



**COMMON COUNCIL  
AGENDA  
REGULAR STATED MEETING  
September 8, 2015  
7:30 P.M.**

**PLEDGE TO THE FLAG:** Hon. Hunt-Robinson

**ROLL CALL:** City Clerk

**CONSENT AGENDA:** John M. Martin Council President

**OATH OF OFFICE:** Christopher Gomez, Commissioner of Planning  
Richard Hope, Commissioner of Public Works

**APPOINTMENTS:**

1. Communication from the Mayor in relation to the appointment of Richard Hope as Commissioner of Public Works for the City of White Plains. **Approved 7 - 0.**
2. Communication from the Mayor in relation to the appointment of the following members to the White Plains Historic Preservation Commission: Hon. Larry Delgado; Rev. Jeffrey A. Geary; Jennifer Lee; Hope H. Scully; Annette Kaicher as Alternate; and Robert L. Hoch as Chairman. **F/S/A**

**LOCAL LAW:**

- 2a. Communication from the Mayor in relation to a proposed Local Law to establish a Community Choice Aggregation (Energy) Program in the City of White Plains, which would allow local governments to put out for bid the total amount of natural gas or electricity being purchased by local residents or small business to assist in lowering energy costs. **F/S**

- 2b. Local Law Introductory No. 3 of 2015. A Local Law to establish a Community Choice Aggregation (Energy) Program in the City of White Plains. **OFFERED ONLY**
- 2c. Resolution of the Common Council of the City of White Plains scheduling a public hearing for October 5, 2015, in relation to Introductory Local Law No. 3 for 2015 amending Title III, "Environmental Conservation" of the White Plains Municipal Code, by adding a new Chapter 3-7, entitled, "A Local Law to establish a Community Choice Aggregation (Energy) Program in the City of White Plains." **ADOPTED**

**ADJOURNED**  
**PUBLIC HEARINGS:**

- 3. Public Hearing in relation to the application submitted by Daniel J. Coughlan, Proprietor, on behalf of Coughlan, Inc., for a renewal of a Special Permit to operate a cabaret at The Coliseum located at 15 South Broadway. **OPENED/CLOSED**

**ITEMS 4 - 13 F/S**

- 4. Communications from Commissioner of Building
- 5. Commissioner of Planning
- 6. Planning Board
- 7. Commissioner of Public Safety
- 8. Commissioner of Public Works
- 9. Deputy Commissioner, Traffic Division
- 10. Transportation Commission
- 11. Commissioner of Parking
- 12. Westchester County Planning Board
- 13. Environmental Officer
- 14. Environmental Findings Resolution **ADOPTED**
- 15. Resolution of the Common Council of the City of White Plains approving the application submitted by Coughlan Inc., on behalf of "The Coliseum" ("Applicant") for the renewal of a one year Special Permit to operate an Accessory Cabaret at "The Coliseum" located at 15 South Broadway (a/k/a 277 Martine Avenue (Section 125.76, Block 1, Lot 4) subject to the Applicant's compliance with applicable provisions of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") Chapter 4-4 of the White Plains Municipal Code and certain conditions contained herein. **ADOPTED**
- 16. Public Hearing in relation to the application submitted on behalf of Executive Billiards Inc., ("Applicant") for a Special Permit to operate a cabaret at Executive Billiards located at 109 Mamaroneck Avenue. **OPENED/CLOSED**

- 17. Communication from Commissioner of Building **F/S**
- 18. Resolution of the Common Council of the City of White Plains denying the application submitted on behalf of Executive Billiards, Inc., (“Applicant”), for a Special Permit to operate a Cabaret at Executive Billiards located at 109 Mamaroneck Avenue in accordance with Section 6.7.10.2 of the Zoning Ordinance of the City of White Plains. **ADOPTED**
- 19. Public Hearing in relation to the application submitted on behalf of Ron Blacks Beer Hall for a renewal of a Special Permit to operate a Cabaret at Ron Blacks Beer Hall, located at 181 Mamaroneck Avenue. **OPENED/CLOSED**

**ITEMS 20 - 29 F/S**

- 20. Communications from Commissioner of Building
- 21. Commissioner of Planning
- 22. Planning Board
- 23. Commissioner of Public Safety
- 24. Commissioner of Public Works
- 25. Deputy Commissioner, Traffic Division
- 26. Transportation Commission
- 27. Commissioner of Parking
- 28. Westchester County Planning Board
- 29. Environmental Officer
- 30. Environmental Findings Resolution **ADOPTED**
- 31. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of 181A Associates Inc., d/b/a Ron Blacks Beer Hall (“Applicant”) for the renewal of a one year Special Permit to operate an “Accessory Cabaret” at Ron Blacks Beer Hall located at 181 Mamaroneck Avenue (Section 125.84, Block 6, Lot 9.1) subject to the Applicant’s compliance with applicable provisions of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), Chapter 4-4 of the White Plains Municipal Code, and certain conditions contained herein. **ADOPTED**
- 32. Public Hearing in relation to an application submitted on behalf of Ichiro Asian Fusion, Inc., (“Applicant”), for a Special Permit to operate a Cabaret at Ichiro Restaurant, located at 80 Mamaroneck Avenue. **OPENED/CLOSED**

**PUBLIC HEARINGS:**

- 33. Public Hearing a proposed amendment to a previously approved site plan submitted on behalf of OSG Mamaroneck LLC, d/b/a Onyx Equities, the owners of property known as 1311 Mamaroneck Avenue (Section 138.18, Block 1, Lot 3) (“Applicant”), located in the C-O (Campus Office) Zoning District, for an amendment to the previously approved site plan on property containing “environmentally sensitive features.” **OPENED/CLOSED**

**ITEMS 34 - 45 F/S**

- 34. Communications from Commissioner of Building
- 35. Design Review Board
- 36. Commissioner of Planning
- 37. Planning Board
- 38. Commissioner of Public Safety
- 39. Acting Commissioner of Public Works
- 40. Deputy Commissioner, Traffic Division
- 41. Transportation Commission
- 42. Commissioner of Parking
- 43. Conservation Board
- 44. Westchester County Planning Board
- 45. Environmental Officer

46. Environmental Findings Resolution **ADOPTED**

47. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of OSG Mamaroneck LLC, d/b/a Onyx Equities, the owners of property known as 1311 Mamaroneck Avenue (Section 138.18, Block 1, Lot 3) (“Applicant”), located in the C-O (Campus Office) Zoning District, for an amendment to the previously approved site plan on property containing “environmentally sensitive features” to allow certain site improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting, in accordance with Section 4.4.25.2 and 7 of the Zoning Ordinance. **ADOPTED**

48. Ordinance of the Common Council of the City of White Plains authorizing the Commissioner of Public Works to enter into a revocable license agreement with OSG Mamaroneck LLC, to permit an encroachment in the City right-of-way in connection with a property identification sign for 1311 Mamaroneck Avenue. **ADOPTED 7 - 0**

**FIRST READING  
ORDINANCES:**

- 49. Communication from Corporation Counsel in relation to authorization to employ Special Counsel to provide litigation services in an amount not to exceed \$100,000. **F/S**
- 50. Ordinance authorizing the Corporation Counsel to employ Special Counsel to provide litigation services and providing funds from the General Fund Reserve for Financing. **ADOPTED 7 - 0**
- 51. Communication from the Mayor in relation to Executive Order 13223, which extends compensatory benefits to City Officers and Employees who are members of the Armed Forces Reserves. **F/S**
- 52. 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.” **ADOPTED 7 - 0**

53. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5464, Renovations to City Facilities FY 2016. **F/S**
54. Communication from Environmental Officer **F/S**
55. Environmental Findings Resolution **ADOPTED**
56. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C54654, Renovations to City Facilities FY 2016. **ADOPTED 7 - 0**
57. Bond Ordinance dated September 8, 2015, authorizing the issuance of \$151,500 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the Reconstruction of Class “A” Buildings. **ADOPTED 7 - 0**
58. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5465, A/C Replacement Communications Room. **F/S**
59. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5465, A/C Replacement Communications Room. **ADOPTED 7 - 0**
60. Bond Ordinance dated September 8, 2015, authorizing the issuance of \$202,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the installation or reconstruction of a heating, ventilation and air conditioning system in a Class “A” Building. **ADOPTED 7 - 0**
61. Communication from Commissioner of Finance in relation to the transfer of funds to cover the cost of accrued liabilities. **F/s**
62. Ordinance authorizing the transfer of funds within the Self Insurance Fund to record Accrued Liabilities with an effective date of June 30, 2015. **ADOPTED 7 - 0**
63. Communication from Director, Youth Bureau, in relation to a grant in the amount of \$20,000 from the Workforce Development Institute Inc., to provide training equipment for the Career Pathways Program. **F/S**

64. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute an agreement with the Workforce Development Institute, Inc., (WDI) to receive \$20,000 in funding to provide training equipment for the Career Pathways Program for a period from August 10, 2015 to December 31, 2015, and to authorize the Budget Director to amend the Fiscal Year 2015-2016 Youth Bureau's Youth Development Fund. **ADOPTED 7 - 0**
65. Communication from Personnel Director in relation to a proposed amendment to the White Plains Municipal Code Compensation and Leave Plan reallocating, establishing and deleting certain position titles and amending the Table of Organization. **F/S**
66. Ordinance amending Sections 2-5-77 and 2-5-81 of the White Plains Municipal Code by reallocating, establishing and deleting certain position titles, and amending the 2015-2016 Table of Organization by adding and abolishing certain positions. **ADOPTED 7 - 0**
67. Communication from Commissioner of Parking in relation to an agreement between the City and Ken-Partners, for the lease of the real property known as the Minerva/Kensico Parking Lot. **F/S**
68. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to enter into a one year lease agreement for the lease of the Minerva/Kensico Parking Lot. **ADOPTED 7 - 0**
69. Communication from Deputy Commissioner of Parking in relation to proposed amendments to the Traffic Ordinance. **F/S**
70. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a "Handicapped Parking Spaces-Streets (Non-Metered)" on the east side of Ferris Avenue. **ADOPTED 7 - 0**

#### **RESOLUTIONS:**

71. Communication from Corporation Counsel in relation to the scheduling of a public hearing for October 5, 2015, in relation to the application submitted on behalf of 166 WP Hospitality, LLC ("Applicant") for a Special Permit to operate a Cabaret at the Copper Face Jacks Sports Bar and Grill, located at 166B Mamaroneck Avenue. **F/S**
72. Communication from Commissioner of Building. **F/S AND REFERRED TO LAW, BUILDING DEPT., PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
73. Resolution of the Common Council of the City of White Plains scheduling a

public hearing for October 5, 2015, in relation to the application submitted on behalf of 166 WP Hospitality, LLC (“Applicant”) for a Special Permit to operate a Cabaret at the Copper Face Jacks Sports Bar and Grill, located at 166B Mamaroneck Avenue. **ADOPTED**

74. Communication from Corporation Counsel in relation to the scheduling of a public hearing for October 5, 2015, in relation to the application submitted on behalf of 166 WP Hospitality, LLC (“Applicant”) for a Special Permit to operate a Cabaret at the Black Bear Sports Bar and Grill, located at 166A Mamaroneck Avenue. **F/S**
75. Communication from Commissioner of Building. **F/S AND REFERRED TO LAW, BUILDING DEPT, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
76. Resolution of the Common Council of the City of White Plains scheduling a public hearing for October 5, 2015, in relation to the application submitted on behalf of 166 WP Hospitality, LLC (“Applicant”) for a Special Permit to operate a Cabaret at the Black Bear Sports Bar and Grill, located at 166A Mamaroneck Avenue. **ADOPTED**
77. Communication from Corporation Counsel in relation to amendments to a previously approved site plans submitted by AT&T Corp., with respect to properties at 400 and 440 Hamilton Avenue. **F/S**
78. Resolution approving amendments to the site plans submitted by AT&T Corp., with respect to the properties at 400 Hamilton Avenue and 440 Hamilton Avenue. **ADOPTED**
79. Communication from Commissioner of Building in relation to an application submitted on behalf of Hudson Gateway Association of Realtors, and Bloomingdale Road Investors, LLC, for an amendment to a previously approved site plan to make exterior modifications on the fourth floor at One Maple Avenue (a/k/a The Source). **F/S**

**ITEMS 80 - 89 F/S**

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|-----|----------------------------|---------------------------------------|
| 80. | <u>Communications</u> from | Design Review Board                   |
| 81. |                            | Commissioner of Planning              |
| 82. |                            | Planning Board                        |
| 83. |                            | Commissioner of Public Safety         |
| 84. |                            | Acting Commissioner of Public Works   |
| 85. |                            | Deputy Commissioner, Traffic Division |
| 86. |                            | Transportation Commission             |
| 87. |                            | Commissioner of Parking               |
| 88. |                            | Westchester County Planning Board     |
| 89. |                            | Environmental Officer                 |

90. Environmental Findings Resolution **ADOPTED**

91. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Bloomingdale Road Investors, LLC, (“Owner”), and Hudson Gateway Association of Realtors, Inc. (“Tenant”) (Collectively “Applicant”), for a site plan amendment to its existing amended Special Permit/Site Plan Approval granted by the Common Council of the City of White Plains on December 20, 2001, and amended on June 4, 2007, and March 1, 2010, for the project known as “The Source at White Plains” (Formerly “Fortunoff”) located at the corner of One Maple Avenue and 100 Bloomingdale Road (Section 126.77, Block 2, Lot 2) for exterior modifications to the building consisting of (A) the installation of windows on the westerly wall of the building; (B) the installation of windows and two (2) new solid exit doors on the southerly wall thereof; ( C) the replacement of existing solid doors with glass doors on the southerly wall; and (D) the installation of skylights that will extend approximately three (3) to four (4) feet above the roof level and provide natural light to the interior office spaces. **ADOPTED**

92. Communication from Commissioner of Building in relation to an application submitted on behalf of Westchester Building Company, LLC, for an amendment to a previously approved site plan for 333 Westchester Avenue, to relocate an entrance driveway that connects to Westchester Avenue. **F/S**

**ITEMS 93 - 102 F/S**

93.	<u>Communications</u> from	Design Review Board
94.		Commissioner of Planning
95.		Planning Board
96.		Commissioner of Public Safety
97.		Acting Commissioner of Public Works
98.		Deputy Commissioner, Traffic Division
99.		Transportation Commission
100.		Commissioner of Parking
101.		Westchester County Planning Board
102.		Environmental Officer

103. Environmental Findings Resolution **ADOPTED**

104. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Westchester Building Company LLC (“Applicant”), owner of 333 Westchester Avenue, located in a Special “S” Zone, for an amendment to the existing site plan to permit the relocation and realignment of an existing ingress only driveway to achieve better alignment with the newly reconstructed Westchester Avenue, which underwent a major redesign and construction initiated by the New York State Department of Transportation (NYSDOT). **ADOPTED**

105. Communication from Commissioner of Building in relation to an application submitted on behalf of Don Coqui Restaurant for the renewal of a one year Special Permit to operate an Accessory Cabaret on the first floor of property located at 105-107 Mamaroneck Avenue. **F/S**

**ITEMS 106 - 114 F/S**

- 106. Commissioner of Planning
- 107. Planning Board
- 108. Commissioner of Public Safety
- 109. Commissioner of Public Works
- 110. Deputy Commissioner, Traffic Division
- 111. Transportation Commission
- 112. Commissioner of Parking
- 113. Westchester Country Planning Board
- 114. Environmental Officer

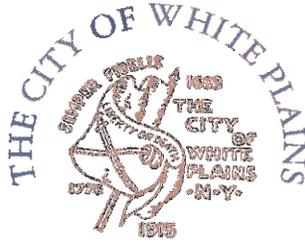
115. Environmental Findings Resolution **ADOPTED**

116. Resolution of the Common Council of the City of White Plains approving the application submitted by DC White Plains LLC, on behalf of Don Coqui Restaurant for the renewal of a one year Special Permit to operate an "Accessory Cabaret" on the first floor of property located at 105-107 Mamaroneck Avenue (Section 125.76, Block 5, Lots 18 and 19) subject to the Applicant's compliance with applicable provisions of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), Chapter 4-4 of the White Plains Municipal Code and certain conditions contained herein. **ADOPTED**

**ITEMS FOR INFORMATION:**

117. Communication from Director, Youth Bureau, transmitting the Youth Bureau's Annual Report for 2015. **F/S AND FILE ATTACHMENT**

118. Communication from Commissioner of Finance transmitting the Capital Projects Status Report for the Fiscal Year ending June 30, 2015. **F/S AND FILE ATTACHMENT.**



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

**THOMAS M. ROACH  
MAYOR**

**t:914.422.1411  
f:914.422.1395**

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

I hereby submit the nomination of Richard Hope for appointment as Commissioner of Public Works for the City of White Plains, effective September 8, 2015. In accordance with Section 8 of the Charter of the City of White Plains, your consent to this nomination is requested.

Sincerely,

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Thomas M. Roach  
Mayor

Dated: September 3, 2015  
(For the September 8, 2015 Meeting)



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

**THOMAS M. ROACH  
MAYOR**

**t:914.422.1411  
f:914.422.1395**

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

I am pleased to announce the following appointments as members of the White Plains Historical Preservation Commission, and one alternate.

Hon. Larry Delgado	September 7, 2017
Rev. Jeffrey A. Geary	September 7, 2016
Robert L. Hoch, Chairman	September 7, 2017
Jennifer Lee	September 7, 2017
Hope H. Scully	September 7, 2016
Annette Kaicher	September 7, 2016, Alternate

Sincerely,

Thomas M. Roach, Mayor

DATED: September 8, 2015

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"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**

Westchester County has some of the highest electric rates in the country. In late February of this year, the PSC approved implementation of the first Community Choice Aggregation (CCA) pilot program in the State, a cutting-edge initiative that allows local governments to put out for bid the total amount of natural gas or electricity being purchased by local residents or small businesses, effectively providing them with more control to lower their overall energy costs. The PSC has limited participation to residential and small commercial customers (peak electric demands less than ten (10) kilowatts) for electricity and natural gas that are not currently taking supply under a contract with a third party supplier (known as ESCOs). Aggregating consumers on a large scale creates the market clout necessary to negotiate lower rates with private suppliers. The PSC's approval of the pilot program builds upon Governor Andrew M. Cuomo's strategic Reforming the Energy Vision (RFV) plan to encourage clean energy innovation and investment, improve customer service and value, and protect the environment.

CCA is currently available in six states, New Jersey, Illinois, Massachusetts, California, Rhode Island, and Pennsylvania, and is also known as Municipal Electric and Gas Aggregation. Over five million customers nationwide are served by a CCA program, and most programs have grown steadily and have afforded customers consistent savings. New York's CCA program is designed to incorporate the best practices from the most successful programs in other states. CCA offers an opportunity for municipalities to choose their electric or gas provider and source of electricity or gas under the terms and rates that they wish, rather than just accepting the existing utility supplier provides.

Sustainable Westchester (SW), a not-for-profit 501(c)(3) consortium of Westchester County local governments founded to generate equitable and ecologically responsible economic growth through innovative, participatory, and replicable initiatives, has been authorized by PSC to implement the first CCA program in the State in Westchester County. The Board of Directors of SW is comprised of elected municipal officials of the County of Westchester and professionals in the sustainability sector (primarily energy). I, as Mayor of the City of White Plains, along with the Mayors of New Rochelle and Yonkers, serve on the Board of Directors. Member municipalities collaborate on ecologically sustainable programs that stimulate the local economy and better the health and welfare of Westchester residents. For the CCA program, SW will serve as the manager, coordinator, and administrator on behalf of its member municipalities who join the CCA program.

Under the CCA program, existing utilities, such as ConEd or NYSEG, continue to deliver power, maintain power lines, and respond to service outages. Existing utilities will still provide the same customer service to all residents regardless of whether they are in the CCA program, as they are required by law to do so. Customers will still receive only one bill per month, and it will still come directly from ConEd or NYSEG. The new bill will reflect the change in supplier and new, lower supply rate.

All Westchester municipalities are eligible to participate in the CCA program by adopting a local law after holding a public hearing. The adoption of a local law does not commit the local government to joining, but merely enable doing so. The local law gives the municipality control over the conditions under which it will participate and also allows more flexibility to take advantage of future statewide CCA opportunities, *i.e.* local procurement incentives, energy efficiency funds, etc.

After adoption of the local law, the municipality, assisted by SW, will inform the local utility. Subsequently, SW will prepare an energy procurement bid and manage that process on behalf of all of the aggregated municipalities. Should SW receive a compliant bid, it will notify the municipalities. The municipality then has the choice of whether to proceed by signing a tri-agreement with SW and the chosen energy supplier(s). If the municipality elects to proceed, it will again, assisted by SW, inform the local utility supply customers in its jurisdiction of the new offering., at which a twenty (20) day opt out period begins, for any customers who do not wish to take advantage of the new offering. Once the twenty (20) day opt out period closes, the program will go into effect at the next billing period. SW will manage the communication between the utility and new energy supplier(s) on behalf of its member local governments.

Attached for your consideration is a local law authorizing the City of White Plains' participation in the CCA program and a resolution scheduling a public hearing on October 5, 2015 regarding same.



Thomas M. Roach  
Mayor

Dated: September 4, 2015  
(For the Common Council Meeting of  
September 8, 2015)

**LOCAL LAW INTRODUCTORY NO. 3 FOR 2015**

**A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE CITY OF WHITE PLAINS.**

Be it enacted by the Common Council of the City of White Plains as follows:

**Section 1.** Title III, “Environmental Conservation,” of the White Plains Municipal Code is hereby amended by adding a new Chapter 3-7, entitled “Community Choice Aggregation (Energy) Program,” to read as follows:

**Chapter 3-7**

**Community Choice Aggregation (Energy) Program**

**Section 3-7-1. Legislative Findings; Intent and Purpose; Authority.**

**A. It is the policy of both the City of White Plains and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation, which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.**

B. The purpose of this Community Choice Aggregation (Energy ) Program is to allow participating local governments including the City of White Plains to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the City of White Plains to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

C. The City of White Plains is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the “Order”). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15, 2104) to the extent that orders

related to Case No. 14-M-0224 enable actions by the City of White Plains not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No 14-M-0564 shall govern the Community Choice Aggregation Program.

D. This Chapter shall be known and may be cited as the “Community Choice Aggregation (Energy) Program Law of the City of White Plains”.

**Section 3-7-2. Definitions.**

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

(a) Bundled Customers – Residential and Small Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

(b) Small Commercial - Non-residential customers as permitted by the Order.

( c ) Community Choice Aggregation Program or CCA Program– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the City of White Plains.

(d) Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

(e) Public Service Commission – New York State Public Service Commission.

(f) Suppliers – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

(g) Sustainable Westchester– A not-for-profit organization comprised of member municipalities in Westchester County, New York.

### **Section 3-7-3. Establishment of a Community Choice Aggregation (Energy) Program.**

A. A Community Choice Aggregation (Energy) Program is hereby established by the Common Council of the City of White Plains, whereby the City of White Plains shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The City of White Plains' role under the CCA Program involves the aggregating of the electric and/or natural gas supply of its residents and the entering into a contract with one or more Suppliers for supply and services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

B. The City of White Plains' purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of White Plains will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of participating residential and Small Commercial customers.

C. In order to implement the CCA Program, the City of White Plains will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with this Local Law and the Order.

D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

**Section 3-7-4. Procedures for Eligibility; Customer Data Sharing.**

A. As permitted by the Order, the City of White Plains may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.

B. Sustainable Westchester, on behalf of the City of White Plains, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.

C. Sustainable Westchester or the City of White Plains if the City of White Plains so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.

D. Sustainable Westchester or the City of White Plains if the City of White Plains so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.

E. In accordance with and for purposes of the Order, the existing Distribution Utility, the City of White Plains (Consolidated Edison Company of New York, Inc. and/or New York State Electric & Gas Corporation) will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the City of White Plains not currently enrolled with an ESCO.

F. Sustainable Westchester and the City of White Plains, will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

**Section 3-7-5. Choice of Energy Supplier; Opt-Out Notice and Procedure.**

A. The City of White Plains or in conjunction with the ESCO will notify its residential and Small Commercial customers, by letter notice, of the City of White Plains' decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.

B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA Program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.

C. The opt-out period shall be twenty (20) days.

D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were

enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated three (3) Day rescission period as detailed in Section 5(B)(3) of the New York Uniform Business Practices Law.

**Section 3-7-6. Verification and Reporting.**

A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

**Section 2.** This local law shall take effect upon filing with the Secretary of State.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR OCTOBER 5, 2015 IN RELATION TO INTRODUCTORY LAW NO. 3 FOR 2015 AMENDING TITLE III, "ENVIRONMENTAL CONSERVATION" OF THE WHITE PLAINS MUNICIPAL CODE, BY ADDING A NEW CHAPTER 3-7, ENTITLED "A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN THE CITY OF WHITE PLAINS."

WHEREAS, the City of White Plains would like to establish a Community Choice Aggregation (Energy) Program; and

WHEREAS, the State of New York Public Service has recently issued an Order Granting Petition (Commission Case 14-M-0564) of Sustainable Westchester for Expedited Approval of the Implementation of a Pilot Community Choice Aggregation Program with the County of Westchester; and

WHEREAS, the City of White Plains wishes to implement a Community Choice Aggregation Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law;

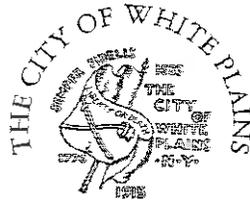
NOW, THEREFORE BE IT

RESOLVED that a public hearing will be held on October 5, 2015 at 7:30 p.m. in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York concerning a proposed Local Law entitled, "A Local Law to Establish a Community Choice Aggregation (Energy) Program in the City of White Plains;" and be it further

RESOLVED, that the City Clerk be and hereby is directed to give due notice of said public hearing in accordance with law.

2c

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**

The Department of Building has reviewed an application, filed on February 20, 2014, on behalf of for the renewal of a Special Permit to allow for a "Cabaret" use at "Coliseum" located at 15 South Broadway, White Plains, New York. The present and future use of the property is a restaurant / bar – Assembly "A " use group and is located within a UR-4 Zoning District.

Type of Business

Coliseum occupies approximately 6,300 square feet (total gross floor area) on the ground floor of 15 South Broadway. The space houses a kitchen, a dining area and a bar. The business is open to the public 4-5 days a week and is engaged in preparing food which is served to patrons seated at tables. Patrons select food from a full menu and table service is accommodated via a wait staff. Sundays the facility is open for private parties only.

Type of Cabaret

The Zoning Ordinance now 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, dated July 28, 2015, the net floor area of the restaurant is calculated to be approximately 3,340 square feet. We have calculated that the applicant is proposing to dedicate approximately 800 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation. This

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

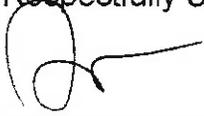
<http://www.cityofwhiteplains.com>

4

principally a restaurant with entertainment and/or dancing that occupies less than 40% of the net floor area, it qualifies as an "Accessory Cabaret".

Based upon the above and the applicants submission of compliant documentation we have no objection to the renewal of a Special Permit for an accessory cabaret being granted.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "D. Amadio", written over a horizontal line.

Damon A. Amadio P.E.  
Commissioner of Building

Date: August 24, 2015  
(for the September 8, 2015 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](mailto:Planning@whiteplainsny.gov)

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**SUBJECT: COLISEUM CABARET SPECIAL PERMIT RENEWAL**  
**15 SOUTH BROADWAY**

The Planning Department is in receipt of an application submitted by Mr. Daniel J. Coughlan on behalf of the Coliseum ("Applicant"), dated February 18, 2015, pursuant to Section 6.5 "Special Permit Standards" and Section 6.7.10 "Cabarets" of the City Zoning Ordinance for renewal of a cabaret special use permit for the Coliseum at 15 South Broadway. The establishment is an existing 6,300 square foot restaurant with "Accessory Cabaret" (less than 40% of net floor area dedicated to cabaret use) located within the UR-4 Urban Renewal Central Business zoning district. The Planning Department has reviewed the application for compliance with special permit standards and Comprehensive Plan consistency 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 on South Broadway is in harmony with the appropriate and orderly development of the area. The cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment is proposed.

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

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

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

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

The Coliseum is located in a legally non-conforming building with respect to parking. Further, public parking is available on-street and in nearby public parking lots and structures.

#### 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 Coliseum is located in the Urban Renewal Central Business-4 (UR-4) non-residential zoning district; is not located within 150 feet of any residential zoning district boundary; nor is it located within 200 feet of a place of worship, hospital, or "domiciliary care facility" or "community residence" as defined by the Zoning Ordinance. In addition, renewals of special permit for cabarets are subject to a demonstration that the cabaret has operated in a manner that is consistent with the conditions and controls set forth in the Common Council approval resolution.

#### Conformity with the Comprehensive Plan

Cabaret use at the Coliseum is consistent with the Comprehensive Plan that 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 conforms to Section 6.5 “Special Permit Standards” and Section 6.7.10 “Cabarets” of the City Zoning Ordinance as well as the Comprehensive Plan. Therefore, the Planning Department supports a one-year special permit renewal for “Accessory Cabaret” use for the Coliseum at 15 South Broadway.

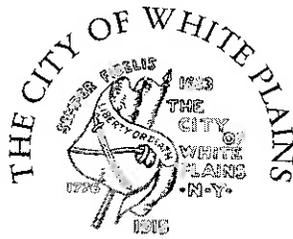
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris N. Gomez", with a stylized flourish at the end.

Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: August 25, 2015

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**PLANNING BOARD**

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

THOMAS M. ROACH  
MAYOR

MICHAEL QUINN  
CHAIRMAN

ELIZABETH CHETENY, AICP  
COMMISSIONER OF PLANNING

LINDA PUOPLO, LMSW  
DEPUTY COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

April 23, 2014

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: COLISEUM – 15 SOUTH BROADWAY – SPECIAL USE PERMIT FOR  
CABARET

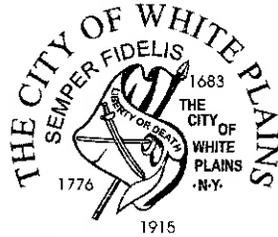
At its meeting of April 22, 2014, the Planning Board reviewed the application for a Special Use Permit for a Cabaret made by Coliseum, located at 15 South Broadway.

The Planning Board was informed by the Building Department that there are no outstanding violations for the business. The Planning Board finds that the proposed cabaret use is consistent with the Comprehensive Plan, which recommends encouraging entertainment uses in the Mamaroneck Avenue Central Business District. The Planning Board voted unanimously in favor of a motion to find no objection to issuance of the Special Use Permit for a Cabaret.

Planning Board members voting in favor of the motion to find no objection to issuance of the Special Use Permit for a Cabaret: M. Quinn, A. Cabrera, J. Durante, L. Oliva, and R. Stackpole (5); Opposed: None (0); Absent: J. Ioris and J. Westlund (2).

Respectfully submitted,

MICHAEL QUINN  
Michael Quinn, Chairman  
White Plains Planning Board



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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

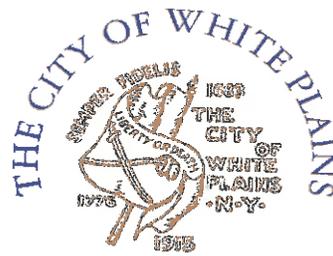
Coliseum  
Special Permit-Cabaret  
277 Martine Ave.  
White Plains, NY

David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: April 23, 2014

7



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

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**THOMAS M. ROACH**  
MAYOR

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

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

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

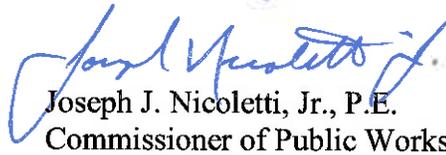
**TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF  
THE CITY OF WHITE PLAINS**

Dear Mayor and Common Council Members:

We have reviewed an application submitted by Coughlan Inc. ("Applicant"), for a renewal of a Special Permit to allow a cabaret "use" at The Coliseum, located at 15 South Broadway (aka 277 Martine Avenue). Readings with music playing must fall within the allowable maximum decibel level at the public property line.

We have no objection to the renewal of the Special Permit.

Respectfully Submitted,

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

Dated: May 5, 2014

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

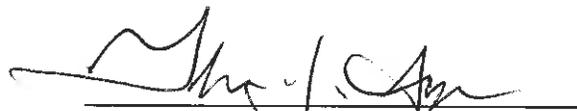
**THOMAS J. SOYK, P.E., PTOE**  
DEPUTY COMMISSIONER/  
CITY TRANSPORTATION ENGINEER

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

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

The Department of Parking/Traffic Division has reviewed the application from "The Coliseum" at 277 Martine Avenue for renewal of a special permit to operate a "Cabaret" which was referred by the Common Council on April 7, 2014.

The Department of Parking/Traffic Division has no objection to renewing this special permit.



---

Thomas J. Soyk, PE, PTOE  
Deputy Commissioner

Dated: April 22, 2014



**TRAFFIC COMMISSION**

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

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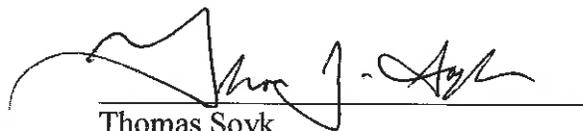
THOMAS M. ROACH  
MAYOR

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

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

The Traffic Commission, at its meeting held on April 16, 2014, reviewed the request from Coliseum Bar/Restaurant at 277 Martine Avenue for renewal of a special permit to operate a "cabaret" as referred by the Common Council on April 7, 2014.

The Traffic Commission determined that this matter does not involve traffic considerations.

  
Thomas Soyk  
Acting Chairman

Dated: April 22, 2014

THOMAS M. ROACH  
MAYOR



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

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

JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

**Re: #57 – Coliseum, 277 Martine Avenue  
Request for Renewal of Special Permit to Operate a Cabaret**

The Department of Parking has received and reviewed the above-noted referral and has no objection to this request for renewal of a special permit to operate a cabaret.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Date: May 5, 2014

//

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

County Ref. No. **WHP N14-009**

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

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

Municipality: **White Plains**

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

Application Name and Local Case Number: **Coliseum Bar/Restaurant Cabaret Use**

Address: **15 South Broadway**

Section: **125.76** Block: **1** Lot: **4**

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

E-mail address (or fax number): **amcphers@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: **4/14/14**

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



**ENVIRONMENTAL OFFICER**

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

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

August 31, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE COLISEUM  
15 SOUTH BROADWAY  
SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET  
SECTION 125.76, BLOCK 5, LOTS 18 AND 19

The application submitted by Daniel J. Coughlan, President of Coughlan Inc., on behalf of The Coliseum (the "Applicant") regarding a special permit to operate an Accessory Cabaret at The Coliseum, located at 15 South Broadway ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations. The business is located in the UR-4 Zoning District.

On April 1, 2013, the Common Council approved a Special Use Permit to Operate a Cabaret at The Coliseum. On April 7, 2014, the Common Council received a referral from the Commissioner of Building forwarding a request from the Applicant for a renewal of the Special Use Permit for a Cabaret.

At its May 4, 2015 meeting the Common Council adopted an ordinance entitled:

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" WITH RESPECT TO SPECIAL PERMIT USES IN NON-RESIDENTIAL DISTRICTS, REVISING THE DEFINITION OF "CABARET" AND ADDING THE DEFINITION OF "PRIMARY CABARET" AND "ACCESSORY CABARET"**

In summary, this amendment revises the definition of "cabaret" uses and creates two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant use when the "cabaret" is in operation. Each class will have unique standards.

At its July 6, 2015 meeting the Common Council adopted an ordinance entitled:

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

In summary, this amendment revises the definition of "cabaret" uses as described above, and addresses entry fees.

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

The primary environmental concern is the assurance that noise emanating from the cabaret will not have any adverse effects to the surrounding land uses and community. The general standards for all special permit uses in Section 6.5 and the individual standards specifically for cabaret uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts.

Based on the recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the Proposed Action to avoid potential adverse noise impacts ("Conditions"):

1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, subject to renewals, upon a demonstration that the cabaret has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. The cabaret special permit use granted by this approval resolution herein is solely limited to the indoor area, first floor only. Any cabaret use beyond such stated permitted area shall constitute a violation of this special permit herein and render the special permit approved herein null and void. No amplified music shall be permitted as part of any outdoor dining application approval.
3. The hours for operation of the cabaret use shall be no later than 3:00 a.m., to be consistent with other cabaret requirements in proximity to the proposed use; the facility may continue to operate as a restaurant or bar use after these hours.
4. The Applicant is prohibited from operating a cabaret without food service available from a printed menu.
5. 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.
6. Since a cabaret is not a private club but is an accessory use to a restaurant, no entry fee may be charged for access to the cabaret, except as provided for in Section 4-4-9 of the Municipal Code.
7. 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 operation of the cabaret use, paid for by the

Applicant, 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.

8. A sound meter shall be permanently installed by the Applicant to continuously monitor the sound levels.
9. 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).
10. Whenever the premises fire alarm system is activated all "Sound Amplification Equipment" within the premises shall be shut off.
11. 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.
12. During the course of the operation of the cabaret use, and at not less than intervals of three (3) months, the Commissioner of Building shall report to the Common Council on the operation of same. If it is to be determined by the Common Council that the public health, safety and welfare is being jeopardized by said operation, the Common Council's finding shall be submitted to the Commissioner of Public Safety, who, at least five (5) days before suspending and/or revoking said cabaret license, shall cause to be mailed to the holder of the special permit at the address at which said cabaret is being conducted, a notice, stating the time and place of a hearing concerning the suspension and/or revocation at which time the permittee shall be entitled to be heard and introduce the testimony of witnesses. The action of the Commissioner of Public Safety relative to such suspension or revocation shall be final. After each year of operation and prior to consideration of the renewal of the special permit, the Commissioner of Building shall report to the Common Council on the operation of the cabaret.

Based on the above, it is recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; under SEQR regulations; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

The Comprehensive Plan recommends entertainment uses for the Mamaroneck Avenue Central Business District, in which the subject property is located.

The 1997 Comprehensive Plan and 2006 Plan Comprehensive Plan Update state:

- 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. (1997)
- Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, "walkable" urban environment with a 24/7 character which supports the other two major economic generators - office and retail. (2006)

The Comprehensive Plan also includes 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 in the area:

- Encourage the development of cultural and entertainment uses in this section of the Core Area and build on these to attract restaurants, cafes and entertainment uses.
- Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck Avenue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck Avenue will be pursued to strengthen this prominent area. (Note: South Broadway is considered part of the downtown Core Area; therefore, this recommendation is applicable.)
- Strictly control Core Area uses that would detract from the residential quality of the Core Area.

Based on the above, the Proposed Action conforms to the recommendations of the Comprehensive Plan.

#### Zoning Compliance Review

The Coliseum is located in the UR-4 Zoning District where a cabaret use is permitted use subject to the use subject to Section 6.5 General Special Permit Standards and Section 6.7.10 Special Permit Standards for Cabaret Uses.

There are two types of cabaret uses, as follows:

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

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

Based on the analysis completed by the Building Department, the proposed cabaret use meets the criteria for an Accessory Cabaret.

The existing restaurant occupies approximately 6,300sf of ground floor space with a kitchen and dining area.

Conformance with Section 6.5 General Special Permit Standards:

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

The size of the proposed cabaret use is similar to existing cabarets in the area. The location of the use on South Broadway, a major commercial thoroughfare, is “in harmony with the appropriate and

orderly development of the area.” The cabaret is proposed to be on the ground floor (at grade level) of the restaurant. No site plan changes are 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.

As gathering places that attract large numbers of patrons, the City of White Plains was concerned about the effects that cabarets have on adjacent residential neighborhoods. These include the potential for high ambient noise levels generated by sound systems, vehicles, and patrons’ voices; the potential for idling vehicles to cause localized negative impacts to air quality; the potential for negative impacts related to queuing outside the cabaret and affecting pedestrian traffic on the sidewalk; and the potential for issues of public safety to arise both within and outside of the cabaret use.

