

**COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
OCTOBER 3, 2016
7:30 P.M.**

PLEDGE TO THE FLAG: Hon. John Kirkpatrick

ROLL CALL: City Clerk

APPOINTMENTS:

1. Communication from the Mayor in relation to appointments to the Youth Bureau of Florence Bolton to a term which will expire on December 31, 2017, and Steven Patterson to a term which will expire on December 31, 2018. **F/S/A**
2. Communication from Council President in relation to the re-appointment of Phillip Platz to the Board of Assessment Review to a term which will expire on September 30, 2021. **F/S/A**

LOCAL LAW:

3. Communication from the Assessor in relation to a proposed Local Law Introductory No. 2 of 2016, which would provide for the abatement of taxes pursuant to the Real Property Tax Law for the alteration or rehabilitation of historic properties. **F/S**
4. Local Law Introductory No. 2 of 2016. A Local Law providing for the abatement of taxes pursuant to Section 444-a of the Real Property Tax Law for the alteration or rehabilitation of historic properties. **OFFERED ONLY**
5. Resolution of the Common Council of the City of White Plains scheduling a public hearing for November 7, 2016, in relation to Local Law Introductory No. 2 of 2016, entitled, "A Local Law providing for the abatement of taxes pursuant to Section 444-a of the Real Property Tax Law for the alteration or rehabilitation of historic properties. **ADOPTED**

**ADJOURNED
PUBLIC HEARING:**

6. Public Hearing on a proposed amendment to the Zoning Ordinance to add ‘Nursery Business’ as a Special Permit Use, and add “Organic Manufacturing” as a Principal Permitted Use. **OPENED/ADJOURNED TO NOVEMBER 7, 2016**
7. Communication from Commissioner of Building **F/S**
8. Environmental Findings Resolution **TABLED TO NOVEMBER 7, 2016**
9. Ordinance amending an ordinance entitled the Zoning Ordinance of the City of White Plains by adding “Nursery Business” as a Special Permit Use and adding “Organic Manufacturing” as a principally permitted use. **TABLED TO NOVEMBER 7, 2016.**

**FIRST READING
ORDINANCES:**

10. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings. **F/S**
11. Ordinance authorizing the settlement of certain tax review proceedings. **ADOPTED 7 - 0**
12. Communication from Corporation Counsel in relation to the employment of appraisers in connection with the defense of tax review and small claims assessment review proceedings. **F/S**
13. Ordinance approving employment of appraisers in connection with the defense of tax review and small claims assessment review proceedings for Fiscal Year 2016 - 2017. **ADOPTED 7 - 0**

14 - 18 TABLED

14. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5485, Renaissance Fountain Improvements.
15. Communication from Environmental Officer
16. Environmental Findings Resolution
17. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5485, entitled, Renaissance Fountain Improvements.
18. Bond Ordinance dated October 3, 2016, authorizing the issuance of \$300,000 aggregate principal amount serial bonds of the City of White Plains, County of

Westchester, State of New York, to finance the costs of the acquisition, construction and reconstruction of improvements to City parks and recreation areas.

19. Communication from Deputy Commissioner of Planning in relation to a Memorandum of Understanding with the Westchester Community College Foundation, Inc., to serve as the fiscal sponsor in order for the City to accept grant funding in the amount of \$200,000 for the White Plains Education and Training Center for workforce development. **F/S**

20. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a Memorandum of Understanding with the Westchester Community College Foundation, Inc., (WCCF), a not-for-profit affiliate of Westchester Community College, to serve as the fiscal sponsor on behalf of the City of White Plains, White Plains Education and Training Center, in order to accept grant funding in the amount of \$200,000, for the White Plains Education and Training Center to provide workforce development for high growth industry employers, and receive said grant funds and transmit the funds to the City of White Plains in exchange for a five percent (5%) administrative fee. **ADOPTED 7 - 0**

21. Communication from Commissioner of Recreation and Parks in relation to a donation of 100 of new athletic gym shoes from Soles4Souls, Inc., which will be distributed on a first come, first served basis to those demonstrating need, and who register for the winter sports programs. **F/S**

22. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to accept, on behalf of the City of White Plains, a donation from Soles4Souls, Inc., (S4S), of one hundred (100) new athletic gym shoes to the City of White Plains on a first come first served basis to individuals who can prove need, based on income, who register for the winter sports programs offered by the City's Department of Recreation and Parks and authorizing the Mayor or his designee to execute a distribution agreement on behalf of the City of White Plains with S4S to effectuate same. **ADOPTED 7 - 0**

