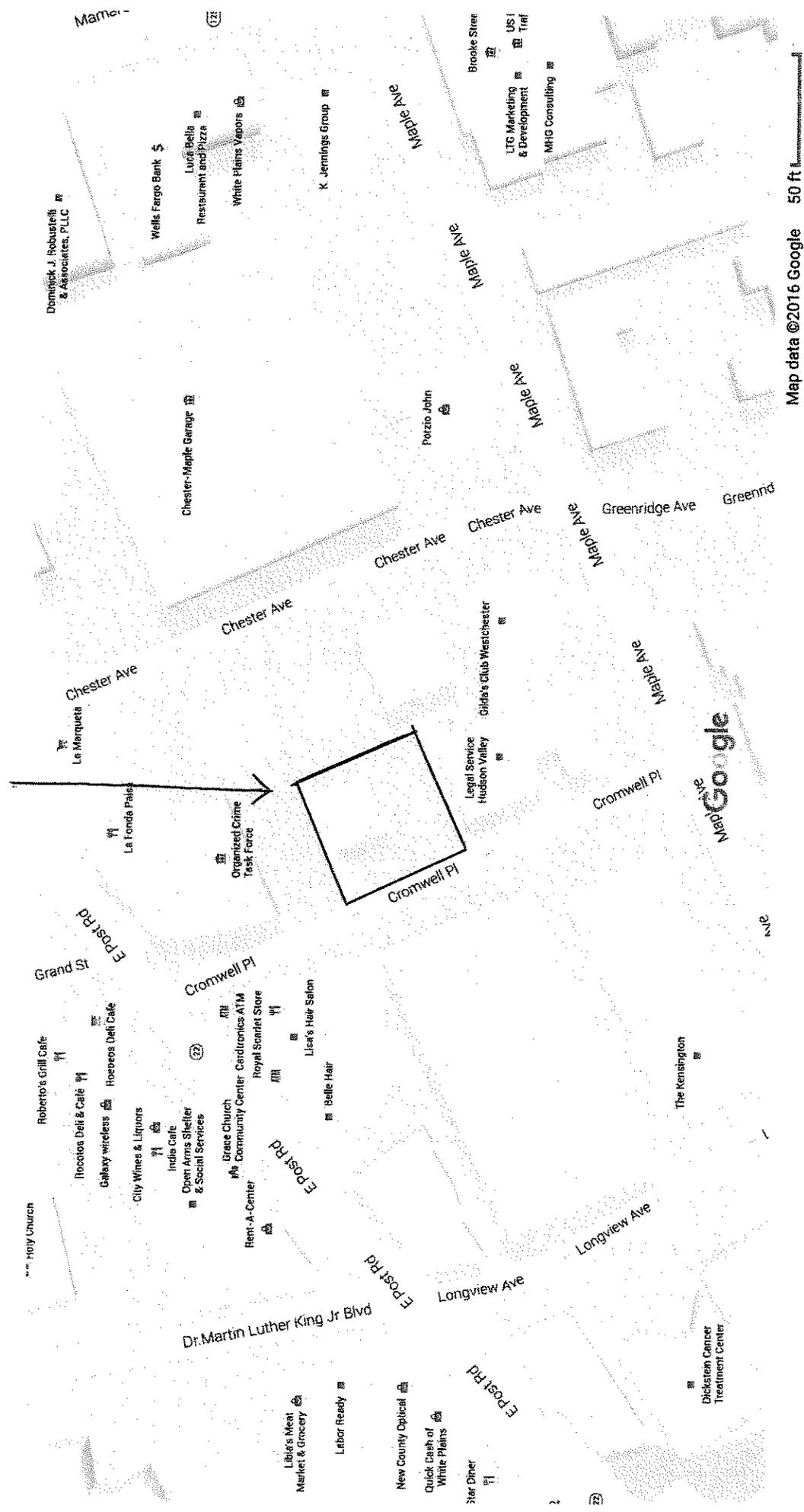
Cromwell's daughter married Charles D. Horton, editor of the weekly newspaper, the *Eastern State Journal*, published in White Plains for many years.

His only son, John Chester, aged 25, was one of three volunteers killed when coping fell from the Mead building on Railroad Avenue during the February 3rd, 1907 fire. Young Cromwell, married for only four months, had lived in the house still standing on Chester Avenue immediately behind the Grainger house.

On February 11th, 1925, having outlived his two children, David Cromwell died at the age of 87.

7 Cromwell Place

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