The principal impacts from the cabaret will be noise emanating from the cabaret onto the street and potential noise caused by patrons leaving the establishment. The City will regulate the maximum decibel level permitted outside the establishment. This limitation is consistent with promoting evening activity in the downtown. To ensure that the appropriate noise levels are maintained, the cabaret permit shall be granted for a one year period with the controls set forth above.

Consequently, the amendments made to Section 6.7.10 of the Zoning Ordinance serve to better address these concerns, improve enforcement measures, and streamline the renewal process.

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

The building in which The Coliseum is located is in the CPA and is legally non-conforming with respect to parking. Public parking is available in the adjacent City Center parking structure.

#### Section 6.7 Special Permit Standards for Cabaret Uses

The Individual Standards and Requirements for “Cabarets” as a Special Permit Use have been augmented in order to streamline the application and enforcement processes and to protect surrounding residential neighborhoods. These new provisions include (1) the exact application requirements needed for submission, (2) a new requirement precluding a “primary cabaret” from locating within 300 feet of any “dwelling unit”, (3) requiring cabarets to be located at grade level, (4) enabling the Commissioner of Building to renew special permit requests and (5) permitting the suspension or revocation of a special permit to operate a “cabaret” if there is a violation.

6.7.10.1 The Commissioner of Building has determined that the plans conform to the requirements of Section 6.7.10.1.

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."

There is no hospital, domiciliary care facility, community residence, or place of worship located within 200 feet of the site. The project site abuts the RM-0.35 residential zoning district on the east side of North Broadway, but because the right-of-way is so wide, the nearest residential building is more than 350 feet from the site. Also, the Common Council, when acting as the approving agency for a special permit, need only give consideration to and generally be guided by the special permit requirements of Section 6.7.10.

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

The proposed cabaret at The Coliseum is at grade level and, therefore, the application complies with this section.

- (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 and building 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.

With appropriate limitations on noise levels, the operation of the proposed cabaret should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibrations or other characteristics than would be the operations of permitted uses not requiring a special permit.

- (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, including the existing cabaret use, is located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

The Proposed Action conforms to the Comprehensive Plan recommendation to promote mixed uses in the downtown Core Area.

The proposed cabaret use is similar to the other cabaret uses that are located in the nearby Downtown area.

Other cabaret uses have been approved in the nearby area along Mamaroneck Avenue. 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 will be maintained.

Additional requirements for the cabaret use can be determined by the City departments in regard to any future renewals of the special permit to assure compliance with the Noise Ordinance.

Cabaret uses are regulated by two separate municipal authorities: the Common Council approves special permits for a Cabaret use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards. The proposed conditions to the Proposed Action assure that the monitoring functions of the Departments of Building and Public Safety will be coordinated with the Common Council's consideration of any future renewals.

- (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 Proposed Action involves the Common Council's approval of a cabaret use in accordance with the requirements of the Zoning Ordinance. The Applicant must also apply for a Cabaret License to the White Plains Department of Public Safety. This license must be renewed annually by that Department.

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 applicable approvals by the Departments of Building and Public Safety.

- (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 which adopts these findings is offered for the Common Council's consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Rod Johnson". The signature is written in a cursive style with a distinct loop at the end of the name.

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN APPLICATION SUBMITTED BY DANIEL J. COUGHLAN, PRESIDENT OF COUGHLAN INC., ON BEHALF OF THE COLISEUM, FOR A SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET AT THE COLISEUM, LOCATED AT 15 SOUTH BROADWAY (SECTION 125.76, BLOCK 5, LOTS 18 AND 19)

WHEREAS, the application submitted by Daniel J. Coughlan, President of Coughlan Inc., on behalf of The Coliseum (the "Applicant") regarding a special permit to operate an Accessory Cabaret at The Coliseum, located at 15 South Broadway ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, on April 1, 2013, the Common Council approved a Special Use Permit to Operate a Cabaret at The Coliseum; and

WHEREAS, on April 7, 2014, the Common Council received a referral from the Commissioner of Building forwarding a request from the Applicant for a renewal of the Special Use Permit for a Cabaret.

WHEREAS, at its May 4, 2015 meeting the Common Council adopted an ordinance entitled:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" WITH RESPECT TO SPECIAL PERMIT USES IN NON-RESIDENTIAL DISTRICTS, REVISING THE DEFINITION OF "CABARET" AND ADDING THE DEFINITION OF "PRIMARY CABARET" AND "ACCESSORY CABARET"

In summary, this amendment revises the definition of "cabaret" uses and creates two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant use when the "cabaret" is in operation. Each class will have unique standards.

WHEREAS, at its July 6, 2015 meeting the Common Council adopted an ordinance entitled:

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

In summary, this amendment revises the definition of "cabaret" uses as described above, and addresses entry fees.

WHEREAS, the Common Council is now considering the subject application for a Special Permit to Operate a Cabaret applying the newly codified zoning 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 Proposed Action:

1. An application letter from Daniel J. Coughlan, on behalf of the Applicant, dated February 18, 2014, requesting a renewal of the Special Permit to Operate a Cabaret at 15 South Broadway.

2. Building Department Special Permit Application, dated February 18, 2014.
3. A Short Environmental Assessment Form, dated February 18, 2014, certified by Daniel Coughlan.
4. A letter dated February 14, 2014, from Tom Liptak of the Broadmar Company, owner of the property located at 15 South Broadway, granting permission to the Applicant to apply for a Special Permit for a Cabaret.
5. Drawings CO-1 and RO-1 prepared by Demotte Architects, dated May 22, 2012, showing the restaurant layout when the space is functioning as a restaurant, and when it the cabaret is in operation.

WHEREAS, the Proposed Action represents an Unlisted Action under SEQR regulations for which an environmental review is required prior to approval; and

WHEREAS, the primary environmental concern is the assurance that noise emanating from the cabaret will not have any adverse effects to the surrounding land uses and community; and

WHEREAS, the general standards for all special permit uses in Section 6.5 and the individual standards specifically for cabaret uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts; 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, based on the recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the Proposed Action to avoid potential adverse noise impacts ("Conditions"):

1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, subject to renewals, upon a demonstration that the cabaret has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. The cabaret special permit use granted by this approval resolution herein is solely limited to the indoor area, first floor only. Any cabaret use beyond such stated permitted area shall constitute a violation of this special permit herein and render the special permit approved herein null and void. No amplified music shall be permitted as part of any outdoor dining application approval.
3. The hours for operation of the cabaret use shall be no later than 3:00 a.m., to be consistent with other cabaret requirements in proximity to the proposed use; the facility may continue to operate as a restaurant or bar use after these hours.
4. The Applicant is prohibited from operating a cabaret without food service available from a printed menu.
5. 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.

6. Since a cabaret is not a private club but is an accessory use to a restaurant, no entry fee may be charged for access to the cabaret, except as provided for in Section 4-4-9 of the Municipal Code.
7. 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 operation of the cabaret use, paid for by the Applicant, 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.
8. A sound meter shall be permanently installed by the Applicant to continuously monitor the sound levels.
9. 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).
10. Whenever the premises fire alarm system is activated all "Sound Amplification Equipment" within the premises shall be shut off.
11. 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.
12. During the course of the operation of the cabaret use, and at not less than intervals of three (3) months, the Commissioner of Building shall report to the Common Council on the operation of same. If it is to be determined by the Common Council that the public health, safety and welfare is being jeopardized by said operation, the Common Council's finding shall be submitted to the Commissioner of Public Safety, who, at least five (5) days before suspending and/or revoking said cabaret license, shall cause to be mailed to the holder of the special permit at the address at which said cabaret is being conducted, a notice, stating the time and place of a hearing concerning the suspension and/or revocation at which time the permittee shall be entitled to be heard and introduce the testimony of witnesses. The action of the Commissioner of Public Safety relative to such suspension or revocation shall be final. After each year of operation and prior to consideration of the renewal of the special permit, the Commissioner of Building shall report to the Common Council on the operation of the cabaret.

Based on the above, it is recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; under SEQR regulations; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

The Comprehensive Plan recommends entertainment uses for the Mamaroneck Avenue Central Business District, in which the subject property is located.

The 1997 Comprehensive Plan and 2006 Plan Comprehensive Plan Update state:

- 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. (1997)
- Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, “walkable” urban environment with a 24/7 character which supports the other two major economic generators - office and retail. (2006)

The Comprehensive Plan also includes 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 in the area:

- Encourage the development of cultural and entertainment uses in this section of the Core Area and build on these to attract restaurants, cafes and entertainment uses.
- Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck Avenue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck Avenue will be pursued to strengthen this prominent area. (Note: South Broadway is considered part of the downtown Core Area; therefore, this recommendation is applicable.)
- Strictly control Core Area uses that would detract from the residential quality of the Core Area.

Based on the above, the Proposed Action conforms to the recommendations of the Comprehensive Plan.

#### Zoning Compliance Review

The Coliseum is located in the UR-4 Zoning District where a cabaret use is permitted use subject to the use subject to Section 6.5 General Special Permit Standards and Section 6.7.10 Special Permit Standards for Cabaret Uses.

There are two types of cabaret uses, as follows:

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

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

Based on the analysis completed by the Building Department, the proposed cabaret use meets the criteria for an Accessory Cabaret.

The existing restaurant occupies approximately 6,300sf of ground floor space with a kitchen and dining area.

Conformance with Section 6.5 General Special Permit Standards:

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

The size of the proposed cabaret use is similar to existing cabarets in the area. The location of the use on South Broadway, a major commercial thoroughfare, is "in harmony with the appropriate and orderly development of the area." The cabaret is proposed to be on the ground floor (at grade level) of the restaurant. No site plan changes are 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.

As gathering places that attract large numbers of patrons, the City of White Plains was concerned about the effects that cabarets have on adjacent residential neighborhoods. These include the potential for high ambient noise levels generated by sound systems, vehicles, and patrons' voices; the potential for idling vehicles to cause localized negative impacts to air quality; the potential for negative impacts related to queuing outside the cabaret and affecting pedestrian traffic on the sidewalk; and the potential for issues of public safety to arise both within and outside of the cabaret use.

The principal impacts from the cabaret will be noise emanating from the cabaret onto the street and potential noise caused by patrons leaving the establishment. The City will regulate the maximum decibel level permitted outside the establishment. This limitation is consistent with promoting evening activity in the downtown. To ensure that the appropriate noise levels are maintained, the cabaret permit shall be granted for a one year period with the controls set forth above.

Consequently, the amendments made to Section 6.7.10 of the Zoning Ordinance serve to better address these concerns, improve enforcement measures, and streamline the renewal process.

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

The building in which The Coliseum is located is in the CPA and is legally non-conforming with respect to parking. Public parking is available in the adjacent City Center parking structure.

Section 6.7 Special Permit Standards for Cabaret Uses

The Individual Standards and Requirements for “Cabarets” as a Special Permit Use have been augmented in order to streamline the application and enforcement processes and to protect surrounding residential neighborhoods. These new provisions include (1) the exact application requirements needed for submission, (2) a new requirement precluding a “primary cabaret” from locating within 300 feet of any “dwelling unit”, (3) requiring cabarets to be located at grade level, (4) enabling the Commissioner of Building to renew special permit requests and (5) permitting the suspension or revocation of a special permit to operate a “cabaret” if there is a violation.

6.7.10.1 The Commissioner of Building has determined that the plans conform to the requirements of Section 6.7.10.1.

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.”

There is no hospital, domiciliary care facility, community residence, or place of worship located within 200 feet of the site. The project site abuts the RM-0.35 residential zoning district on the east side of North Broadway, but because the right-of-way is so wide, the nearest residential building is more than 350 feet from the site. Also, the Common Council, when acting as the approving agency for a special permit, need only give consideration to and generally be guided by the special permit requirements of Section 6.7.10.

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

The proposed cabaret at The Coliseum is at grade level and, therefore, the application complies with this section.

- (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 and building 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.

With appropriate limitations on noise levels, the operation of the proposed cabaret should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibrations or other characteristics than would be the operations of permitted uses not requiring a special permit.

- (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, including the existing cabaret use, is located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

The Proposed Action conforms to the Comprehensive Plan recommendation to promote mixed uses in the downtown Core Area.

The proposed cabaret use is similar to the other cabaret uses that are located in the nearby Downtown area.

Other cabaret uses have been approved in the nearby area along Mamaroneck Avenue. 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 will be maintained.

Additional requirements for the cabaret use can be determined by the City departments in regard to any future renewals of the special permit to assure compliance with the Noise Ordinance.

Cabaret uses are regulated by two separate municipal authorities: the Common Council approves special permits for a Cabaret use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards. The proposed conditions to the Proposed Action assure that the monitoring functions of the Departments of Building and Public Safety will be coordinated with the Common Council's consideration of any future renewals.

- (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 Proposed Action involves the Common Council's approval of a cabaret use in accordance with the requirements of the Zoning Ordinance. The Applicant must also apply for a Cabaret License to the White Plains Department of Public Safety. This license must be renewed annually by that Department.

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 applicable approvals by the Departments of Building and Public Safety.

- (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.

NOW THEREFORE BE IT

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED BY COUGHLAN INC. ON BEHALF OF "THE COLISEUM" ("APPLICANT") FOR THE RENEWAL OF A ONE YEAR SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET AT "THE COLISEUM" LOCATED AT 15 SOUTH BROADWAY (A/K/A 277 MARTINE AVENUE) (SECTION 125.76, BLOCK 1, LOT 4) SUBJECT TO THE APPLICANT'S COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS ("ZONING ORDINANCE"), CHAPTER 4-4 OF THE WHITE PLAINS MUNICIPAL CODE AND CERTAIN CONDITIONS CONTAINED HEREIN.

WHEREAS, the Common Council of the City of White Plains ("Common Council"), at a meeting held on January 7, 2013, received a communication from the Commissioner of Building, dated January 2, 2013, forwarding an application submitted by Daniel J. Coughlan, President of Coughlan Inc., on behalf of "The Coliseum," ("Applicant"), formerly the premises of a restaurant known as "Prophecy," for approval by the City of White Plains of a one year special permit to allow a cabaret use at 15 South Broadway (a/k/a 277 Martine Avenue); and

WHEREAS, the Common Council, after conducting a duly notice public hearing, and making environmental findings, adopted a resolution on April 1, 2013, granting the application submitted by Daniel J. Coughlan, on behalf of "The Coliseum," for a one year special permit to operate a cabaret use at "The Coliseum," subject to the Applicant's compliance with a number of conditions set forth in the aforementioned approval resolution; and

WHEREAS, the Common Council, at a meeting held on April 7, 2014, received a communication from the Commissioner of Building, dated March 17, 2014, forwarding an application ("Application") submitted by Daniel Coughlan, on behalf of "The Coliseum," for approval by the City of White Plains of a renewal of a special permit to allow a cabaret use at 15

South Broadway; and

WHEREAS, the premises is designated on the Official Tax Assessment Map of the City of White Plains as Section 125.76, Block 1, Lot 4; and

WHEREAS, the premises is situated in the UR-4 Zoning District in which a cabaret is a special permit use; and

WHEREAS, Section 5.5.1.10 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) states that one of the purposes of the UR-4 Zoning District is to “encompass ‘uses’ appropriate to the role of the City as a regional, retail, office, entertainment and cultural center ... ;” 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. Daniel Coughlan, on behalf of the Applicant, dated February 18, 2014, requesting a renewal of a special permit to operate a cabaret at 15 South Broadway for “The Coliseum;” and

B. A Building Permit Short Form application dated February 18, 2014; and

C. A letter dated February 14, 2014, from Mr. Tom Liptak of the Broadmar Company, the owner of the property located at 15 South Broadway, granting permission to its tenant, the Applicant, to apply for the instant renewal of a special permit for a cabaret use for The Coliseum; and

D. A short form Environmental Assessment Form (EAF) dated February 18, 2014, certified by Daniel J. Coughlan; and

E. Drawings Co-1 and RO-1, prepared by Demotte Architects, dated May 22, 2012, depicting a layout when the space is configured as a restaurant as well as a layout when in the cabaret mode; and

F. A sound affidavit from Daniel J. Coughlan, dated February 18, 2014, attesting to the noise levels inside the former Prophecy restaurant located at 15 South Broadway; and

WHEREAS, at its April 7, 2014 meeting, the Common Council referred the application for a special permit to operate a 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, the Common Council of the City of White Plains, after conducting a public hearing, adopted a local law at a meeting held on July 7, 2014, establishing a four (4) month moratorium on the approval, renewal and modification of “cabarets,” to enable the City to review the present laws and regulations pertinent to “cabarets,” and have the opportunity to enact laws to better

protect and preserve the safety and welfare of the public and those who work, patronize, visit or conduct business with “cabarets;” and

WHEREAS, at its July 7, 2014 meeting, the Common Council received a communication from the Corporation Counsel, dated June 23, 2014, and also unanimously adopted a resolution scheduling a public hearing on the Special Permit application for the August 4, 2014 meeting of the Common Council; and

WHEREAS, at its August 4, 2014 meeting, the Common Council opened the public hearing, and then adjourned the public hearing at the request of the Applicant to September 2, 2014, so that the Applicant could perfect its public notice for the hearing; and

WHEREAS, at its September 2, 2014 meeting, the Common Council opened the public hearing, and then adjourned the public hearing at the request of the Applicant to October 6, 2014, so that the Applicant could perfect its public notice for the hearing; and

WHEREAS, at its October 6, 2014 meeting, the Common Council opened the public hearing, and then adjourned the public hearing at the request of the Applicant to November 3, 2014, so that the Applicant could perfect its public notice for the hearing; and

WHEREAS, at its November 3, 2014 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 renewal application, and then adjourned the public hearing to December

1, 2014; and

WHEREAS, at its December 1, 2014 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 renewal application, and then adjourned the public hearing to January 5, 2015; and

WHEREAS, at its January 5, 2015 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 renewal application, and then adjourned the public hearing to February 2, 2015; and

WHEREAS, at its February 2, 2015 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 renewal application, and then adjourned the public hearing to March 2, 2015; and

WHEREAS, the Common Council, at a meeting held on February 2, 2015, also received a communication from the Commissioner of Building dated January 23, 2015, transmitting proposed amendments to the City's Municipal Code codifying the standard conditions that have been imposed by the Common Council in "cabaret" special permit resolutions and to the City's Zoning Ordinance regarding "cabarets;" and

WHEREAS, among the changes proposed for the Zoning Ordinance, included an updating of the definition of “cabaret,” that a cabaret is only permitted in connection with a restaurant, the creation of two “cabaret” classes - a “primary cabaret” and “accessory cabaret” which are distinguished by the percentage of the net floor area proposed for “cabaret” uses as opposed to “restaurant” uses; a definition of the term “net floor area;” a revised definition of “restaurant;” and an augmentation of Section 6.7.10 of the Zoning Ordinance, pertaining to the Individual Standards and Requirements for “Cabarets,” to contain provisions, *inter alia*, (1) stating the exact application requirements needed for submission; (2) a new requirement precluding a “primary cabaret” from locating within 300 feet of an “dwelling unit;” (3) mandating cabarets to be located at grade level; (4) authorizing the Commissioner of Building to renew special permit requests for “cabarets; and (5) codifying the suspension or revocation of a special permit to operate a “cabaret” if there is a violation of any provisions of a cabaret approval; and

WHEREAS, the aforementioned proposed amendments to the Zoning Ordinance were referred to the appropriate City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

WHEREAS, the proposed amendments to the Municipal Code were also referred to various City departments, boards, commissions, officers for review, comments and recommendations; and

WHEREAS, at its March 2, 2015 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 renewal application, and then adjourned the public hearing to April 6, 2015; and

WHEREAS, at its April 6, 2015 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 renewal application, and then adjourned the public hearing to May 4, 2015; and

WHEREAS, at its April 6, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and then adjourned the public hearing to May 4, 2015; and

WHEREAS, at its May 4, 2015 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 renewal application, and then adjourned the public hearing to June 1, 2015; and

WHEREAS, at its May 4, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and then closed the public hearing; and

WHEREAS, at its May 4, 2015 meeting, after having conducted a duly noticed public hearing on the Zoning Ordinance legislation and adopting environmental findings, the Common Council adopted legislation amending the Zoning Ordinance regarding “cabarets,” and tabled an ordinance amending the Municipal Code regarding “cabarets” to June 1, 2015; and

WHEREAS, the Common Council, at a meeting held on June 1, 2015, further tabled an ordinance amending the Municipal Code regarding “cabarets” to July 6, 2015; and

WHEREAS, at its June 1, 2015 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 renewal application, and then adjourned the public hearing to July 6, 2015; and

WHEREAS, the Common Council, at a meeting held on July 6, 2015, the Common Council adopted the ordinance amending the Municipal Code regarding “cabarets;” and

WHEREAS, at its July 6, 2015 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 renewal application, and then adjourned the public hearing to August 3, 2015; and

WHEREAS, at its August 3, 2015 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 renewal application, and then adjourned the public hearing to September 8, 2015; and

WHEREAS, at its September 8, 2015 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 renewal Application, and then closed the public hearing and

WHEREAS, the Common Council, at its September 8, 2015 meeting, received communications in relation to the Special Permit renewal Application from the Commissioner of Building dated August 24, 2015; the Commissioner of Planning, dated August 25, 2015; the Commissioner of Public Safety, dated April 23, 2014; the Commissioner of Parking, dated May 5, 2014; the then Commissioner of Public Works, dated May 5, 2014; the Deputy Commissioner of Parking for Transportation Engineering, dated April 22, 2014; the Acting Chair of the Traffic Commission, dated April 22, 2014; the Chair of the Planning Board, dated April 23, 2014; the Westchester County Planning Board, received April 14, 2014; and the Environmental Officer, dated August 31, 2015; and

WHEREAS, the Commissioner of Building, in a communication dated August 24, 2015, noted that The Coliseum restaurant occupies approximately 6,300 square feet (total gross floor area) on the ground floor of 15 South Broadway; the ground floor spaces houses a kitchen, a dining area, and a bar; and

WHEREAS, the Commissioner of Building also stated in a communication dated

August 24, 2015, in conformance with the new Zoning Ordinance and White Plains Municipal Code provisions, that the business is open to the public four (4) to five (5) 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; Sundays the facility is open for private parties only; and

WHEREAS, the Commissioner of Building notes in the communication dated August 24, 2015, that 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 states in a communication dated August 24, 2015, that in accordance with the newly adopted Zoning Ordinance amendments, at Section 2.4, Definitions, "Cabaret, Accessory," based upon the Applicant's drawing submission dated July 28, 2015, the net floor area of Applicant's restaurant space is calculated to be approximately 3,340 square feet; the Applicant is proposing to dedicate approximately 800 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation; and

WHEREAS, the Commissioner of Building concludes in the August 24, 2015 communication that as 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 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, the premises within which the cabaret is proposed to be established is approximately 300 feet from the RM-0.35 Zoning District along Martine Avenue, and therefore meets the requirements of the Zoning Ordinance with respect to the separation of the proposed use and any residential district; and

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

WHEREAS, in any event, when the Common Council is acting as the approving agency for an application for a special permit, it need only give consideration to and be generally guided by the special permit requirements contained in Section 6.7.10 of the Zoning Ordinance; and

WHEREAS, on September 8, 2015, the Common Council adopted a resolution

declaring itself as Lead Agency for the environmental review of the cabaret at 15 South Broadway (“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, 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 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, the Common Council hereby believes that appropriate controls will be in place to ensure that the cabaret does not become more objectionable by reason of noise; and

WHEREAS, as previously stated above, the Common Council conducted a duly noticed public hearing in connection with the instant Special Permit renewal 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 conditions set forth in the Zoning Ordinance, conditions set forth in this approval resolution herein, and requirements contained in Chapter 4-4 the White Plains Municipal Code, in accordance with Section 6.5.1 of the Zoning Ordinance, the Common Council finds the size of the cabaret use is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the special permit "use" on 15 South Broadway, in relationship to streets, size, nature or intensity of the proposed cabaret use at 15 South Broadway will be "in harmony with the appropriate orderly development of the area in which it is located." The cabaret is on the ground floor (at grade level) of

the restaurant. The cabaret is in the existing space in the existing restaurant and no site plan amendment 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 there are no changes proposed to the building and its facade or plantings such that the proposed special permit for cabaret use at 15 South Broadway "would not hinder or discourage the appropriate development and use of adjacent buildings." Exterior views of the site will remain unaltered from conditions with the existing permitted restaurant use.

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 stated 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 cabaret use at 15 South Broadway will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operation of other uses not requiring a special use permit in the UR-4 Zoning District. While cabaret uses serve as gathering places that attract large numbers of patrons, operate during the evening and night hours, operate sound systems, and sell alcoholic beverages, none of these potential characteristics are more objectionable than those of other permitted uses in the downtown UR-4 Zoning District.

4. In accordance with Section 6.5.4 of the Zoning Ordinance, the Coliseum is located

in a legally non-conforming building with respect to parking. Public parking is available on-street and in nearby public parking lots and structures.

5. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed cabaret use at 15 South Broadway conforms with the UR-4 Zoning District's height, bulk and density requirements.

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

7. The design of the proposed cabaret at 15 South Broadway 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 architectural design of the proposed cabaret use at 15 South Broadway will enhance and protect the character and property values of the neighborhood.

9. In accordance with Section 6.7.10 of the Zoning Ordinance, the Applicant's plans 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 cabaret configuration, as required by Section 6.7.10.1.6. The Applicant also notes that the existing tables and chairs will be stored when the cabaret is in use, as required by Section 6.7.10.1.7 of the Zoning Ordinance. The cabaret at the Coliseum is located at grade level and complies with Section 6.7.10.3 of the Zoning Ordinance; and be it further

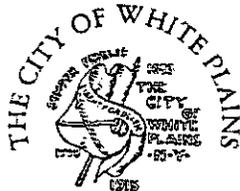
RESOLVED, that based upon the above findings, the Common Council determines that the standards of Sections 2.4, 5.1, 6.5, 6.7, 7.5 and 8 of the Zoning Ordinance and Chapter 4-4 of the White Plains Municipal Code have been satisfied, and approval of the Special Permit renewal Application for an “Accessory 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 conditions and standards set forth herein:

1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, 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, 6.7.20 of the Zoning Ordinance, and any of the conditions and controls as set forth in the approval resolution herein.

2. 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.

3. All doors related to the premises and the cabaret use 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 seal tightly when closed. All windows or window walls shall be maintained and secured in the closed position during the operation of any cabaret use.

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**

The Department of Building has reviewed an application, filed on March 28, 2014, on behalf of Executive Billiards Inc for a Special Permit to allow for a "Cabaret" use at "Executive Billiards" located at 109 Mamaroneck Avenue, White Plains, New York. The present and future use of the property is a business – Assembly "A-3 " use group and is located within a CB -2 Zoning District.

Executive Billiards occupies 5426 square feet (total gross floor area) on the ground floor of 109 Mamaroneck Avenue. The space houses a bar/servery area, a billiard area and a lounge.

Per the City of White Plains Zoning Ordinance a cabaret is only permitted in connection with a restaurant.

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

The architectural plans for the space dated March 14, 2014 indicate no kitchen/food preparation facilities or any elements typically associated with a restaurant.

In light of the above a Cabaret Special Permit cannot be granted.

Respectfully Submitted

  
Damon A. Amadio P.E.  
Commissioner of Building

Date: August 24, 2015  
(for the September 8, 2015 Common Council meeting)

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17

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS DENYING THE APPLICATION SUBMITTED ON BEHALF OF EXECUTIVE BILLIARDS, INC. ("APPLICANT") FOR A SPECIAL PERMIT TO OPERATE A CABARET AT EXECUTIVE BILLIARDS LOCATED AT 109 MAMARONECK AVENUE IN ACCORDANCE WITH SECTION 6.7.10.2 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS.

WHEREAS, the Common Council of the City of White Plains, after conducting a public hearing, adopted a local law at a meeting held on July 7, 2014, establishing a four (4) month moratorium on the approval, renewal and modification of "cabarets," to enable the City to review the present laws and regulations pertinent to "cabarets," and have the opportunity to enact laws to better protect and preserve the safety and welfare of the public and those who work, patronize, visit or conduct business with "cabarets;" and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on July 7, 2014, received a communication from the Commissioner of Building, dated June 25, 2014, forwarding an application submitted on behalf of Executive Billiards, Inc. ("Applicant") for an establishment known as Executive Billiards, for approval by the City of White Plains of special permit to allow a cabaret use at 109 Mamaroneck Avenue; and

WHEREAS, the premises is designated on the Official Tax Assessment Map of the City of White Plains as Section 125.84, Block 2, Lot 1; and

WHEREAS, the premises is situated in the CB-2 (Core Business-2 ) Zoning District in which a cabaret is a special permit use; 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 G. Alexander Jenkins, Esq., on behalf of the Applicant, dated March 28, 2014, requesting a special permit to operate a cabaret at 109 Mamaroneck Avenue; and

B. A letter from Mr. Peter Frangos, dated March 28, 2014, President, Executive Billiards, Inc., on behalf of the Applicant; and

C. A Building Permit Short Form application received by the Department of Building on March 28, 2014; and

D. A letter dated March 13, 2013, from Stillman Property Management, owner of the property located at 109 Mamaroneck Avenue, stating that the corporation is aware that the Executive Billiards, Inc. will be submitting an application for a cabaret license at 109 Mamaroneck Avenue; and

E. A short form Environmental Assessment Form (EAF) dated March 27, 2014, certified by Mr. Peter Frangos, on behalf of the Applicant; and

F. Architectural plans, drawings A-1, A-2 and A-3, entitled, respectively, “Ground Floor Plan,” “Existing Furniture Plan” and “Cabaret Layout Plan,” as prepared by Papp Architects,

P.C., last dated, respectively, March 14, 2014;and

F. A copy of a locator map showing the building location; and

WHEREAS, at its July 7, 2014 meeting, the Common Council referred the application for a special permit to operate a 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 4, 2014 meeting, the Common Council received a communication from the Corporation Counsel, dated July 30, 2014, and also unanimously adopted a resolution scheduling a public hearing on the Special Permit application for the September 2, 2014 meeting of the Common Council; and

WHEREAS, at its September 2, 2014 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 adjourned the public hearing to October 6, 2014; and

WHEREAS, at its October 6, 2014 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 adjourned the public hearing to November 3, 2014; and

WHEREAS, at its November 3, 2014 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 adjourned the public hearing to December 1, 2014; and

WHEREAS, at its December 1, 2014 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 adjourned the public hearing to January 5, 2015; and

WHEREAS, at its January 5, 2015 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 adjourned the public hearing to February 2, 2015; and

WHEREAS, at its February 2, 2015 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 adjourned the public hearing to March 2, 2015; and

WHEREAS, the Common Council, at a meeting held on February 2, 2015, also received a communication from the Commissioner of Building dated January 23, 2015, transmitting

proposed amendments to the City's Municipal Code codifying the standard conditions that have been imposed by the Common Council in "cabaret" special permit resolutions and to the City's Zoning Ordinance regarding "cabarets;" and

WHEREAS, among the changes proposed for the Zoning Ordinance, included an updating of the definition of "cabaret" to provide that a "cabaret" is only permitted in connection with a "restaurant;" the creation of two "cabaret" classes - a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to "restaurant" uses; a definition of the term "net floor area;" a revised definition of "restaurant;" and an augmentation of Section 6.7.10 of the Zoning Ordinance, pertaining to the Individual Standards and Requirements for "Cabarets," to contain provisions, *inter alia*, (1) stating the exact application requirements needed for submission; (2) a new requirement precluding a "primary cabaret" from locating within 300 feet of an "dwelling unit;" (3) mandating cabarets to be located at grade level; (4) authorizing the Commissioner of Building to renew special permit requests for "cabarets; and (5) codifying the suspension or revocation of a special permit to operate a "cabaret" if there is a violation of any provisions of a cabaret approval; and

WHEREAS, the aforementioned proposed amendments to the Zoning Ordinance were referred to the appropriate City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

WHEREAS, the proposed amendments to the Municipal Code were also referred to

various City departments, boards, commissions, officers for review, comments and recommendations;  
and

WHEREAS, at its March 2, 2015 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 adjourned the public hearing to April 6, 2015; and

WHEREAS, at its March 2, 2015 meeting, the Common Council received a communication from the Commissioner of Building dated February 26, 2015 forwarding revisions to the proposed Zoning Ordinance amendment and Municipal Code regarding “cabarets;” and

WHEREAS, at its March 2, 2015 meeting, the Common Council also received a communication from the Chair of the Planning Board dated February 13, 2015 finding the proposed amendment to the Zoning Ordinance regarding “cabarets,” to be in appropriate form and recommending the scheduling of a public hearing regarding same; and

WHEREAS, the Common Council, at its March 2, 2015 meeting, adopted a resolution scheduling a public hearing on the proposed Zoning Ordinance amendment for April 6, 2015; and

WHEREAS, at its April 6, 2015 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 adjourned the public hearing to May 4, 2015; and

WHEREAS, at its April 6, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and then adjourned the public hearing to May 4, 2015; and

WHEREAS, at its May 4, 2015 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 adjourned the public hearing to June 1, 2015; and

WHEREAS, at its May 4, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and closed the public hearing; and

WHEREAS, at its May 4, 2015 meeting, after having conducted a duly noticed public hearing on the Zoning Ordinance legislation and adopting environmental findings, the Common Council adopted legislation amending the Zoning Ordinance regarding “cabarets,” and tabled an ordinance amending the Municipal Code regarding “cabarets” to June 1, 2015; and

WHEREAS, at its June 1, 2015 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 adjourned the public hearing on the application to July 6, 2015; and

WHEREAS, the Common Council, at a meeting held on July 6, 2015, the Common Council adopted the ordinance amending the Municipal Code regarding “cabarets;” and

WHEREAS, at its July 6, 2015 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 adjourned the public hearing on the application to August 3, 2015; and

WHEREAS, at its August 3, 2015 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 adjourned the public hearing on the application to September 8, 2015; and

WHEREAS, at its September 8, 2015 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 on the application; and

WHEREAS, the Common Council, at its September 8, 2015 meeting, received communications in relation to the Special Permit application from the Commissioner of Building dated August 24, 2015; and

WHEREAS, the Commissioner of Building, in a communication dated August 24, 2015, noted that Executive Billiards occupies 5,426 square feet (total gross floor area) on the ground

floor of 109 Mamaroneck Road; the space houses a bar/server area, a billiard area, and a lounge; and

WHEREAS, the Commissioner of Building further states in a communication dated August 24, 2015, that in accordance with the Zoning Ordinance at Section 2.4, Definitions, the definition of a “cabaret” explicitly provides that a “cabaret” is only permitted in connection with a “restaurant;” and

WHEREAS, the Commissioner of Building also notes in a communication dated August 24, 2015, that in accordance with the Zoning Ordinance at Section 2.4, Definitions, a restaurant is defined as “a business enterprise primarily engaged in preparing, cooking, and serving food and beverages on premises, selected from a full menu by patrons seated at a table or counter; served by a waiter or waitress; and consume in the premises;” and

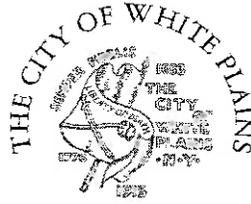
WHEREAS, the Commissioner of Building states in a communication dated August 25, 2015, that the architectural plans for the space dated March 14, 2014, indicate no kitchen/food preparation facilities or any elements typically associated with a restaurant.

WHEREAS, the Commissioner of Building concludes in a communication dated August 25, 2015, that since the establishment does not have a restaurant, it can not qualify as a “cabaret” as required by the Zoning Ordinance.

NOW, THEREFORE, BE IT

RESOLVED, that since the Commissioner of Building has determined that the drawings submitted by the Applicant dated March 14, 2014, indicate no kitchen/food preparation facilities or any elements associated with a “restaurant” as required by the Zoning Ordinance, and because a “cabaret” is only permitted in connection with a “restaurant” as required by the Zoning Ordinance, the Application submitted herein for a special permit for a cabaret use is hereby denied based on Section 2.4, Definitions, of the Zoning Ordinance.

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**

The Department of Building has reviewed an application, filed on July 11, 2014, on behalf of Ron Blacks Beer Hall for the renewal of a Special Permit to allow for a "Cabaret" use at "Ron Blacks" located at 181 Mamaroneck Avenue, White Plains, New York. The present and future use of the property is a restaurant / bar – Assembly "A" use group and is located within a CB -1 Zoning District.

Type of Business

Ron Blacks occupies approximately 4,100 square feet (total gross floor area) on the ground floor of 181 Mamaroneck Avenue. The space houses a kitchen, a dining area and a bar. The business operates seven days a week and is engaged in preparing food which is served to patrons seated at tables. Patrons select food from a full menu and table service is accommodated via a wait staff.

Type of Cabaret

The Zoning Ordinance now 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, dated July 11, 2014, the net floor area of the restaurant is calculated to be approximately 3,600 square feet. We have calculated that the applicant is proposing to dedicate approximately 200 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation. This equates to approximately 5.5% of the net floor area. As the establishment is

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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

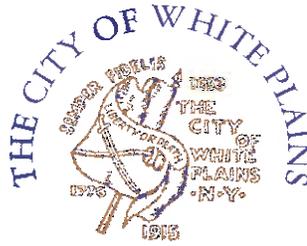
principally a restaurant with entertainment and/or dancing that occupies less than 40% of the net floor area, it qualifies as an "Accessory Cabaret".

Based upon the above and the applicants submission of compliant documentation we have no objection to the renewal of a Special Permit for an accessory cabaret being granted.

Respectfully Submitted

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

Date: July 21, 2015



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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**SUBJECT: RON BLACKS CABARET SPECIAL PERMIT RENEWAL  
181 MAMARONECK AVENUE**

The Department of Planning has reviewed an application, dated July 11, 2015, pursuant to Section 6.5 "Special Permit Standards" and Section 6.7.10 "Cabarets" of the City Zoning Ordinance for renewal of a cabaret special permit for Ron Blacks located at 181 Mamaroneck Avenue. The establishment is an existing 4,100 square foot restaurant with an "Accessory Cabaret" (less than 40% of net floor area dedicated to cabaret use) located within the CB-1 Core Business zoning district. The Planning Department has reviewed the application for compliance with special permit standards and Comprehensive Plan consistency 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 proposed cabaret use will comprise approximately 200 interior square feet of the 3,600 square foot net floor area (5.5%) and is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the cabaret use at 181 Mamaroneck Avenue is in harmony with the appropriate and orderly development of the area. The cabaret is proposed to be in existing space in the existing restaurant and no site plan amendment is proposed.

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

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

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

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

Ron Blacks is located in a legally-nonconforming building with respect to parking and within the City's Central Parking Area (CPA) immediately adjacent to a municipal parking lot and in close proximity to two municipal parking structures.

#### 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."*

The establishment is located in the CB-1 Core Business non-residential zoning district and is not located within 150 feet of any residential zoning district boundary. Further, special permit renewal is subject to a demonstration that the cabaret has operated in a manner that is consistent with the conditions and controls set forth in the Common Council approval resolution.

#### Conformity with the Comprehensive Plan

Cabaret use at 181 Mamaroneck Avenue is consistent with the Comprehensive Plan that maintains that the City's Core Area should remain a vibrant commercial and retail hub of Westchester County while limiting negative impacts on surrounding Close-In Area neighborhoods.

As indicated above, the application conforms to Section 6.5 “Special Permit Standards” and 6.7.10 “Cabarets” of the City Zoning Ordinance and is consistent with the Comprehensive Plan. Therefore, the Planning Department supports a one-year special permit renewal for “Accessory Cabaret” use for Ron Blacks at 181 Mamaroneck Avenue.

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 25, 2015



**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

ELIZABETH CHETENY, AICP  
COMMISSIONER OF PLANNING

LINDA PUOPLO, LMSW  
DEPUTY COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

August 21, 2014

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: RON BLACK'S BEER HALL - 181 MAMARONECK AVENUE - RENEWAL  
OF A SPECIAL PERMIT FOR CABARET USE

At its meeting of August 19, 2014, the Planning Board reviewed the application for Renewal of a Special Permit for a Cabaret Use at Ron Black's Beer Hall, which is located at 181 Mamaroneck Avenue.