23. Communication from Commissioner of Recreation and Parks in relation to a license agreement between the City and Kite Realty Group for the use of the City Center Lobby for the Annual Breast Cancer Fundraising Bake Sale Event on Friday, December 2, 2016 from 10am to 4pm. **F/S**

24. Ordinance authorizing the Mayor or his designee to enter into a revocable license agreement with KRG White Plains City Center, LLC, (Kite Realty Group), for use of the City Center Lobby at 5 City Place for the Annual Breast Cancer Fundraising Bake Sale Event on Friday, December 2, 2016, from 10:00 a.m. to 4:00 p.m., being sponsored by the City of White Plains Department of Recreation and Parks. **ADOPTED 7 - 0**

- 25. Communication from Chairman, Transportation Commission, in relation to amendment to the Traffic Ordinance at various locations around the City. **F/S**
- 26. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to creating a “No Parking 10:00 A.M. to 11:00 A.M., Monday through Friday” Zone on the west side of Greenridge Avenue and modifying a “Two Hour Parking” Zone on the east side of Overlook Road. **ADOPTED 7 - 0**

RESOLUTIONS:

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

ITEMS 28 - 37 F/S

- 28. Communications from Design Review Board
- 29. Commissioner of Planning
- 30. Planning Board
- 31. Commissioner of Public Safety
- 32. Commissioner of Public Works
- 33. Deputy Commissioner, Traffic Division
- 34. Transportation Commission
- 35. Commissioner of Parking
- 36. Westchester County Planning Board
- 37. Environmental Officer

- 38. Environmental Findings Resolution **ADOPTED**

- 39. Resolution of the Common Council of the City of White Plains approving the application submitted by San Signs and Drawings, on behalf of the Westchester Bank, (“Applicant”), tenant of property owned by 12 Water Street Associates, LLC, and located at 12 Water Street, for an amendment to an approved site plan to permit the relocation of an exterior, east facing, illuminated sign “The Westchester Bank” to a higher elevation above fifty (50) feet from where it is currently permitted under the existing site plan (from the existing 48 feet above grade to approximately 60 feet above grade). **ADOPTED**

- 40. Communication from Environmental Officer in relation to the Common Council declaring itself as Lead Agency on the environmental review of the project known as “The Boulevard” to be located on a development site of approximately 4.2 acres bounded by Maple Avenue, West Post Road and Rathbun Avenue, on the proposed construction of mixed-use commercial development and 12 residential dwelling units. **F/S**

- 41. Resolution of the White Plains Common Council declaring its intent to served as Lead Agency for the environmental review of the redevelopment of the project known as “The Boulevard” to be located on a development site of approximately

4.2 acres bounded by Maple Avenue, West Post Road, and Rathbun Avenue, and the White Plains Nissan Service Facility ("Project Site") of approximately 220,000 sq feet of mixed-use commercial development and 12 residential dwelling units. **ADOPTED**

- 42. Communication from the Mayor in relation to an agreement with the Westchester County Association on an initiative called the Sister Cities Smart Growth Compact. **F/S**

- 43. Resolution of the Common Council of the City of White Plains authorizing the Mayor or his designee, on behalf of the City of White Plains, to enter into an agreement with the Westchester County Association, known as the Sister Cities Smart Growth Compact, to work collaboratively with the three other Cities, Mount Vernon, New Rochelle and Yonkers, regarding Smart Growth Initiatives to share best practices, and to partner and collaborate on technology initiatives, such as planning a Community Broadband Map. **ADOPTED**

ITEM FOR REFERRAL:

- 44. Communication from Commissioner of Building in relation to an application submitted on behalf of Winbrook Phase I, LP, for a site plan amendment for the Building known as The Prelude, 301-303 Quarropas Street, to introduce a drop off zone for residents, and a security gate and signage for the parking area. **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., URBAN RENEWAL AGENCY, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

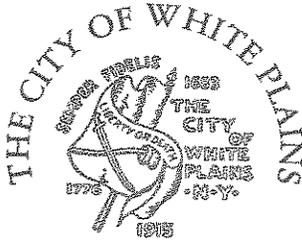
- 45. Communication from Commissioner of Building in relation to an application submitted on behalf of Maple and Broadway Holdings, LLC, for an extension of the Site Plan and Special Permit approval for the project at 60 South Broadway. **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

- 46. Communication from the City Clerk in relation to a petition submitted on behalf of WP Development NB, LLC, to amend the Zoning Ordinance to permit the re-development of 52 North Broadway to include multi-family rental housing units, graduate or professional school housing, and an assisted living/memory care facility. **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., CONSERVATION BOARD, WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

47. Communication from Commissioner of Building in relation to a petition submitted on behalf of Danone Foods, Inc., and the Dannon Company, Inc., to amend the Zoning Ordinance to add as a permitted use an Accessory Food Laboratory, on a parcel in the B-1 Zoning District, and Special "S" Zone, located at 100 Bloomingdale Road a/k/a 1 Maple Avenue. **F/S AND REFERRED TO LAW, PLANNING BOARD, AND ENVIRONMENTAL OFFICER.**
48. Communications from Commissioners of Public Works and Building Department, in relation in relation to an application submitted on behalf of One DeKalb LLC, for site plan approval to construct a 77 unit multifamily apartment building, and Special Permit to permit it to stand six stories high, which will require the de-mapping of a 4,522 parcel of City owned land which the applicant intends to purchase. **F/S AND REFERRED TO LAW, BUILDING DEPT., DESIGN REVIEW BOARD, PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPT., WESTCHESTER COUNTY PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

ITEMS FOR INFORMATION:

49. Communication from Commissioner of Building in relation to an application for a minor amendment to a previously approved site plan submitted on behalf of the Burke Rehabilitation Center which would add 49 new parking spaces within the main facilities parking area for staff and patient parking, and add back 15 parking spaces originally located in the parking area. **F/S/A**
50. Communication from Commissioner of Building transmitting a resolution adopted by the Historic Preservation Commission of the City of White Plains proposing that the Foster/Buckout Cemetery be designated as a Local Landmark, and scheduling a public hearing on the application. **F/S**



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

**THOMAS M. ROACH
MAYOR**

t:914.422.1411
f:914.422.1395

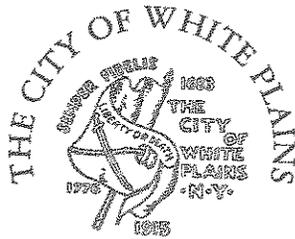
TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the appointments to the Youth Board of Florence Bolton to a term which will expire on December 31, 2017 and Steven Patterson to a term which will expire on December 31, 2018.

Sincerely,

Thomas M. Roach, Mayor

DATED: September 28, 2016



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

John Kirkpatrick
Council President

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Common Council is pleased to recommend the re-appointment of Phillip Platz to the Board of Assessment Review to a term which will expire on September 30, 2021.

Sincerely,

John Kirkpatrick
Council President

September 14, 2016



OFFICE OF ASSESSOR
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1223 • FAX: (914) 422-1297

THOMAS M. ROACH
MAYOR

LLOYD TASCH, IAO
ASSESSOR

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

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Submitted, herewith, for your review and appropriate action, is a proposed local law providing for the abatement of taxes pursuant to section 444-a of the Real Property Tax Law for the alteration or rehabilitation of historic properties.

This law would allow the owners of properties which have been designated as historic landmarks pursuant to the City of White Plains Historic Preservation Law (section 9-6 of the Municipal Code) to apply for a property tax exemption for the value of any alteration or rehabilitation which has been undertaken for the purpose of historic preservation and which has been approved by the Historic Preservation Commission.

The exemption would initially amount to 100% of the value of the *alteration or rehabilitation only* in each of the first 5 years, followed by a compounding 20% phase-out each year for the following 5 years.

This legislation is supported by the Historic Preservation Commission. It is viewed as one means of encouraging private property owners to seek landmark status. It would also further broaden the preservation resources available to private owners of historic properties, and help accomplish the broader goals of the City's Historic Preservation Law.

Respectfully submitted,

Lloyd Tasch
Assessor

DATED:
(for the October 3rd 2016 Common Council Meeting)
Related Documents: Local Law Number 2 for 2016

3

LOCAL LAW INTRODUCTORY NO. 2 FOR 2016

A LOCAL LAW PROVIDING FOR THE ABATEMENT OF TAXES PURSUANT TO SECTION 444-a OF THE REAL PROPERTY TAX LAW FOR THE ALTERATION OR REHABILITATION OF HISTORIC PROPERTIES.