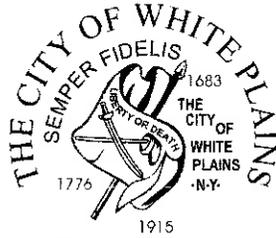
The Planning Board was informed by the Building Department that there are no outstanding violations for the business. The Planning Board finds that the proposed cabaret use is consistent with the Comprehensive Plan, which recommends encouraging entertainment uses in the Mamaroneck Avenue Central Business District. The Planning Board voted unanimously in favor of a motion to find no objection to renewal of the Special Use Permit for a Cabaret.

Planning Board members voting in favor of the motion to find no objection to issuance of the Special Use Permit for a Cabaret: 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  
(914) 422-6400 • FAX: (914) 422-6373

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

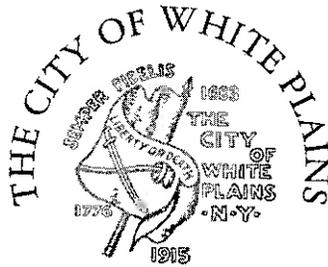
The Department of Public Safety has reviewed thee plans. There are no objections.

Ron Blacks  
Special Permit-Cabaret Renewal  
181 Mamaroneck Ave.  
White Plains, NY

David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: August 18, 2014



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

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

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

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

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

We have reviewed an application for a Special Permit to renew a cabaret "use" for the indoor space submitted by Ron Blacks Beer Hall located at 181 Mamaroneck Avenue. Readings with music playing must fall within the allowable maximum at the public property line.

We have no objection to the approval of this renewal of a Special Permit.

Respectfully Submitted,

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

Dated: September 2, 2014

THOMAS M. ROACH  
MAYOR



JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

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

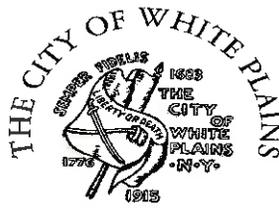
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS  
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the application from Ron Black's Bar and Restaurant at 181 Mamaroneck Avenue for renewal of a Special Permit to operate a Cabaret which was referred by the Common Council on August 4, 2014.

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

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

Dated: August 5, 2014



**TRANSPORTATION COMM.**

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601  
(914) 422-1316 • FAX: (914) 422-1422

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THOMAS M. ROACH  
MAYOR

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

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

The Transportation Commission, at its meeting held on August 20, 2014, reviewed the request from Ron Black Beer Hall at 181 Mamaroneck Avenue for renewal of a special permit to operate a "cabaret" as referred by the Common Council on August 4, 2013.

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

Thomas Soyk  
Acting Chairman

Dated: August 21, 2014

**THOMAS M. ROACH**  
MAYOR



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

(914) 422-1232 Phone  
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**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

**Re: Ron Blacks Beer Hall – 181 Mamaroneck Avenue**  
**Application for Renewal of a Special Permit for a Cabaret**

The Department of Parking has received and reviewed the above-noted referral and has no objection to this application for renewal of a special permit for a Cabaret.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John P. Larson".

John P. Larson, Commissioner  
CWP – Department of Parking

Date: September 8, 2015

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

County Ref. No. **WHP N14-020**

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

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

Municipality: **White Plains**

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

Application Name and Local Case Number: **Ron Black's Beer Hall Cabaret License**

Address: **181 Mamaroneck Avenue**

Section: **125.84** Block: **6** Lot: **9.1**

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

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

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

- Zoning Area Variance** to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park
- Special Use Permit or Use Variance** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.
- Site Plan** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:

- The boundary of a city, town or village
- The boundary of an existing or proposed state or county park, recreation area or road right-of-way
- An existing or proposed county drainage channel line
- The boundary of state- or county-owned land on which a public building/institution is located or
- The boundary of a farm located in an agricultural district.

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

Do not write below this line.

Date received by the Westchester County Planning Board: **8/11/14**

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  
E-Mail: [Planning@whiteplainsny.gov](mailto:Planning@whiteplainsny.gov)

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

August 31, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: RON BLACKS BEER HALL  
181 MAMARONECK AVENUE  
SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET  
SECTION 125.84, BLOCK 6, LOT 9.1

The application submitted by Declan Rainsford (the "Applicant") regarding approval of a special permit to operate an Accessory Cabaret at Ron Blacks Beer Hall, located at 181 Mamaroneck Avenue ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations. The business is located in the CB-1 Zoning District.

On October 7, 2013, the Common Council approved a Special Use Permit to Operate a Cabaret at Ron Blacks Beer Hall. In July 2014, The Applicant requested a renewal of that Special Use Permit for a Cabaret.

At its May 4, 2015 meeting the Common Council adopted an ordinance entitled:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" WITH RESPECT TO SPECIAL PERMIT USES IN NON-RESIDENTIAL DISTRICTS, REVISING THE DEFINITION OF "CABARET" AND ADDING THE DEFINITION OF "PRIMARY CABARET" AND "ACCESSORY CABARET"

In summary, this amendment revises the definition of "cabaret" uses and creates two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant use when the "cabaret" is in operation. Each class will have unique standards.

At its July 6, 2015 meeting the Common Council adopted an ordinance entitled:

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

In summary, this amendment revises the definition of "cabaret" uses as described above, and addresses entry fees.

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

The primary environmental concern is the assurance that noise emanating from the cabaret will not have any adverse effects to the surrounding land uses and community. The general standards for all special permit uses in Section 6.5 and the individual standards specifically for cabaret uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts.

Based on the recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the Proposed Action to avoid potential adverse noise impacts ("Conditions"):

1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, subject to renewals, upon a demonstration that the cabaret has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. The cabaret special permit use granted by this approval resolution herein is solely limited to the indoor area, first floor only. Any cabaret use beyond such stated permitted area shall constitute a violation of this special permit herein and render the special permit approved herein null and void. No amplified music shall be permitted as part of any outdoor dining application approval.
3. The hours for operation of the cabaret use shall be no later than 3:00 a.m., to be consistent with other cabaret requirements in proximity to the proposed use; the facility may continue to operate as a restaurant or bar use after these hours.
4. The Applicant is prohibited from operating a cabaret without food service available from a printed menu.
5. 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.
6. Since a cabaret is not a private club but is an accessory use to a restaurant, no entry fee may be charged for access to the cabaret, except as provided for in Section 4-4-9 of the Municipal Code.
7. 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 operation of the cabaret use, paid for by the

Applicant, 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.

8. A sound meter shall be permanently installed by the Applicant to continuously monitor the sound levels.
9. 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).
10. Whenever the premises fire alarm system is activated all "Sound Amplification Equipment" within the premises shall be shut off.
11. 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.
12. During the course of the operation of the cabaret use, and at not less than intervals of three (3) months, the Commissioner of Building shall report to the Common Council on the operation of same. If it is to be determined by the Common Council that the public health, safety and welfare is being jeopardized by said operation, the Common Council's finding shall be submitted to the Commissioner of Public Safety, who, at least five (5) days before suspending and/or revoking said cabaret license, shall cause to be mailed to the holder of the special permit at the address at which said cabaret is being conducted, a notice, stating the time and place of a hearing concerning the suspension and/or revocation at which time the permittee shall be entitled to be heard and introduce the testimony of witnesses. The action of the Commissioner of Public Safety relative to such suspension or revocation shall be final. After each year of operation and prior to consideration of the renewal of the special permit, the Commissioner of Building shall report to the Common Council on the operation of the cabaret.

Based on the above, it is recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; under SEQR regulations; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

The Comprehensive Plan recommends entertainment uses for the Mamaroneck Avenue Central Business District, in which the subject property is located.

The 1997 Comprehensive Plan and 2006 Plan Comprehensive Plan Update state:

- 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. (1997)
- Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, "walkable" urban environment with a 24/7 character which supports the other two major economic generators - office and retail. (2006)

The Comprehensive Plan also includes 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 in the area:

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

Based on the above, the Proposed Action conforms to the recommendations of the Comprehensive Plan.

#### Zoning Compliance Review

Ron Blacks Beer Hall Restaurant is located in a CB-1 Core Business Zoning District where a cabaret use is permitted use subject to the use subject to Section 6.5 General Special Permit Standards and Section 6.7.10 Special Permit Standards for Cabaret Uses.

There are two types of cabaret uses, as follows:

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

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

Based on the analysis completed by the Building Department, the proposed cabaret use occupies approximately 5.5% of the Net Floor Area of the principal business of a “restaurant” and therefore meets the criteria for an Accessory Cabaret.

The existing restaurant occupies approximately 3,600 sf of ground floor space with a kitchen and seating for 186 persons.

Conformance with Section 6.5 General Special Permit Standards:

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

The size of the proposed cabaret use is similar to existing cabarets in the area. The location of the use on Mamaroneck Avenue, a major commercial thoroughfare, is “in harmony with the appropriate

and orderly development of the area.” The cabaret is proposed to be on the ground floor (at grade level) of the restaurant. No site plan changes are 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.

As gathering places that attract large numbers of patrons, the City of White Plains was concerned about the effects that cabarets have on adjacent residential neighborhoods. These include the potential for high ambient noise levels generated by sound systems, vehicles, and patrons’ voices; the potential for idling vehicles to cause localized negative impacts to air quality; the potential for negative impacts related to queuing outside the cabaret and affecting pedestrian traffic on the sidewalk; and the potential for issues of public safety to arise both within and outside of the cabaret use.

The principal impacts from the cabaret will be noise emanating from the cabaret onto the street and potential noise caused by patrons leaving the establishment. The City will regulate the maximum decibel level permitted outside the establishment. This limitation is consistent with promoting evening activity in the downtown. To ensure that the appropriate noise levels are maintained, the cabaret permit shall be granted for a one year period with the controls set forth above.

Consequently, the amendments made to Section 6.7.10 of the Zoning Ordinance serve to better address these concerns, improve enforcement measures, and streamline the renewal process.

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

The building in which Ron Blacks Beer Hall is located is in the CPA and is legally non-conforming with respect to parking. Public parking is available on-street and in nearby public parking lots.

#### Section 6.7 Special Permit Standards for Cabaret Uses

The Individual Standards and Requirements for “Cabarets” as a Special Permit Use have been augmented in order to streamline the application and enforcement processes and to protect surrounding residential neighborhoods. These new provisions include (1) the exact application requirements needed for submission, (2) a new requirement precluding a “primary cabaret” from locating within 300 feet of any “dwelling unit”, (3) requiring cabarets to be located at grade level, (4) enabling the Commissioner of Building to renew special permit requests and (5) permitting the suspension or revocation of a special permit to operate a “cabaret” if there is a violation.

6.7.10.1 The applicant's plans indicate the proposed square footages for the dance floor areas and the DJ band area, as well as the egress paths (which do not traverse areas identified for entertainment) and seating areas, are in compliance with Section 6.7.10.1.5 of the Zoning Ordinance. Occupancy calculations are provided for the both the restaurant and cabaret configuration, as required by Section 6.7.10.1.6. The plans show that the tables and chairs in the DJ/band area will be relocated when the cabaret is in use, but the storage location is not shown, as required by Section 6.7.10.1.7 of the Zoning Ordinance.

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."

The premises are located over 350 feet from the nearest residential RM-1 district along Maple Avenue, and over 250 feet from the nearest place of worship at 34 Maple Avenue.

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

The proposed cabaret at Ron Blacks Beer Hall is at grade level and, therefore, the application complies with this section.

- (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 and building 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.

With appropriate limitations on noise levels, the operation of the proposed cabaret should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibrations or other characteristics than would be the operations of permitted uses not requiring a special permit.

- (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, including the existing cabaret use, is located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

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

The proposed cabaret use is similar to the other cabaret uses that are located in the nearby Downtown area.

Other cabaret uses have been approved in the nearby area along Mamaroneck Avenue. 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 will be maintained.

Additional requirements for the cabaret use can be determined by the City departments in regard to any future renewals of the special permit to assure compliance with the Noise Ordinance.

Cabaret uses are regulated by two separate municipal authorities: the Common Council approves special permits for a Cabaret use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards. The proposed conditions to the Proposed Action assure that the monitoring functions of the Departments of Building and Public Safety will be coordinated with the Common Council's consideration of any future renewals.

There are no hospitals, domiciliary care facilities, or community residences located within 200 feet of the site, and there is no residential zoning district within 150 feet of the site. The premises are located over 350 feet from the nearest residential RM-1 district along Maple Avenue, and over 250 feet from the nearest place of worship at 34 Maple Avenue.

- (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 Proposed Action involves the Common Council's approval of a cabaret use in accordance with the requirements of the Zoning Ordinance. The Applicant must also apply for a Cabaret License to the White Plains Department of Public Safety. This license must be renewed annually by that Department.

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 applicable approvals by the Departments of Building and Public Safety.

- (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 which adopts these findings is offered for the Common Council's consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rod Johnson". The signature is written in a cursive style with a horizontal line underneath the name.

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING APPLICATION SUBMITTED BY DECLAN RAINSFORD FOR A SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET AT RON BLACKS BEER HALL, LOCATED AT 181A MAMARONECK AVENUE (SECTION 125.84, BLOCK 6, LOT 9.1)

WHEREAS, the application submitted by Declan Rainsford (“Applicant”) for a Special Permit to operate an Accessory Cabaret at Ron Blacks Beer Hall, located at 181A Mamaroneck Avenue (“Proposed Action”) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, on October 7, 2013, the Common Council approved a Special Use Permit to Operate a Cabaret at Ron Blacks Beer Hall, which was valid for a period of one year; and

WHEREAS, in July 2014, The Applicant requested a renewal of that Special Use Permit for a Cabaret; and

WHEREAS, at its May 4, 2015 meeting the Common Council adopted an ordinance entitled:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS” WITH RESPECT TO SPECIAL PERMIT USES IN NON-RESIDENTIAL DISTRICTS, REVISING THE DEFINITION OF “CABARET” AND ADDING THE DEFINITION OF “PRIMARY CABARET” AND “ACCESSORY CABARET”

In summary, this amendment revises the definition of “cabaret” uses and creates two “cabaret” classes – a “primary cabaret” and “accessory cabaret” which are distinguished by the percentage of the net floor area proposed for “cabaret” uses as opposed to restaurant use when the “cabaret” is in operation. Each class will have unique standards.

WHEREAS, as its July 6, 2015 meeting the Common Council adopted an ordinance entitled:

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

In summary, this amendment revises the definition of “cabaret” uses as described above, and addresses entry fees.

WHEREAS, the Common Council is now considering the subject application for a Special Permit to Operate a Cabaret applying the newly codified zoning 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 Proposed Action:

1. An application letter from Declan Rainsford, President, dated July 10, 2014.
2. Building Department Special Permit Application, prepared by Declan Rainsford, dated July 10, 2014.

3. A Short Environmental Assessment Form, prepared by Declan Rainsford, submitted with the application letter.
4. Drawing No OC-1, entitled "Restaurant Plan Ron Blacks First Floor," prepared by Norman A. DiChiara Architects, dated 7/11/14.
5. Drawing No OC-2, entitled "Cabaret Plan Ron Blacks First Floor, prepared by Norman A. DiChiara Architects, dated 7/11/14.

WHEREAS, the Proposed Action represents an Unlisted Action under SEQR regulations for which an environmental review is required prior to approval; and

WHEREAS, the primary environmental concern is the assurance that noise emanating from the cabaret will not have any adverse effects to the surrounding land uses and community; and

WHEREAS, the general standards for all special permit uses in Section 6.5 and the individual standards specifically for cabaret uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts; 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, based on the recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the Proposed Action to avoid potential adverse noise impacts ("Conditions"):

1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, subject to renewals, upon a demonstration that the cabaret has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. The cabaret special permit use granted by this approval resolution herein is solely limited to the indoor area, first floor only. Any cabaret use beyond such stated permitted area shall constitute a violation of this special permit herein and render the special permit approved herein null and void. No amplified music shall be permitted as part of any outdoor dining application approval.
3. The hours for operation of the cabaret use shall be no later than 3:00 a.m., to be consistent with other cabaret requirements in proximity to the proposed use; the facility may continue to operate as a restaurant or bar use after these hours.
4. The Applicant is prohibited from operating a cabaret without food service available from a printed menu.
5. 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.
6. Since a cabaret is not a private club but is an accessory use to a restaurant, no entry fee may be charged for access to the cabaret, except as provided for in Section 4-4-9 of the Municipal Code.

7. 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 operation of the cabaret use, paid for by the Applicant, 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.
8. A sound meter shall be permanently installed by the Applicant to continuously monitor the sound levels.
9. 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).
10. Whenever the premises fire alarm system is activated all "Sound Amplification Equipment" within the premises shall be shut off.
11. 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.
12. During the course of the operation of the cabaret use, and at not less than intervals of three (3) months, the Commissioner of Building shall report to the Common Council on the operation of same. If it is to be determined by the Common Council that the public health, safety and welfare is being jeopardized by said operation, the Common Council's finding shall be submitted to the Commissioner of Public Safety, who, at least five (5) days before suspending and/or revoking said cabaret license, shall cause to be mailed to the holder of the special permit at the address at which said cabaret is being conducted, a notice, stating the time and place of a hearing concerning the suspension and/or revocation at which time the permittee shall be entitled to be heard and introduce the testimony of witnesses. The action of the Commissioner of Public Safety relative to such suspension or revocation shall be final. After each year of operation and prior to consideration of the renewal of the special permit, the Commissioner of Building shall report to the Common Council on the operation of the cabaret.

Based on the above, it is recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; under SEQR regulations; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

The Comprehensive Plan recommends entertainment uses for the Mamaroneck Avenue Central Business District, in which the subject property is located.

The 1997 Comprehensive Plan and 2006 Plan Comprehensive Plan Update state:

- 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. (1997)
- Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, “walkable” urban environment with a 24/7 character which supports the other two major economic generators - office and retail. (2006)

The Comprehensive Plan also includes 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 in the area:

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

Based on the above, the Proposed Action conforms to the recommendations of the Comprehensive Plan.

#### Zoning Compliance Review

Ron Blacks Beer Hall Restaurant is located in a CB-1 Core Business Zoning District where a cabaret use is permitted use subject to the use subject to Section 6.5 General Special Permit Standards and Section 6.7.10 Special Permit Standards for Cabaret Uses.

There are two types of cabaret uses, as follows:

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

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

Based on the analysis completed by the Building Department, the proposed cabaret use occupies approximately 5.5% of the Net Floor Area of the principal business of a “restaurant” and therefore meets the criteria for an Accessory Cabaret.

The existing restaurant occupies approximately 3,600 sf of ground floor space with a kitchen and seating for 186 persons.

Conformance with Section 6.5 General Special Permit Standards

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

The size of the proposed cabaret use is similar to existing cabarets in the area. The location of the use on Mamaroneck Avenue, a major commercial thoroughfare, is "in harmony with the appropriate and orderly development of the area." The cabaret is proposed to be on the ground floor (at grade level) of the restaurant. No site plan changes are 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.

As gathering places that attract large numbers of patrons, the City of White Plains was concerned about the effects that cabarets have on adjacent residential neighborhoods. These include the potential for high ambient noise levels generated by sound systems, vehicles, and patrons' voices; the potential for idling vehicles to cause localized negative impacts to air quality; the potential for negative impacts related to queuing outside the cabaret and affecting pedestrian traffic on the sidewalk; and the potential for issues of public safety to arise both within and outside of the cabaret use.

The principal impacts from the cabaret will be noise emanating from the cabaret onto the street and potential noise caused by patrons leaving the establishment. The City will regulate the maximum decibel level permitted outside the establishment. This limitation is consistent with promoting evening activity in the downtown. To ensure that the appropriate noise levels are maintained, the cabaret permit shall be granted for a one year period with the controls set forth above.

Consequently, the amendments made to Section 6.7.10 of the Zoning Ordinance serve to better address these concerns, improve enforcement measures, and streamline the renewal process.

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

The building in which Ron Blacks Beer Hall is located is in the CPA and is legally non-conforming with respect to parking. Public parking is available on-street and in nearby public parking lots.

## Section 6.7 Special Permit Standards for Cabaret Uses

The Individual Standards and Requirements for “Cabarets” as a Special Permit Use have been augmented in order to streamline the application and enforcement processes and to protect surrounding residential neighborhoods. These new provisions include (1) the exact application requirements needed for submission, (2) a new requirement precluding a “primary cabaret” from locating within 300 feet of any “dwelling unit”, (3) requiring cabarets to be located at grade level, (4) enabling the Commissioner of Building to renew special permit requests and (5) permitting the suspension or revocation of a special permit to operate a “cabaret” if there is a violation.

6.7.10.1 The applicant’s plans indicate the proposed square footages for the dance floor areas and the DJ band area, as well as the egress paths (which do not traverse areas identified for entertainment) and seating areas, are in compliance with Section 6.7.10.1.5 of the Zoning Ordinance. Occupancy calculations are provided for the both the restaurant and cabaret configuration, as required by Section 6.7.10.1.6. The plans show that the tables and chairs in the DJ/band area will be relocated when the cabaret is in use, but the storage location is not shown, as required by Section 6.7.10.1.7 of the Zoning Ordinance.

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.”

There are no hospitals, domiciliary care facilities, or community residences located within 200 feet of the site, and the premises are located over 350 feet from the nearest residential RM-1 district along Maple Avenue, and over 250 feet from the nearest place of worship at 34 Maple Avenue.

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

The proposed cabaret at Ron Blacks Beer Hall is at grade level and, therefore, the application complies with this section.

- (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 and building 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.

With appropriate limitations on noise levels, the operation of the proposed cabaret should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibrations or other characteristics than would be the operations of permitted uses not requiring a special permit.

- (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, including the existing cabaret use, is located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

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

The proposed cabaret use is similar to the other cabaret uses that are located in the nearby Downtown area.

Other cabaret uses have been approved in the nearby area along Mamaroneck Avenue. 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 will be maintained.

Additional requirements for the cabaret use can be determined by the City departments in regard to any future renewals of the special permit to assure compliance with the Noise Ordinance.

Cabaret uses are regulated by two separate municipal authorities: the Common Council approves special permits for a Cabaret use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards. The proposed conditions to the Proposed Action assure that the monitoring functions of the Departments of Building and Public Safety will be coordinated with the Common Council's consideration of any future renewals.

There are no hospitals, domiciliary care facilities, or community residences located within 200 feet of the site, and there is no residential zoning district within 150 feet of the site. The premises are located over 350 feet from the nearest residential RM-1 district along Maple Avenue, and over 250 feet from the nearest place of worship at 34 Maple Avenue.

- (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 Proposed Action involves the Common Council's approval of a cabaret use in accordance with the requirements of the Zoning Ordinance. The Applicant must also apply for a Cabaret License to the White Plains Department of Public Safety. This license must be renewed annually by that Department.

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 applicable approvals by the Departments of Building and Public Safety.

- (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.

NOW THEREFORE BE IT

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF 181A ASSOCIATES INC. D/B/A RON BLACKS BEER HALL (“APPLICANT”) FOR THE RENEWAL OF A ONE YEAR SPECIAL PERMIT TO OPERATE AN “ACCESSORY CABARET” AT RON BLACKS BEER HALL LOCATED AT 181 MAMARONECK AVENUE (SECTION 125.84, BLOCK 6, LOT 9.1) 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 August 5, 2013, received a communication from the Commissioner of Building, dated July 15, 2013, forwarding an application submitted on behalf of 181A Associates Inc. d/b/a Ron Blacks Beer Hall (“Applicant”), for approval by the City of White Plains of a one year special permit to allow a cabaret use at Ron Blacks Beer Hall located at 181 Mamaroneck Avenue; and

WHEREAS, the Common Council, after conducting a duly noticed public hearing, and making environmental findings, adopted a resolution on October 7, 2013, granting the application submitted on behalf of Applicant 181A Associates Inc. d/b/a/ Ron Blacks Beer Hall for a one year special permit to allow a cabaret use at Ron Blacks Beer Hall, subject to the Applicant’s compliance with a number of conditions set forth in the aforementioned resolution; and

WHEREAS, the Common Council of the City of White Plains, after conducting a public hearing, adopted a local law at a meeting held on July 7, 2014, establishing a four (4) month moratorium on the approval, renewal and modification of “cabarets,” to enable the City to review the present laws and regulations pertinent to “cabarets,” and have the opportunity to enact laws to better protect and preserve the safety and welfare of the public and those who work, patronize, visit or

conduct business with “cabarets;” 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 (“Application”) submitted by the President of 181A Associates, Inc., d/b/a/ Ron Blacks Beer Hall for approval by the City of White Plains of a renewal of a special permit to allow a cabaret use at 181 Mamaroneck Avenue; and

WHEREAS, the premises is designated on the Official Tax Assessment Map of the City of White Plains as Section 125.84, Block 6, Lot 9.1; and

WHEREAS, the premises is situated in the CB-1 (Commercial Business-1 ) Zoning District in which a cabaret is a special permit use; 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. Declan Rainsford, on behalf of the Applicant, 181A Associates Inc. d/b/a Ron Blacks Beer Hall, dated July 10, 2014, requesting a renewal of special permit to operate a cabaret at 181 Mamaroneck Avenue; and

B. A Building Permit Short Form application certified by Declan Rainsford on July

11, 2014; and

C. A short form Environmental Assessment Form (EAF) dated July 11, 2014, certified by Declan Rainsford on behalf of the Applicant; and

D. Architectural plans, drawings OC-1 and OC-2, entitled, "Restaurant Plan Ron Blacks First Floor 181 Mamaroneck Avenue," and "Cabaret Plan Ron Blacks First Floor 181 Mamaroneck Avenue," as prepared by Norman DiChiara Architects, P.C., dated July 11, 2014; and

WHEREAS, at its August 4, 2014 meeting, the Common Council referred the Application for a renewal of a special permit to operate a 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 September 2, 2014 meeting, the Common Council received a communication from the Corporation Counsel, dated August 14, 2014, and also unanimously adopted a resolution scheduling a public hearing on the renewal of the Special Permit Application for the October 6, 2014 meeting of the Common Council; and

WHEREAS, at its October 6, 2014 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 renewal application, and then adjourned the public hearing to November 3, 2014; and

WHEREAS, at its November 3, 2014 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 renewal application, and then adjourned the public hearing to December 1, 2014; and

WHEREAS, at its December 1, 2014 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 renewal application, and then adjourned the public hearing to January 5, 2015; and

WHEREAS, at its January 5, 2015 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 renewal application, and then adjourned the public hearing to February 2, 2015; and

WHEREAS, at its February 2, 2015 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 renewal application, and then adjourned the public hearing to March 2, 2015; and

WHEREAS, the Common Council, at a meeting held on February 2, 2015, also received a communication from the Commissioner of Building dated January 23, 2015, transmitting proposed amendments to the City's Municipal Code codifying the standard conditions that have been

imposed by the Common Council in “cabaret” special permit resolutions and to the City’s Zoning Ordinance regarding “cabarets;” and

WHEREAS, among the changes proposed for the Zoning Ordinance, included an updating of the definition of “cabaret,” that a cabaret is only permitted in connection with a restaurant, the creation of two “cabaret” classes - a “primary cabaret” and “accessory cabaret” which are distinguished by the percentage of the net floor area proposed for “cabaret” uses as opposed to “restaurant” uses; a definition of the term “net floor area;” a revised definition of “restaurant;” and an augmentation of Section 6.7.10 of the Zoning Ordinance, pertaining to the Individual Standards and Requirements for “Cabarets,” to contain provisions, *inter alia*, (1) stating the exact application requirements needed for submission; (2) a new requirement precluding a “primary cabaret” from locating within 300 feet of an “dwelling unit;” (3) mandating cabarets to be located at grade level; (4) authorizing the Commissioner of Building to renew special permit requests for “cabarets;” and (5) codifying the suspension or revocation of a special permit to operate a “cabaret” if there is a violation of any provisions of a cabaret approval; and

WHEREAS, the aforementioned proposed amendments to the Zoning Ordinance were referred to the appropriate City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

WHEREAS, the proposed amendments to the Municipal Code were also referred to various City departments, boards, commissions, officers for review, comments and recommendations;

and

WHEREAS, at its March 2, 2015 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 renewal application, and then adjourned the public hearing to April 6, 2015; and

WHEREAS, at its March 2, 2015 meeting, the Common Council received a communication from the Commissioner of Building dated February 26, 2015, forwarding revisions to the proposed Zoning Ordinance amendment and Municipal Code regarding “cabarets;” and

WHEREAS, at its March 2, 2015 meeting, the Common Council also received a communication from the Chair of the Planning Board dated February 13, 2015 finding the proposed amendment to the Zoning Ordinance regarding “cabarets,” to be in appropriate form and recommending the scheduling of a public hearing regarding same; and

WHEREAS, the Common Council, at its March 2, 2015 meeting, adopted a resolution scheduling a public hearing on the proposed Zoning Ordinance amendment for April 6, 2015; and

WHEREAS, at its April 6, 2015 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 renewal application, and then adjourned the public hearing to May 4, 2015; and

WHEREAS, at its April 6, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and then adjourned the public hearing to May 4, 2015; and

WHEREAS, at its May 4, 2015 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 renewal application, and then adjourned the public hearing to June 1, 2015; and

WHEREAS, at its May 4, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and then closed the public hearing; and

WHEREAS, at its May 4, 2015 meeting, after having conducted a duly noticed public hearing on the Zoning Ordinance legislation and adopting environmental findings, the Common Council adopted legislation amending the Zoning Ordinance regarding “cabarets,” and tabled an ordinance amending the Municipal Code regarding “cabarets” to June 1, 2015; and

WHEREAS, the Common Council, at a meeting held on June 1, 2015, further tabled an ordinance amending the Municipal Code regarding “cabarets” to July 6, 2015; and

WHEREAS, at its June 1, 2015 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 renewal application, and then adjourned the public hearing to July 6, 2015; and

WHEREAS, the Common Council, at a meeting held on July 6, 2015, the Common Council adopted the ordinance amending the Municipal Code regarding “cabarets;” and

WHEREAS, at its July 6, 2015 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 renewal application, and then adjourned the public hearing to August 3, 2015; and

WHEREAS, at its August 3, 2015 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 renewal application, and then adjourned the public hearing to September 8, 2015; and

WHEREAS, at its September 8, 2015 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 renewal Application, and then closed the public hearing and

WHEREAS, the Common Council, at its September 8, 2015 meeting, received communications in relation to the Special Permit renewal Application from the Commissioner of

Building dated July 21, 2015; the Commissioner of Planning, dated August 25, 2015; the **Commissioner of Public Safety, dated August 18, 2014**; the Commissioner of Parking, dated September 8, 2015; the then Commissioner of Public Works, dated September 2, 2014; the Deputy Commissioner of Parking for Transportation Engineering, dated August 5, 2014; the Acting Chair of the Traffic Commission, dated August 21, 2014; the Chair of the Planning Board, dated August 21, 2014; the Westchester County Planning Board, received August 11, 2014; and the Environmental Officer, dated August 31, 2015; and

WHEREAS, the Commissioner of Building, in a communication dated July 21, 2015, noted that Ron Blacks Beer Hall restaurant occupies approximately 4,000 square feet (total gross floor area) on the ground floor of 181 Mamaroneck Avenue; the ground floor spaces houses a kitchen, a dining area, and a bar; and

WHEREAS, the Commissioner of Building also stated in a communication dated July 21, 2015, in conformance with the new Zoning Ordinance and White Plains Municipal Code provisions, 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 Commissioner of Building notes in the communication dated July 21, 2015, that 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 states in a communication dated July 21, 2015, that in accordance with the newly adopted Zoning Ordinance amendments, at Section 2.4, Definitions, “Cabaret, Accessory,” based upon the Applicant’s drawing submission dated July 11, 2014, the net floor area of Applicant’s restaurant space is calculated to be approximately 3,600 square feet; the Applicant is proposing to dedicate approximately 200 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation, approximately 5.5% of the net floor area; and

WHEREAS, the Commissioner of Building concludes in the July 21, 2015 communication that as 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 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 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 cabaret is proposed to be established are not located within 150 feet of any residential district, as the premises are located over 350 feet from the nearest residential RM-1 Zoning District along Maple Avenue; and

WHEREAS, the premises are located over 250 feet from the nearest place of worship at 34 Maple Avenue; and

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

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

WHEREAS, on September 8, 2015, the Common Council adopted a resolution declaring itself as Lead Agency for the environmental review of the cabaret at 181 Mamaroneck Avenue (“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 encourage and support cabaret use at Ron Black’s Beer Hall 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 cabaret does not become more objectionable by reason of noise; and

WHEREAS, as previously stated above, the Common Council has conducted a duly noticed in connection with the instant Special Permit renewal 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 cabaret use is similar to existing cabarets in the area. The cabaret use comprises approximately 200 interior square feet of the approximately 3600 square foot net floor (5.5%) and is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the special permit "use" on Mamaroneck Avenue, a major commercial thoroughfare, will be "in harmony with the appropriate orderly development of the area in which it is located." The cabaret is on the ground floor (at grade

level) of the restaurant. The cabaret is in the existing space in the existing restaurant and no site plan amendment 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 renewal for cabaret use at 181 Mamaroneck Avenue "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.

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 renewal of a cabaret use at 181 Mamaroneck Avenue 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. In accordance with Section 6.5.4 of the Zoning Ordinance, the Common Council finds that the building in which Ron Blacks Beer Hall is located is in the Central Parking Area (CPA) and is legally non-conforming with respect to parking. Public parking is available on-street, immediately adjacent to a municipal parking lot and in close proximity to two municipal parking structures.

5. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed cabaret use at 181 Mamaroneck Avenue 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 cabaret at 181 Mamaroneck Avenue 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 architectural design of the proposed cabaret use at 181 Mamaroneck Avenue will enhance and protect the character and property values of the neighborhood.

9. In accordance with Section 6.7.10 of the Zoning Ordinance, the Applicant's plans

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 cabaret configuration, as required by Section 6.7.10.1.6. The Applicant also notes that the existing tables and chairs will be relocated when the cabaret is in use, as required by Section 6.7.10.1.7 of the Zoning Ordinance, but Applicant shall also indicate where such storage in accordance with Section 6.7.10.1.7 is to be located. The cabaret at Ron Blacks Beer Hall is located at grade level and complies with Section 6.7.10.3 of the Zoning Ordinance; 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 renewal 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:

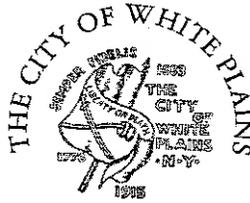
1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, subject to renewals by the Commissioner of Building, in accordance with Sections 6.6.5 and 6.7.10.4 of the Zoning Ordinance, upon a demonstration that the Accessory Cabaret has operated consistent with Chapter 4-4 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 herein.

2. 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.

3. All doors related to the premises and the cabaret use 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 seal tightly when closed. All windows or window walls shall be maintained and secured in the closed position during the operation of any cabaret use.

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

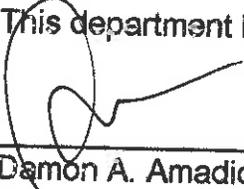
Kevin M. Hodapp, P.E.  
Deputy Commissioner

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

The Department of Building has reviewed, per referral of the White Plains Common Council at its meeting of July 6, 2015, a proposed amendment (dated June 24, 2015), to a previously approved site plan associated with 1311 Mamaroneck Avenue.

The applicant, OSG Mamaroneck, LLC d/b/a Onyx Equities, proposes to make certain site improvements at the aforementioned premises. These improvements include introducing additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting.

This department has no objection to this amendment being granted.

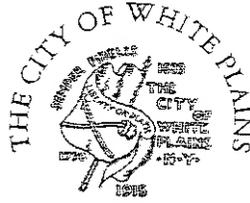
  
\_\_\_\_\_  
Damon A. Amadio P.E.  
Commissioner of Building

DATED: July 20, 2015

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<http://www.cityofwhiteplains.com>

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DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH  
Mayor

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

NORMAN DICHLARA, AIA  
Chairman

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

NICK PUJA  
Secretary

July 20, 2015

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

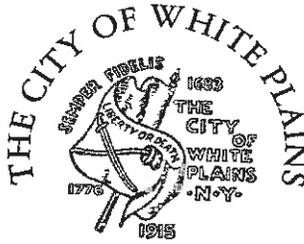
Dear Mayor and Council Members:

The Design Review Board, at its meeting on July 13, 2015, reviewed the a proposed amendment to a previously approved site plan associated with 1311 Mamaroneck Ave. The applicant, OSG Mamaroneck, LLC dba Onyx Equities proposes to make certain site improvements at the aforementioned premises. These improvements include introducing additional parking spaces, adding directional signage, landscaping, upgrades and enhanced site lighting.

OUTCOME: The Design Review Board recommends approval of this application with no changes from previous ZBA submission.

Kent Johnsson

Kent Johnsson, Member  
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](mailto:Planning@whiteplainsny.gov)

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICF  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

**TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL**  
**SUBJECT: 1311 MAMARONECK AVENUE SITE PLAN AMENDMENT**

### PROJECT LOCATION

The 23-acre property located at 1311 Mamaroneck Avenue contains an existing 316,865 sq. ft. three-story office building with at grade surface parking totaling 948 spaces within the City's C-O Campus Office Zoning District. The site is bounded by Mamaroneck Avenue to the west and West Street to the east with access via Purdy Avenue on the southern portion of the parcel. It is immediately adjacent to a Westchester County Public Works facility and sited directly across the street from the County's Saxon Woods Park.

### SITE PLAN AMENDMENT

Applicant, OSG Mamaroneck, LLC d/b/a Onyx Equities, submitted an application for site plan amendment to the Common Council (dated June 24, 2015) seeking to make certain site improvements to the property, including additional parking spaces, directional signage, landscaping upgrades, and enhanced site lighting. The proposed improvements are intended to both retain current and attract new tenants to the building.

The Common Council referred the application to the Planning Department for evaluation and recommendation on July 6, 2015. The Planning Department has reviewed the application and offers the following comments pertaining to Section 7.0 (Site Plan Approval) and Section 8.0 (Off-Street Parking and Loading) of the Zoning Ordinance.

## VEHICULAR AND PEDESTRIAN CIRCULATION

The existing pedestrian walkways and vehicular roadways throughout the site function effectively and will remain unchanged. However, an existing pedestrian walkway on the eastern side of the building will be replaced in kind with a new concrete curb and sidewalk.

### *Parking*

As depicted on the submitted Site Plan prepared by J. Robert W. Roth, P.E., (dated January 16, 2015), the applicant proposes to increase the number of parking spaces from 948 to 999 spaces (where 951 spaces are required), amounting to an increase of 51 total spaces. These new spaces are located throughout the site, within existing parking areas or along the internal roadway system. In order to effectuate the increase in the number of parking spaces, the applicant applied for and received an area variance from the White Plains Zoning Board of Appeals on June 3, 2015 for the siting of 42 spaces within the 100 foot side yard setback required in the C-O Campus Office Zoning District. The Planning Department notes that the addition of these 51 parking spaces includes adding five (5) new handicap parking spaces, and will have no adverse effect on the surrounding residential neighborhood as the closest new space is approximately 225 feet from the nearest residence. In conclusion, the Planning Department supports increasing the number of parking spaces on site as a means to enhance the viability and economic competitiveness of the property.

### *Signage/Wayfinding*

As proposed, the existing signs will be upgraded, modernized, standardized, and strategically located in order to facilitate and enhance circulation throughout the site. In addition to the above-mentioned variance and as a part of the same application, an area variance was required and granted by the ZBA for a new internally illuminated identification monument sign (84 inches wide by 18.19 inches long) and non-illuminated wall directory sign (60 inches wide by 33.86 inches long) near Purdy Avenue (the identity sign will be installed above and the directory sign will be mounted to an existing stone wall that is conterminous with the property line, where 6 feet is required). The Planning Department also notes the new main entry identification monument sign is externally illuminated, and proposed to be located within the County right-of-way requiring a license agreement to permit such encroachment.