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

Section 1. In accordance with the provisions of Section 444-a of the Real Property Tax Law, historic property shall be exempt from taxation to the extent of any increase in assessed value attributable to the alteration or rehabilitation of such property pursuant to the following schedule:

<u>Year of Exemption</u>	<u>Percent of Exemption</u>
<u>1</u>	<u>100%</u>
<u>2</u>	<u>100%</u>
<u>3</u>	<u>100%</u>
<u>4</u>	<u>100%</u>
<u>5</u>	<u>100%</u>
<u>6</u>	<u>80%</u>
<u>7</u>	<u>60%</u>
<u>8</u>	<u>40%</u>
<u>9</u>	<u>20%</u>
<u>10</u>	<u>0%</u>

§ 2. No such exemption shall be granted for such alteration or rehabilitation unless:

(a) Such property has been designated a local landmark, or is a property that contributes to the character of an historic district, created by a local law passed pursuant to section ninety-six-a or one hundred nineteen-dd of the general municipal law.

(b) The alteration or rehabilitation must be made for means of historic preservation.

(c) Such alteration or rehabilitation of the historic property meets the guidelines and review standards established in Municipal Code Section 9-6.

(d) Such alteration or rehabilitation of the historic property is approved by the Historic Preservation Commission prior to commencement of the work.

(e) The alteration or rehabilitation is commenced subsequent to the effective date of this local law.

§3. Additional terms and conditions of the exemptions shall be as set forth in §444-a of the Real Property Tax Law.

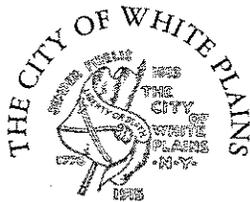
§4. This Local Law shall take effect January 1, 2017.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR NOVEMBER 7, 2016 IN RELATION TO LOCAL LAW INTRODUCTORY NO. 2 FOR 2016, ENTITLED "A LOCAL LAW PROVIDING FOR THE ABATEMENT OF TAXES PURSUANT TO SECTION 444-a OF THE REAL PROPERTY TAX LAW FOR THE ALTERATION OR REHABILITATION OF HISTORIC PROPERTIES."

RESOLVED, that a public hearing will be held on November 7, 2016, at 7:30 p.m. before the Common Council of the City of White Plains in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York, concerning Local Law Introductory No. 2 for 2016, entitled, "A Local Law Providing for the Abatement of Taxes Pursuant to Section 444-a of the Real Property Tax Law for the Alteration or Rehabilitation of Historic Properties;" and be it further

RESOLVED, that the City Clerk be and hereby is directed to give due notice of such hearing.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

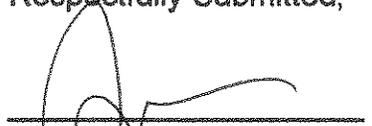
Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Since the August 1, 2016 Common Council referral of the proposed Zoning Ordinance amendment associated with a "Nursery Business", there has been commentary regarding the proposed compliance requirement for existing operators. As currently drafted a misinterpretation is possible, which could result in an existing operator believing that compliance with all sections of the zoning ordinance would include having to relocate the existing nursery to the either the C-O or the PCD zoning district. This is not the case and staff recommends approval of the amendment with the following modification to section 4.3.1.3:

4.3.1.3 Section 4.3.1.2 notwithstanding, any "use" currently existing and meeting the definition of "Nursery Business," whether a permitted use, special permit use or non-conforming use, shall conform with all of the requirements of Section 6.7.32 of the Zoning Ordinance by May 31, 2021, or cease operations.

Respectfully Submitted,


Damon A. Amadio P.E.
Commissioner of Building

Dated: September 16, 2016 (for the October 3, 2016 Common Council meeting)

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

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

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

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

"Nursery Business":

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

"Organic Manufacturing":

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

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

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

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

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

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

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

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

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

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

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

Conformance with the Comprehensive Plan

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

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

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

Vision Statement

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

Strategies:

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

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

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

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

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

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

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

- *Encourage upgrading of the light industrial zone districts along Ferris Avenue and Haarlem Avenue so that they do not negatively impact on the abutting residential areas. .*
- *Protect Close-In neighborhoods from intrusions of non-residential commercial, industrial or institutional uses, related accessory uses, and their impacts.*
- *Encourage upgrading and modernizing of the light industrial zone districts along Westmoreland, Ferris, South Kensico, and Haarlem Avenues, and ensure that they properly coexist with the abutting residential areas.*

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

Zoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Section 2.4 Definitions.
is hereby amended to add the following terms to read as follows:

“Nursery Business”

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

“Manufacturing, Organic”

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

- B. Section 4.3.1, Continuing Existing “Uses,” “Buildings,” and Structures.”
is hereby amended by adding sections 4.3.1.3 and 4.3.1.4 to read as follows:

4.3.1.3 Section 4.3.1.2 notwithstanding, any “use” currently existing and meeting the definition of “Nursery Business,” whether a permitted use, special permit use or non-conforming use, shall conform with all of the requirements of Section 6.7.32 of the Zoning Ordinance by May 31, 2021, or cease operations.

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

- C. Section 5.1, Schedule of “Use” Regulations
is hereby amended as follows:

1. BUSINESS

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

2. INDUSTRIAL

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

D. Section 5.2, List of Use Regulations,

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

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

E. Section 6.2 Approving Agencies,

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

F. Section 6.5 Standards,

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

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

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

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

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

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

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

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

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

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

- 10.3.4 As more fully set out in Section 4.3 of this Ordinance, the Board of Appeals is authorized to:
- 10.3.4.1 Extend the permitted period for cessation of a "non-conforming use" in accordance with the requirements of Section 4.3.1.3 and/or Section 4.3.2.5 of this Ordinance provided:
 - 10.3.4.1.1 An application is made by the owner of at least 120 days prior to the date on which the activities of the use are required to cease and be discontinued.
 - 10.3.4.1.2 Substantial financial expenditures related to the prohibited activities were made during the two year period prior to May 31, 2016. Financial expenditures shall mean the capital outlay made by the applicant to establish the prohibited activities, exclusive of the fair market value of the building in which such activity may be located and exclusive of any improvements unrelated to the prohibited activities.
 - 10.3.4.1.3 The Applicant has not substantially recovered all of the financial expenditures related to the prohibited activities as demonstrated by competent financial evidence.
 - 10.3.4.1.4 The period for which such establishment is permitted to continue is the minimum period sufficient for the applicant

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

§ 2. This Ordinance shall take effect immediately.

Section 5.1

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

Section 5.2

District: C-O and PCD

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

District: C-O and PCD

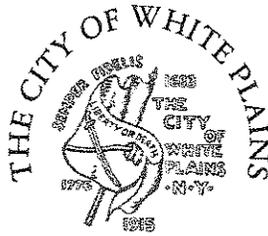
USE	TYPE
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Scientific research, excluding manufacturing of products for sale on premises	SP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including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

District: LI

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

District: LI

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



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

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

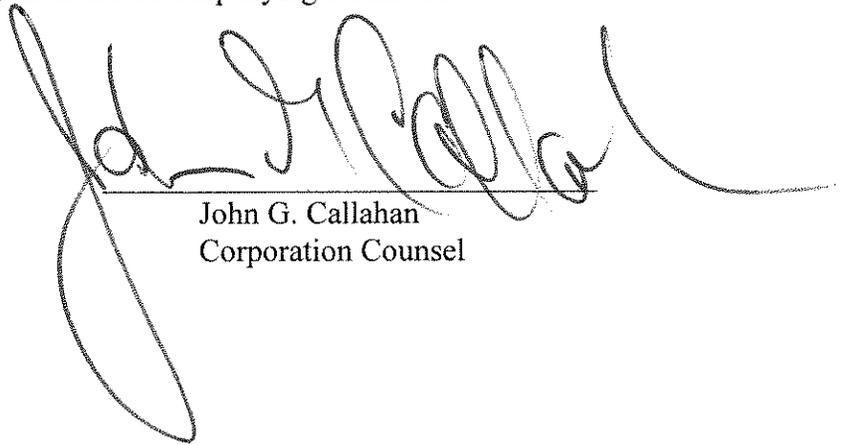
CAROL L. VAN SCOYOC
Chief Deputy Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the properties located at 530 North Broadway, 130 Oakley Avenue and 70 Gedney Way, White Plains, NY.

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



John G. Callahan
Corporation Counsel

Dated: September 27, 2016
(For the Common Council Meeting
of October 3, 2016)

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.