The Design Review Board reviewed and recommended approval of the sign concept plan on July 13, 2015 with no changes. Based on the sign drawings prepared by J. Lanza (dated December 16, 2012), the Planning Department has no objection to the Sign Location Plan as it vastly improves the vehicular and pedestrian circulation of the site.

## ENVIRONMENTAL IMPACT

The Proposed application seeks to enhance the environmental quality of the site through the addition of landscaping and introduction of porous pavement for the proposed parking spaces. In addition to a detailed landscaping plan summarized below, the Planning Department notes that the site is surrounded on nearly all sides by dense forestation which provides additional, natural screening and buffers from the adjacent residential properties.

### *Landscaping*

According to the Landscaping Plan dated January 16, 2015, and the Planting Plan/Landscape Improvements Plan prepared by Stantec on September 5, 2014, there are seven (7) main areas where landscaping improvements are proposed. The majority of these improvements involve the planting of ground cover, perennials and shrubs at key areas throughout the site, such as the main entrance (Areas 1 and 1A at Mamaroneck and Purdy Avenues), where various shrubs, ground cover, and five (5) new evergreen-type trees are proposed, and the building's western entry (Area 6), where perennials, ground cover, and shrubs are proposed. In summary, the Planning Department has no objection to the landscaping plan as it greatly enhances the site's appearance.

### *Grading and Utilities*

As depicted by Grading and Utilities Plan dated January 16, 2015, a minimal amount of grading/site disturbance is proposed, and is concentrated where the new parking spaces are being created. All new spaces will be paved with porous pavement as measure to reduce impervious cover and enhance drainage on site, and the entire site is subject to the City's Stormwater Management Practices. The overall lighting on site remains unchanged. As was mentioned previously, the main entry sign will be externally illuminated and the identity sign near Purdy Avenue will be internally illuminated with LED lighting. Neither faces existing residences and therefore will have no impact on the surrounding neighborhood. The Planning Department finds that the environmental quality of the site and the neighboring area will be enhanced by the proposed application.

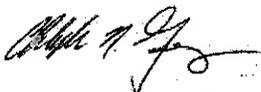
### **COMPREHENSIVE PLAN CONSISTENCY**

According to the 1997 and 2006 Comprehensive Plan, White Plains enjoys a strong competitive position in Westchester County with regard to office and retail markets. Office market demand will continue to grow slowly but steadily. New demand will require: (1) greater attention to technologically advanced and adaptable buildings, and (2) office buildings that can be configured for multi-tenant use. The Planning Department notes that the proposed site improvements do not constitute an expansion of the commercial uses on the site or increase the commercial density of the site. Rather, these improvements work within the existing site boundaries and are minor in nature, serving to attract new and retain existing tenants. As such, the Planning Department finds that the proposed application is consistent with the City's Comprehensive Plan.

### **CONCLUSION**

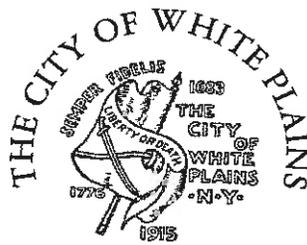
Based on the foregoing analysis, the Planning Department finds that the application is in compliance with the relevant standards set forth in Sections 7.0 and 8.0 of the Zoning Ordinance. Therefore, the Planning Department recommends that the Common Council approve the application for Site Plan Amendment as proposed.

Sincerely,



Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: July 23, 2015



## PLANNING BOARD

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER GOMEZ, AICP  
COMMISSIONER

July 23, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: OSG MAMARONECK LLC, D/B/A ONYX EQUITIES – 1311 MAMARONECK AVENUE - SITE PLAN AMENDMENT TO ADD ADDITIONAL PARKING SPACES, DIRECTIONAL SIGNAGE, LANDSCAPING UPGRADES AND ENHANCED SITE LIGHTING

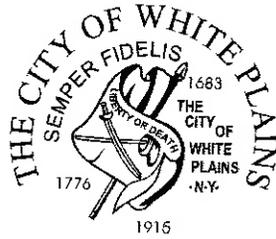
At its July 21, 2015 meeting, the Planning Board reviewed the proposed site plan amendment for the property at 1311 Mamaroneck Avenue. The board

The Board is supportive of the application, finding that the incorporation of landscaping, stormwater quality improvements, and the use of porous pavement for a portion of the parking, are environmental improvements. The Board suggested to the applicant that they might want to consider providing electric vehicle charging stations and preferred parking for hybrid vehicles to further enhance the green improvements. Also, the proposed signage should improve visibility and make it easier for motorists to find the building.

Planning Board members voting in favor of the motion to send a letter to the Common Council recommending approval of the proposed site plan amendment: M. Quinn, A. Cabrera, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and Mr. 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  
(914) 422-6400 • FAX: (914) 422-6373

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

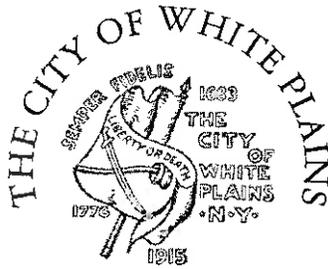
Onyx Equities  
Site Plan Amendment  
1311 Mamaroneck Ave.



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: July 21, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

**RICHARD G. HOPE**  
ACTING COMMISSIONER

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

We have reviewed the proposed Site Plan amendment submitted by Seth M. Mandelbaum, of McCullough, Goldberger & Staudt, LLP Attorneys at Law, on behalf of property owners, OSG Mamaroneck, LLC, d/b/a Onyx Equities, proposing an amendment to a previously approved site plan associated with 1311 Mamaroneck Avenue Corporate Center, an environmentally sensitive site across from the Saxon Woods recreation area. Included with submittals, are plans identifying various site improvements, including additional parking, landscaping upgrades, site lighting enhancements, and added directional signage. In addition, a new lighted sign is proposed within the City's right-of-way (ROW), at the Mamaroneck Avenue & Purdy Avenue entrance to the corporate park, for which the amended site plan approval and license agreement is requested.

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

- The applicant to provide design calculations for proposed sign to be installed within the municipal right-of way. All signs to be located within the City's ROW are to be designed using the latest City of White Plains Building Code wind loading requirements.
- Lighting for signs within the ROW are to be back-lit, or if light fixtures are to be used to illuminate the signs, such fixtures shall be closely shielded, so that bulbs cannot be seen from the road and to reduce glare, sky glow, and light trespass to the greatest extent possible.
- All underground electrical wiring within the ROW must be run in adequately sized and approved conduit, installed with 18" minimum cover. No direct burial electrical wiring is permitted.
- Any municipal utilities, retaining walls, pavement, sidewalk, curbing, grass area, etc. disturbed and/or damaged during construction must be replaced/repared at the applicant's expense.
- The applicant must prevent soil from entering the right of way by providing measures to prevent dirt from being tracked through the existing parking area and entrance road.

- Additionally, all outstanding DPW comments dated June 3, 2015 memorandum to the CWP Zoning Board of Appeals, application #Z-2015-16, must be addressed to the satisfaction of the Commissioner of Public Works prior to Obtaining a Building Department permit.

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.

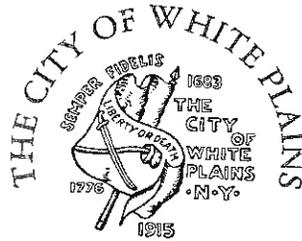
Respectfully submitted,



Richard G. Hope  
Acting Commissioner of Public Works

Dated: July 22, 2015

THOMAS M. ROACH  
MAYOR



JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

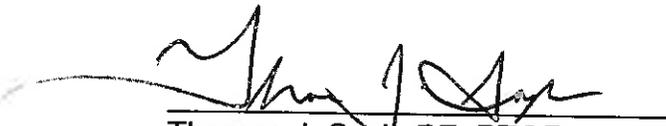
(914) 422-1232 Phone

(914) 422-1274 Fax

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

The Department of Parking/ Traffic Division has reviewed the site plan amendment application for 1311 Mamaroneck Avenue which was referred by the Common Council on July 6, 2015 and has the following comments:

1. The symbol used for the accessible space signs and markings should conform to the new universal symbol design (see Chapter 190, Section 101 of New York State Laws).
2. There are numerous existing regulatory/ warning (ie. stop, do not enter, pedestrian crossing) type traffic control signs throughout the site that are posted too low and some have sharp corners which represent a significant safety hazard to pedestrians (potential eye injuries). All traffic control signs must be reflective, have rounded corners and be posted at a height of seven (7) feet to the bottom of the sign unless the sign is located in a protected area or mounted on double posts with no corners exposed. These signs should be identified as part of this proposed plan.
3. The directional signs should have the arrow to the left of the verbiage if the direction is to the left. If the direction is to the right, the arrow should be to the right of the verbiage.



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

Dated: July 22, 2015



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

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THOMAS M. ROACH  
MAYOR

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

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

The Traffic Commission, at its meeting held on July 15, 2015, reviewed a request from OSG Mamaroneck. LLC d/b/a Onyx Equities, 1311 Mamaroneck Avenue for a site plan amendment, as referred by the Common Council on July 6, 2015.

The Transportation Commission had no objection to the proposed changes.

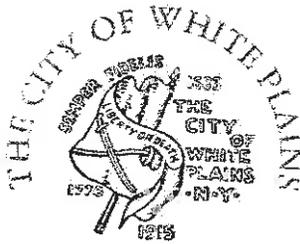
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Thomas Soyk, PE, PTOE  
Acting Chairman

Dated: July 22, 2015

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THOMAS M. ROACH  
MAYOR



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

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

JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

**Re: #85 – Site Plan Amendment - OSG Mamaroneck LLC  
d/b/a Onyx Equities, 1311 Mamaroneck Avenue**

The Department of Parking has received and reviewed the above-noted proposed amendment to a previously approved site plan associated with 1311 Mamaroneck Avenue.

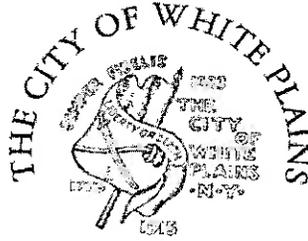
The Department of Parking has no objection to this amendment.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Date: August 3, 2015

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## CONSERVATION BOARD

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER GOMEZ, AICP  
PLANNING COMMISSIONER

ROBERT A. ROSTON  
CHAIRMAN

ROD JOHNSON  
STAFF

Date: July 21, 2015

To: The Honorable Mayor and Members of the Common Council

Subject: 1311 Mamaroneck Avenue.  
OSG Mamaroneck LLC, d/b/a Onyx Equities.  
Site Plan Amendment

**Reason for Referral:** The proposed site plan amendment for 1311 Mamaroneck Avenue was referred to the Conservation Board for the following reasons:

- (a) The subject property have been determined to be Environmentally Sensitive with steep slope areas
- (b) This property and other developed campus office properties, which provide large open space areas, are listed in the Open Space Inventory
- (c) The site is located adjacent West Street Open Space Park (Code PK32) listed in the Open Space Inventory

**Work Description:** The applicant proposes certain site improvements to the existing 21.2 acre campus office facility including additional parking spaces, directional signage, landscaping upgrades, and enhanced site lighting.

### Comments and Recommendations

The Conservation Board reviewed this project at its July 20, 2015 meeting and offers the following comments:

- The project includes the creation of approximately 60 new parking spaces in landscaped areas throughout the existing, 948 space parking lot. Subject to the comments offered below, the addition of these parking spaces does not change the fundamental open space character of this campus office development.
- The project plans indicate that nine (9) trees will be removed from the parking area and that fourteen (14) trees are proposed to be replanted. The Conservation Board encourages the maximum landscaping with trees within parking lots in order to avoid the impacts from solar heating in large areas of exposed pavement.

The Conservation Board recommends that, at a minimum, the nine (9) removed trees should be replaced with a 2:1 ratio and that at least eighteen (18) replacement trees be replanted within the nearby parking lot.

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- To treat the increased runoff from the expanded parking lot, the proposed 60 new spaces will be paved with porous pavement and an additional 36 existing spaces will be reconstructed and converted from impervious to porous pavement for a total of 87 new porous-paved spaces.

The Conservation Board notes that porous pavement does require routine maintenance and should be vacuumed at least every two years to remove accumulated soil and debris to maintain its performance as a pervious-paved surface.

- Since the parking lot resurfacing is a “redevelopment project” and in accordance with the NYS Design Manual, the storm water management plan will include additional water quality treatment for 25% of the existing water volume draining from the site. Three “CDS” hydrodynamic water quality structures will be constructed to provide pretreatment of this water volume for separating sediment, debris, floatables, drainage, etc.
- The proposed project should not have any significant drainage or visual impacts on adjacent the West Street Open Space Park. This parkland was dedicated as an open space and contains no access pathways for pedestrians. There is a landscaped buffer around the entire perimeter of the campus office site. The nearest proposed parking spaces will 60 to 90 ft. distant from and 10 to 30 ft. lower than the elevation of the parkland.
- Only minimal earth grading will be necessary to create the new parking spaces and steep slope areas located elsewhere throughout the project site will not be affected.

**Conservation Board Conclusions:**

The Conservation Board has no objection to the proposed improvements for the 1311 Mamaroneck Avenue campus office development, subject to the following conditions:

- The Conservation Board recommends that, at a minimum, the nine (9) removed trees be replaced with a 2:1 ratio and that at least eighteen (18) replacement trees be planted within the nearby parking lot.
- The Conservation Board recommends that the proposed porous pavement be properly maintained and vacuumed at least every two years to remove accumulated soil and debris to maintain its performance as a pervious paved surface.

Respectfully,

**ANDREW BERGER**

Andrew Berger, Acting Chairman  
White Plains Conservation Board

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

County Ref. No. **WHP N15-005**

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

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

Municipality: **White Plains**

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

Application Name and Local Case Number: **Additional parking & Enhancements**

Address: **1311 Mamaroneck Avenue**

Section: **138.18** Block: **1** Lot: **3**

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.

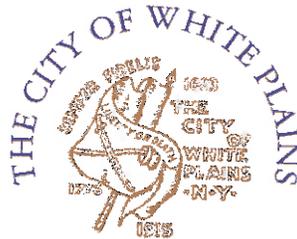
*(Please note: All applications given a Positive Declaration pursuant to SEQR must be referred as a complete application. Do not use this form.)*

Do not write below this line.

Date received by the Westchester County Planning Board: **7/9/15**

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

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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

July 27, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: OSG MAMARONECK LLC, D/B/A ONYX EQUITIES  
1311 MAMARONECK AVENUE  
SITE PLAN AMENDMENT

The application regarding an amendment to the previously approved site plan for the property at 1311 Mamaroneck Avenue submitted on behalf of OSG Mamaroneck LLC, d/b/a Onyx Equities, (“Proposed Action”) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves improvements to the exiting office campus including directional signage, landscaping upgrades, enhanced site lighting and the net increase of an additional 51 new parking spaces to the existing 948 spaces for a total of 999 spaces.

The Proposed Action includes the following approvals by the Common Council:

- A. Approval of an amendment to the Site Plan in accordance with Section 4.4.25, Environmentally Sensitive Sites and Section 7, Site Plan Approval of the White Plains Zoning Ordinance.
- B. Approval of a licence agreement to locate improvements in the City right-of-way including a new sign at the Mamaroneck Avenue/Pursy Avenue entrance to the property and related underground utility lines.

The property represents an environmentally sensitive site due to the presence of steep slope areas within the overall property.

The White Plains Zoning Ordinance requires that any action that involves an environmentally sensitive site shall be designated as a Type I Action under SEQR regulations for the purpose of the environmental review.

The Applicant has submitted the following documents in support of the application (“Application Materials”):

- A. A letter from Seth Mandelbaum, dated June 24, 2015.
- B. An Environmental Assessment Form, dated June 24, 2015.
- C. A Short Form Building Permit Application, dated April 20, 2015.
- D. Engineering drawings prepared by JMC, PLLC, last dated June 24, 2015.
- E. Sign Design drawings, six sheets, prepared by NY Sign Design/ JC Awning.
- F. Landscaping drawing Nos. L-01 through L-08, prepared by Stantec
- G. Site Plan drawing Nos. SP-12 through SP-9, Prepared by John Meyer Consulting, last revised June 24, 2015.
- H. Storm Water Management Report, prepared by John Meyer Consulting, dated 11/19/2014.

The Environmental Officer recommends that the following condition be included as part of the Proposed Action and is herewith considered to be a part of the Proposed Action for purposes of the environmental review (hereinafter referred to as "Condition"):

1. Proposed Action is subject to the Soil Erosion and Sedimentation Control Measures and Construction Phase and Post-Construction Maintenance measures listed in the Storm Water Management Report, prepared by John Meyer Consulting, dated 11/19/2014.
2. To discourage pollutants being deposited directly into our local waterways through the City's storm water drainage system, all on site stormwater area drains, pavement drains, driveway or road drains, catch basins and trench drains should include the environmental inscription "DUMP NO WASTE - DRAINS TO WATERCOURSE" permanently cast into all metal frames, grates and curb plates

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

- (a) The proposal is consistent with the 1997 Comprehensive Plan and 2006 Update and the White Plains Zoning Ordinance.

The Comprehensive Plan designated the premises for Campus Office land use. The Plan provides the following Vision Statement for the Out Area Neighborhoods:

"Like the vision for the Close-In neighborhoods, the vision for the Outer Area neighborhoods focuses on preservation -- preservation of neighborhood diversity and sense of community; preservation of the high quality homes on spacious lots; and preservation of tree-lined streets, public open spaces and substantial portions of open space on quasi-public and private institutional and commercial properties. It also focuses on controlling growth through the reduction in permitted densities on large undeveloped and underdeveloped residential parcels and through the strict

regulation of development, ensuring that new housing is compatible with the character of the surrounding area and is developed in a manner sensitive to the open space and environmental features of the individual sites and neighborhoods.”

The Comprehensive Plan provides the following Strategies for the Outer Area Neighborhoods relating to Campus Office development:

- 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.

The proposed site improvements do not constitute an expansion of the commercial uses on the site. The Proposed Action does not represent any significant changes to the overall site layout, office building floor area, required parking site grading or increase the commercial density of the site.

The Proposed Action conforms to the recommendations of the Comprehensive Plan.

### Zoning

The 23-acre property located at 1311 Mamaroneck Avenue contains an existing 316,865 sq. ft. three-story office building with at grade surface parking totaling 948 spaces within the City’s C-O Campus Office Zoning District. This project received site plan approval by the Common Council on October 3, 1978.

The existing office development provides the amount of parking required by the Zoning Ordinance at the time of the site plan approval in 1978. The proposed improvements are intended to provide a sufficient supply of parking to retain current and attract new tenants to the building.

These new spaces are located throughout the site, within existing parking areas or along the internal roadway system. In order to effectuate the increase in the number of parking spaces, the applicant applied for and received an area variance from the White Plains Zoning Board of Appeals on June 3, 2015 for the siting of 42 spaces within the 100 foot side yard setback required in the C-O Campus Office Zoning District.

The proposed improvements and construction disturbance are not located within and will not directly impact the environmentally sensitive steep slope features located on the campus property.

- 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.

This office complex and paved parking areas were constructed in 1981 with a storm water management system include three detention ponds which serve to delay runoff and avoid

downstream flooding.

The project includes the resurfacing and restriping of the existing 948 spaces and construction of an additional 51 new parking spaces for a total of 999 spaces.

The project is subject to the Chapter 3-6 “Stormwater Management and Erosion and Sediment Control” of the City of White Plains Municipal Code and the New York State Stormwater Management Design Manual.

Since the parking lot resurfacing is a “redevelopment project” and in accordance with the NYS Design Manual, the storm water management plan will include additional water quality treatment for 25% of the existing water volume draining from the site. Three “CDS” hydrodynamic water quality structures will be constructed to provide pretreatment of this water volume for separating sediment, debris, floatables drainage, etc.

To treat the increased runoff from the expanded parking lot, the proposed 51 new spaces will be paved with porous pavement and additional 36 existing spaces will be converted from impervious to porous pavement for a total of 87 spaces.

The Proposed Action includes a Soil Erosion and Sedimentation Control Plan that is subject to approval by the Department of Public Works.

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.

This is a developed property and includes landscaping around the office building, throughout the parking areas and around the perimeter of the site. The Proposed Action will not result in any significant changes to the site landscaping.

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

The existing campus/office facility is screened to the surrounding residential neighborhood by the forested buffer areas which will not be impacted by the Proposed Action. The closest new parking space is approximately 225 feet from the nearest residence.

This office site is adjacent the West Street Open Space Park. The proposed project will not have any significant impact on this park. This parkland was dedicated as an open space and contains no access pathways for pedestrians. There is a landscaped buffer around the entire perimeter of the campus office site. The nearest proposed parking spaces will 60 to 90 ft. distant from and 10 to 30

ft. lower than the elevation of the park.

The overall lighting on site remains unchanged. The main entry sign will be externally illuminated and the identity sign near Pursy Avenue will be internally illuminated with LED lighting. Neither faces existing residences and therefore will have no impact on the surrounding neighborhood.

- (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 which makes these findings is offered for the Common Council's consideration.

Respectfully submitted,



Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE SITE PLAN APPROVAL ON BEHALF OF OSG MAMARONECK LLC, D/B/A ONYX EQUITIES, AT 1311 MAMARONECK AVENUE

WHEREAS, the application regarding an amendment to the previously approved site plan for the property at 1311 Mamaroneck Avenue submitted on behalf of OSG Mamaroneck LLC, d/b/a Onyx Equities, (“Proposed Action”) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Action involves improvements to the exiting office campus including directional signage, landscaping upgrades, enhanced site lighting and a net increase of an additional 51 new parking spaces to the existing 948 spaces for a total of 999 spaces; and

The Proposed Action includes the following approvals by the Common Council:

- A. Approval of an amendment to the Site Plan in accordance with Section 4.4.25, Environmentally Sensitive Sites and Section 7, Site Plan Approval of the White Plains Zoning Ordinance.
- B. Approval of a licence agreement to locate improvements in the City right-of-way including a new sign at the Mamaroneck Avenue/Pursy Avenue entrance to the property and related underground utility lines.

WHEREAS, the property represents an environmentally sensitive site due to the presence of steep slope areas within the overall property; and

WHEREAS, the White Plains Zoning Ordinance requires that any action that involves an environmentally sensitive site shall be designated as a Type I Action under SEQR regulations for the purpose of the environmental review; and

WHEREAS, the Applicant has submitted the following documents in support of the application (“Application Materials”):

- A. A letter from Seth Mandelbaum, dated June 24, 2015.
- B. An Environmental Assessment Form, dated June 24, 2015.
- C. A Short Form Building Permit Application, dated April 20, 2015.
- D. Engineering drawings prepared by JMC, PLLC, last dated June 24, 2015.
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G. Site Plan drawing Nos. SP-12 through SP-9, Prepared by John Meyer Consulting, last revised June 24, 2015.

H. Storm Water Management Report, prepared by John Meyer Consulting, dated 11/19/2014; and

WHEREAS, the Environmental Officer recommends that the following condition be included as part of the Proposed Action and is herewith considered to be a part of the Proposed Action for purposes of the environmental review (hereinafter referred to as "Condition"):

1. Proposed Action is subject to the Soil Erosion and Sedimentation Control Measures and Construction Phase and Post-Construction Maintenance measures listed in the Storm Water Management Report, prepared by John Meyer Consulting, dated 11/19/2014.
2. To discourage pollutants being deposited directly into our local waterways through the City's storm water drainage system, all on site stormwater area drains, pavement drains, driveway or road drains, catch basins and trench drains should include the environmental inscription "DUMP NO WASTE - DRAINS TO WATERCOURSE" permanently cast into all metal frames, grates and curb plates; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) determine that the Proposed Action is a Type I Action under the White Plans Zoning Ordinance and SEQR regulations due to the environmentally sensitive feature located on the premises; and (c) determine that the Proposed Action will not have a significant effect on the environment; and

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

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

RESOLVED that the Common Council hereby determines that the Proposed Action is a Type I Action under the White Plans Zoning Ordinance and 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 proposal is consistent with the 1997 Comprehensive Plan and 2006 Update and the White Plains Zoning Ordinance.

The Comprehensive Plan designated the premises for Campus Office land use. The Plan provides the following Vision Statement for the Out Area Neighborhoods:

“Like the vision for the Close-In neighborhoods, the vision for the Outer Area neighborhoods focuses on preservation -- preservation of neighborhood diversity and sense of community; preservation of the high quality homes on spacious lots; and preservation of tree-lined streets, public open spaces and substantial portions of open space on quasi-public and private institutional and commercial properties. It also focuses on controlling growth through the reduction in permitted densities on large undeveloped and underdeveloped residential parcels and through the strict regulation of development, ensuring that new housing is compatible with the character of the surrounding area and is developed in a manner sensitive to the open space and environmental features of the individual sites and neighborhoods.”

The Comprehensive Plan provides the following Strategies for the Outer Area Neighborhoods relating to Campus Office development:

- 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.

The proposed site improvements do not constitute an expansion of the commercial uses on the site. The Proposed Action does not represent any significant changes to the overall site layout, office building floor area, required parking site grading or increase the commercial density of the site.

The Proposed Action conforms to the recommendations of the Comprehensive Plan.

### Zoning

The 23-acre property located at 1311 Mamaroneck Avenue contains an existing 316,865 sq. ft. three-story office building with at grade surface parking totaling 948 spaces within the City’s C-O Campus Office Zoning District. This project received site plan approval by the Common Council on October 3, 1978.

The existing office development provides the amount of parking required by the Zoning Ordinance at the time of the site plan approval in 1978. The proposed improvements are intended to provide a sufficient supply of parking to retain current and attract new tenants to the building.

These new spaces are located throughout the site, within existing parking areas or along the internal roadway system. In order to effectuate the increase in the number of parking spaces, the applicant applied for and received an area variance from the White Plains Zoning Board of Appeals on June 3, 2015 for the siting of 42 spaces within the 100 foot side yard setback required in the C-O Campus Office Zoning District.

The proposed improvements and construction disturbance are not located within and will not directly impact the environmentally sensitive steep slope features located on the campus property.

- 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.

This office complex and paved parking areas were constructed in 1981 with a storm water management system include three detention ponds which serve to delay runoff and avoid downstream flooding.

The project includes the resurfacing and restriping of the existing 948 spaces and construction of an additional 51 new parking spaces for a total of 999 spaces.

The project is subject to the Chapter 3-6 “Stormwater Management and Erosion and Sediment Control” of the City of White Plains Municipal Code and the New York State Stormwater Management Design Manual.

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To treat the increased runoff from the expanded parking lot, the proposed 51 new spaces will be paved with porous pavement and additional 36 existing spaces will be converted from impervious to porous pavement for a total of 87 spaces.

The Proposed Action includes a Soil Erosion and Sedimentation Control Plan that is subject to approval by the Department of Public Works.

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.

This is a developed property and includes landscaping around the office building, throughout the parking areas and around the perimeter of the site. The Proposed Action will not result in any significant changes to the site landscaping.

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

The existing campus/office facility is screened to the surrounding residential neighborhood by the forested buffer areas which will not be impacted by the Proposed Action. The closest new parking space is approximately 225 feet from the nearest residence.

This office site is adjacent the West Street Open Space Park. The proposed project will not have any significant impact on this park. This parkland was dedicated as an open space and contains no access pathways for pedestrians. There is a landscaped buffer around the entire perimeter of the campus office site. The nearest proposed parking spaces will 60 to 90 ft. distant from and 10 to 30 ft. lower than the elevation of the park.

The overall lighting on site remains unchanged. The main entry sign will be externally illuminated and the identity sign near Pursy Avenue will be internally illuminated with LED lighting. Neither faces existing residences and therefore will have no impact on the surrounding neighborhood.

- (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 OSG MAMARONECK, LLC, D/B/A ONYX EQUITIES, THE OWNER OF PROPERTY KNOWN AS 1311 MAMARONECK AVENUE (SECTION 138.18, BLOCK 1, LOT 3) (“APPLICANT”), LOCATED IN THE C-O (CAMPUS OFFICE) ZONING DISTRICT FOR AN AMENDMENT TO THE PREVIOUSLY APPROVED SITE PLAN ON PROPERTY CONTAINING “ENVIRONMENTALLY SENSITIVE FEATURES” TO ALLOW CERTAIN SITE PLAN IMPROVEMENTS, INCLUDING ADDITIONAL PARKING SPACES, ADDING DIRECTIONAL SIGNAGE, LANDSCAPING UPGRADES AND ENHANCED SITE LIGHTING, IN ACCORDANCE WITH SECTIONS 4.4.25.2, 7 AND 8 OF THE ZONING ORDINANCE.

WHEREAS, the Common Council of the City of White Plains, at a meeting held on July 6, 2015, received a communication from the Commissioner of Building, dated June 24, 2015, transmitting an application submitted on behalf of OSG Mamaroneck, LLC, d/b/a Onyx Equities, (“Applicant”), the owner of property known as 1311 Mamaroneck Avenue, for an amendment to the existing Site Plan (“Application”) to allow certain site plan improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting, on property containing “environmentally sensitive” features (steep slopes and rock outcrop areas), in accordance with Sections 4.4.25.2, 7 and 8 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”); and

WHEREAS, the premises is situated in a C-O (Campus Office) Zoning District; and

WHEREAS, the premises is located on Mamaroneck Avenue across from the Saxon Woods recreation area and is known and designated on the Tax Assessment Map of the City of

White Plains as Section 138.18, Block 1, Lot 3; and

WHEREAS, the 23-acre property located at 1311 Mamaroneck Avenue contains an approximately existing 316,865 square foot three-story office building with at grade surface parking totaling 948 parking spaces within the City's C-O Zoning District; and

WHEREAS, the existing office development received site plan approval by the Common Council on October 3, 1978; and

WHEREAS, the approved site plan was last amended by the Common Council by resolution adopted September 8, 2008, when the Common Council granted a special permit and an amendment to the site plan to allow the placement of a "Mary Moppet's" Children's Day Care Center in the existing office building; and

WHEREAS, the proposed improvements are intended to provide a sufficient supply of parking to retain current and attract new tenants to the building; and

WHEREAS, the Applicant proposes to increase the number of parking spaces from 948 to 999 parking spaces (where 951 are required), amounting to an increase of 51 parking spaces; and

WHEREAS, the proposed new parking spaces are located throughout the site, within

existing parking areas or along the internal roadway system; and

WHEREAS, the addition of the proposed 51 parking spaces includes five (5) new handicap parking spaces, and will have no adverse effect on the surrounding residential neighborhood as the closest new space is approximately 225 feet from the nearest residence exceeding all zoning requirements; and

WHEREAS, in order to effectuate the increase in the number of parking spaces, the Applicant applied for and received an area variance from the Board of Appeals (Zoning ) on June 3, 2015, for the siting of forty-two (42) parking spaces within the 100 foot wide side yard setback required in the C-O Zoning District; and

WHEREAS, at a meeting on June 3, 2015, the Board of Appeals, in addition to granting the necessary variance for the location of the proposed parking spaces, also granted a variance for a new internally illuminated identification monument sign (84 inches by 18.19 inches long) and a non-illuminated wall directory sign (60 inches wide by 33.86 inches long) near Purdy Avenue (the identity sign will be installed above and the directory sign will be mounted to an existing stone wall that is coterminous with the property line, where six (6) feet is required); and

WHEREAS, the office site is adjacent to the West Street open space park, but the proposed Application will not have any significant impact on this open space, as the nearest proposed parking spaces to the open space will be 60 to 90 feet distant from and 10 to 30 feet lower

than the elevation of the open space; and

WHEREAS, as well as the Application herein, by a separate ordinance, the Applicant seeks approval of a license agreement for improvements to the City right-of-way with respect to a proposed new externally illuminated main entry identification monument sign, as well as related underground utility lines; and

WHEREAS, the amended Site Plan application includes the following documents:

A. A cover letter describing the Application dated June 24, 2015, from Seth M. Mandelbaum, Esq., of the law firm of McCullough Goldberger & Staudt, LLP, transmitting the amended Site Plan application; and

B. Sign Design drawings, prepared by SignDesign&J.C. Awning., comprised of the following drawings:

<u>Page No.</u>	<u>Title</u>	<u>Last Revised</u>
1	1311 Signage Survey Plan	4/21/15
R7	1311 Identification Sign-External Illumination	4/17/15
2	1311 Wayfinding Signage Reface Example Satin White	11/18/14
2a	1311 Corporate Wall Sign &Directory Location D	12/02/14
2b	1311 Corporate Wall Sign&Directory	12/17/14
Survey Pic's	1311 Corporate	10/21/14; and

C. Landscape Improvement drawings, prepared by Stantec, comprised of the following drawings:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>
L-01	Landscape Improvements-Overall Site Plan	10/02/14
L-02	Landscape Improvements-Main Entrance (Areas #1&#1a)	10/02/14
L-03	Landscape Improvements-Visitor Parking (Area #2)	05/01/15
L-04	Landscape Improvements-Pond&Building Lobby (Area#3)	10/02/14
L-05	Landscape Improvements-East Entrance (Area#4)	05/01/15
L-06	Landscape Improvements-Cafeteria Terrace (Area#5)	10/02/14
L-07	Landscape Improvements-West Entrance (Area#6)	10/02/14
L-08	Landscape Improvements-Courtyard (Area#7)	10/02/14; and

D. Site Plan drawings, as prepared by John Meyer Consulting (JMC Planning Engineering Landscaping Architecture & Land Surveying PLLC), comprised of the following drawings:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>
SP-1	Cover Sheet	06/24/15
SP-2	Existing Conditions&Demolition Plan	06/24/15
SP-3	Layout&Landscaping Plan	06/24/15
SP-4	Purdy Avenue Sign Location Plan	06/24//15
SP-5	Grading&Utilities Plan	06/24/15
SP-6	Erosion&Sediment Control Plan	06/24/15

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>
SP-7	Construction Details	06/24/15
SP-8	Construction Details	06/24/15
SP-9	Snow Storage Plan	06/24/15; and

E. A Short Environmental Assessment form dated June 24, 2015, and

F. A Short Form Building Permit application dated April 20, 2015; and

WHEREAS, the aforementioned Application was referred by the Common Council at the July 6, 2015 meeting, to all necessary City departments, agencies, boards, commissions and officers 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 August 3, 2015, adopted a resolution scheduling a public hearing on September 8, 2015, on the Application, in accordance with Sections 4.4.25.2 and 7 of the Zoning Ordinance on property containing “environmentally sensitive” features; and

WHEREAS, the Common Council, at a meeting held on September 8, 2015, opened the public hearing on the Application, received testimony from representatives of the Applicant and the public, and then closed the public hearing on the Application; and

WHEREAS, the Common Council, at the September 8, 2015 meeting, received communications from the Commissioner of Building dated July 20, 2015; the Commissioner of Planning, dated July 23, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated July 22, 2015; the Commissioner of Public Safety, dated July 21, 2015; the Commissioner of Parking, dated August 3, 2015; the Acting Commissioner of Public Works, dated July 22, 2015; the Chair of the Planning Board, dated July 23, 2015; the Secretary to the Traffic Commission, dated July 22, 2015; the Chair of the Design Review Board, dated July 20, 2015; the Environmental Officer, dated July 27, 2015; the Acting Chair of the Conservation Board, dated July 21, 2015; and the Westchester County Planning Board, received July 9, 2015; and

WHEREAS, the Common Council has reviewed and considered comments from the Applicant and the public, as well as from the various City departments, agencies, boards, commissions, and officers and the Westchester County Planning Board, and has reviewed the application in light of the 1997 Comprehensive Plan and the 2006 Comprehensive Plan Update adopted July 11, 2006, and the standards set forth in the Zoning Ordinance, including, but not limited to Sections 4.4.25, 7 and 8; and

WHEREAS, the Common Council, at the September 8, 2015 meeting, adopted a resolution, in accordance with the State Environmental Quality Review Act and its accompanying regulations (“SEQRA”) declaring itself as Lead Agency for the environmental review of the Application, determining the proposed action to be a Type I Action under SEQRA, and adopted environmental findings in relation to the amended Site Plan application to allow certain site plan

improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting, on property containing “environmentally sensitive” features, determining that the Proposed Action will not have a significant effect on the environment; and

WHEREAS, subject to the conditions contained in this approval resolution herein, the amended Site Plan application is consistent with Sections 4.4.25, 7 and 8 of the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby adopts the following findings pursuant to the Zoning Ordinance regarding the application herein:

Section 4.4.25 of the Zoning Ordinance

Although 1311 Mamaroneck Avenue is an environmentally sensitive site, the proposed improvements and construction disturbance are not located within and will not directly impact the environmentally sensitive steep slope features located on the property.

Section 7.5 of the Zoning Ordinance

1. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed amended Site Plan is consistent with the 1997 Comprehensive Plan and 2006 Update to the Comprehensive Plan adopted July 11, 2006 and with the Zoning Ordinance. The 1997 Comprehensive Plan and the 2006 Update to the Comprehensive Plan adopted July 11, 2006, designated the premises for Campus Office land use. The Comprehensive Plan provides the following Vision Statement for the Outer Area neighborhoods:

Like the vision for the Close-In neighborhoods, the vision for the Outer Area Neighborhoods focuses on preservation — preservation of neighborhood diversity and sense of community; preservation of the high quality homes on spacious lots; and preservation of tree-lined streets, public open spaces and substantial portions of open space on quasi-public and private institutional and commercial properties. It also focuses on controlling growth through the reduction in permitted densities on large undeveloped and underdeveloped residential parcels and through the strict regulation of development, ensuring that new housing is compatible with the character of the surrounding area and is developed in a manner sensitive to the open space and environmental features of the individual sites and neighborhoods.

2. The 1997 Comprehensive Plan and 2006 Update provide the following strategies for the Outer Area Neighborhoods relating to Campus Office development:

- 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.

3. The instant amended Site Plan Application conforms to the recommendations of the 1997 Comprehensive Plan and the 2006 Update and does not involve a zoning action that would increase development potential on the site. The proposed site improvements do not constitute an expansion of the commercial uses on the site or increase the commercial density of the site. Rather, these improvements work within the existing site boundaries and are minor in nature, serving to attract new and retain existing tenants.

4. In accordance with Section 7.1 of the Zoning Ordinance, the proposed amended Site Plan conforms with the C-O (Campus Office) Zoning District height, bulk and density requirements.

5. The vehicular and traffic circulation within and without the site have been reviewed and are considered safe, adequate and convenient in accordance with Section 7.5.2 of the Zoning Ordinance, based upon the documents submitted by the Applicant and the reports of the Traffic Department and Traffic Commission. This Finding specifically includes, but is not limited to, consideration of the effect of the Application on the site on the traffic conditions of the existing “streets”; vehicular and pedestrian access drives and walkways; visibility at all exit points of the site, including Mamaroneck Avenue; arrangements for 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. As proposed, the existing signs will be upgraded, modernized, standardized, and

strategically located in order to facilitate and enhance circulation throughout the site. The Site Location Plan improves the vehicular and pedestrian circulation of the site.

7. The Application is in harmony with adjacent uses and will preserve property values and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance.

8. The proposed Application seeks to enhance the environmental quality of the site through the addition of landscaping and introduction of porous pavement for the proposed parking spaces. In addition to a detailed landscaping plan, the site is surrounded on nearly all sides by dense forestation which provides additional, natural screening and buffers from the adjacent residential properties.

9. According to the Landscaping Plan and the Planting Plan/Landscape Improvements Plan, there are seven (7) main areas where landscaping improvements are proposed. The majority of these improvements involve the planting of ground cover, perennials and shrubs at key areas throughout the site, such as the main entrance (Areas 1 and 1A at Mamaroneck and Purdy Avenues), where various shrubs, ground cover, and five (5) new evergreen-type trees are proposed, and the building's western entry (Area 6), where perennials, ground cover, and shrubs are proposed.

10. As depicted by the Grading and Utilities Plan, a minimal amount of grading/site disturbance is proposed, and is concentrated where the new parking spaces are being created. All

new parking spaces will be paved with porous pavement as a measure to reduce impervious cover and enhance drainage on the site, and the entire site is subject to the City's Stormwater Management Practices. The overall lighting on the site remains unchanged. The main entry sign will be externally illuminated and the identity sign near Purdy Avenue will be internally illuminated with LED lighting. Neither faces existing residences and therefore will have no impact on the surrounding neighborhood.

11. In accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration and recommendation of the Design Review Board, the Application will enhance and protect the character and property values of the neighborhood; and now, therefore, be it

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 4.4.25.2, 7 and 8 of the Zoning Ordinance have been satisfied and the amended Site Plan application to allow certain site plan improvements, including additional parking spaces, adding directional signage, landscaping upgrades and enhanced site lighting on the site be and hereby is granted, subject to the following conditions:

1. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works, dated July 22, 2015, the Applicant shall provide design calculations for the proposed sign to be installed within the municipal right-of-way. All signs to be located within the City's right-of-way shall be designed using the City of White Plains Building Code wind loading requirements.

2. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works, dated July 22, 2015, lighting for signs with the right-of-way shall be back-lit, or if light fixtures are to be used to illuminate the signs, such fixtures shall be closely shielded, so that bulbs cannot be seen from the road and to reduce glare, sky glow, and light trespass to the greatest extent possible.

3. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works, dated July 22, 2015, all underground electrical wiring within the right-of-way must be run in adequately sized and approved conduit, installed within an 18" inch minimum cover. No direct burial of electrical wiring shall be permitted.

4. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works, dated July 22, 2015, any municipal utilities, retaining walls, pavement, sidewalk, curbing, grass area, etc. disturbed and/or damaged during construction must be replaced/repared at the Applicant's expense.

5. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works, dated July 22, 2015, the Applicant must prevent soil from entering the right-of-way by providing measures to prevent dirt from being tracked through the existing parking area and entrance road.

6. As per the recommendation set forth in the communication of the Acting

Commissioner of Public Works, dated July 22, 2015, all outstanding Department of Public Works comments contained in a communication dated June 3, 2015 to the Board of Appeals, application #Z-2015-16, must be addressed by the Applicant to the satisfaction of the Commissioner of Public Works prior to the issuance of a Building Department permit.

7. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated July 22, 2015, the symbol used for the accessible parking space signs and markings shall conform to the new universal symbol design ( Section 101 of New York State Executive Law).

8. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated July 22, 2015, there are numerous existing regulatory warning (i.e. stop, do not enter pedestrian crossing) type traffic control signs throughout the site that are posted too low and some have sharp corners which represent a significant safety hazard to pedestrians (potential eye injuries). All traffic control signs must be reflective, have rounded corners and be posted at a height of seven (7) feet to the bottom of the sign unless the sign is located in a protected area or mounted on double posts with no corners exposed. These signs shall be identified as part of the proposed plan.

9. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated July 22, 2015, the directional signs shall have the arrow to the left of the verbiage if the direction is to the left. If the direction is to the

right, the arrow shall be to the right of the verbiage.

10. As per the recommendation set forth in the communication of the Environmental Officer dated July 27, 2015, the amended site plan approval is subject to the Soil Erosion and Sedimentation Control Measures and Construction Phase and Post-Construction Maintenance measures listed in the Storm Water Management Report, prepared by John Meyer Consulting (JMC), dated November 19, 2014.

11. As per the recommendation set forth in the communication of the Environmental Officer dated July 27, 2015, to discourage pollutants being deposited directed into the City's local waterways through the City's storm water drainage system, all on site stormwater area drains, pavement drains, driveway or road drains, catch basins and trench drains shall include the environmental inscription "DUMP NO WASTE-DRAINS TO WATERCOURSE" permanently cast into all metal frames, grates and curb plates.

12. As per the recommendation set forth in the communication of the Conservation Board dated July 21, 2015, at a minimum, the nine (9) removed trees be replaced with a 2:1 ratio and at least eighteen (18) replacement trees be planted within the nearby parking lot.

13. As per the recommendation set forth in the communication of the Acting Chair of the Conservation Board dated July 21, 2015, the proposed porous pavement shall be properly maintained and vacuumed at least every two (2) years to remove accumulated soil and debris to

maintain its performance as a pervious paved surface.

14. As per the recommendation set forth in the communication of the Chair of the Planning Board dated July 23, 2015, the Applicant should consider providing electric vehicle charging stations and preferred parking for hybrid vehicles to further enhance the green improvements.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH OSG MAMARONECK, LLC TO PERMIT AN ENCROACHMENT IN THE CITY RIGHT-OF-WAY IN CONNECTION WITH A PROPERTY IDENTIFICATION SIGN FOR 1311 MAMARONECK AVENUE.**

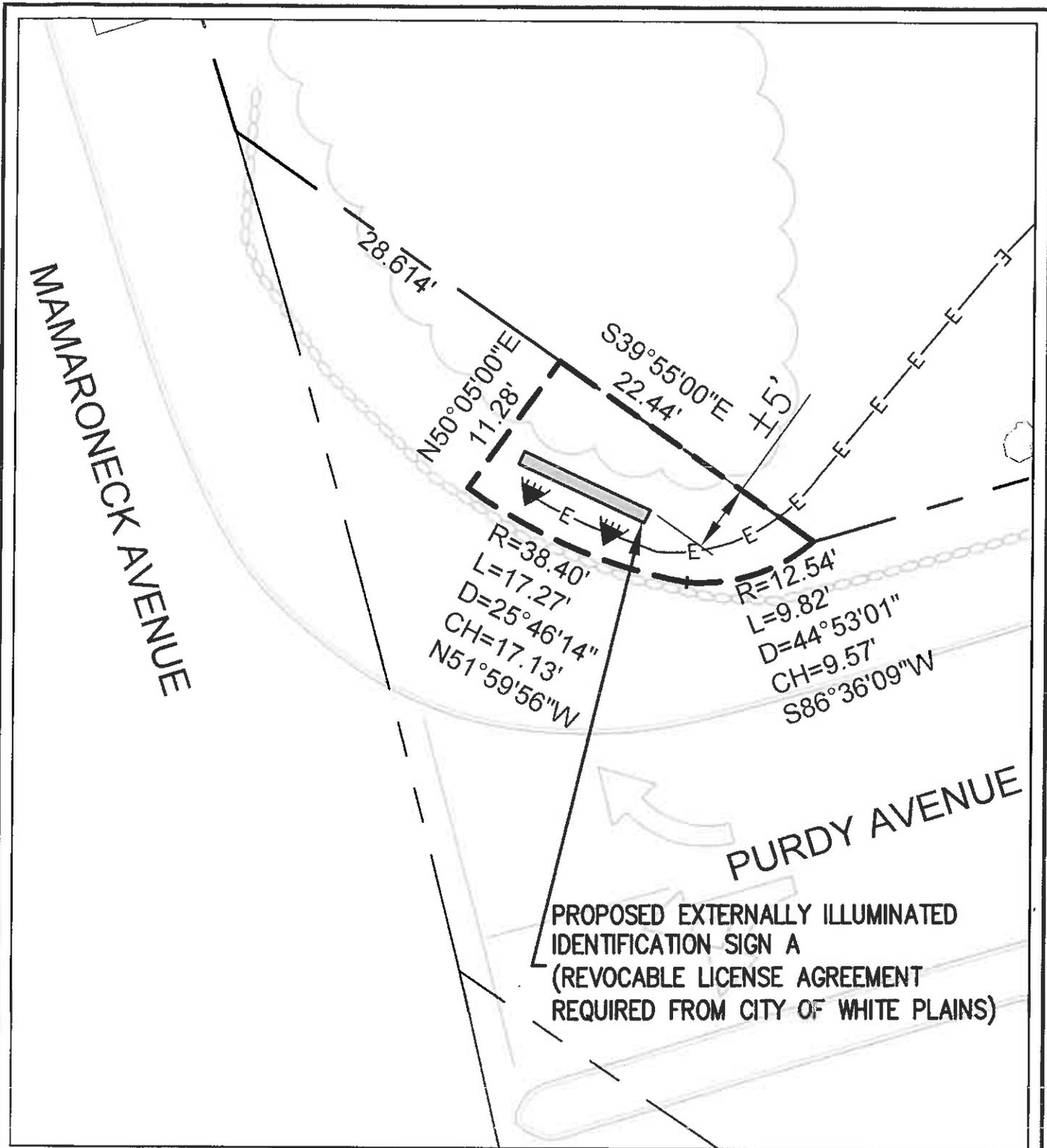
The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. In connection with the installation and maintenance of a lighted property identification sign at the corner of Mamaroneck Avenue and Purdy Avenue by OSG Mamaroneck, LLC (the owner of the building at 1311 Mamaroneck Avenue) as approved by the Common Council in connection with a concurrent amended site plan application, the Common Council hereby approves the location of a lighted property identification sign with associated electrical wiring and lighting fixtures adjacent to 1311 Mamaroneck Avenue in the City right-of-way to be installed and maintained at the location indicated in the exhibit attached hereto.

§2. The Commissioner of Public Works is hereby authorized to enter into a revocable license agreement between OSG Mamaroneck, LLC and the City of White Plains, to permit the installation and maintenance of said lighted property identification sign with associated electrical wiring and lighting fixtures at the location shown on the attached exhibit in the City right of way at the corner of Mamaroneck Avenue and Purdy Avenue, as shown in greater detail on the amended site plan previously approved by the Common Council on this date, for an annual fee of Two Hundred Fifty (\$250.00) Dollars. Permission shall also be given for OSG Mamaroneck, LLC to apply for any permits needed to install and maintain said lighted property identification sign with associated electrical wiring and lighting fixtures. Said agreement shall be in a form to be approved by the Corporation Counsel.

§3. This ordinance shall take effect immediately.

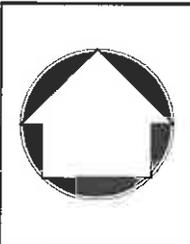
48



**PARKER CORPORATE CENTER IMPROVEMENTS**  
1311 MAMARONECK AVENUE WHITE PLAINS, NEW YORK

**IDENTIFICATION SIGN LICENSING AREA PLAN**  
DATE: 07/21/2015 JMC PROJECT: 14045

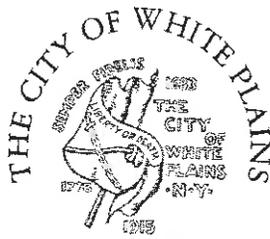
FIGURE: 1 SCALE: 1" = 10'



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ARMONK  
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JMCPLLC.COM



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

(914) 422-1241 • FAX (914) 422-1231

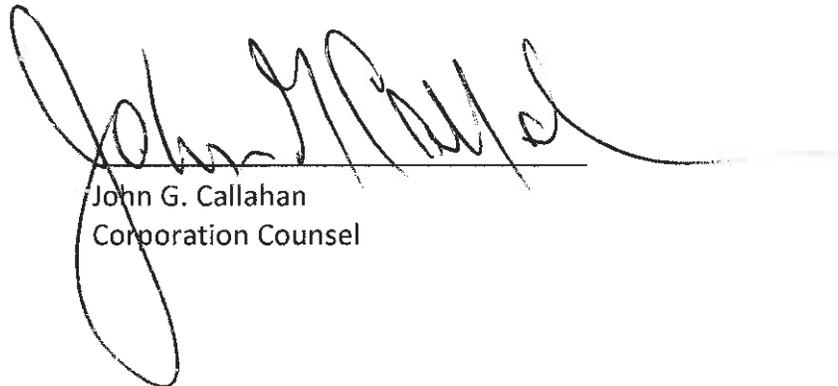
**JOHN G. CALLAHAN**  
Corporation Counsel

**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 for your consideration is an ordinance authorizing the Corporation Counsel to retain special counsel to provide services relating to the defense of the Respondents/Defendants in a lawsuit entitled, *French-American School of New York v. Mayor Thomas Roach and the Common Council of the City of White Plains*, Index No. 2967-15, and/or any related matters, in an amount not to exceed \$100,000. The proposed ordinance also authorizes providing the necessary funds from the general fund reserve for financing.



John G. Callahan  
Corporation Counsel

Date: September 3, 2015  
(for the Common Council Meeting  
of September 8, 2015)

AN ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO EMPLOY SPECIAL COUNSEL TO PROVIDE LITIGATION SERVICES AND PROVIDING FUNDS FROM THE GENERAL FUND RESERVE FOR FINANCING.

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

Section 1. The Corporation Counsel is hereby authorized to employ special counsel to provide professional services relating to the defense of the Respondents/Defendants in a lawsuit entitled the *French-American School of New York v. Mayor Thomas Roach and the Common Council of the City of White Plains*, Index No. 2967-15, and/or any related matters, in an amount not to exceed \$100,000, including reasonable disbursements.

Section 2. To provide the necessary funding of \$100,000 for services provided by special counsel, the Mayor is hereby authorized to direct the Budget Director to transfer funds from the General Fund Reserve for Financing for FY 2015-2016 as follows:

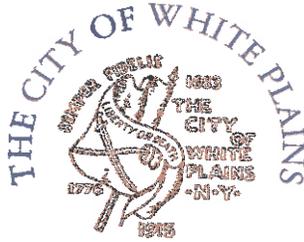
TRANSFER FROM:

A002-9.990	Reserve for Financing	<u>\$ 100,000</u>
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TRANSFER TO:

A012-4.004	Litigation	<u>\$ 100,000</u>
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Section 3. This ordinance shall take effect September 3, 2015.



**"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**

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, 2015.

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, 2016.

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

Sincerely,

---

Thomas M. Roach  
Mayor

Dated: August 25, 2015 for the  
September 8, 2015 Common Council Meeting

**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 2, 2014 for the period September 11, 2014 to September 11, 2015, is hereby amended to read as follows:

Section 10. This Ordinance shall take effect September 11, 20~~14~~<sup>15</sup> and shall expire on September 11, 20~~15~~<sup>16</sup>.

Section 2. This Ordinance shall take effect immediately.



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

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

The Capital Projects Board has recommended a capital project for Renovations to City Facilities to correct structural problems and lower maintenance costs as part of the FY 2015-16 Capital Improvement Program.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts to undertake the renovations at various City facilities. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5464, entitled "**Renovations to City Facilities FY2016**" as follows:

**REVENUES**

C5464-08810	Serial Bonds	<u>\$151,500</u>
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**EXPENDITURES**

C5464-4.005	Finance and Auditing	\$ 1,500
C5464-8.106	Major Additions-Improvements	<u>150,000</u>
		<u>\$151,500</u>

It is further requested that issuance of \$151,500 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

September 8, 2015



**ENVIRONMENTAL OFFICER**

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

September 3, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5464  
RENOVATIONS TO CITY FACILITIES FY2016

The proposed Capital Project No. C5464, entitled "Renovations to City Facilities FY2016", has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

This project involves renovations, repairs and upgrades for various city facilities.

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

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Rod Johnson".

---

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. C5464, Renovations to City Facilities

WHEREAS, the proposed Capital Project No. C5464, entitled "Renovations to City Facilities FY2016," ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves renovations, repairs and upgrades for various city facilities; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, designate itself as the Lead Agency for the environmental review of the Proposed Action; and

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations in that it involves the renovations, repairs and upgrades for various city facilities. which do not represent significant changes to those facilities; now, therefore, be it

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

RESOLVED, that the Common Council hereby determines that the Proposed Action is a Type II Action and that no additional SEQR review or finding is necessary.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5464 ENTITLED, "RENOVATIONS TO CITY FACILITIES FY 2016."**

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended a capital project for Renovations to City Facilities to correct structural problems and lower maintenance costs as part of the FY 2015-16 Capital Improvement Program.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5464, entitled, "**Renovations to City Facilities FY 2016**," with a budget as follows:

**REVENUES:**

C5464-08810	Serial Bonds	<u>\$151,500</u>
-------------	--------------	------------------

**EXPENDITURES:**

C5464-4.005	Finance and Auditing	\$ 1,500
C5464-8.106	Major Additions-Improvements	<u>150,000</u>
		<u>\$151,500</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$151,500, and to advance funds, as necessary, from the General Fund, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED SEPTEMBER 8, 2015, AUTHORIZING THE ISSUANCE OF \$151,500 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF CLASS "A" BUILDINGS.**

**WHEREAS**, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of class "A" buildings for municipal use, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$151,500, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law;

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$151,500, pursuant to the Local Finance Law, in order to finance the costs of the reconstruction of class "A" buildings for municipal use (the "Project").

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$151,500, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of

such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took “official action” for federal income tax purposes to authorize capital financing of such expenditure.

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

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

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

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds

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

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common

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

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

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

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



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

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

The Capital Projects Board has recommended a project entitled "A/C Replacement for the Communications Room in the Public Safety Building" in the Capital Improvement Program for 2015-16. This project includes the replacement of the air condition system for the communications room at the Public Safety Building. This climate control system is vital to the operations of the room's array of computerized equipment. A temporary unit designed and installed by Public Works personnel, is currently in operation.

Submitted herein is legislation which would authorize the Mayor to direct the Commissioners of Public Safety and Purchase to enter into various contracts, as necessary, to replace the air conditioning system. The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing **Capital Project C5465**, entitled "A/C Replacement-Communications Room," and to establish a project budget as follows:

REVENUES

C5465-08810	Serial Bonds	<u>\$ 202,000</u>
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EXPENDITURES

C5465-4.005	Finance and Auditing	\$ 2,000
C5465-8.106	Major Additions/Improvements	<u>200,000</u>
		<u>\$ 202,000</u>

It is also requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$202,000 of serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

September 8, 2015

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5465 ENTITLED, "A/C REPLACEMENT-COMMUNICATIONS ROOM."**

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

Section 1. As part of a continuing program for Capital Improvements, the City's Capital Projects Board has recommended a capital project entitled, "A/C Replacement for the Communications Room in the Public Safety Building." This project includes the replacement of the air condition system for the communications room at the Public Safety Building. This climate control system is vital to the operations of the room's array of computerized equipment. A temporary unit designed and installed by Public Works personnel is currently in operation.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5465, entitled, "**A/C Replacement-Communications Room**," with a budget as follows:

**REVENUES:**

C5465-08810	Serial Bonds	<u>\$202,000</u>
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**EXPENDITURES:**

C5465-4.005	Finance and Auditing	\$ 2,000
C5465-8.106	Major Additions/Improvements	<u>200,000</u>
		<u>\$202,000</u>

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$202,000, and to advance funds, as necessary, from the General Fund, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED SEPTEMBER 8, 2015 AUTHORIZING THE ISSUANCE OF \$202,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE INSTALLATION OR RECONSTRUCTION OF A HEATING, VENTILATION AND AIR CONDITIONING SYSTEM IN A CLASS A BUILDING.**

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of installation or reconstruction of a heating, ventilation and air conditioning system in a Class A building (Public Safety Building), as that term is defined in Subdivision 11 of Section 11.00 of the Local Finance Law, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$202,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law;

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$202,000, pursuant to the Local Finance Law, in order to finance the costs of the installation or reconstruction of a heating, ventilation and air conditioning system in a Class A building, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$202,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took “official action” for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

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

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

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

same shall become due.

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

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

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

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

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



**DEPARTMENT OF FINANCE**

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

Thomas M. Roach  
Mayor

Michael A. Genito  
Commissioner of Finance

Carol Endres  
Deputy Commissioner

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

In preparing the financial statements for the fiscal year ending June 30, 2015, the City must estimate and record accruals of certain obligations that will be paid in subsequent fiscal year(s).

It is requested that the Mayor be authorized to direct the Budget Director to make the following budget transfers within the Self Insurance Fund to record such accrued liabilities with an effective date of June 30, 2015:

Transfer From:

A043-9.990	Reserve for Financing	\$109,830
A043-4.008	Legal Services	10,000
A043-4.023	Program Services	4,325
A043-4.053	Workers Comp Board Assessments	10,125
A043-4.054	Insurance Consultants	8,995
		<u>\$143,275</u>

Transfer To:

S001-4.108	General Liability	<u>\$143,275</u>
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It is further requested that the Commissioner of Finance be authorized to receive and disburse funds accordingly.

Respectfully submitted,

Michael A. Genito  
Commissioner of Finance

Dated: August 14, 2015  
(For the Common Council Meeting of September 8, 2015)

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AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE SELF INSURANCE FUND TO RECORD ACCRUED LIABILITIES WITH AN EFFECTIVE DATE OF JUNE 30, 2015

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

Section 1. In preparing the financial statements for the fiscal year ending June 30, 2015, the City must estimate and record accruals of certain obligations that will be paid in subsequent fiscal year(s).

Section 2. The Mayor is hereby authorized to direct the Budget Director to process the following budget transfers within the Self Insurance Fund to record such accrued liabilities with an effective date of June 30, 2015:

TRANSFER FROM:

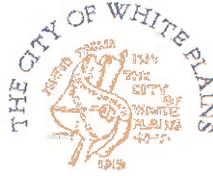
A043-9.990	Reserve for Financing	\$109,830
A043-4.008	Legal Services	10,000
A043-4.023	Program Services	4,325
A043-4.053	Workers Comp Board Assessments	10,125
A043-4.054	Insurance Consultants	<u>8,995</u>
		<u>\$143,275</u>

TRANSFER TO:

S001-4.108	General Liability	<u>\$143,275</u>
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Section 3. The Commissioner of Finance is hereby authorized to receive and direct funds accordingly.

Section 4. This ordinance shall take effect June 30, 2015.



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

Thomas M. Roach  
Mayor

Frank Williams, Jr.  
Executive Director

August 10, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The White Plains Youth Bureau was awarded a grant in the amount of \$20,000 by the Workforce Development Institute, Inc. (WDI), to provide training equipment for Career Pathways Program, a program that provides vital job skills training in high growth, high priority industries (health care and tech) to the under and unemployed. The Workforce Development Institute, Inc. envisions that successful completion of the program will result in increased employability and will make participants eligible to obtain higher paying employment. The grant period is August 10, 2015 to December 31, 2015. I am requesting that the Mayor be authorized to receive this fund and it is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Bureau's Youth Development Fund accordingly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Williams, Jr.".

Frank Williams, Jr.  
Director Youth Bureau

For: September 8, 2015 Common Council Meeting

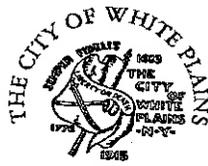
**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE WORKFORCE DEVELOPMENT INSTITUTE, INC. (WDI) TO RECEIVE \$20,000 IN FUNDING TO PROVIDE TRAINING EQUIPMENT FOR THE CAREER PATHWAYS PROGRAM FOR A PERIOD FROM AUGUST 10, 2015 TO DECEMBER 31, 2015 AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FISCAL YEAR 2015-2016 YOUTH BUREAU'S YOUTH DEVELOPMENT FUND.**

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 execute an agreement with the Workforce Development Institute, Inc. (WDI), to receive \$20,000 in funding to provide training equipment for the Career Pathways Program, a program that offers vital job skills training in high growth, high priority industries (health care and technology) to the under and unemployed. The grant period begins August 10, 2015 and terminates on December 31, 2015. Said agreement shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is further authorized to direct the Budget Direct to amend the Fiscal Year 2015/2016 the Youth Bureau's Youth Development Fund accordingly.

Section 3. This ordinance shall take effect as of August 10, 2015.



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

Thomas M. Roach  
Mayor

Elisabeth Wallace  
Personnel Officer

Debra Clay  
Deputy Personnel Officer

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

Dear Mayor and Council Members:

The following recommendations are made requiring amendments to the Compensation and Leave Plan and to the 2015-2016 Table of Organization:

Reallocate the M&C title of Garage and Shop Superintendent from Grade 16 to Grade 15.

Add a position of Design Coordinator (Grade 14) in the Department of Public Works-Engineering.

Abolish a position of Drafter III (Grade 13) in the Department of Public Works-Engineering.

Establish a new title and add (2) positions of Engineering Technician (Grade 9) in the Department of Public Works-Engineering.

Delete the title and abolish (2) positions of Engineering Assistant (Grade 9) in the Department of Public Works-Engineering.

An ordinance amending the Compensation and Leave Plan and the 2015-2016 Table of Organization is transmitted herewith for Council deliberation.

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: September 8, 2015

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AN ORDINANCE AMENDING SECTIONS 2-5-77 AND 2-5-81 OF THE WHITE PLAINS MUNICIPAL CODE BY REALLOCATING, ESTABLISHING AND DELETING CERTAIN POSITION TITLES, AND AMENDING THE 2015-2016 TABLE OF ORGANIZATION BY ADDING AND ABOLISHING CERTAIN POSITIONS.

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

Section 1. Section 2-5-77. Appendix 2b, Managerial/Confidential, of the White Plains Municipal Code is hereby amended as follows:

**REALLOCATE**

Department of Public Works

<u>Position Title</u>	<u>From Salary Group</u>	<u>To Salary Group</u>
Garage and Shop Superintendent	16	15

§2. 2-5-81, Appendix 6a of the White Plains Municipal Code is hereby amended as follows:

**ESTABLISH**

<u>Position Title</u>	<u>Salary Group</u>
Engineering Technician	9

**DELETE**

<u>Position Title</u>	<u>Salary Group</u>
Engineering Assistant	9

*Cde*

§3. The Table of Organization for the 2015-2016 Tax Budget is hereby amended by adding and abolishing the following positions:

**ADD**

<u>Department</u>	<u>Position Title</u>	<u>Salary Group</u>
Public Works-Engineering	Design Coordinator	14
	(2) Engineering Technician	9

**ABOLISH**

<u>Department</u>	<u>Position Title</u>	<u>Salary Group</u>
Public Works-Engineering	Drafter III	13
	(2) Engineering Assistant	9

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

§5. This Ordinance shall take effect September 14, 2015.

THOMAS M. ROACH  
MAYOR



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

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

JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

**Re: RENEWAL OF MINERVA-KENSICO LEASE**

The Minerva-Kensico parking lot has been leased by the Department of Parking and the former Parking Authority since 1984 and provides critical parking for area residents.

The current lease for the Minerva-Kensico parking lot with Ken-Min Partners was authorized by the Common Council in September 2014 and expired on June 30, 2015.

The parties seek to enter into a similar arrangement for a term of one year, expiring on June 30, 2016. It is anticipated that the annual base rent for the use of this property for 2015/2016 will be approximately \$13,125.

Submitted herewith for your consideration is an ordinance authorizing the Mayor, or his designee, to enter into the said lease agreement.

Respectfully submitted,

John P. Larson, Commissioner  
CWP - Department of Parking

Dated: September 8, 2015

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A ONE YEAR LEASE AGREEMENT FOR THE LEASE OF THE MINERVA/KENSICO PARKING LOT.

WHEREAS, since 1984, the Minerva/Kensico Parking Lot (SBL: 125.63-6-18) has been leased by the former White Plains Parking Authority and the City of White Plains for the exclusive use as a public parking area to provide critical parking for area residents; and

WHEREAS, the most current lease agreement expired on June 30, 2015, and the parties have been in the process of negotiating a successor agreement; and

WHEREAS, these negotiations have been productive, the parties have agreed to enter into a new one (1) year agreement, commencing on July 1, 2015, and expiring on June 30, 2016, the consideration to be paid for this one year lease period is anticipated to be approximately \$13,125.00; and

WHEREAS, it is in the best interests of the City to enter into this lease agreement to secure this real property for the continued use as a public parking facility.

NOW, THEREFORE,

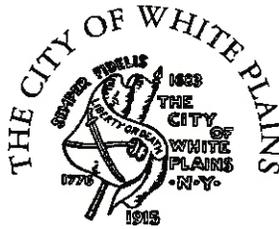
The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor or his designee, is hereby authorized to enter into a one (1) year

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lease agreement, effective July 1, 2015, and expiring June 30, 2016, with Ken-Min Partners, for the lease of the real property known as the Minerva/Kensico Parking Lot, for an annual base rent of approximately \$13,125. Said lease agreement shall be in a form acceptable to the Corporation Counsel.

Section 2. This ordinance shall take effect July 1, 2015.



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

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THOMAS M. ROACH  
MAYOR

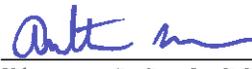
THOMAS J. SOYK, P.E., PTOE  
DEPUTY COMMISSIONER

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

Submitted herewith is an ordinance amending the Traffic Ordinance of the City of White Plains as follows;

- 1.) Modify a "Handicapped Parking Spaces-Streets (Non Metered)" on the east side of Ferris Avenue as described in Section 755-A Subdivision 12.

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

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

Dated: August 26, 2015 (for the September 8, 2015 Common Council Meeting)

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**AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A “HANDICAPPED PARKING SPACES-STREETS (NON-METERED)” ON THE EAST SIDE OF FERRIS AVENUE.**

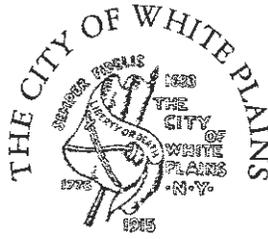
The Common Council of the City of White Plains hereby ordains and enacts as follows:

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

Section 1. Article VII-A, Section 755-A, Subdivision 12 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 6th day of July 2010, is hereby amended to read as follows:

12. Ferris Avenue, on the east side, for approximately ~~20~~ 90 feet northerly beginning at a point approximately 35 feet south of the driveway to Gardella Pool.

Section 2. This ordinance shall take effect immediately.



**DEPARTMENT OF LAW**

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

(914) 422-1241 • FAX (914) 422-1231

**JOHN G. CALLAHAN**  
Corporation Counsel

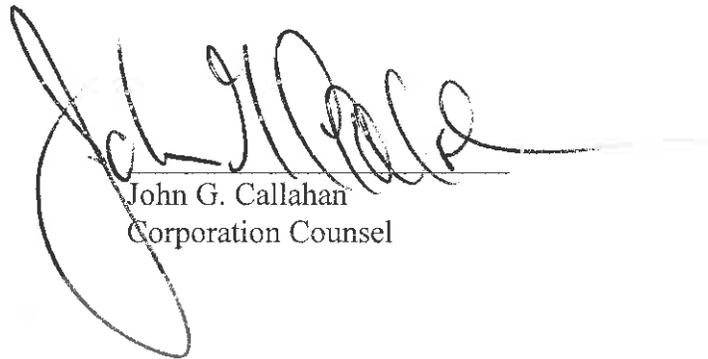
**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

The Law Department has received the application submitted on behalf of 166 WP Hospitality, LLC ("Applicant") for a special permit to operate a cabaret at the Copper Face Jacks Sports Bar and Grill located at 166B Mamaroneck Avenue.

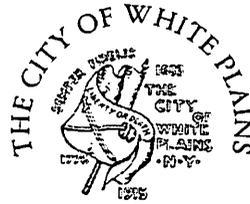
Special permits require a public hearing to be held prior to taking action. Accordingly, a resolution scheduling a public hearing on this application for October 5, 2015 is submitted herewith for your consideration.



John G. Callahan  
Corporation Counsel

Dated: September 2, 2015  
(For the Common Council Meeting  
of September 8, 2015)

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

Dear Mayor and Council Members:

Submitted, herewith, for your review and appropriate action, pursuant to Section 6.4, 6.5 and 6.7.10 of the White Plains Zoning Ordinance, is an application filed on August 10, 2015 on behalf of 166 WP Hospitality., for a Special Permit for a "Cabaret" use at "Copper Face Jacks Sports Bar and Grill," 166B Mamaroneck Avenue, White Plains, New York. The present and future use of the property is an Assembly (A-3) use group and is located within a CB 1 Zoning District.

The Department of Building has reviewed the application for zoning compliance only, and advises as follows:

**A.) PROPOSED USE**

A cabaret is a Special Permit Use subject to Common Council approval following a public hearing.

**Type of Business**

Copper Face Jacks occupies approximately 2,300 square feet (total gross floor area) on the ground floor of 166B Mamaroneck Avenue. The space houses a kitchen, a dining area and a bar. The business operates seven days a week and is engaged in preparing food which is served to patrons seated at tables. Patrons select food from a full menu and table service is accommodated via a wait staff.

**Type of Cabaret**

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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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, dated July 27, 2015, the net floor area of the restaurant is 1,827 square feet. The applicant is proposing to dedicate 540 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation. This equates to approximately 30% of the net floor area. As the 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".

**B.) SEPARATION STANDARD**

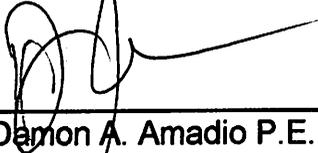
Section 6.7.10 of the Zoning Ordinance requires that "cabarets shall not be located within 150 feet of any residential district line nor within 200 feet of any lot line of a place of worship." The premises are located within a CB-1 Zoning District. The proposed cabaret to be established is in excess of 500 feet from the RM-1 Residential District along Maple Avenue.

**C.) PARKING**

These premises are legally non-conforming with regard to providing required on-site parking, however, the parking requirements for "Cabarets" are the same as for the existing restaurant / bar.

This information is sufficient for referral to appropriate city departments and boards for review.

**Respectfully Submitted,**



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

**Dated: August 24, 2015  
(for the September 8 Common Council meeting)**

**Submission: A letter from Mr. Ben Prior dated August 8, 2015; a letter from Silverman Realty Group Inc. dated August 10, 2015; a Short Form Building Permit Application dated July 1, 2105; a Short Environmental Assessment Form dated August 10, 2015 and architectural plans OC-1 and OC-2 dated July 27, 2015 as prepared by Kent Johnsson Architect.**

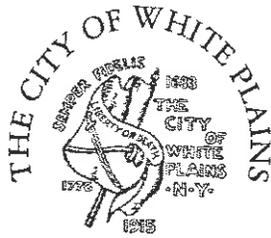
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR OCTOBER 5, 2015 IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF 166 WP HOSPITALITY, LLC (“APPLICANT”) FOR A SPECIAL PERMIT TO OPERATE A CABARET AT THE COPPER FACE JACKS SPORTS BAR AND GRILL LOCATED AT 166B MAMARONECK AVENUE.

RESOLVED, that a public hearing in relation to the application submitted on behalf of 166 WP Hospitality, LLC (“Applicant”) for a special permit to operate a cabaret at the Copper Face Jacks Sports Bar and Grill located at 166B Mamaroneck Avenue will be held before the Common Council on October 5, 2015 at 7:30 p.m. in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is directed to give notice of said public hearing pursuant to and in accordance with Sections 6.4.2, 12.2.2 and 12.7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”); and be it further

RESOLVED, that the City Clerk is hereby directed to forward a certified copy of this resolution to the Applicant; and

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



**DEPARTMENT OF LAW**

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

(914) 422-1241 • FAX (914) 422-1231

**JOHN G. CALLAHAN**  
Corporation Counsel

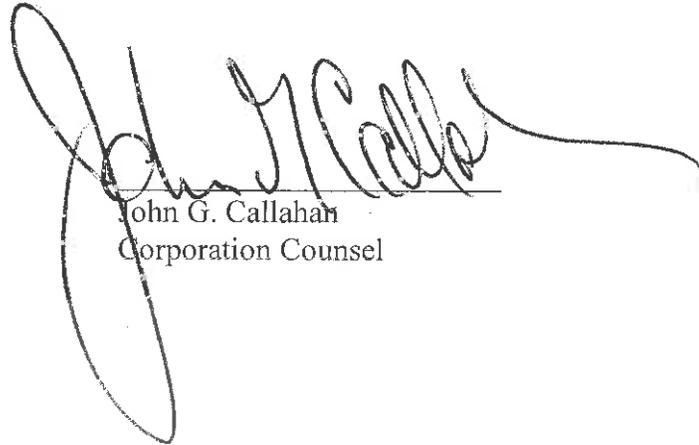
**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**DANIEL K. SPENCER**  
Deputy Corporation Counsel

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

The Law Department has received the application submitted on behalf of 166 WP Hospitality, LLC ("Applicant") for a special permit to operate a cabaret at the Black Bear Sports Bar and Grill located at 166A Mamaroneck Avenue.

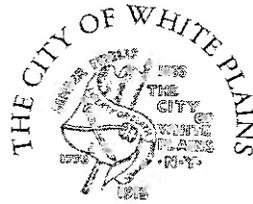
Special permits require a public hearing to be held prior to taking action. Accordingly, a resolution scheduling a public hearing on this application for October 5, 2015 is submitted herewith for your consideration.



John G. Callahan  
Corporation Counsel

Dated: September 2, 2015  
(For the Common Council Meeting  
of September 8, 2015)

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

Dear Mayor and Council Members:

Submitted, herewith, for your review and appropriate action, pursuant to Section 6.4, 6.5 and 6.7.10 of the White Plains Zoning Ordinance, is an application filed on August 10 2015 on behalf of 166 WP Hospitality., for a Special Permit for a "Cabaret" use at "Black Bear Sports Bar and Grill," 166A Mamaroneck Avenue, White Plains, New York. The present and future use of the property is an Assembly (A-3) use group and is located within a CB 1 Zoning District.

The Department of Building has reviewed the application for zoning compliance only, and advises as follows:

**A.) PROPOSED USE**

A cabaret is a Special Permit Use subject to Common Council approval following a public hearing.

**Type of Business**

Black Bear occupies approximately 2,300 square feet (total gross floor area) on the ground floor of 166A Mamaroneck Avenue. The space houses a kitchen, a dining area and a bar. The business operates seven days a week and is engaged in preparing food which is served to patrons seated at tables. Patrons select food from a full menu and table service is accommodated via a wait staff.

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### Type of Cabaret

The Zoning Ordinance now 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, dated July 27, 2015, the net floor area of the restaurant is 1,698 square feet. The applicant is proposing to dedicate 411 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation. This equates to approximately 24% of the net floor area. As the 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".

#### **B.) SEPARATION STANDARD**

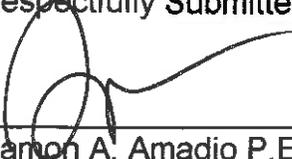
Section 6.7.10 of the Zoning Ordinance requires that "cabarets shall not be located within 150 feet of any residential district line nor within 200 feet of any lot line of a place of worship." The premises are located within a CB-1 Zoning District. The proposed cabaret to be established is in excess of 500 feet from the RM-1 Residential District along Maple Avenue.

#### **C.) PARKING**

These premises are legally non-conforming with regard to providing required on-site parking, however, the parking requirements for "Cabarets" are the same as for the existing restaurant / bar.

This information is sufficient for referral to appropriate city departments and boards for review.

Respectfully Submitted,



---

Damon A. Amadio P.E.  
Commissioner of Building

Dated: August 24, 2015  
(for the September 8 Common Council meeting)

Submission: A letter from Mr. Ben Prior dated August 8, 2015; a letter from Silverman Realty Group Inc. dated August 10, 2015; a Short Form Building Permit Application dated July 1, 2105; a Short Environmental Assessment Form dated August 10, 2015 and architectural plans OC-1 and OC-2 dated July 27, 2015 as prepared by Kent Johnsson Architect.

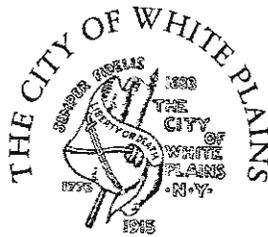
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR OCTOBER 5, 2015 IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF 166 WP HOSPITALITY, LLC (“APPLICANT”) FOR A SPECIAL PERMIT TO OPERATE A CABARET AT THE BLACK BEAR SPORTS BAR AND GRILL LOCATED AT 166A MAMARONECK AVENUE.

RESOLVED, that a public hearing in relation to the application submitted on behalf of 166 WP Hospitality, LLC (“Applicant”) for a special permit to operate a cabaret at the Black Bear Sports Bar and Grill located at 166A Mamaroneck Avenue will be held before the Common Council on October 5, 2015 at 7:30 p.m. in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is directed to give notice of said public hearing pursuant to and in accordance with Sections 6.4.2, 12.2.2 and 12.7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”); and be it further

RESOLVED, that the City Clerk is hereby directed to forward a certified copy of this resolution to the Applicant; and

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



**DEPARTMENT OF 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

In reviewing a resolution adopted on August 4, 2014, entitled "Resolution Approving Amendments to the Site Plans Submitted by AT&T Corp. With Respect to the Properties at 400 Hamilton Avenue and 440 Hamilton Avenue" in connection with a subsequent matter, it has come to the Law Department's attention there were errors in the text of the resolution.