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

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

**Capital One, N.A..
530 North Broadway
SBL: 120.20-11-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2012/13	\$ 95,000	\$ 60,000	\$ 35,000	\$ 6,456.45
2013/14	\$ 75,000	\$ 61,000	\$ 14,000	\$ 2,684.36
			Total:	<u>\$ 9,140.81</u>

//

**DiFalco Realty Corp.
130 Oakley Avenue
SBL: 126.53-8-3**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>New Assessment</u>	<u>Assessment Reduction</u>	<u>Amount of City Tax to be Refunded</u>
2010/11	\$ 27,000	\$ 22,000	\$ 5,000	\$ 839.10
2011/12	\$ 27,000	\$ 24,000	\$ 3,000	\$ 528.33
2012/13	\$ 27,000	\$ 25,000	\$ 2,000	\$ 368.94
2013/14	\$ 27,000	\$ 25,000	\$ 2,000	\$ 383.48
2014/15	\$ 27,000	\$ 23,000	\$ 4,000	\$ 784.56
2015/16	\$ 27,000	\$ 23,000	\$ 4,000	\$ 802.96
2016/17	\$ 27,000	\$ 23,000	\$ 4,000	\$ 803.80
			Total:	<u>\$ 4,511.17</u>

**Capital One, N.A..
70 Gedney Way
SBL: 131.13-3-17**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2012/13	\$ 81,500	\$ 64,000	\$ 17,500	\$ 3,228.23
2013/14	\$ 81,500	\$ 65,000	\$ 16,500	\$ 3,163.71
			Total:	<u>\$ 6,391.94</u>

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

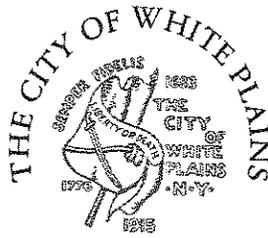
NOW, THEREFORE, the Common Council of The City of White Plains hereby ordains and enacts as follows:

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

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

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

§4. This ordinance shall take effect immediately.



DEPARTMENT OF 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

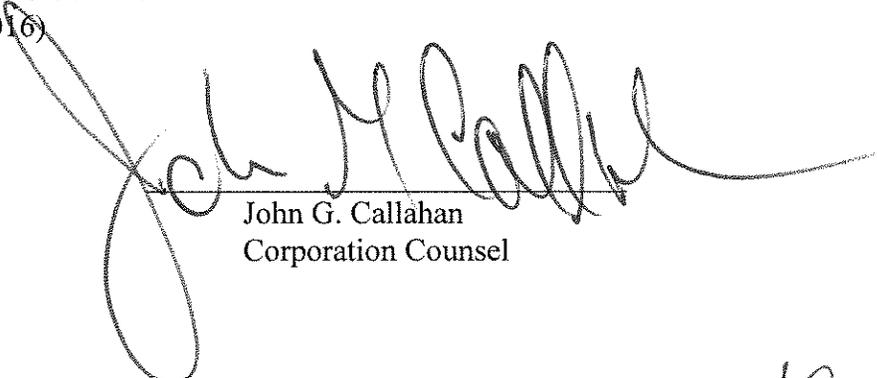
To the Honorable Mayor and Members of the Common Council of The City of White Plains

There are numerous tax review proceedings and small claim assessment review proceedings pending against the City. In order to prepare for the City's defense in these matters, it is necessary to retain the services of appraisers to provide the City with appraisals of the subject properties. In addition, these appraisers are paid for consultation services and to testify as witnesses for the City at trial.

On the recommendation of the Assessor, I wish to employ appraisal experts from among those listed in the accompanying ordinance to assist in the City's defense of tax review proceedings. The proposed ordinance submitted herewith is similar to the ones adopted by the Council in the past, in that it does not approve retention of a specific appraiser for each assignment, thus allowing the flexibility necessary to deal with the rapidly changing circumstances which a litigation calendar can present.

Submitted herewith is an ordinance authorizing the Corporation Counsel to retain appraisers for a total cost not to exceed this 2016 - 2017 fiscal year's budget appropriation for said purposes (\$95,000).

Dated: September 26, 2016 (For the Common
Council Meeting of October 3, 2016)


John G. Callahan
Corporation Counsel

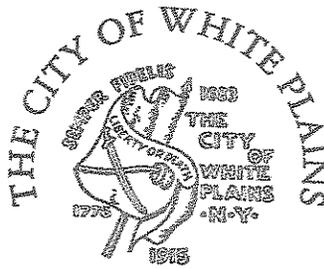
AN ORDINANCE APPROVING EMPLOYMENT OF APPRAISERS IN CONNECTION WITH THE DEFENSE OF TAX REVIEW AND SMALL CLAIMS ASSESSMENT REVIEW PROCEEDINGS FOR FISCAL YEAR 2016 - 2017.