Accordingly, submitted for your consideration is an resolution to correct those errors and to properly effectuate the approval of said requested site plan amendments. An environmental resolution was previously adopted on August 4, 2014 in connection with this approval.



John G. Callahan  
Corporation Counsel

Dated: September 2, 2015  
(for the September 8, 2015 meeting  
of the Common Council)

RESOLUTION APPROVING AMENDMENTS TO THE SITE PLANS  
SUBMITTED BY AT&T CORP. WITH RESPECT TO THE PROPERTIES AT 400  
HAMILTON AVENUE AND 440 HAMILTON AVENUE.

WHEREAS, the Common Council, at its meeting on July 7, 2014, received an application, submitted by AT&T Corp. ("Applicant"), pursuant to Section 7 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), for an amendment to its site plans for the properties at 400 Hamilton Avenue and 440 Hamilton Avenue, reallocating the land area attributed to each approved site plan, both properties being subject to special zoning conditions affecting individual properties previously adopted by the Common Council under the former Zoning Ordinance and denominated as "**S Zones**" under the current zoning ordinance; and

WHEREAS, 400 Hamilton Avenue (also known as Map No. 125.68, Block 1, Lot 3) is presently located within both the CB-3 (Core Business-3) and RM-0.35 (Residential Multi-Family) zoning districts; and

WHEREAS, 400 Hamilton Avenue was originally constructed pursuant to an Ordinance adopted February 5, 1953 by the Common Council, which classified the property as B-4 (Central Retail and Office) district at that time and required that not less than 136 parking spaces be constructed for the approved building; and

WHEREAS, no later amendments to approved site plans for 400 Hamilton Avenue have required any additional parking; and

WHEREAS, 440 Hamilton Avenue (also known as Map No. 125.68, Block 1, Lot 2 which lot consists of two discontinuous areas at opposite ends of the property), is presently located within both the CB-3 (Core Business-3) and RM 0.35 (Residential Multi-Family) zoning districts; and

WHEREAS, 440 Hamilton Avenue was originally constructed as a seven story building pursuant to an Ordinance adopted November 5, 1962 by the Common Council, which classified the property as B-4 (Central Retail and Office) district at that time and stated no required parking for the building; and

WHEREAS, the Common Council approval of the building permit for 440 Hamilton Avenue assumed that adequate parking existed in the adjacent parking lot facing Barker Avenue; and

WHEREAS, a six story vertical addition was added to 440 Hamilton Avenue pursuant to a resolution adopted by the Common Council on October 28, 1969, which required that 120 additional parking spaces be provided; and

WHEREAS, no later amendments to approved site plans for 440 Hamilton Avenue have required any additional parking; and

WHEREAS, although an off-site parking lot was thereafter constructed for the use of 400 and 440 Hamilton Avenue on a lot bounded by Church Street, Cottage Place, Barker Avenue and Rockledge Avenue, said site was redeveloped by Avalonbay Communities Inc. and the resolution approving that redevelopment, originally adopted on June 5, 2006 and extended by resolution adopted August 6, 2007, found that the AT&T off-site parking lot had been minimally used for years, and that adequate parking existed for 400 and 440 Hamilton Avenue at their on-site parking lot primarily facing Barker Avenue; and

WHEREAS, the application includes the following:

a. An application for a building permit application dated May 12, 2014;

b. A communication dated June 24, 2014 from William S. Null, Esq., of Cuddy & Feder;

c. Various deeds, surveys and existing tax maps showing the current allocation (i.e by tax lot) of land to the site plans for 400 Hamilton Avenue and 440 Hamilton Avenue as well as the proposed reallocation of land between the two approved site plans; and

WHEREAS, the Applicant has proposed no change to current buildings or any of the site improvements; and

WHEREAS, in support of the proposed reallocation of the proposed property associated with each building and site plan, Applicant has submitted a survey prepared by Charles H. Sells, Inc. entitled "Survey Showing Proposed Tax Lot Lines Prepared For AT&T Corp." dated January 8, 2008; and

WHEREAS, the proposed land area for the 400 Hamilton site plan will be generally rectangular along Hamilton Avenue, being more particularly described in Schedule A attached to the deed from AT&T Corp. TO AT&T Corp. dated April 1, 2013, and recorded in the Westchester County Clerk's Office, Division of Land Records on April 4, 2013 at Control # 530793681, and will no longer have an encroachment by the building known as 440 Hamilton Avenue within its lot area; and

WHEREAS, the proposed land area for 440 Hamilton Avenue will consist of the remainder of the two properties fronting on Barker Avenue, Hamilton Avenue and North Broadway, being more particularly described in Schedule A attached to the deed from AT&T Corp. to AT&T Corp. dated April 1, 2013, and recorded in the Westchester County Clerk's Office, Division of Land Records on

April 4, 2013 at Control # 530793715; and

WHEREAS, currently 357 parking spaces are available for the use of the two buildings primarily located on the land allocated to the 400 Hamilton Avenue site plan; and

WHEREAS, after the reallocation of the land between the two site plans, only 51 parking spaces will be available on the proposed land area for 400 Hamilton Avenue; and

WHEREAS, the Applicant has agreed to record a perpetual easement against the 440 Hamilton Avenue land area for access to and use of 85 parking spaces on that property in favor of the 400 Hamilton Avenue land area which will provide 136 parking spaces for the use of 400 Hamilton Avenue; and

WHEREAS, the Commissioner of Building determined that the instant site plan amendment application, because it amends the design documents of two "S Zone" properties, is required to be reviewed as an amendments to both site plans under Section 7.7.2 of the Zoning Ordinance as required under Section 3.6.2 of the Zoning Ordinance; and

WHEREAS, pursuant to Section 7.2.1 of the Zoning

Ordinance, the Common Council is the approving agency for the site plan and any amendments thereto; and

WHEREAS, the application was referred to all necessary City departments and boards for their review, comments and recommendations and was also referred to the Westchester County Planning Board for its review and comments; and

WHEREAS, reports have been received from the Departments of Building, Planning, Parking, Parking/Traffic Division, Public Works, the Planning Board, the Traffic Commission and the Westchester County Planning Board and none of the reports had any objection to the requested change in the reallocation of the real property of 400 and 440 Hamilton Avenues among the two site plans; and

WHEREAS, the Common Council has reviewed and considered the comments from the aforementioned City departments and boards and the Westchester County Planning Board and has reviewed and considered the amended site plan 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 Sections 7.5.1 of the Zoning Ordinance, the proposed amendment will generally conform to the S Zones previously approved by the Common Council.

2. The vehicular and traffic circulation both within and without the two sites will not change and are acceptable in accordance with the provisions of Section 7.5.2 of the Zoning Ordinance.

3. The existing buildings are in harmony with the uses in the neighboring area and will preserve property values and protect the quality of the environment and the neighborhood in accordance with Section 7.5.3 and 7.5.4 of the Zoning Ordinance.

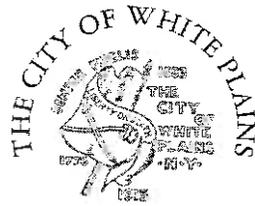
RESOLVED, that based upon the above findings, the Common Council determines that the standards of Section 7.5 of the Zoning Ordinance have been satisfied and that the amended site plan approvals of this application are hereby granted, subject to the following condition:

The Applicant shall record a perpetual easement against the 440 Hamilton site plan real property as described herein for access to and use of 85 parking spaces on that property in favor of

the 400 Hamilton site plan real property as described herein in a form and manner subject to the approval of the Corporation Counsel of the City of White Plains. Said amendment of the site plans shall not be effective until the recording of the aforementioned easement; and be it further

RESOLVED, that this resolution shall supercede the resolution adopted August 4, 2014 regarding these applications.

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 3, 2015, the Department of Building has reviewed a proposed amendment (dated July 17, 2015), to a previously approved site plan associated with One Maple Avenue (aka "The Source").

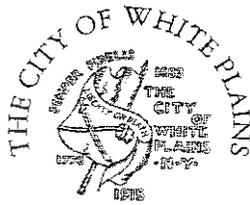
The proposed modifications include:

- (a) The installation of new windows on the westerly wall of the building;
- (b) The installation of new windows and two (2) new exit doors on the southerly wall;
- (c) The replacement of existing solid doors with glass doors on the southerly wall; and
- (d) The installation of skylights that extend approximately three to four feet above the roof level.

This department has no objection to this amendment being granted as long as window treatment (e.g. shades) is provided at all windows facing west.

Damon A. Amadio P.E.  
Commissioner of Building

DATED: August 24, 2015  
(for the September 8, 2015 Common Council Meeting)



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH  
Mayor

NORMAN DICHIARA, AIA  
Chairman

DAMON A AMADIO, P.E.  
Commissioner of Building

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

NICK PUJA  
Secretary

August 17, 2015

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on August 10, 2015, reviewed A proposed amendment to a previously approved site plan associated with One Maple Ave (aka "The Source"). Bloomingdale Road Investors LLC (the "Owner") and Hudson Gateway Association of Realtors (the "tenant") proposes to make certain exterior modifications at the 4<sup>th</sup> fl of the building in support of Hudson Gateway Association of Realtors occupancy of part of the 4<sup>th</sup> fl of The Source located at 1 Maple Ave, White Plains, NY.

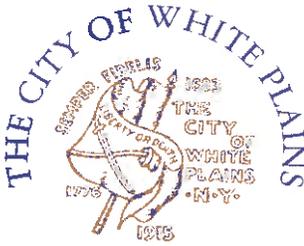
OUTCOME: The Design Review Board recommends approval of this application as submitted.

Norman DiChiara

Norman DiChiara, Chairman  
Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>



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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**SUBJECT: "THE SOURCE", BLOOMINGDALE ROAD AND MAPLE AVENUE  
SITE PLAN AMENDMENT**

PROJECT LOCATION

The property known as "The Source", formerly 100 Bloomingdale Road, is located at the corner of Maple Avenue and Bloomingdale Road within the City's B-1 Restricted Business "S" District. The site contains a 265,000 square foot four-story building and includes existing businesses such as Whole Foods, The Cheesecake Factory, Dick's Sporting Goods, and Raymour and Flanigan.

SITE PLAN AMENDMENT

Bloomingdale Road Investors, LLC (Owner) and Hudson Gateway Association of Realtors, Inc. (Tenant) submitted an application for a site plan amendment to the Common Council (dated August 3, 2015) seeking to make minor exterior modifications to the west side of the top floor, which was formerly the 4<sup>th</sup> floor of Fortunoffs. Specifically, the Applicant proposes to create a 15,614 square foot office and training room for Hudson Gateway Association, enabling it to relocate from its current office at 60 South Broadway. The changes to the exterior of the building consist of the following:

1. Installation of windows on the westerly wall of the building
2. Installation of windows and two new, solid, exit doors on the southerly wall
3. Replacement of existing solid doors with glass doors on the southerly wall; and
4. Installation of skylights that will extend approximately three to four feet above the roof level and provide natural light to the interior office spaces.

The Common Council referred the application to the Planning Department for evaluation and recommendation on August 3, 2015. The Planning Department has reviewed the application and offers the following comments, pursuant to Section 7.0 of the Zoning Ordinance.

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## FINDINGS

The proposed office use is a permitted principal use in the B-1 "S" Zoning District, pursuant to Section 5.2 of the Zoning Ordinance and the provisions applicable to the "S" District. There is no additional square footage proposed from the original approved site plan and the character and design of the building remains unchanged. Further, the proposed office use has a lower parking requirement (3.0 spaces per 1,000 sq. ft. of gross floor area) than the required parking for the previous retail uses (4.0 spaces per 1,000 sf of gross floor area) formerly located within the subject building floor area, pursuant to Section 8.0 of the Zoning Ordinance. There are over 250 existing parking spaces on the 4<sup>th</sup> floor of the building, significantly more than the 47 spaces required for the proposed office use. Finally, the proposed new windows on the western façade of the building will face a service road that provides access from Maple Avenue to the office building at 120 Bloomingdale Road. The addition of these windows will not adversely impact the adjacent Carhart neighborhood.

The Comprehensive Plan identifies this area of Bloomingdale Road as a "Specialty Retail Area" that should be maintained for retail and limited office uses. The adaptive reuse of the limited floor area within the existing retail building does not represent a significant change to the existing permitted uses or building design and is therefore consistent with the strategies set forth in the Comprehensive Plan.

The Planning Department finds that the proposed project facilitates both the elimination of a long term vacancy and the retention of an established White Plains business consistent with economic development goals of the Comprehensive Plan. Further, neither the environmental quality of the site nor the neighboring area will be adversely affected by the proposed application. Based on the foregoing analysis, the Planning Department recommends that the Common Council approve the application for Site Plan Amendment as proposed.

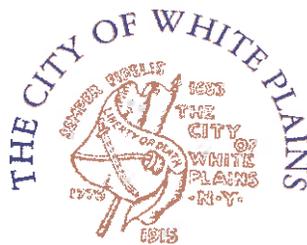
Sincerely,



Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: August 19, 2015

For the September 8, 2015 Common Council Meeting



## PLANNING BOARD

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER GOMEZ, AICP  
COMMISSIONER

August 18, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE SOURCE - ONE MAPLE AVENUE - SITE PLAN AMENDMENT FOR EXTERIOR MODIFICATIONS ON THE FOURTH FLOOR

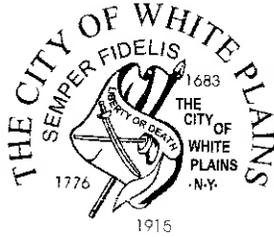
At its August 17, 2015 meeting, the Planning Board reviewed the application made by Bloomingdale Road Investors, LLC, to make exterior changes to The Source, located at 1 Maple Avenue. The applicant proposes: adding eight windows along the western façade of the structure at the fourth floor level, where there are currently no window openings; adding skylights to the roof of the building; and various window and door installation and replacement along the southerly wall, which is not visible offsite. The changes are proposed to accommodate offices for Hudson Gateway Association of Realtors.

The Board had no objection to the proposed exterior modifications.

Planning Board members voting in favor of the motion to send a letter to the Common Council stating no objection to the exterior: M. Quinn, A. Cabrera, J. Ioris, L. Oliva, R. Stackpole, and Mr. Westlund (6); Opposed: None (0); Absent: J. Durante (1).

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

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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

The Source  
Site Plan Amendment  
1 Maple Ave



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: August 18, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

**RICHARD G. HOPE**  
ACTING COMMISSIONER

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

We have reviewed the proposed Site Plan amendment submitted by Cuddy & Fedder, LLP, on behalf of Bloomingdale Road Investors, LLC (the "Owner") and Hudson Gateway Association of Realtors, Inc. (the "Tenant") proposing an amendment to a previously approved site plan associated with One Maple Avenue (The Source). Included with the submittal are plans prepared by MKDA, LLC, titled "HGAR, One Maple Ave, White Plains, NY, 4th Floor," dated 7/17/15, identifying various changes to the existing buildings interior and exterior. Also received was a Building Permit Short Form and a Short Environmental Assessment Form.

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

- If the proposed use shall affect the size of the existing utility service lines (i.e. - sanitary sewer, water and fire lines) updated MEP calculations must be submitted for DPW approval.
- If any work shall occur within the ROW all applicable DPW permits shall be filed (i.e. street and/or sidewalk obstruction and protection).

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  
Acting Commissioner of Public Works

Dated: August 21, 2015

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**THOMAS M. ROACH**  
MAYOR



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

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

**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

The Department of Parking/ Traffic Division has reviewed the proposed site plan amendment for 1 Maple Avenue (The Source) regarding exterior modifications and non retail tenant use which was referred by the Common Council on August 3, 2015.

The Department of Parking/ Traffic Division requests that a parking calculation be submitted to demonstrate that there is enough parking provided as per zoning requirements to both accommodate the proposed non-retail space and the remaining retail space.

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

Dated: August 19, 2015  
(for the September 8, 2015 Common Council Meeting)

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

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THOMAS M. ROACH  
MAYOR

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

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

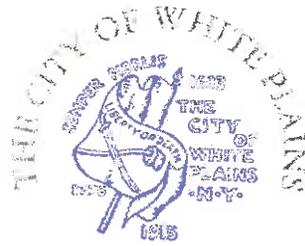
The Traffic Commission, at its meeting held on August 19, 2015, reviewed a request from The Source (1 Maple Avenue), for a site plan amendment to install new windows, exit doors and skylights as referred by the Common Council on August 3, 2015.

The Transportation Commission had no objection to the proposed changes.

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

Dated: August 26, 2015 (for the September 8, 2015 Common Council Meeting)

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

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

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

**RE: #58 – Hudson Gateway Assn. Realtors  
One Maple Avenue – The Source  
Site Plan Amendment**

The Department of Parking has received and reviewed the above-noted application for a site plan amendment.

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

Respectfully submitted,

**John P. Larson**  
Commissioner of Parking

Date: September 8, 2015

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

County Ref. No. **WHP N15-007**

*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](mailto:muniref@westchestergov.com) or print and fax to 914-995-3780.**

Municipality: **White Plains**

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

Application Name and Local Case Number: **The Source (4<sup>th</sup> Floor/West Side)**

Address: **Maple Avenue/Bloomingdale Road**

Section: **126.77** Block: **2** Lot: **2**

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.

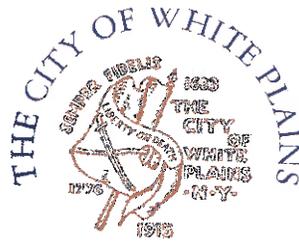
*(Please note: All applications given a Positive Declaration pursuant to SEQOR must be referred as a complete application. Do not use this form.)*

Do not write below this line.

Date received by the Westchester County Planning Board: **8/6/15**

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

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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 11, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: BLOOMINGDALE ROAD INVESTORS, LLC (“Owner”)  
HUDSON GATEWAY ASSOCIATION OF REALTORS (“TENANT”)  
A SITE PLAN AMENDMENT  
1 MAPLE AVENUE AT BLOOMINGDALE ROAD

The application on behalf of Bloomingdale Road Investors, LLC (the Owner) and Hudson Gateway Association of Realtors, Inc. (the Tenant) (collectively referred to as the Applicant) regarding an amendment to the approved site plan for the development known as “The Source” at 1 Maple Avenue (“Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves minor exterior modifications to the west elevation at the 4<sup>th</sup> floor level to facilitate the use and occupancy of 15,614 sq. ft. of the existing building as office and training room for Hudson Gateway Association which include the following architectural changes.

- The installation of windows on the westerly wall of the building
- The installation of windows and two new, solid, exit doors on the southerly wall
- The replacement of existing solid doors with glass doors on the southerly wall.
- The installation of skylights that will extend approximately three to four feet above the roof level and provide natural light to the interior office spaces.

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

- (a) The Proposed Action is consistent with the Comprehensive Plan updated 2006 and the White Plains Zoning Ordinance.

The Comprehensive plan provides the following strategies for the Specialty Retail Area located along Bloomingdale Road:

- Maintain this section of the Core Area for specialty retail and limited office uses.
- Protect residential neighborhoods abutting the Specialty Retail Area from impacts of commercial uses including parking, traffic and conversion of residential uses to non-residential uses. (New residential developments at Hale and Dekalb Avenues approved; no commercial permitted.)
- Maintain specialty retail uses at the current Saks site, with some small-scale supporting retail and restaurant uses. (Implemented with Fortunoff development.)
- Encourage medical and health-related office uses for the adaptive reuse of existing office buildings along the west side of Bloomingdale Road as part of the City's medical services sector.
- Encourage use of urban design elements, such as signage, public amenities and landscaping, to create visual linkages between the Specialty Retail Area and the Mamaroneck Avenue Business District.
- Review all existing and new development in terms of identifying pedestrian traffic as a planning element and addressing crosswalk signal timing, locations of crosswalks, pavement markings and other physical improvements.

The adaptive reuse of the limited floor area within the existing retail building does not represent a significant change to the existing permitted uses or building design and is consistent with the strategies set forth in the Comprehensive Plan.

#### Compliance with Zoning

Site Plan approval for project known as “The Source,” which is located in the B-1 Zoning District Special “S” Zone was originally approved by the Common Council on December 20, 2001, which included ( a) Site Plan approval to permit the construction of a new four-story, retail/restaurant building of approximately 265,000 square feet, consisting of approximately 185,000 square feet Fortunoff’s retail store and approximately 85,000 square feet of additional retail and restaurant tenants, approximately 7,360 square feet of office/ mezzanine floor area and approximately 1,019 parking spaces in structured parking; and (b) Special Permit approval to construct a Restaurant use within the B-1, Special “S” District; © a capital improvement project to be undertaken by the City for certain roadway, sidewalk, utility and traffic signalization improvements along Maple Avenue and Bloomingdale Road.

The proposed office use is a permitted principal use in the B-1 “S” Zoning District, pursuant to Section 5.2 of the Zoning Ordinance and the provisions applicable to the “S” District.

There is no increase in the size of the facilities over that which was previously approved and the character and design of the building remains largely unchanged.

The proposed office use has a lower parking requirement (3 spaces per 1,000 sq. ft. of gross floor area) than the required parking for the former retail uses (4.0 spaces per 1,000 sf of

gross floor area) formerly located within the subject building floor area, pursuant to Section 8.0 of the Zoning Ordinance.

- (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 existing facility is a four-story, retail/restaurant building of approximately 265,000 square feet of floor area and approximately 1,019 parking spaces in structured parking.

The Proposed Action does not involve any significant changes to the building, site design, on-site parking or traffic circulation.

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. 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 Proposed Action does not represent a significant change to the approved site plan or use of this retail facility.

The proposed new windows on the western side of the building are located at the 4<sup>th</sup> story level, at a higher elevation than the abutting 2 ½ story houses in the adjacent Carhart residential neighborhood.

Due to the limited size of the proposed office use windows, the nature and limited hours of operation for the proposed office uses and the high window elevations, the Proposed Action will not affect the residential character of the nearby neighborhood.

- (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.

- g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

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

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

Respectfully submitted,



Rod Johnson

Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A SITE PLAN AMENDMENT ON BEHALF OF BLOOMINGDALE ROAD INVESTORS, LLC (THE OWNER) AND HUDSON GATEWAY ASSOCIATION OF REALTORS, INC. (THE TENANT) FOR THE DEVELOPMENT KNOWN AS "THE SOURCE" LOCATED AT 1 MAPLE AVENUE.

WHEREAS, the application on behalf of Bloomingdale Road Investors, LLC (the Owner) and Hudson Gateway Association of Realtors, Inc. (the Tenant) (collectively referred to as the Applicant) regarding an amendment to the approved site plan for the development known as "The Source" at 1 Maple Avenue ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves minor exterior modifications to the west elevation at the 4<sup>th</sup> floor level to facilitate the use and occupancy of 15,614 sq. ft. of the existing building as office and training room for Hudson Gateway Association which include the following architectural changes.

- The installation of windows on the westerly wall of the building
- The installation of windows and two new, solid, exit doors on the southerly wall
- The replacement of existing solid doors with glass doors on the southerly wall.
- The installation of skylights that will extend approximately three to four feet above the roof level and provide natural light to the interior office spaces.

WHEREAS, the premises is shown on the Official Map of the City of White Plains as Section 126.77, Block 2, Lot 2 and previously identified as 100 Bloomingdale Road; and

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

- A. A cover letter received from William Null, dated July 24, 2015.
- B. A Short Form Building Permit Application, dated July 24, 2015.
- C. A Short Environmental Assessment Form (EAF), dated July 17, 2015.
- D. Drawings CS-1, P-1, AE-01, AE-02, AR-1 and AR-2 as prepared by MKDA LLC; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action, should (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be an Unlisted Action under SEQR regulations; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons; 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, based on the foregoing reasons, that the Common Council, as the approving agency of the Proposed Action, hereby designates itself to serve as Lead Agency for the environmental review of the Proposed 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 the Common Council has examined the potential environmental effects of the Proposed Action and makes the following environmental findings:

- (a) The Proposed Action is consistent with the Comprehensive Plan updated 2006 and the White Plains Zoning Ordinance.

The Comprehensive plan provides the following strategies for the Specialty Retail Area located along Bloomingdale Road:

- Maintain this section of the Core Area for specialty retail and limited office uses.
- Protect residential neighborhoods abutting the Specialty Retail Area from impacts of commercial uses including parking, traffic and conversion of residential uses to non-residential uses. (New residential developments at Hale and Dekalb Avenues approved; no commercial permitted.)
- Maintain specialty retail uses at the current Saks site, with some small-scale supporting retail and restaurant uses. (Implemented with Fortunoff development.)
- Encourage medical and health-related office uses for the adaptive reuse of existing office buildings along the west side of Bloomingdale Road as part of the City's medical services sector.
- Encourage use of urban design elements, such as signage, public amenities and landscaping, to create visual linkages between the Specialty Retail Area and the Mamaroneck Avenue Business District.
- Review all existing and new development in terms of identifying pedestrian traffic as a planning element and addressing crosswalk signal timing, locations of crosswalks, pavement markings and other physical improvements.

The adaptive reuse of the limited floor area within the existing retail building does not represent a significant change to the existing permitted uses or building design and is consistent with the strategies set forth in the Comprehensive Plan.

#### Compliance with Zoning

Site Plan approval for project known as “The Source,” which is located in the B-1 Zoning District Special "S" Zone was originally approved by the Common Council on December 20, 2001, which included ( a) Site Plan approval to permit the construction of a new four-story, retail/restaurant building of approximately 265,000 square feet, consisting of approximately

185,000 square feet Fortunoff's retail store and approximately 85,000 square feet of additional retail and restaurant tenants, approximately 7,360 square feet of office/ mezzanine floor area and approximately 1,019 parking spaces in structured parking; and (b) Special Permit approval to construct a Restaurant use within the B-1, Special "S" District; © a capital improvement project to be undertaken by the City for certain roadway, sidewalk, utility and traffic signalization improvements along Maple Avenue and Bloomingdale Road.

The proposed office use is a permitted principal use in the B-1 "S" Zoning District, pursuant to Section 5.2 of the Zoning Ordinance and the provisions applicable to the "S" District.

There is no increase in the size of the facilities over that which was previously approved and the character and design of the building remains largely unchanged.

The proposed office use has a lower parking requirement (3 spaces per 1,000 sq. ft. of gross floor area) than the required parking for the former retail uses (4.0 spaces per 1,000 sf of gross floor area) formerly located within the subject building floor area, pursuant to Section 8.0 of the Zoning Ordinance.

- (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 existing facility is a four-story, retail/restaurant building of approximately 265,000 square feet of floor area and approximately 1,019 parking spaces in structured parking.

The Proposed Action does not involve any significant changes to the building, site design, on-site parking or traffic circulation.

- (c) No large quantities of vegetation or fauna will be removed by the Proposed Action. No endangered species of plant or animal should be adversely affected by the Proposed Action. 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 Proposed Action does not represent a significant change to the approved site plan or use of this retail facility.

The proposed new windows on the western side of the building are located at the 4<sup>th</sup> story level, at a higher elevation than the abutting 2 ½ story houses in the adjacent Carhart residential neighborhood.

Due to the limited size of the proposed office use windows, the nature and limited hours of operation for the proposed office uses and the high window elevations, the Proposed Action will not affect the residential character of the nearby neighborhood.

- (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.

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

RESOLVED, based on the foregoing reasons, the Common Council hereby 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 BLOOMINGDALE ROAD INVESTORS LLC (“OWNER”) AND HUDSON GATEWAY ASSOCIATION OF REALTORS, INC. (“TENANT”) (COLLECTIVELY “APPLICANT”) FOR A SITE PLAN AMENDMENT TO ITS EXISTING AMENDED SPECIAL PERMIT/SITE PLAN APPROVAL GRANTED BY THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ON DECEMBER 20, 2001, AND AMENDED ON JUNE 4, 2007 AND MARCH 1, 2010, FOR THE PROJECT KNOWN AS “THE SOURCE AT WHITE PLAINS” (FORMERLY “FORTUNOFF”) LOCATED AT THE CORNER OF ONE MAPLE AVENUE AND 100 BLOOMINGDALE ROAD (SECTION 126.77, BLOCK 2, LOT 2) FOR EXTERIOR MODIFICATIONS TO THE BUILDING CONSISTING OF (A) THE INSTALLATION OF WINDOWS ON THE WESTERLY WALL OF THE BUILDING; (B) THE INSTALLATION OF WINDOWS AND TWO (2) NEW, SOLID EXIT DOORS ON THE SOUTHERLY WALL THEREOF; ( C ) THE REPLACEMENT OF EXISTING SOLID DOORS WITH GLASS DOORS ON THE SOUTHERLY WALL; AND (D) THE INSTALLATION OF SKYLIGHTS THAT WILL EXTEND APPROXIMATELY THREE (3) TO FOUR (4) FEET ABOVE THE ROOF LEVEL AND PROVIDE NATURAL LIGHT TO THE INTERIOR OFFICE SPACES.

WHEREAS, at a Special Meeting held on December 20, 2001, the Common Council of the City of White Plains (“Common Council”), after conducting a duly noticed public hearing and making environmental findings, unanimously adopted a resolution entitled, “Resolution of the Common Council of the City of White Plains Approving the Application Submitted on Behalf of Fortwest, LLC and New York City Saks LLC for Amended Site Plan Approval to Construct an Approximately 180,000 Square Foot, Three Level, Fortunoff Store (with an Approximately 7,360 Square Foot Mezzanine for Accessory Office and Storage Use) and Approximately 85,000 Square Feet of New Retail/Restaurant Space on the Ground-Floor Level with Display Windows Facing Maple Avenue and Bloomingdale Road and a Total of 1,019 Parking Spaces to be Provided in a Four Level Structure Located Adjacent to and South of the New Retail Building and for a Special Permit to Allow Restaurant Use at the Proposed Development Located at 100 Bloomingdale Road (Section

126.77, Block 2, Lot 2)”; and

WHEREAS, the Common Council, after making environmental findings, adopted a resolution on June 4, 2007, approving the application submitted of Bloomingdale Road Investors LLC, owners of the property located at the corner of One Maple Avenue and 100 Bloomingdale Road, for a site plan amendment to its existing amended Special Permit/Site Plan approval granted by the Common Council on December 20, 2001, for the project known as “The Source of White Plains” (formerly “Fortunoff”) for modification of a curb cut along Bloomingdale Road to provide a drop-off lane to be situated along Bloomingdale Road between Maple Avenue and the southern access driveway to the garage near the two restaurants within The Source at White Plain located at 100 Bloomingdale Road; and

WHEREAS, the Common Council, after making environmental findings, adopted a resolution on March 1, 2010, approving the application submitted on behalf of Bloomingdale Road Investors LLC, owners of the property located at One Maple Avenue, for a site plan amendment to its existing amended Special Permit/Site Plan approval granted by the Common Council on December 20, 2001, and amended on June 4, 2007, for the project known as “The Source of White Plains” (formerly “Fortunoff”), to permit signage alterations on the building facade above grade and at grade for multiple tenants to lease the former Fortunoff store as well as new canopies for Morton’s Steakhouse to complete its storefront; and

WHEREAS, at a meeting held on August 3, 2015, the Common Council received a

communication from the Commissioner of Building dated July 27, 2015, transmitting an application submitted by William S. Null, Esq of the law firm of Cuddy & Feder LLP, on behalf of the Applicant Bloomingdale Road Investors, LLC, owner of the premises located at One Maple Avenue and 100 Bloomingdale Road and Hudson Gateway Association of Realtors , Inc. (HGAR), a tenant, (collectively “Applicant”), requesting exterior modifications to the west side of the upper floor of The Source of White Plains (“The Source”) building to create an approximately 15,614 square foot office for HGAR, enabling it to relocate from its current office at 60 South Broadway; and

WHEREAS, the requested changes to the exterior of the building (“Application”) consist of the following:

(a) the installation of windows on the westerly wall of the building;

(b) the installation of windows and two (2) new, solid exit doors on the southerly wall thereof;

( c ) the replacement of existing solid doors with glass doors on the southerly wall;

and

(d) the installation of skylights that will extend approximately three (3) to four(4) feet above the roof level and provide natural light to the interior office spaces; and

WHEREAS, the Application consists of the following documents:

I. A cover letter, dated July 24, 2015, from William S. Null, Esq., of the law firm of Cuddy & Feder, LLP forwarding the aforementioned Application; and

2. Plans prepared by MKDA, LLC, Architects, consisting of the following drawings:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
CS-1	Filing/Cover Sheet	July 17, 2015
P-1	Proposed Plan	July 17, 2015
AE-01	Overall Roof Plan w/Proposed Skylight Locations	July 17, 2015
AE-02	Overall Plan-Level 4	July 17, 2015
AR-1	Window & Skylight Demolition Plan& Elevs.	July 17, 2015
AR-2	Proposed Window&Skylight Plan& Elevs.	July 17, 2015; and

3. A Building Permit Short Form dated July 24, 2015, sworn to by William S. Null, Esq.; and

4 A Short Environmental Assessment Form submitted 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. Part 617 (“SEQRA”);and

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

WHEREAS, at its September 8, 2015 meeting, in connection with the instant Application, the Common Council received communications from the Commissioner of Building, dated August 24, 2015; the Acting Commissioner of Public Works, dated August 21, 2015; the Commissioner of Planning, dated August 19, 2015; the Commissioner of Public Safety, dated August 18, 2015; the Commissioner of Parking, dated September 8, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated August 19, 2015; the Chair of the Planning Board, dated August 18, 2015; the Chair of the Design Review Board, dated August 17, 2015; the Acting Chair of the Transportation Commission, dated August 26, 2015; the Environmental Officer, dated August 11, 2015; and the Westchester County Planning Board, dated August 6, 2015; and

WHEREAS, the Common Council has reviewed and considered comments from the public, as well as from the various City departments, officers, agencies, boards, and commissions, and the Westchester County Planning Board, and has reviewed the application in light of the 1997 Comprehensive Plan and the amendments to the Comprehensive Plan adopted July 11, 2006, and the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 7 and 8; and

WHEREAS, the site is the only property located within the B-1 Special "S" District, originally adopted by the Common Council of the City of White Plains on July 7, 1953; and

WHEREAS, the zoning for this B-1 Special "S" District was previously amended by the Common Council on July 15, 1997, to permit a maximum height of 65 feet, a maximum gross floor area (GFA) of 280,360 and a parking ratio of three (3) spaces per 1,000 square feet of GFA; and

WHEREAS, the zoning was further amended by the Common Council at its meeting of December 3, 2001, to increase the maximum height within this district from 65 to 80 feet; and

WHEREAS, Section 3.6.2 of the Zoning Ordinance provides:

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 nonconformity with the regulations of this Ordinance; and

WHEREAS, the proposed office use is a dimensionally conforming permitted principal use in the B-1 “S” Zoning District, pursuant to Section 5.2 of the Zoning Ordinance and the provisions applicable to the “S” Zoning District; and

WHEREAS, at its September 8, 2015 meeting, the Common Council declared itself to be Lead Agency for the environmental review of this matter pursuant to SEQRA, and has adopted an environmental determination; and

NOW, THEREFORE, be it

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

1. Subject to any of the applicable conditions contained herein, in accordance with Section 7.5.1 of the Zoning Ordinance, the proposed amendment to the existing amended site plan conforms to the 1997 Comprehensive Plan and its amendments adopted July 11, 2006 (“Comprehensive Plan”), and to the B-1 Restricted Zoning District’s height, bulk, density and parking requirements as modified by the special “S Zone” requirements.

2. There is no increase in the size of the facilities over that which was previously approved and the character and design of the building remains largely unchanged. The Comprehensive Plan identifies this area of Bloomingdale Road as a “Speciality Retail Area” that should be maintained for retail and limited office uses. The adaptive reuse of the limited floor area within the existing retail building does not represent a significant change to the existing permitted uses or building design and is consistent with the strategies set forth in the Comprehensive Plan. Further, the proposed Application facilitates both the elimination of a long term vacancy and the retention of an established White Plains business consistent with the economic development goals of the Comprehensive Plan.

3. The proposed office use has a lower parking requirement (three (3) spaces per 1,000 square feet of GFA) than the required parking for the former retail uses (four (4) spaces per 1,000 square feet of GFA) formerly located in the subject building floor area, pursuant to Section 8 of the

Zoning Ordinance. There are over 250 existing parking spaces on the fourth floor of the building, significantly more than the forty-seven (47) parking spaces required for the proposed office use.

4. Subject to the applicable conditions contained in the previous resolutions adopted December 20, 2001, June 4, 2007 and March 1, 2010, and this resolution herein and with the capital improvements undertaken by the City for improvements to Maple Avenue and Bloomingdale Road, including lane reconstructions, traffic signalization improvements, crosswalk improvements, improvements to prevent mid-block crossing, and signal timing, the vehicular and traffic circulation both within and without the site has been reviewed and are acceptable in accordance with the provisions of Section 7.5.2 of the Zoning Ordinance. This finding specifically includes, but is not limited to, consideration of the effect of the development on traffic conditions on existing “streets”; vehicular and pedestrian access drives and walkways; visibility at all exit points of the Site; parking located in the parking structure; the driveways connecting such facilities to the roadways; patterns of vehicular and pedestrian circulation; facilities for the physically handicapped; and the adequacy of access for emergency purposes.

5. The design of the proposed amendment to the existing site plan is in harmony with the “uses” in the neighboring area and will preserve property values, and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance, given the architectural design of the building, use of lighting, landscaping and plantings. The proposed new windows on the western facade of the building are located at the fourth story level, at a higher elevation than the abutting two and one-half story houses in the adjacent Carhart neighborhood and will face a service

road that provides access from Maple Avenue to the office building at 120 Bloomingdale Road. Due to the limited size of the proposed office use windows, the nature and limited hours of operation for the proposed office uses and the high window elevations, the addition of these windows will not adversely impact the residential character of the nearby Carhart neighborhood; and

6. In accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration and recommendation of the Design Review Board, the Application will enhance and protect the character and property values of the neighborhood; and be it further

RESOLVED, that based upon the above findings, the Common Council determines that the standards of Sections 7.5 and 8 of the Zoning Ordinance have been satisfied and that 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 Deputy Commissioner of Parking dated August 19, 2015, the Applicant shall submit a parking calculation to the Commissioner of Parking within thirty (30) days of the adoption of this approval resolution herein, to demonstrate that there is enough parking provided as per zoning requirements to both accommodate the proposed non-retail space and the remaining retail space.

2. As per the recommendation set forth in the communication of the Commissioner of Building dated August 24, 2015, the Applicant shall provide window treatment (*e.g.* shades) at all windows facing west.

3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 21, 2015, if the proposed use shall affect the size of the existing utility service lines (*i.e.* sanitary sewer, water and fire lines), updated MEP calculations must be submitted to the Department of Public Works for approval.

4. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works dated August 21, 2015, if any work shall occur within the right-of-way, all applicable Department of Public Works permits shall be filed by the Applicant ( *i.e.* street and/or sidewalk obstruction and protection permits).

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

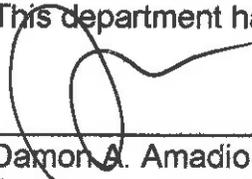
Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

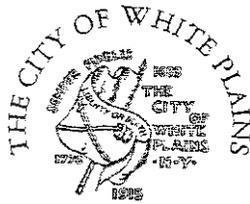
TO THE HONORABLE THOMAS M. ROACH, MAYOR  
AND MEMBERS OF THE COMMON COUNCIL OF THE  
CITY OF WHITE PLAINS

Per referral by the Common Council on August 4, 2015, the Department of Building has reviewed a proposed site plan amendment submitted by Westchester Building Company LLC to relocate an entrance driveway that connects their parking area to Westchester Avenue.

This department has no objection to this amendment being granted.

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

Dated: August 24, 2015  
(for the September 8, 2015, Common Council Meeting)



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH  
Mayor

NORMAN DICHIARA, AIA  
Chairman

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

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

NICK PUJA  
Secretary

August 25, 2015

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on August 24, 2015, reviewed a proposed Site Plan amendment to relocate an existing driveway that connects their parking area to Westchester Ave. located at 333 Westchester Ave, White Plains, NY.

OUTCOME: The Design Review Board recommends approval of this application as submitted

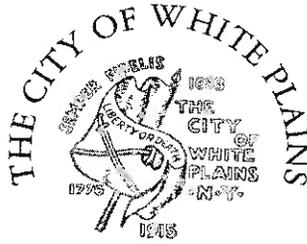
Norman DiChiara

Norman DiChiara, Chairman  
Design Review Board

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<http://www.cityofwhiteplains.com>

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICI  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**SUBJECT: 333 WESTCHESTER AVENUE  
SITE PLAN AMENDMENT**

PROJECT LOCATION

The 38.4-acre property located at 333 Westchester Avenue is comprised of four (4) separate interconnected buildings containing 461,000 square feet of floor area and associated at-grade surface parking totaling 1,780 spaces within the City's C-O Campus Office Zoning District and identified as a Special "S Zone" overlay. The site is bounded and accessed by Westchester Avenue (eastbound) to the north and North Street to the south and is located directly across the street from The Bristol Assisted Living housing complex.

SITE PLAN AMENDMENT

Applicant, Westchester Building Company, LLC, submitted an application to the Common Council, dated July 23, 2015, for a site plan amendment to relocate an existing ingress only driveway from Westchester Avenue. The impetus for the amendment is to achieve better alignment with the newly reconstructed Westchester Avenue as a means to improve traffic flow into the site.

The Common Council referred the application to the Planning Department for evaluation and recommendation on August 3, 2015. The Planning Department has reviewed the application and offers the following comments, pursuant to Section 7.0 of the Zoning Ordinance.

CIRCULATION AND PARKING

Westchester Avenue in the vicinity of the existing driveway is one-way eastbound with two (2) travel lanes. Recent improvements completed by New York State DOT shifted Westchester Avenue closer to the Applicant's site, which in turn reduced the length of the existing two-lane ramp for the ingress only driveway that extends along Westchester Avenue. The Applicant proposes to relocate the driveway slightly east of its current location.

The relocation and realignment of this driveway also greatly improves the pedestrian connectivity to and within the site. A concrete, curbed sidewalk will be constructed along the northern portion of the site, adjacent to

Westchester Avenue. Two new pedestrian crosswalks are proposed – one across the new two-lane driveway and the other within the office park connecting a new concrete sidewalk to the existing internal roadway system. The new sidewalk leading into the site from Westchester Avenue will greatly improve pedestrian safety and convenience for those accessing the site via Bee Line Bus Routes 3, 12, or 62 from the bus stop on the south side of Westchester Avenue approximately 100 feet from the proposed entrance. Further, it appears that there is adequate vehicular cueing distance from Westchester Avenue and the planned crosswalk in the proposed drive to allow a vehicle or vehicles to safely yield to pedestrians without impeding the southernmost Westchester Avenue lane.

As depicted on the submitted Site Plan and supporting documents prepared by Divney Tung Schwalbe, LLP, (dated Revised March 16, 2015 and July 23, 2015 respectively) the applicant proposes to remove forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue. The elimination of 43 spaces will constitute a reduction from the current 1,780 spaces to 1,737 spaces on site. Since the Applicant is only required to provide 1,383 parking spaces pursuant to Section 8.0 of the Zoning Ordinance (3 per 1,000 sf of Gross Floor Area), and since there is adequate and abundant parking on the site currently, the proposed reduction in the number of spaces will not have an adverse impact with respect to parking capacity.

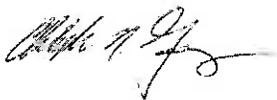
As depicted by the Grading and Utilities Plan dated January 16, 2015, a minimal amount of grading/site disturbance is proposed, and is concentrated where the new driveway is being created. In addition, the proposed application will reduce the amount of pavement and impervious area by 65%, an actual reduction of 14,937 sf, from 23,050 sf to 8,113 sf. The Planning Department finds that the environmental quality of the site will be enhanced by the proposed design.

#### COMPREHENSIVE PLAN CONSISTENCY

The Comprehensive Plan identifies the goal of improving traffic circulation, transportation and parking in the City as a means to maximize the efficiency of the existing street network. The Plan also states that the City should evaluate proposed improvements to Interstate 287 to ensure that traffic-circulation needs and impacts on local roadways are properly addressed in all phases of planning and implementation of these projects. The relocation and realignment of this driveway on Westchester Avenue is a byproduct of roadway improvements made on I-287 and therefore accomplishes this vision of the Comprehensive Plan. The Planning Department also notes that the project does not constitute an expansion of the commercial use or density onsite. Rather, these improvements work within the existing site boundaries and are minor in nature. As such, the proposed application is consistent with the City's Comprehensive Plan.

Based on the foregoing analysis, the Planning Department finds that the application is in compliance with the relevant standards set forth in the Zoning Ordinance and Municipal Code and recommends that the Common Council approve the application for Site Plan Amendment as proposed.

Sincerely,



Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: August 19, 2015  
For the September 8, 2015 Common Council Meeting



## PLANNING BOARD

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER GOMEZ, AICP  
COMMISSIONER

August 18, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 333 WESTCHESTER AVENUE — SITE PLAN AMENDMENT TO  
RELOCATE AN ENTRANCE DRIVEWAY THAT CONNECTS TO  
WESTCHESTER AVENUE

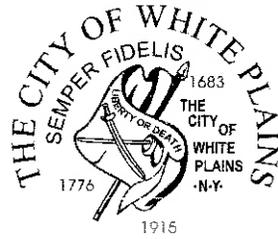
At its August 17, 2015 meeting, the Planning Board reviewed the application made by Westchester Building Company for a site plan amendment to relocate and realign the west entrance driveway on Westchester Avenue. The change is proposed in order to improve safety, distinguish the driveway from the roadway, and increase the visibility of the office building. Signage improvements also are planned, but must be approved by Westchester County, because Westchester Avenue is a county road. In addition, landscaping enhancements are proposed.

The Board is supportive of the application, finding it to be well thought-out, and an improvement over existing conditions. The board is pleased that signage and landscape improvements are planned. The Board made two suggestions to the applicant: 1) consider planting sycamores trees to supplement those already at the site, and 2) evaluate whether there is adequate space for a vehicle to stop for pedestrians at the crosswalk and remain out of the flow of traffic on Westchester Avenue.

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

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

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

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THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

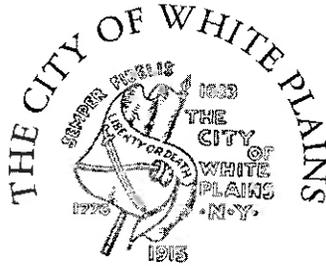
Westchester Building Company  
Site Plan Amendment  
333 Westchester Ave.



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: August 18, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

**RICHARD G. HOPE**  
ACTING COMMISSIONER

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

We have reviewed the proposed Site Plan amendment submitted by Divney Tung Schwalbe, on behalf of Westchester Building Company, LLC. (The "Applicant"), proposing an amendment to a previously approved site plan. Included with the submittal are plans prepared by Divney Tung Schwalbe, titled "333 Westchester Ave, Proposed Driveway Relocation," dated 3/16/15, and an Application for Minor Site Plan Amendment dated 7/23/15, also submitted by Divney Tung Schwalbe.

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

1. The applicant must provide a signed and sealed copy of the survey. The survey should include the section block and lot's where the work will take place.
2. The applicant shall revise the datum to North American Vertical Datum 88.
3. The applicant must provide Water Quality treatment for the new entrance drive. (FloGard Plus Basin inserts or approved equal) Include the locations on the plan and provide all necessary details including Maintenance and Inspection protocol.
4. The applicant shall provide copies to CWPDPW of the county and state permits required for the work along Westchester Ave (CR 62) prior to the start of construction.
5. The applicant must provide a snow storage area, and associated signage for the newly created parking spaces. The required area should be sized on a six (6) inch snow storm.
6. An as-built must be provided and a stormwater maintenance agreement must be executed with the City of White Plains, approved as to form by the Corporation Counsel, prior to the issuance of a temporary certificate of occupancy. A typical escrow account must also be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City Department of Public Works shall receive 20% of all costs as an administrative fee.
7. It is recommended the applicant investigates the option of a deceleration lane prior to turning into the site.

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8. The applicant will be required to obtain all applicable DPW permits prior to the start of construction.

In conclusion, we have no objection to 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.

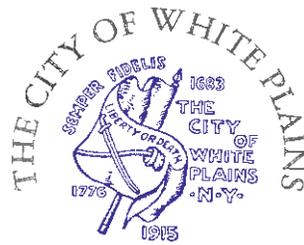
Respectfully submitted,

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

Richard G. Hope  
Acting Commissioner of Public Works

Dated: September 8, 2015

THOMAS M. ROACH  
MAYOR



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

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

JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

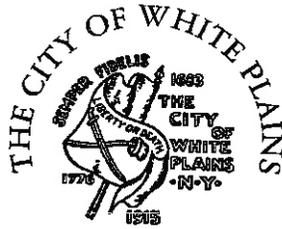
The Department of Parking/ Traffic Division has reviewed the site plan amendment application for the modification of the access drive and parking at 333 Westchester Avenue which was referred by the Common Council on August 3, 2015.

The Department of Parking/ Traffic Division has the following comments:

1. Since the major flow is the entering traffic, the access road should have stop signs in both directions. An acceptable alternative is to have stop controls on all approaches.
2. If there is no stop control in front of crosswalks, the crosswalk should be identified by a standard crosswalk warning sign in the fluorescent yellow-green color.
3. All markings must be indicated as **white** except for double yellow lines. All signs must be New York State Department of Transportation approved and properly identified on the plan.

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

Dated: August 19, 2015  
(for the September 8, 2015 Common Council Meeting)



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

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THOMAS M. ROACH  
MAYOR

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

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

The Traffic Commission, at its meeting held on August 19, 2015, reviewed a request from Westchester Building Company (333 Westchester Avenue), for a site plan amendment to relocate an entrance driveway on Westchester Avenue as referred by the Common Council on August 3, 2015.

The Transportation Commission had the following comments:

1. Due to the sharp angle for the proposed driveway a “deceleration lane” or wider shoulder on Westchester Avenue should be provided.
2. The submitted plan shows a proposed stop sign for only one approach of the “thru” movement. The staff recommends that Stop signs be added to the gated area instead, or that all approaches are stop controlled.
3. The proposed changes on Westchester Avenue will require approval from Westchester County.

  
for Thomas Soyk, PE, PTOE  
Acting Chairman

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Dated: August 26, 2015 (for the September 8, 2015 Common Council Meeting)

**THOMAS M. ROACH**  
MAYOR



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

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

**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

**RE: #55 - Westchester Building Co., 333 Westchester Avenue  
Site Plan Amendment**

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

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

Respectfully submitted,

John P. Larson  
Commissioner of Parking

Date: September 8, 2015

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Robert P. Astorino  
County Executive

County Planning Board  
August 10, 2015

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

**Subject: Referral File No. WHP 15-013 — 333 Westchester Avenue Driveway  
Site Plan Amendment**

Dear Ms. McPherson:

The Westchester County Planning Board has received a site plan (dated revised June 3, 2015) for a proposed relocation of a driveway connecting an existing office property to Westchester Avenue (County Road 71). As part of the driveway relocation, 43 parking spaces would be removed. However, because the on-site parking exceeds the amount of parking required by zoning, the removal of parking has no impact on zoning compliance.

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 offer the following comments:

**1. County Road.** Westchester Avenue is a County road (CR 71). Approval from the Westchester County Department of Public Works and Transportation is required for any work related to the road under Section 239 F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. The driveway must also be designed in accordance with current County, State and AASHTO standards.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

For:  
By:



Edward Buroughs, AICP  
Commissioner

EEB:LH

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



**ENVIRONMENTAL OFFICER**

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

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

August 12, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 333 Westchester Avenue  
Westchester Building Company, LLC  
Site Plan Amendment for Driveway Relocation

The proposed amendment Site Plan for the property located at 333 Westchester Avenue on behalf of Westchester Building Company, LLC (“Proposed Action”) has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves construction to realign the existing ingress-only driveway entrance from Westchester Avenue into the site. This will result in the removal of approximately forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue reducing the total on-site parking from 1,780 to the proposed 1,737 spaces.

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

- Approval of a site plan amendment for a property designated as a “S” Zoning District, pursuant to Section 3.6 , Former Special Zones and Section 7.7.2, Site Plan Approval, of the Zoning Ordinance and the provisions applicable to the “S” District.

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action, (a) designate itself as Lead Agency for the environmental review; (b) determine the Proposed Action to be reviewed as an Unlisted Action under SEQR regulations; and ( c) find that the that 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 Proposal Action is consistent with the goals or regulations of the Comprehensive Plan and the White Plains Zoning Ordinance.

The Comprehensive Plan designates the premises for Campus Office land use and provides

the following Strategies for the Outer Area Neighborhoods relating to Campus Office development:

- 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.

The 1998 amendment to the 1951 “S Zone” Ordinance provided for multiple tenancies for this building which was previously used for one tenant.

The Plan also states that the City should evaluate proposed improvements to Interstate 287 to ensure that traffic-circulation needs and impacts on local roadways are properly addressed in all phases of planning and implementation of these projects. The relocation and realignment of this driveway on Westchester Avenue is a byproduct of roadway improvements made on I-287 and therefore accomplishes this vision of the Comprehensive Plan.

The project does not constitute an expansion of the commercial uses on the site or increase the commercial density of the site. As such, the proposed application is consistent with the City’s Comprehensive Plan.

#### Special "S" Zone Requirements

The 38.363-acre property located at 333 Westchester Avenue is comprised of four (4) separate interconnected office buildings (461,000 sf) and associated at-grade surface parking totaling 1,780 spaces.

The site plan for 333 Westchester Avenue property is located in the Campus Office (C-O) Zoning District. The site plan for the development was originally approved by the Common Council’s adoption of a Zoning Ordinance amendment on June 4, 1951 (1951 “S Zone” Ordinance). With the adoption of the 1981 Zoning Ordinance, this site was designated as a Special “S Zone” overlay, and is subject to Section 3.6 of the Zoning Ordinance regarding Former Special Zones.

On March 16, 1998, the Common Council adopted an ordinance which amended the 1951 “S Zone” Ordinance to permit multiple tenancies in the building.

Section 3.6.2 of the Zoning Ordinance regarding Former Special Zones states as follows:

- 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.

In order to facilitate the realignment of the Westchester Avenue entrance driveway, the applicant proposes to eliminate forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue. There are currently 1,780 surface parking spaces on the site. The elimination of 43 spaces will result in 1,737 spaces. However, since the Applicant is required to provide only 1,383 parking spaces, pursuant to Section 8.0 of the Zoning Ordinance (3 per 1,000 sf of Gross Floor Area), and since there is adequate and abundant parking on the site currently, the proposed reduction in the number of spaces will not have an adverse effect on parking at the site.

The Proposed Action does not involve any changes to permitted land uses, existing building site coverage or floor area, or the overall site layout and traffic circulation. As such, the Proposed Action conforms to the dimensional regulations of the C-O District and the original conditions of the Special "S" Zone related to 333 Westchester Avenue.

- (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 project which involves the realignment of the existing driveway entrance will also reconfigure the site improvements to remove 43 parking spaces and, also, reduce the amount of pavement and impervious area by 14,937 sq. ft.

The land area to be physically disturbed is approximately 0.83 acres. With the amount of disturbed area being less than the threshold of one acre, a formal State Water Pollution Prevention Plan (SWPPP) is not required. However, the project is subject to a MS4 stormwater permit and review by the Department of Public Works.

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

The proposed project will result in a reduction of paved area and an increase of landscaped lawn 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 does not involve any changes to permitted land uses, existing building site coverage or floor area, the overall site layout or traffic circulation.

The reconfiguration of the entrance driveway and the associated landscaping improvements do not change the character of the campus-office development or the Westchester Avenue corridor.

- (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.

The relocation and realignment of this driveway also greatly improves the pedestrian environment. A concrete, curbed sidewalk will be constructed along the northern portion of the site, adjacent to Westchester Avenue. Two new pedestrian crosswalks are proposed – one across the new two-lane driveway and the other within the office park connecting a new concrete sidewalk to the existing internal roadway system. The new sidewalk leading into the site from Westchester Avenue will greatly improve pedestrian safety and convenience especially for those traveling by bus to the site (there is a bus stop approximately 100 feet from the entrance on Westchester Avenue).

- (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 which makes these findings is offered for the Common Council's consideration

Respectfully submitted,



ROD JOHNSON,  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE  
SITE PLAN FOR THE PROPERTY LOCATED AT 333 WESTCHESTER AVENUE ON  
BEHALF OF WESTCHESTER BUILDING COMPANY, LLC

WHEREAS, the proposed amendment Site Plan for the property located at 333 Westchester Avenue on behalf of Westchester Building Company, LLC ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves construction to realign the existing ingress-only driveway entrance from Westchester Avenue into the site. This will result in the removal of approximately forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue reducing the total on-site parking from 1,780 to the proposed 1,737 spaces; and

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

- Approval of a site plan amendment for a property designated as a "S" Zoning District, pursuant to Section 3.6 , Former Special Zones and Section 7.7.2, Site Plan Approval, of the Zoning Ordinance and the provisions applicable to the "S" District; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action, (a) designate itself as Lead Agency for the environmental review of the Proposed Action; (b) determine the Proposed Action to be reviewed as an Unlisted Action under SEQR regulations; and ( c) find that the that 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, Application 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 an Unlisted Action under SEQR; and be it further

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

- (a) The Proposal Action is consistent with the goals or regulations of the Comprehensive Plan and the White Plains Zoning Ordinance.

The Comprehensive Plan designates the premises for Campus Office land use and provides the following Strategies for the Outer Area Neighborhoods relating to Campus Office development:

- \* 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.

The 1998 amendment to the 1951 "S Zone" Ordinance provided for multiple tenancies for this building which was previously used for one tenant.

The Plan also states that the City should evaluate proposed improvements to Interstate 287 to ensure that traffic-circulation needs and impacts on local roadways are properly addressed in all phases of planning and implementation of these projects. The relocation and realignment of this driveway on Westchester Avenue is a byproduct of roadway improvements made on I-287 and therefore accomplishes this vision of the Comprehensive Plan.

The project does not constitute an expansion of the commercial uses on the site or increase the commercial density of the site. As such, the proposed application is consistent with the City's Comprehensive Plan.

#### Special "S" Zone Requirements

The 38.363-acre property located at 333 Westchester Avenue is comprised of four (4) separate interconnected office buildings (461,000 sf) and associated at-grade surface parking totaling 1,780 spaces.

The site plan for 333 Westchester Avenue property is located in the Campus Office (C-O) Zoning District. The site plan for the development was originally approved by the Common Council's adoption of a Zoning Ordinance amendment on June 4, 1951 (1951 "S Zone" Ordinance). With the adoption of the 1981 Zoning Ordinance, this site was designated as a Special "S Zone" overlay, and is subject to Section 3.6 of the Zoning Ordinance regarding Former Special Zones.

On March 16, 1998, the Common Council adopted an ordinance which amended the 1951 "S Zone" Ordinance to permit multiple tenancies in the building.

Section 3.6.2 of the Zoning Ordinance regarding Former Special Zones states as follows:

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.

In order to facilitate the realignment of the Westchester Avenue entrance driveway, the applicant proposes to eliminate forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue. There are currently 1,780 surface parking spaces on the site. The elimination of 43 spaces will result in 1,737 spaces. However, since the Applicant is required to provide only 1,383 parking spaces, pursuant to Section 8.0 of the Zoning Ordinance (3 per 1,000 sf of Gross Floor Area), and since there is adequate and abundant parking on the site currently, the proposed reduction in the number of spaces will not have an adverse effect on parking at the site.

The Proposed Action does not involve any changes to permitted land uses, existing building site coverage or floor area, or the overall site layout and traffic circulation. As such, the Proposed Action conforms to the dimensional regulations of the C-O District and the original conditions of the Special "S" Zone related to 333 Westchester Avenue.

(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 project which involves the realignment of the existing driveway entrance will also reconfigure the site improvements to remove 43 parking spaces and, also, reduce the amount of pavement and impervious area by 14,937 sq. ft.

The land area to be physically disturbed is approximately 0.83 acres. With the amount of disturbed area being less than the threshold of one acre, a formal State Water Pollution Prevention Plan (SWPPP) is not required. However, the project is subject to a MS4 stormwater permit and review by the Department of Public Works.

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

The proposed project will result in a reduction of paved area and an increase of landscaped lawn 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 does not involve any changes to permitted land uses, existing building site coverage or floor area, the overall site layout or traffic circulation.

The reconfiguration of the entrance driveway and the associated landscaping improvements do not change the character of the campus-office development or the Westchester Avenue corridor.

- (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.

The relocation and realignment of this driveway also greatly improves the pedestrian environment. A concrete, curbed sidewalk will be constructed along the northern portion of the site, adjacent to Westchester Avenue. Two new pedestrian crosswalks are proposed – one across the new two-lane driveway and the other within the office park connecting a new concrete sidewalk to the existing internal roadway system. The new sidewalk leading into the site from Westchester Avenue will greatly improve pedestrian safety and convenience especially for those traveling by bus to the site (there is a bus stop approximately 100 feet from the entrance on Westchester Avenue).

- (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 effected; and be it further and

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 WESTCHESTER BUILDING COMPANY LLC (“APPLICANT”), OWNER OF 333 WESTCHESTER AVENUE, LOCATED IN A SPECIAL “S” ZONE, FOR AN AMENDMENT TO THE EXISTING SITE PLAN, TO PERMIT THE RELOCATION AND REALIGNMENT OF AN EXISTING INGRESS ONLY DRIVEWAY TO ACHIEVE BETTER ALIGNMENT WITH THE NEWLY RECONSTRUCTED WESTCHESTER AVENUE, WHICH UNDERWENT A MAJOR REDESIGN AND CONSTRUCTION INITIATED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT).

WHEREAS, the Common Council of the City of White Plains (“Common Council”), at its meeting of August 3, 2015, received a communication from the Commissioner of Building, dated July 24, 2015, transmitting an application, submitted on behalf of the Westchester Building Company LLC, owner of 333 Westchester Avenue, for an amendment to its approved site plan, in accordance with Section 7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), to permit the relocation of an existing ingress only driveway from Westchester Avenue (“Application”), in order to achieve better alignment with the newly reconstructed Westchester Avenue, which underwent a major redesign and construction initiated by the New York State Department of Transportation (“NYSDOT”); and

WHEREAS, the Applicant is the owner of the office park facility located at 333 Westchester Avenue, also known as 250 North Street, and formerly known as the Kraft/General Foods site, comprised of approximately 38 acres, with four (4) separate interconnected buildings and associated parking lots with 1,780 parking spaces, and designated on the Tax Assessment Map of the City of White Plains as Section 126.18, Block 1, Lots 1&2 (formerly known as Ward 6, Block

73, Lots 1, 1A, 2A; Ward 5, Block 76, Lot 7); and

WHEREAS, the property is located in the C-O (Campus-Office) Zoning District; and

WHEREAS, the property is also designated a Special Zone (“S Zone”), and as such, is subject to the provisions of special legislation adopted by the Common Council on June 4, 1951, in connection with the original development approval for the property, with specific site controls established in the underlying zoning for the site; 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, in 1998, the Westchester Building Company, LLC, submitted an application to amend the special “S Zone” regulations governing the property located at 333 Westchester Avenue, to *inter alia*, permit multiple tenancies in the building; and

WHEREAS, the Common Council, by an ordinance adopted March 16, 1998,

approved an amendment to the “S” Zone regulations for the site to remove the single office user requirement of the original June 4, 1951 Special “S” Zone approval, in order to permit multiple office tenants on the site; and

WHEREAS, the aforementioned “S Zone” Ordinance amendment did not make any changes with respect to the signage standards in the 1951 “S Zone” amendment, and the ordinance further provided that:

The provisions of this ordinance shall continue to constitute a special “S Zone” in accordance with the Zoning Ordinance of the City of White Plains, as said Ordinance may, from time to time, be amended; and

WHEREAS, as evidenced by the language above, the other special conditions contained in the June 4, 1951 Special “S” Zone Ordinance, as amended, were specifically retained by the ordinance adopted by the Common Council on March 16, 1998; and

WHEREAS, the Common Council, at a meeting on June 1, 2009, received an application from the Applicant, on behalf of Amalgamated Life, a tenant, for an amendment to its approved site plan, to permit the installation of one (1) ground (monument) sign along Westchester Avenue and one (1) wall sign in front of the north building on the premises; and

WHEREAS, the Common Council, after conducting a public hearing and making

environmental findings, adopted an ordinance on August 3, 2009, amending the 1951 Special “S” Zone , as amended, permitting non-illuminated signs greater than 24 square feet in area when located (a) on a portion of the property having a continuous extent of frontage along a State or County Road of at least 350 feet; and (b) at a distance of at least 500 feet from any residential zoning district; and upon approval of the Common Council of the City of White Plains; and

WHEREAS, the Common Council, at its August 3, 2009 meeting, also adopted a resolution approving the application to amend the existing site plan to permit the installation of a non-illuminated ground sign along Westchester Avenue and a non-illuminated wall sign in front of the north building at the 333 Westchester Avenue campus office property, located in a Special “S” Zone; and

WHEREAS, Westchester Avenue has two (2) lanes of travel and is one-way eastbound towards the Village of Port Chester in the vicinity of the existing driveway; and

WHEREAS, the NYSDOT recently completed a major reconstruction project along Westchester Avenue in White Plains which rerouted the roadway and allowed for additional and more efficient connections with the existing roadways in the corridor; and

WHEREAS, the reconstruction shifted Westchester Avenue closer to the Applicant’s site, reducing the length of ramp for the ingress driveway that extended along Westchester Avenue, a situation which the Applicant seeks to address through this Application; and

WHEREAS, the Applicant is submitting this Application for a grading and excavation permit from the Department of Building to permit the relocation of the driveway; and

WHEREAS, the work along the stretch of the roadway also requires the Applicant to obtain a permit from the Westchester County Department of Public Works, a process which is underway; and

WHEREAS, to facilitate this work, a net of forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue are proposed to be removed; and

WHEREAS, since excess parking exists in this area of the campus, adequate parking is available and no adverse parking impacts are anticipated; and

WHEREAS, the Applicant proposes that the work will also reduce the amount of pavement and impervious area by 14,937 square feet, thus providing a positive stormwater improvement; and

WHEREAS, because the area of improvements as proposed is under an acre in size, the preparation of a Stormwater Pollution Prevention Plan (SWPPP) is not required; and

WHEREAS, the instant Application includes the following documents:

A. A cover letter dated July 22, 2015, from Gerhard M. Schwalbe, P.E., Partner, Divney Tung Schwalbe, LLP, on behalf of the Applicant, forwarding the amendment to the site plan application, and attaching figures and drawings depicting an aerial image of the proposed area of study; site approach; impervious area calculations; and drawing SK-1, as prepared by Divney Tung Schwalbe, LLP, last revised 05/26/15, showing existing conditions vs. proposed conditions; and

B. A Short Form Building Permit application, dated April 24, 2015, sworn to by Charles S. Cohen, President, on behalf of the Applicant; and

C. Drawings, as prepared and certified by Divney Tung Schwalbe, LLP, consisting of the following:

<u>Drawing No.</u>	<u>Entitled</u>	<u>Last Revised</u>
Cover Sheet	Proposed Driveway Relocation	03/16/15
D-1	Site Preparation&Erosion and Sediment Control Plan	06/03/15
SP-1	Site Layout Plan	03/16/15
SP-2	Site Grading&Utility Plan	03/16/15
SP-3	Site Details	03/16/15
SP-4	Site Details	03/16/15

D. A Boundary and Topographic Survey, as prepared by Link Land Surveyors, P.C., surveyed September 17, 2014; and

E. A short Environmental Assessment form (EAF) prepared by Gerhard Schwalbe, P.E., dated July 21, 2015; and

WHEREAS, the Common Council, at its August 3, 2015 meeting, referred the instant Application to all necessary City departments, boards, commissions, agencies and officers and the Westchester County Planning Board and Westchester County department of Public Works and Transportation for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at its September 8, 2015 meeting, in connection with the Application, received communications from the Commissioner of Building, dated August 24, 2015; Commissioner of Public Works, dated September 8, 2015; the Commissioner of Planning, dated August 19, 2015; the Commissioner of Public Safety, dated August 18, 2015; the Commissioner of Parking, dated September 8, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated August 19, 2015; the Chair of the Planning Board, dated August 18, 2015; the Chair of the Design Review Board, dated August 25, 2015; the Acting Chair of the Transportation Commission, dated August 26, 2015; the Environmental Officer, dated August 12, 2015; and the Westchester County Planning Board, dated August 10, 2015; and

WHEREAS, in connection with the proposed amendment to the existing site plan, the Common Council, at its September 8, 2015 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, undertook an environmental review of the proposed action pursuant to SEQRA, and adopted environmental findings, including a negative declaration; and

WHEREAS, the Common Council has reviewed and considered comments from the various City departments, boards, commissions, and officers and has reviewed and considered the Application to amend the site plan with respect to the applicable standards set forth in Sections 3.6, 7 and 8 of the Zoning Ordinance:

1. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed amended site plan Application to relocate an existing ingress only driveway from Westchester Avenue in order to achieve a better alignment with the newly reconstructed Westchester Avenue as a means of improving traffic flow into the site, is consistent with the Zoning Ordinance and the goals of the 1997 Comprehensive Plan and the 2006 Plan Update adopted by the Common Council on July 11, 2006 (“Comprehensive Plan”).

2. The Comprehensive Plan designates the premises for Campus Office land use and provides the following strategies for the Outer Area neighborhoods relating to Campus Office developments: (1) do not expand or increase commercial development potential of existing campus office area; and (2) 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.

3. The 1988 amendment to the 1951 "S" Zone Ordinance provided for multiple tenancies for the building which was previously used for one tenant.

4. The Comprehensive Plan also states that the City should evaluate proposed developments with access to Interstate 287 to ensure that traffic-circulation needs and impacts on local roadways are properly addressed in all phases of planning and implementation of these projects. The relocation and realignment of this driveway on Westchester Avenue is a byproduct of road improvements made on I-287 and therefore accomplishes this vision of the Comprehensive Plan.

5. The Application does not constitute an expansion of the commercial uses on the site or increase the commercial density of the site. Rather these improvements work within the existing site boundaries and are minor in nature. As such, the Application is consistent with the Comprehensive Plan.

6. In accordance with Section 7.5.2 of the Zoning Ordinance, Westchester Avenue in the vicinity of the existing driveway is one-way eastbound with two (2) travel lanes. Recent improvements completed by the New York State Department of Transportation shifted Westchester Avenue closer to the Applicant's site, which in turn, reduced the length of the existing two-lane ramp for the ingress only driveway that extends along Westchester Avenue. The Applicant proposes to relocate the driveway slightly east of its current location.

7. The relocation and realignment of the driveway also greatly improve the pedestrian

connectivity to and within the site. A concrete, curbed sidewalk will be constructed along the northern portion of the site, adjacent to Westchester Avenue. Two new pedestrian crosswalks are proposed - one across the new two-lane driveway and the other within the office park connecting a new concrete sidewalk to the existing internal roadway system. The new sidewalk leading into the site from Westchester Avenue will greatly improve pedestrian safety and convenience for those accessing the site via Bee Line Bus Routes 3, 12, or 62 from the bus stop on the south side of Westchester Avenue approximately 100 feet from the proposed entrance. Further, it appears that there is adequate vehicular queuing distance from Westchester Avenue and the planned crosswalk in the proposed driveway to allow a vehicle or vehicles to safely yield to pedestrians without impeding the southernmost Westchester Avenue lane.

8. The Applicant proposes to remove a net of forty-three (43) parking spaces along the northern portion of the parking lot adjacent to Westchester Avenue. The elimination of the net forty-three parking spaces will constitute a reduction from the current 1,780 spaces to 1,737 spaces on site. Since the Applicant is only required to provide 1,383 parking spaces pursuant to Section 8 of the Zoning Ordinance (three (3) per 1,000 square feet of gross floor area), and since there is adequate and abundant parking on the site currently, the proposed reduction in the number of spaces will not have an adverse impact with respect to parking capacity.

9. The Application does not propose any changes to permitted land uses, existing building site coverage or floor area, or the overall site layout and traffic circulation. As such, the Application conforms to the dimensional regulations of the C-O Zoning District and the original

conditions of the Special “S” Zone related to 333 Westchester Avenue.

10. As depicted in the Grading and Utilities Plan dated January 16, 2015, a minimal amount of grading/site disturbance is proposed, and is concentrated where the new driveway is being created. In addition, the Application will reduce the amount of pavement and impervious area by 65%, an actual reduction of 14,937 square feet from 23,050 square feet to 8,113 square feet.

11. In accordance with Section 7.5.3 of the Zoning Ordinance, the environmental quality of the site will be enhance by the proposed design.

12. In accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration and recommendation of the Design Review Board, the Application will enhance and protect the character and property values of the neighborhood; now, therefore, be it

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 3.6, 7 and 8 of the Zoning Ordinance have been satisfied and that the amended site plan Application to permit the relocation of an existing ingress only driveway from Westchester Avenue (“Application”), in order to achieve better alignment with the newly reconstructed Westchester Avenue, be and hereby is granted, subject to the Applicant’s compliance with the following conditions:

1. As per the recommendation set forth in the communication of the Acting

Commissioner of Public Works dated September 8, 2015, the Applicant must provide a signed and sealed copy of the survey. The survey shall include the section, block and lots where the work will take place.

2. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works dated September 8, 2015, the Applicant shall revise the datum to North American Vertical Datum.

3. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works dated September 8, 2015, the Applicant shall provide Water Quality treatment for the new entrance drive (Flo Gard Plus Basin inserts or approved equal) and shall include the location on the plan and provide all necessary details, including Maintenance and Inspection protocol.

4. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works dated September 8, 2015, the Applicant shall provide copies to the Westchester County Department of Public Works and to the State for permits required for the work along Westchester Avenue (CR 62) prior to the start of construction.

5. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works dated September 8, 2015, the Applicant shall provide a snow storage area and associated signage for the newly created parking spaces. The required area shall be sized

on a six (6) inch snow storm.

6. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works dated September 8, 2015, an as-built must be provided and a stormwater maintenance agreement must be executed with the City of White Plains, approved as to form by the Corporation Counsel, prior to the issuance of a temporary certificate of occupancy. A typical escrow account must also be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works shall have the authority to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the City shall receive 20% of all costs as an administrative fee.

7. As per the recommendation set forth in the communication of the Acting Commissioner of Public Works dated September 8, 2015, the Applicant shall be required to obtain all applicable City of White Plains Department of Public Works permits prior to the start of construction.

8. As per the recommendation set forth in the communications of the Acting Secretary of the Transportation Commission dated August 26, 2015 and the Acting Commissioner of Public Works dated September 8, 2015, due to the sharp angle for the proposed driveway a “deceleration lane” or wider shoulder on Westchester Avenue shall be provided.

9. As per the recommendation set forth in the communication of the Acting Secretary

of the Transportation Commission dated August 26, 2015 and the Deputy Commissioner of Parking for Transportation Engineering dated August 19, 2015, the submitted plan shows a proposed stop sign for only one approach of the “thru” movement. Stop signs shall be added by the Applicant to the gated area instead, so that all approaches are stop controlled.

10. As per the recommendation set forth in the communication of the Acting Secretary of the Transportation Commission dated August 26, 2015, the proposed changes on Westchester Avenue will require approval from Westchester County.

11. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, if there is no stop control in front of crosswalks, the crosswalk shall be identified by a standard crosswalk warning sign in the fluorescent yellow-green color.

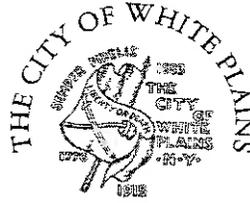
12. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, all markings must be indicated in white except for double yellow lines. All signs must be New York State Department of Transportation approved and properly identified on the plan.

13. As per the recommendation set forth in the communication of the Chair of the Planning Board, the Applicant shall consider planting sycamore trees to supplement those already at the site.

14. As per the recommendation set forth in the communication of the Chair of the Planning Board, the Applicant shall evaluate whether there is adequate space for a vehicle to stop for pedestrians at the crosswalk and remain out of the flow of traffic on Westchester Avenue.

15. As per the recommendation set forth in the communication of the Westchester County Planning Board dated August 10, 2015, Westchester Avenue is a County road (CR 71), and thus, approval from the Westchester County Department of Public Works and Transportation is required for any work related to the road under Section 239-F of the General Municipal Law. Pertinent drainage, utility, erosion control and curb cut details shall be provided by the Applicant at the time of the Section 239-F submission to the County. The driveway shall also be designed in accordance with current County, State and AASHTO standards.

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**

The Department of Building has reviewed an application, filed on July 11, 2014, on behalf of DC White Plains LLC for the renewal of a Special Permit to allow for a "Cabaret" use at "Don Coqui" located at 107 Mamaroneck Avenue, White Plains, New York. The present and future use of the property is a restaurant / bar – Assembly "A " use group and is located within a CB -2 Zoning District.

Type of Business

Don Coqui occupies approximately 7,000 square feet (total gross floor area) on the ground floor of 107 Mamaroneck Avenue. The space houses a kitchen, a dining area and a bar. The business operates seven days a week and is engaged in preparing food which is served to patrons seated at tables. Patrons select food from a full menu and table service is accommodated via a wait staff.

Type of Cabaret

The Zoning Ordinance now 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 August 25, 2015, the net floor area of the restaurant is calculated to be 5,765 square feet. The applicant is proposing to dedicate 2,281 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation. This equates to 39.5% of the net floor area. As the establishment is principally a restaurant with entertainment and/or dancing that

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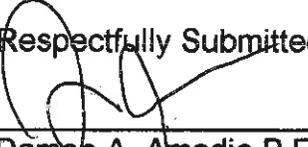
<http://www.cityofwhiteplains.com>

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occupies less than 40% of the net floor area, it qualifies as an "Accessory Cabaret".

Based upon the above and the applicants submission of compliant documentation we have no objection to the renewal of a Special Permit for an accessory cabaret being granted.

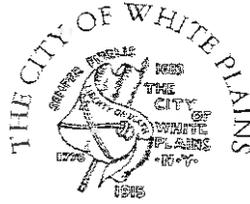
Respectfully Submitted



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Damon A. Amadio P.E.  
Commissioner of Building

Date: August 25, 2015



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH

Mayor

NORMAN DICHIARA, AIA

Chairman

DAMON A. AMADIO, P.E.

Commissioner of Building

KEVIN M. HODAPP, P.E.

Deputy Commissioner of Building

NICK PUJA

Secretary

May 15, 2014

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on May 12, 2014, reviewed an application submitted on behalf of Don Coqui, for a renewal of a special permit to allow for cabaret use. at 105-107 Mamaroneck Ave, White Plains, New York,

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

Norman DiChiara

Norman DiChiara, Chairman

Design Review Board

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<http://www.cityofwhiteplains.com>

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**PLANNING DEPARTMENT**

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**SUBJECT: DON COQUI CABARET SPECIAL PERMIT RENEWAL  
107 MAMARONECK AVENUE**

The Department of Planning is in receipt of an application, filed July 11, 2015, on behalf of DC White Plains LLC pursuant to Section 6.5 "Special Permit Standards" and Section 6.7.10 "Cabarets" of the City Zoning Ordinance for renewal of a cabaret special permit for Don Coqui located at 107 Mamaroneck Avenue. The establishment is an existing 7,000 square foot restaurant with an "Accessory Cabaret" (less than 40% of net floor area dedicated to cabaret use) located within the CB-2 Core Business zoning district and Central Parking Area (CPA). The Planning Department has reviewed the application for compliance with special permit standards and Comprehensive Plan consistency 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 107 Mamaroneck Avenue 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.