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

Section 1. The Corporation Counsel of the City of White Plains is hereby authorized to employ Casson Valuation Services, LLC, The Landmark Appraisal Group, Inc., HVS International, Lane Appraisals, Inc., Grubb & Ellis Appraisal & Consulting, Houlihan and O'Malley Company, Inc., Mulberry Street Associates, McGrath & Company, Inc., Dempsey McEvily Appraisal Company, Patrick McEvily, Sterling Appraisals, Inc., Eastern Appraisals, Residential Appraisal Service, Frey Appraisal Company, Glaser Appraisals, Inc., Blaise Appraisals Consultants, Inc., Barents Group/KPMG Consulting, The Gabrielle Appraisal Company, MJW Consulting, Inc., Appraisers and Planners Inc., Valuation Plus, Inc., Kroll Ontrack, Empire State Appraisal Consultants, Inc., Appraisal Research, Inc. RDM Valuations, Inc. and Hudson Property Advisors, LLC to prepare appraisals and provide other necessary services in connection with the defense of tax review and small claims assessment review proceedings for a total amount not to exceed \$95,000.

§2. The Commissioner of Finance is hereby authorized to expend sufficient funds to pay the charges set forth above from Account No. A014-4.707, Procedural Review Tax Assessments.

§3. This ordinance shall take effect July 1, 2016.



**CAPITAL PROJECTS BOARD
MUNICIPAL BUILDING
255 MAIN STREET · WHITE PLAINS, NEW YORK 10601
(914) 422-1206 · FAX: (914) 422-1469**

THOMAS M. ROACH
MAYOR

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

Included in the FY 2016-17 Capital Improvement Program as amended by the Capital Projects Board is the re-allocation of a project entitled "Renaissance Fountain Improvements" at an estimated cost of \$475,000 and the deletion of a project entitled Court Street Reconstruction which has been completed with NYS funding. The fountain project is the responsibility of the Commissioner of Public Works and includes replacing the fountain's electronic control system, the return of the leapers and new musical programming. Authorization of the fountain improvements at this time will allow the fountain to operate with all its original features in the early summer of 2017. Submitted herewith is legislation which authorizes the Commissioner of Public Works to enter into various purchase orders and contracts as required to complete the project.

The legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No.C5485 entitled "Renaissance Fountain Improvements," as follows:

REVENUES:

C5485-09910	General Fund Contribution (Open Space and Recreation Reserve)	\$ 138,000
C5485-08810	Serial Bonds	<u>300,000</u>
		<u>\$ 438,000</u>

EXPENDITURES:

C5485-4.005	Finance and Auditing	\$ 3,000
C5485-8.106	Major Additions/Improvements	<u>435,000</u>
		<u>\$438,000</u>

To provide the General Fund Contribution, it is also requested the General Fund Budget for FY 2016-17 to be amended as follows:

REVENUES:

A021-09996	Open Space and Recreation Reserve	<u>\$ 138,000</u>
------------	-----------------------------------	-------------------

EXPENDITURES:

A022-9.401	Contribution to Capital Projects Fund	<u>\$ 138,000</u>
------------	---------------------------------------	-------------------

It is requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$300,000 in serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending receipt of the bond proceeds.

Respectfully submitted,

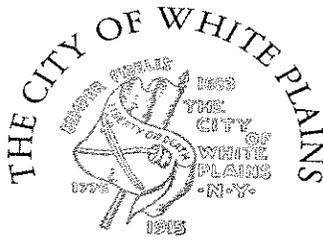
Thomas M. Roach, Mayor
Chairman, Capital Projects Board

Dated: October 3, 2016

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

www.whiteplainsny.gov

14



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300; FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

September 28, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5485
RENAISSANCE FOUNTAIN IMPROVEMENTS

Capital Project No.C5485 entitled “Renaissance Fountain Improvements,” has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

This project involves repairs to the fountain in the City’s Renaissance Park located at Mamaroneck Avenue and Main Street. The repairs include replacement of the fountain’s electronic control system, the return of the “leaper” fountain and a new musical programming system.

This project represents a Type II Action under SEQR regulations in that it represents the routine maintenance, repair or standard upgrading of existing municipal facilities. Type II actions are determined under SEQR not to have a significant effect on the environment.

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

A resolution making the necessary findings and determinations is offered for the Common Council’s consideration.

Respectfully submitted,

Rod Johnson
Environmental Officer

15

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO. C5485, RENAISSANCE FOUNTAIN IMPROVEMENTS.