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

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

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

Cabaret uses serve as gathering places that attract large numbers of patrons; operate during the evening and night hours; operate sound systems; and sell alcoholic beverages. However none of these potential characteristics are more objectionable than those of other permitted uses in the downtown CB-2 Core Business District.

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

Don Coqui is located in a legally non-conforming building with respect to parking. Further, public parking is available on-street and in nearby public lots and structures.

#### *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 located in the CB-2 Core Business non-residential zoning district and is not located within 200 feet of a place of worship, hospital, or "domiciliary care facility" or "community residence" as defined by the Zoning Ordinance. In addition, renewals of special permit for cabarets are subject to a demonstration that the cabaret has operated in a manner that is consistent with the conditions and controls set forth in the Common Council approval resolution.

#### *Conformity with the Comprehensive Plan*

Cabaret use at 107 Mamaroneck Avenue is consistent with the Comprehensive Plan that 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.

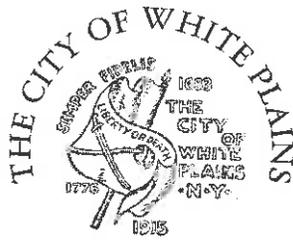
As indicated above, the application conforms to Section 6.5 "Special Permit Standards" and 6.7.10 "Cabarets" of the City Zoning Ordinance and is consistent with the Comprehensive Plan. Therefore, the Planning Department supports a one-year special permit renewal for "Accessory Cabaret" use for Don Coqui at 107 Mamaroneck Avenue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris N. Gomez", with a stylized flourish at the end.

Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: August 25, 2015



## 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

ELIZABETH CHETENY, AICP  
COMMISSIONER OF PLANNING

LINDA PUOPLO, LMSW  
DEPUTY COMMISSIONER OF PLANNING

EILEEN McCLAIN  
SECRETARY

May 21, 2014

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: DON COQUI - 105-107 MAMARONECK AVENUE - RENEWAL OF A  
SPECIAL PERMIT FOR CABARET USE

At its meeting of May 20, 2014, the Planning Board reviewed the application for Renewal of a Special Permit for a Cabaret Use at Don Coqui, which is located at 105-107 Mamaroneck Avenue.

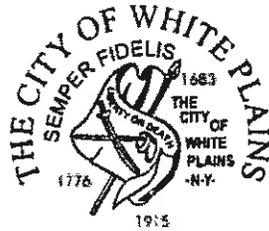
The Planning Board was informed by the Building Department that there are no outstanding violations for the business. The Planning Board finds that the proposed cabaret use is consistent with the Comprehensive Plan, which recommends encouraging entertainment uses in the Mamaroneck Avenue Central Business District. The Planning Board voted unanimously in favor of a motion to find no objection to issuance of the Special Use Permit for a Cabaret.

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

Respectfully submitted,

MICHAEL QUINN  
Michael Quinn, Chairman  
White Plains Planning Board

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

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THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

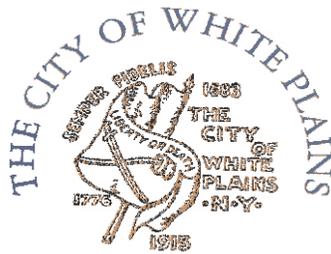
Don Coqui  
Special Permit for Cabaret  
105-107 Mamaroneck Ave.



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: May 28, 2014



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

THOMAS M. ROACH  
MAYOR

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

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

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

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

We have reviewed an application submitted by Paul Bergins on behalf of DC White Plains LLC requesting the renewal of a Special Permit to operate a cabaret "use" for the first floor indoor space located at 105-107 Mamaroneck Avenue, known as Don Coqui. Readings with music playing must fall within the allowable maximum at the public property line.

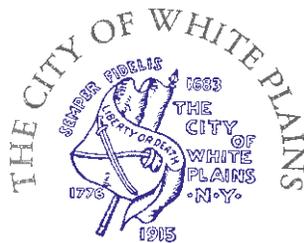
We have no objection to the Common Council approving this renewal of a Special Permit.

Respectfully Submitted,

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

Dated: June 2, 2014

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

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

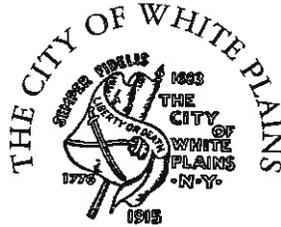
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS  
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division has reviewed the application from DC White Plains LLC at 105-107 Mamaroneck Avenue (Don Coqui) for renewal of a special permit to operate a "Cabaret" which was referred by the Common Council on May 5, 2014.

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

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

Dated: May 9, 2014



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

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THOMAS M. ROACH  
MAYOR

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

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

The Traffic Commission, at its meeting held on May 21, 2014, reviewed the request from "Don Coqui" 105 Mamaroneck Avenue 175 Main Street for a one-year renewal of a special permit to operate a "cabaret" as referred by the Common Council on May 5, 2014.

The Traffic Commission determined that this matter does not involve traffic considerations.

Thomas Soyk  
Acting Chairman

Dated: May 23, 2014

THOMAS M. ROACH  
MAYOR



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

(914) 422-1232 Phone  
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JOHN P. LARSON  
COMMISSIONER

JOHN FUERST  
DEPUTY COMMISSIONER

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

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

**Re: #128 – Don Coqui – 105-107 Mamaroneck Avenue  
Application for Renewal of Special Permit for Cabaret Use**

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

The Parking Department has no objection to the renewal of this special permit for cabaret use.

Respectfully submitted,

John P. Larson, Commissioner  
CWP – Department of Parking

Date: June 2, 2014

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

County Ref. No. **WHP N14-016**

*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: **Don Coqui Cabaret Use**

Address: **105-107 Mamaroneck Avenue**

Section: **125.76** Block: **5** Lot: **18**

Submitted by (name and title): **Damon A. Amodio**

E-mail address (or fax number): **damodio@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: **5/9/14**

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

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**ENVIRONMENTAL OFFICER**

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THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

August 31, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: DON COQUI  
105-107 MAMARONECK AVENUE  
SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET  
SECTION 125.76, BLOCK 5, LOTS 18 AND 19

The application submitted by Paul Bergins, attorney acting on behalf of DC White Plains, LLC (Don Coqui) (the "Applicant") regarding approval of a special permit to operate an Accessory Cabaret at Don Coqui, located at 105 -107Mamaroneck Avenue ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations. The business is located in the CB-2 Zoning District.

On April 1, 2013, the Common Council approved a Special Use Permit to Operate a Cabaret at Don Coqui. On March 27, 2014, the Building Department received a request for a renewal of that Special Use Permit for a Cabaret.

At its May 4, 2015 meeting the Common Council adopted an ordinance entitled:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" WITH RESPECT TO SPECIAL PERMIT USES IN NON-RESIDENTIAL DISTRICTS, REVISING THE DEFINITION OF "CABARET" AND ADDING THE DEFINITION OF "PRIMARY CABARET" AND "ACCESSORY CABARET"

In summary, this amendment revises the definition of "cabaret" uses and creates two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant use when the "cabaret" is in operation. Each class will have unique standards.

At its July 6, 2015 meeting the Common Council adopted an ordinance entitled:

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

In summary, this amendment revises the definition of "cabaret" uses as described above, and addresses entry fees.

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

The primary environmental concern is the assurance that noise emanating from the cabaret will not have any adverse effects to the surrounding land uses and community. The general standards for all special permit uses in Section 6.5 and the individual standards specifically for cabaret uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts.

Based on the recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the Proposed Action to avoid potential adverse noise impacts ("Conditions"):

1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, subject to renewals, upon a demonstration that the cabaret has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. The cabaret special permit use granted by this approval resolution herein is solely limited to the indoor area, first floor only. Any cabaret use beyond such stated permitted area shall constitute a violation of this special permit herein and render the special permit approved herein null and void. No amplified music shall be permitted as part of any outdoor dining application approval.
3. The hours for operation of the cabaret use shall be no later than 3:00 a.m., to be consistent with other cabaret requirements in proximity to the proposed use; the facility may continue to operate as a restaurant or bar use after these hours.
4. The Applicant is prohibited from operating a cabaret without food service available from a printed menu.
5. 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.
6. Since a cabaret is not a private club but is an accessory use to a restaurant, no entry fee may be charged for access to the cabaret, except as provided for in Section 4-4-9 of the Municipal Code.
7. 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 operation of the cabaret use, paid for by the

Applicant, 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.

8. A sound meter shall be permanently installed by the Applicant to continuously monitor the sound levels.
9. 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).
10. Whenever the premises fire alarm system is activated all "Sound Amplification Equipment" within the premises shall be shut off.
11. 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.
12. During the course of the operation of the cabaret use, and at not less than intervals of three (3) months, the Commissioner of Building shall report to the Common Council on the operation of same. If it is to be determined by the Common Council that the public health, safety and welfare are being jeopardized by said operation, the Common Council's finding shall be submitted to the Commissioner of Public Safety, who, at least five (5) days before suspending and/or revoking said cabaret license, shall cause to be mailed to the holder of the special permit at the address at which said cabaret is being conducted, a notice, stating the time and place of a hearing concerning the suspension and/or revocation at which time the permittee shall be entitled to be heard and introduce the testimony of witnesses. The action of the Commissioner of Public Safety relative to such suspension or revocation shall be final. After each year of operation and prior to consideration of the renewal of the special permit, the Commissioner of Building shall report to the Common Council on the operation of the cabaret.

Based on the above, it is recommended that the Common Council (a) designate itself as the Lead Agency for the environmental review; (b) find the Proposed Action to be an Unlisted Action; under SEQR regulations; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

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

The Comprehensive Plan recommends entertainment uses for the Mamaroneck Avenue Central Business District, in which the subject property is located.

The 1997 Comprehensive Plan and 2006 Plan Comprehensive Plan Update state:

- 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. (1997)
- Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, "walkable" urban environment with a 24/7 character which supports the other two major economic generators - office and retail. (2006)

The Comprehensive Plan also includes 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 in the area:

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

Based on the above, the Proposed Action conforms to the recommendations of the Comprehensive Plan.

#### Zoning Compliance Review

Don Coqui is located in a CB-2 Core Business Zoning District where a cabaret use is permitted use subject to the use subject to Section 6.5 General Special Permit Standards and Section 6.7.10 Special Permit Standards for Cabaret Uses.

There are two types of cabaret uses, as follows:

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

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

Based on the analysis completed by the Building Department, the proposed cabaret use meets the criteria for an Accessory Cabaret.

The existing restaurant occupies approximately 7,000 sf of ground floor space with a kitchen and seating for 231 on the first floor and 49 on the second floor.

Conformance with Section 6.5 General Special Permit Standards:

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

The size of the proposed cabaret use is similar to existing cabarets in the area. The location of the use on Mamaroneck Avenue, a major commercial thoroughfare, is “in harmony with the appropriate and orderly development of the area.” The cabaret is proposed to be on the ground floor (at grade level) of the restaurant. No site plan changes are 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.

As gathering places that attract large numbers of patrons, the City of White Plains was concerned about the effects that cabarets have on adjacent residential neighborhoods. These include the potential for high ambient noise levels generated by sound systems, vehicles, and patrons' voices; the potential for idling vehicles to cause localized negative impacts to air quality; the potential for negative impacts related to queuing outside the cabaret and affecting pedestrian traffic on the sidewalk; and the potential for issues of public safety to arise both within and outside of the cabaret use.

The principal impacts from the cabaret will be noise emanating from the cabaret onto the street and potential noise caused by patrons leaving the establishment. The City will regulate the maximum decibel level permitted outside the establishment. This limitation is consistent with promoting evening activity in the downtown. To ensure that the appropriate noise levels are maintained, the cabaret permit shall be granted for a one year period with the controls set forth above.

Consequently, the amendments made to Section 6.7.10 of the Zoning Ordinance serve to better address these concerns, improve enforcement measures, and streamline the renewal process.

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

The building in which Don Coqui is located is in the CPA and is legally non-conforming with respect to parking. Public parking is available on-street and in nearby public parking lots.

#### Section 6.7 Special Permit Standards for Cabaret Uses

The Individual Standards and Requirements for "Cabarets" as a Special Permit Use have been augmented in order to streamline the application and enforcement processes and to protect surrounding residential neighborhoods. These new provisions include (1) the exact application requirements needed for submission, (2) a new requirement precluding a "primary cabaret" from locating within 300 feet of any "dwelling unit", (3) requiring cabarets to be located at grade level, (4) enabling the Commissioner of Building to renew special permit requests and (5) permitting the suspension or revocation of a special permit to operate a "cabaret" if there is a violation.

6.7.10.1 The Commissioner of Building has determined that the plans conform to the requirements of Section 6.7.10.1.

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."

There is no hospital, domiciliary care facility, community residence, or place of worship located within 200 feet of the site. The project site abuts the RM-0.35 residential zoning district on Mitchell Place. However, the Common Council, when acting as the approving agency for a special permit, need only give consideration to and generally be guided by the special permit requirements of Section 6.7.10.

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

The proposed cabaret at Don Coqui is at grade level and, therefore, the application complies with this section.

- (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 and building 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.

With appropriate limitations on noise levels, the operation of the proposed cabaret should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibrations or other characteristics than would be the operations of permitted uses not requiring a special permit.

- (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, including the existing cabaret use, is located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

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

The proposed cabaret use is similar to the other cabaret uses that are located in the nearby Downtown area.

Other cabaret uses have been approved in the nearby area along Mamaroneck Avenue. 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 will be maintained.

Additional requirements for the cabaret use can be determined by the City departments in regard to any future renewals of the special permit to assure compliance with the Noise Ordinance.

Cabaret uses are regulated by two separate municipal authorities: the Common Council approves special permits for a Cabaret use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards. The proposed conditions to the Proposed Action assure that the monitoring functions of the Departments of Building and Public Safety will be coordinated with the Common Council's consideration of any future renewals.

There are no places of worship, hospitals, domiciliary care facilities or community residences located within 200 feet of the site. The Don Coqui site abuts the RM-0.35 Residential District along Mitchell Place. However, the Common Council, when acting as the approving agency for a special permit, need only give consideration to and generally be guided by the special permit requirements of Section 6.7.10.

- (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 Proposed Action involves the Common Council's approval of a cabaret use in accordance with the requirements of the Zoning Ordinance. The Applicant must also apply for a Cabaret License to the White Plains Department of Public Safety. This license must be renewed annually by that Department.

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 applicable approvals by the Departments of Building and Public Safety.

- (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 which adopts these findings is offered for the Common Council's consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rod Johnson". The signature is written in a cursive style with a horizontal line under the name.

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN APPLICATION SUBMITTED BY PAUL BERGINS, ATTORNEY ACTING ON BEHALF OF DC WHITE PLAINS, LLC, REGARDING APPROVAL OF A SPECIAL PERMIT TO OPERATE AN ACCESSORY CABARET AT DON COQUI, LOCATED AT 105-107 MAMAORNECK AVENUE, (SECTION 125.76, BLOCK 5, LOTS 18 AND 19)

WHEREAS, the application submitted by Paul Bergins, attorney acting on behalf of DC White Plains, LLC (Don Coqui) (the "Applicant") regarding approval of a special permit to operate an Accessory Cabaret at Don Coqui, located at 105 -107Mamaroneck Avenue ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involved a cabaret use within an existing restaurant located within the CB-2 zoning district; and

WHEREAS, on April 1, 2013, the Common Council approved a Special Use Permit to Operate a Cabaret at Don Coqui. On March 27, 2014, the Building Department received a request for a renewal of that Special Use Permit for a Cabaret; and

WHEREAS, at its May 4, 2015 meeting the Common Council adopted an ordinance entitled:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS" WITH RESPECT TO SPECIAL PERMIT USES IN NON-RESIDENTIAL DISTRICTS, REVISING THE DEFINITION OF "CABARET" AND ADDING THE DEFINITION OF "PRIMARY CABARET" AND "ACCESSORY CABARET"

In summary, this amendment revises the definition of "cabaret" uses and creates two "cabaret" classes – a "primary cabaret" and "accessory cabaret" which are distinguished by the percentage of the net floor area proposed for "cabaret" uses as opposed to restaurant use when the "cabaret" is in operation. Each class will have unique standards.

WHEREAS, at its July 6, 2015 meeting the Common Council adopted an ordinance entitled:

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

In summary, this amendment revises the definition of "cabaret" uses as described above, and addresses entry fees.

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

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

1. An application letter from Paul Bergins, on behalf of DC White Plains, LLC, dated March 11, 2014.

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2. Building Department Special Permit Application, dated March 27, 2014.
3. A letter dated March 3, 2014 from NICJO Realty, Co., LLC, property owner, authorizing DC White Plains, LLC to make the application for a Special Permit for a Cabaret.
4. A Short Environmental Assessment Form, prepared by Paul Bergins, dated March 18, 2014.
5. Affidavit by Jaleene Rodriguez, dated March 3, 2014 stating that the cabaret has operated in compliance with the decibel levels of the Cabaret Special Permit Resolution of the Common council, adopted April 1, 2013.
6. "Restaurant Floor Plans," dated March 24, 2014
7. "Cabaret Floor Plans," dated March 24, 2014.

WHEREAS, the primary environmental concern is the assurance that noise emanating from the cabaret will not have any adverse effects to the surrounding land uses and community; and

WHEREAS, the general standards for all special permit uses in Section 6.5 and the individual standards specifically for cabaret uses in Section 6.7.10 of the Zoning Ordinance, as well as any additional conditions applicable to the Proposed Action, will serve to avoid potential impacts; and

WHEREAS, under New York State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR 617), the Common Council is required to incorporate environmental consideration in approval actions by a) identifying environmental issues; by 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 for 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 under 6 NYCRR §617; and

WHEREAS, based on the recommendations of the City departments, it is recommended that the following conditions be adopted by the Common Council as part of the Proposed Action for the purposes of the environmental review ("Conditions"):

1. The special permit shall be for one (1) year, and shall expire on September 6, 2016, subject to renewals, upon a demonstration that the cabaret has operated consistent with the conditions and controls as set forth in the approval resolution herein.
2. The cabaret special permit use granted by this approval resolution herein is solely limited to the indoor area, first floor only. Any cabaret use beyond such stated permitted area shall constitute a violation of this special permit herein and render the special permit approved herein null and void. No amplified music shall be permitted as part of any outdoor dining application approval.
3. The hours for operation of the cabaret use shall be no later than 3:00 a.m., to be consistent with other cabaret requirements in proximity to the proposed use; the facility may continue to operate as a restaurant or bar use after these hours.
4. The Applicant is prohibited from operating a cabaret without food service available from a printed menu.

5. 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.
6. Since a cabaret is not a private club but is an accessory use to a restaurant, no entry fee may be charged for access to the cabaret, except as provided for in Section 4-4-9 of the Municipal Code.
7. 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 operation of the cabaret use, paid for by the Applicant, 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.
8. A sound meter shall be permanently installed by the Applicant to continuously monitor the sound levels.
9. 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).
10. Whenever the premises fire alarm system is activated all "Sound Amplification Equipment" within the premises shall be shut off.
11. 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.
12. During the course of the operation of the cabaret use, and at not less than intervals of three (3) months, the Commissioner of Building shall report to the Common Council on the operation of same. If it is to be determined by the Common Council that the public health, safety and welfare are being jeopardized by said operation, the Common Council's finding shall be submitted to the Commissioner of Public Safety, who, at least five (5) days before suspending and/or revoking said cabaret license, shall cause to be mailed to the holder of the special permit at the address at which said cabaret is being conducted, a notice, stating the time and place of a hearing concerning the suspension and/or revocation at which time the permittee shall be entitled to be heard and introduce the testimony of witnesses. The action of the Commissioner of Public Safety relative to such suspension or revocation shall be final. After each year of operation and prior to consideration of the renewal of the special permit, the Commissioner of Building shall report to the Common Council on the operation of the cabaret.

(hereinafter referred to as "Conditions"); and

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

WHEREAS, the Common Council has considered the application, supporting materials Conditions, and reports from the various City department, boards, or commissioner, and involved agencies, and public

comments which when considered together, constitute the Environmental Review Record, which serves as a basis for the SEQU 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 White Plains Zoning Ordinance.

The Comprehensive Plan recommends entertainment uses for the Mamaroneck Avenue Central Business District, in which the subject property is located.

The 1997 Comprehensive Plan and 2006 Plan Comprehensive Plan Update state:

- 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. (1997)
- Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, “walkable” urban environment with a 24/7 character which supports the other two major economic generators - office and retail. (2006)

The Comprehensive Plan also includes 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 in the area:

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

Based on the above, the Proposed Action conforms to the recommendations of the Comprehensive Plan.

#### Zoning Compliance Review

Don Coqui is located in a CB-2 Core Business Zoning District where a cabaret use is permitted use subject to the use subject to Section 6.5 General Special Permit Standards and Section 6.7.10 Special Permit Standards for Cabaret Uses.

There are two types of cabaret uses, as follows:

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

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

Based on the analysis completed by the Building Department, the proposed cabaret use meets the criteria for an Accessory Cabaret.

The existing restaurant occupies approximately 7,000 sf of ground floor space with a kitchen and seating for 231 on the first floor and 49 on the second floor.

Conformance with Section 6.5 General Special Permit Standards:

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

The size of the proposed cabaret use is similar to existing cabarets in the area. The location of the use on Mamaroneck Avenue, a major commercial thoroughfare, is “in harmony with the appropriate and orderly development of the area.” The cabaret is proposed to be on the ground floor (at grade level) of the restaurant. No site plan changes are 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.

As gathering places that attract large numbers of patrons, the City of White Plains was concerned about the effects that cabarets have on adjacent residential neighborhoods. These include the potential for high ambient noise levels generated by sound systems, vehicles, and patrons’ voices; the potential for idling vehicles to cause localized negative impacts to air quality; the potential for negative impacts related to queuing outside the cabaret and affecting pedestrian traffic on the sidewalk; and the potential for issues of public safety to arise both within and outside of the cabaret use.

The principal impacts from the cabaret will be noise emanating from the cabaret onto the street and potential noise caused by patrons leaving the establishment. The City will regulate the maximum

decibel level permitted outside the establishment. This limitation is consistent with promoting evening activity in the downtown. To ensure that the appropriate noise levels are maintained, the cabaret permit shall be granted for a one year period with the controls set forth above.

Consequently, the amendments made to Section 6.7.10 of the Zoning Ordinance serve to better address these concerns, improve enforcement measures, and streamline the renewal process.

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

The building in which Don Coqui is located is in the CPA and is legally non-conforming with respect to parking. Public parking is available on-street and in nearby public parking lots.

#### Section 6.7 Special Permit Standards for Cabaret Uses

The Individual Standards and Requirements for "Cabarets" as a Special Permit Use have been augmented in order to streamline the application and enforcement processes and to protect surrounding residential neighborhoods. These new provisions include (1) the exact application requirements needed for submission, (2) a new requirement precluding a "primary cabaret" from locating within 300 feet of any "dwelling unit", (3) requiring cabarets to be located at grade level, (4) enabling the Commissioner of Building to renew special permit requests and (5) permitting the suspension or revocation of a special permit to operate a "cabaret" if there is a violation.

6.7.10.1 The Commissioner of Building has determined that the plans conform to the requirements of Section 6.7.10.1.

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."

There is no hospital, domiciliary care facility, community residence, or place of worship located within 200 feet of the site. The project site abuts the RM-0.35 residential zoning district on Mitchell Place. However, the Common Council, when acting as the approving agency for a special permit, need only give consideration to and generally be guided by the special permit requirements of Section 6.7.10.

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

The proposed cabaret at Don Coqui is at grade level and, therefore, the application complies with this section.

- (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 and building 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.

With appropriate limitations on noise levels, the operation of the proposed cabaret should not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibrations or other characteristics than would be the operations of permitted uses not requiring a special permit.

- (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, including the existing cabaret use, is located in the downtown area of White Plains. There are no natural landscape conditions on the site or in the nearby area.

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

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

The proposed cabaret use is similar to the other cabaret uses that are located in the nearby Downtown area.

Other cabaret uses have been approved in the nearby area along Mamaroneck Avenue. 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 will be maintained.

Additional requirements for the cabaret use can be determined by the City departments in regard to any future renewals of the special permit to assure compliance with the Noise Ordinance.

Cabaret uses are regulated by two separate municipal authorities: the Common Council approves special permits for a Cabaret use under Sections 6.5 and 6.7.10 of the Zoning Ordinance and the Department of Public Safety issues Cabaret Licenses under Section 4-4 of the Municipal Code in regard to ownership and operational standards. The proposed conditions to the Proposed Action assure that the monitoring functions of the Departments of Building and Public Safety will be coordinated with the Common Council's consideration of any future renewals.

There are no places of worship, hospitals, domiciliary care facilities or community residences located within 200 feet of the site. The Don Coqui site abuts the RM-0.35 Residential District along Mitchell Place. However, the Common Council, when acting as the approving agency for a special permit, need only give consideration to and generally be guided by the special permit requirements of Section 6.7.10.

- (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 Proposed Action involves the Common Council's approval of a cabaret use in accordance with the requirements of the Zoning Ordinance. The Applicant must also apply for a Cabaret License to the White Plains Department of Public Safety. This license must be renewed annually by that Department.

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 applicable approvals by the Departments of Building and Public Safety.

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED BY DC WHITE PLAINS LLC ON BEHALF OF DON COQUI RESTAURANT FOR THE RENEWAL OF A ONE (1) YEAR SPECIAL PERMIT TO OPERATE AN "ACCESSORY CABARET" ON THE FIRST FLOOR OF PROPERTY LOCATED AT 105-107 MAMARONECK AVENUE (SECTION 125.76, BLOCK 5, LOTS 18 AND 19) 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, on April 1, 2013, by resolution, the Common Council of the City of White Plains, after conducting a duly noticed public hearing and adopting environmental findings, approved an application submitted by DC White Plains LLC on behalf of Don Coqui Restaurant ("Applicant") for a special permit to allow a cabaret use at the first floor of the Don Coqui restaurant located at 105-107 Mamaroneck Avenue for a period of one (1) year, subject to renewals, upon a demonstration that the cabaret operated consistent with the conditions and controls set forth in the aforementioned April 1, 2013 resolution; and

WHEREAS, the Common Council, at a meeting held on May 5, 2014, received a communication from the Commissioner of Building, dated April 15, 2014, forwarding an application submitted by the Applicant DC White Plains LLC, on behalf of Don Coqui Restaurant, for approval of a renewal of a special permit to allow a cabaret use on the first floor of the property located at 105-107 Mamaroneck Avenue; and

WHEREAS, the premises is designated on the Official Tax Assessment Map of the City of White Plains as Section 125.76, Block 5, Lots 18 and 19; and

WHEREAS, the premises is located in the CB-2 (Core Business) Zoning District and the Central Parking Area (CPA); and

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

WHEREAS, the Application included the following documents:

A. A cover letter from Paul Bergins, Esq. on behalf of the Applicant, DC White Plains LLC, dated March 11, 2014, requesting a renewal of a special permit to operate a cabaret on the first floor of the property known as 105-107 Mamaroneck Avenue; and

B. A Building Permit Short Form application dated March 7, 2014; and

C. A letter dated March 3, 2014, on behalf of NICJO Co. Realty Inc., the owner of the premises located at 105-107 Mamaroneck Avenue, granting permission to its tenant, DC White Plains LLC, to apply for the instant renewal of a Special Permit for a cabaret use for the Don Coqui Restaurant; and

D. A Short Form Environmental Assessment Form (EAF) dated March 18, 2014, certified by Paul B. Bergins, Esq.; and

E. Architectural plans, prepared by John J. Annunziata P.E., consisting of a restaurant

floor plan (“Restaurant Occupancy Load”) and a cabaret floor plan (“Cabaret Occupancy Load”), both dated March 24, 2014; and

F. A Noise Affidavit dated March 3, 2013, from Jaleene Rodriguez, one of the principals of DC White Plains LLC, certifying that the operation of a cabaret at Don Coqui has been in all respects in compliance with the decibel levels set forth in Condition 7 of the resolution of the Common Council adopted April 1, 2013, approving the cabaret application; and

WHEREAS, at its May 5, 2014 meeting, the Common Council referred the application for a special permit to operate a 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 May 5, 2014 meeting, the Common Council received a communication from the Corporation Counsel, dated April 24, 2014, and also unanimously adopted a resolution scheduling a public hearing on the Special Permit application for the June 2, 2014 meeting of the Common Council; and

WHEREAS, at its June 2, 2014 meeting, the Common Council opened the duly noticed public hearing, afforded representatives of the Applicant and the public the opportunity to present testimony in relation to the renewal of the Special Permit application for a cabaret use, and then closed the public hearing; and

WHEREAS, the Common Council of the City of White Plains, after conducting a public hearing, adopted a local law at a meeting held on July 7, 2014, establishing a four (4) month moratorium on the approval, renewal and modification of “cabarets,” to enable the City to review the present laws and regulations pertinent to “cabarets,” and have the opportunity to enact laws to better protect and preserve the safety and welfare of the public and those who work, patronize, visit or conduct business with “cabarets;” and

WHEREAS, the Common Council, at a meeting held on February 2, 2015, received a communication from the Commissioner of Building dated January 23, 2015, transmitting proposed amendments to the City’s Municipal Code codifying the standard conditions that have been imposed by the Common Council in “cabaret” special permit resolutions and to the City’s Zoning Ordinance regarding “cabarets;” and

WHEREAS, among the changes proposed for the Zoning Ordinance, included an updating of the definition of “cabaret,” that a cabaret is only permitted in connection with a restaurant, the creation of two “cabaret” classes - a “primary cabaret” and “accessory cabaret” which are distinguished by the percentage of the net floor area proposed for “cabaret” uses as opposed to “restaurant” uses; a definition of the term “net floor area;” a revised definition of “restaurant;” and an augmentation of Section 6.7.10 of the Zoning Ordinance, pertaining to the Individual Standards and Requirements for “Cabarets,” to contain provisions, *inter alia*, (1) stating the exact application requirements needed for submission; (2) a new requirement precluding a “primary cabaret” from locating within 300 feet of an “dwelling unit;” (3) mandating cabarets to be located at grade level; (4) authorizing the Commissioner of Building to renew special permit requests for “cabarets;” and (5)

codifying the suspension or revocation of a special permit to operate a “cabaret” if there is a violation of any provisions of a cabaret approval; and

WHEREAS, the aforementioned proposed amendments to the Zoning Ordinance were referred to the appropriate City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

WHEREAS, the proposed amendments to the Municipal Code were also referred to various City departments, boards, commissions, officers for review, comments and recommendations; and

WHEREAS, at its March 2, 2015 meeting, the Common Council received a communication from the Commissioner of Building dated February 26, 2015 forwarding revisions to the proposed Zoning Ordinance amendment and Municipal Code regarding “cabarets;” and

WHEREAS, at its March 2, 2015 meeting, the Common Council also received a communication from the Chair of the Planning Board dated February 13, 2015 finding the proposed amendment to the Zoning Ordinance regarding “cabarets,” to be in appropriate form and recommending the scheduling of a public hearing regarding same; and

WHEREAS, the Common Council, at its March 2, 2015 meeting, adopted a resolution scheduling a public hearing on the proposed Zoning Ordinance amendment for April 6, 2015; and

WHEREAS, at its April 6, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and then adjourned the public hearing to May 4, 2015; and

WHEREAS, at its May 4, 2015 meeting, the Common Council opened the duly noticed public hearing on the proposed Zoning Ordinance amendment regarding “cabarets,” afforded the public the opportunity to present testimony with regard to same, and then closed the public hearing; and

WHEREAS, at its May 4, 2015 meeting, after having conducted a duly noticed public hearing on the Zoning Ordinance legislation and adopting environmental findings, the Common Council adopted legislation amending the Zoning Ordinance regarding “cabarets,” and tabled an ordinance amending the Municipal Code regarding “cabarets” to June 1, 2015; and

WHEREAS, the Common Council, at a meeting held on June 1, 2015, further tabled an ordinance amending the Municipal Code regarding “cabarets” to July 6, 2015; and

WHEREAS, the Common Council, at a meeting held on July 6, 2015, the Common Council adopted the ordinance amending the Municipal Code regarding “cabarets;” and

WHEREAS, the Common Council, at its September 8, 2015 meeting, received communications in relation to the Special Permit renewal Application from the Commissioner of

Building dated August 25, 2015; the Commissioner of Planning, dated August 25, 2015; the Commissioner of Public Safety, dated May 28, 2014; the Commissioner of Parking, dated June 2, 2014; the then Commissioner of Public Works, dated June 2, 2014; the Deputy Commissioner of Parking for Transportation Engineering, dated May 9, 2014; the Acting Chair of the Traffic Commission, dated May 23, 2014; the Chair of the Planning Board, dated May 21, 2014; the Westchester County Planning Board, received May 9, 2014; and the Environmental Officer, dated August 31, 2015; and

WHEREAS, the Commissioner of Building, in a communication dated August 25, 2015, noted that Don Coqui restaurant occupies approximately 7,000 square feet (total gross floor area) on the ground floor of 107 Mamaroneck Avenue; the ground floor spaces houses a kitchen, a dining area, and a bar; and

WHEREAS, the Commissioner of Building also stated in a communication dated August 25, 2015, in conformance with the new Zoning Ordinance and White Plains Municipal Code provisions, 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 Commissioner of Building notes in the communication dated August 25, 2015, that 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 states in a communication dated August 25, 2015, that in accordance with the newly adopted Zoning Ordinance amendments, at Section 2.4, Definitions, “Cabaret, Accessory,” based upon the Applicant’s new drawing submission dated August 25, 2015, the net floor area of Applicant’s restaurant space is calculated to be approximately 5,765 square feet; the Applicant is proposing to dedicate approximately 2,281 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation, approximately 39.5% of the net floor area; and

WHEREAS, the Commissioner of Building concludes in the August 25, 2015 communication that as 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 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 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 cabaret is proposed to be established is not located within 150 feet of any residential district; and

WHEREAS, the premises within which the cabaret is located is approximately less than 150 feet from the RM-0.35 Residential District along Mitchell Place; however, both access points to the proposed cabaret use are located more than 150 feet from this residential district line; and

WHEREAS, the premises within which the cabaret is located is not within 200 feet of any place of worship, hospital, “domiciliary care facility,” or “community residence;” and

WHEREAS, in any event, when the Common Council is acting as the approving agency for an application for a special permit, it need only give consideration to and be generally guided by the special permit requirements contained in Section 6.7.10 of the Zoning Ordinance; and

WHEREAS, the Applicant officially opened its establishment on March 26, 2013; and

WHEREAS, the cabaret use is in compliance with the applicable requirements in the CB-2 Zoning District; and

WHEREAS, on September 8, 2015, the Common Council adopted a resolution declaring itself as Lead Agency for the environmental review of the renewal of the cabaret special permit use at 105-107 Mamaroneck Avenue (“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 proposed renewal of the “cabaret” use, is consistent with City’s 1997 Comprehensive Plans 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 neighborhoods;” and

WHEREAS, subject to the Applicant’s compliance with the standards and controls applicable provisions of the Zoning Ordinance, Chapter 4-4 of the White Plains Municipal Code, and the conditions set forth in this approval resolution herein, the renewal of the cabaret use will not have any impact on the nearby multiple residences; and

WHEREAS, previous approvals by the Common Council for a special permit for a cabaret use at establishments located at 105-107 Mamaroneck Avenue, including the prior approvals granted at that location on December 6, 2010, June 4, 2012, and April 1, 2013, limited such cabaret use to the ground floor (street level) only, a condition now codified and required by Section 6.7.10.2 of the Zoning Ordinance; 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 be put in place to ensure that the cabaret does not become more objectionable by reason of noise; and

WHEREAS, the building in which the cabaret special permit use is to be located is legally non-conforming with respect to parking; and

WHEREAS, currently, patrons use the municipal parking garages, lots and on-street parking located within short walking distance to the proposed cabaret special permit use; and

WHEREAS, as previously stated above, the Common Council conducted a duly noticed public hearing on June 2, 2014, in connection with the instant renewal of a 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 the requirements contained in 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 cabaret use is similar to existing cabarets in the area. The cabaret use comprises approximately 2,281 square feet of the approximately 5,765 square foot net floor area of the restaurant (39.5%) and is similar to existing cabarets in the area and consistent with prior Common Council approvals. The location of the special permit "use" on Mamaroneck Avenue, a major commercial thoroughfare, relationship to streets, size, nature or intensity of the proposed cabaret use at 105-107 Mamaroneck Avenue will be "in harmony with the appropriate orderly development of the area in which it is located." The cabaret is located on the ground floor (at grade level) of the restaurant. The cabaret is in the existing space in the existing restaurant and no site plan amendment 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 requirements contained in the White Plains Municipal Code, in accordance with Section 6.5.2 of the Zoning Ordinance, the

Common Council finds that there are no changes proposed to the building and its facade or plantings such that the proposed renewal of a special permit for cabaret use at 105-107 Mamaroneck Avenue “would not hinder or discourage the appropriate development and use of adjacent buildings.” Exterior views of the site will remain unaltered from conditions with the existing permitted restaurant use.

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 stated 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 renewal of the cabaret use at 105-107 Mamaroneck Avenue 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-2 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-2 Zoning District.

4. In accordance with Section 6.5.4 of the Zoning Ordinance, the Common Council finds that the building in which Don Coqui is located is in the Central Parking Area (CPA) and is legally non-conforming with respect to parking. Patrons use the private parking lot behind the building and municipal parking garages, lots and on-street parking located within short walking distance to the proposed cabaret special permit use.

5. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed cabaret use

at 105-107 Mamaroneck Avenue conforms with the CB-2 Zoning District's height, bulk and density requirements. The proposed renewal of the cabaret use, is consistent with City's 1997 Comprehensive Plans 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 neighborhoods."

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 cabaret at 105-107 Mamaroneck Avenue 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 architectural design of the proposed cabaret use at 105-107 Mamaroneck Avenue will enhance and protect the character and property values of the neighborhood.

9. In accordance with Section 6.7.10 of the Zoning Ordinance, the Applicant's plans 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 cabaret configuration, as required by Section 6.7.10.1.6. The Applicant also notes

that the existing tables and chairs will be stored when the cabaret is in use, as required by Section 6.7.10.1.7 of the Zoning Ordinance. The cabaret at Don Coqui restaurant is located at grade level and complies with Section 6.7.10.3 of the Zoning Ordinance; and be it further

RESOLVED, that the Common Council also finds that since the proposed renewal of the cabaret is located on and accessed from Mamaroneck Avenue, 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 the White Plains Municipal Code, it is appropriate for the Common Council at this time, to the extent it may be required, to continue to waive the separation standard set forth in Section 6.7 of the Zoning Ordinance; 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 renewal 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 renewal of the special permit shall be for one (1) year, and shall expire on September 6, 2016, 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 cabaret has operated consistent with the 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 herein .

2. 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.

3. No parking or drop off shall be permitted in the alley between 107 Mamaroneck Avenue and 131 Mamaroneck Avenue.

4. All doors related to the premises and the cabaret use 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 seal tightly when closed. All windows or window walls shall be maintained and secured in the closed position during the operation of any cabaret use.



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

Thomas M. Roach  
Mayor

Frank Williams, Jr.  
Executive Director

August 18, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The City of White Plains Youth Bureau is submitting its 45<sup>th</sup> Anniversary Report. The report provides a comprehensive summary of departmental outcomes and achievements accomplished by the Youth Bureau. I am requesting that the Mayor be authorized to receive and approve this annual report for dissemination to the public.

Respectfully submitted,

  
Bhavana Pahwa  
Deputy Director

For: September 8, 2015 Common Council Meeting

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DEPARTMENT OF BUDGET

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

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TEL: (914) 422-1364 – Fax: (914) 422-1440

THOMAS M. ROACH  
MAYOR

MICHAEL A. GENITO  
BUDGET DIRECTOR

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

Submitted herewith is the Capital Improvement Program Status Report for the fiscal year ended June 30. 2015.

Michael A. Genito  
Budget Director

Dated: August 13. 2015  
(For the Common Council meeting of September 8. 2015)