WHEREAS, Capital Project No.C5485 entitled “Renaissance Fountain Improvements,” has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves repairs to the fountain in the City’s Renaissance Park, located at Mamaroneck Avenue and Main Street, including replacement of the fountain’s electronic control system, the return of the “leaper” fountain and a new musical programming system; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal projects, designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; and

WHEREAS, the Environmental Officer has further recommended that the Common Council determine that the Proposed Action is a Type II under SEQR regulations in that it represents the routine maintenance, repair or standard upgrading of existing municipal facilities; and

WHEREAS, Type II actions are determined under SEQR not to have a significant effect on the environment; 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. C5485 ENTITLED, "RENAISSANCE FOUNTAIN IMPROVEMENTS."

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

Section 1. Included in the FY 2016-2017 Capital Projects Improvement Program as amended by the Capital Projects Board is the re-allocation of a project entitled "Renaissance Fountain Improvements," at an estimated cost of \$475,00 and the deletion of a project entitled, "Court Street Reconstruction," which has been completed with New York State funding. The fountain project is the responsibility of the Commissioner of Public Works and includes replacing the fountain's electronic control system, the return of the leapers and new musical programming. Authorization of the fountain improvements at this time will allow the fountain to operate with all its original features in the early summer of 2017.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5485, entitled, "Renaissance Fountain Improvements," with a budget as follows:

REVENUES:

C5485-09910	General Fund Contribution (Open Space and Recreation Reserve)	\$138,000
C5485-08810	Serial Bonds	<u>\$300,000</u>
		<u>\$438,000</u>

EXPENDITURES:

C5485-4.005	Finance and Auditing	\$ 3,000
C5485-8.106	Major Additions/Improvements	<u>435,000</u>
		<u>\$438,000</u>

Section 4. To provide the General Fund Contribution, the Mayor is hereby authorized to direct the Budget Director to amend the General Fund Budget for 2016/17 as follows:

REVENUES:

A021-09996	Open Space and Recreation Reserve	<u>\$138,000</u>
------------	-----------------------------------	------------------

EXPENDITURES:

A022-9.401	Contribution to Capital Projects Fund	<u>\$138,000</u>
------------	---------------------------------------	------------------

Section 5. The Mayor is hereby authorized to direct the Commissioner of Finance to sell \$300,000 in serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending receipt of bond proceeds, and to receive and disburse funds accordingly.

Section 6. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED OCTOBER 3, 2016, AUTHORIZING THE
ISSUANCE OF \$300,000 AGGREGATE PRINCIPAL AMOUNT SERIAL
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS
OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION
OF IMPROVEMENTS TO CITY PARKS AND RECREATION AREAS.**

WHEREAS, the Common Council of the City of White Plains (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the acquisition, construction and reconstruction of improvements to City parks and recreation areas, 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 \$300,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the “Project”);

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$300,000, pursuant to the Local Finance Law, in order to finance the costs of the Project.

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$438,000, (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 and

18

\$138,000 appropriated from a general fund reserve, (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 19(c) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the

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

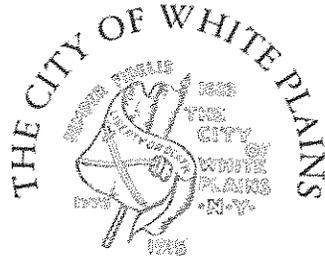
Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of

Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized 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 subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all

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

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



PLANNING DEPARTMENT

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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

RE: White Plains Education & Training Center
Memorandum of Understanding between the City of White Plains and the Westchester Community College Foundation, Inc.

The White Plains Education & Training Center (WPETC) and the Westchester Community College Foundation, Inc. (WCCF) has been selected to receive \$200,000 in grant funding from JPMorgan Chase for 2017 to provide targeted workforce development for high-growth industry employers. JPMorgan Chase will not issue grant funds to a municipality, and, therefore, the WCCF, a not-for-profit affiliate of Westchester Community College, has agreed to act as the City's fiscal sponsor and receive the aforementioned grant funds and transmit the funds to the City in exchange for a minor administrative fee.

Submitted for your approval is legislation authorizing the Mayor (or designee) to enter into a Memorandum of Understanding with the Westchester Community College Foundation, Inc. to accept the funding from JPMorgan Chase and serve as the fiscal sponsor on behalf of the WPETC.

Respectfully submitted,

Linda Puoplo
Deputy Commissioner

Dated: September 26, 2016

19

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WESTCHESTER COMMUNITY COLLEGE FOUNDATION, INC., (WCCF) A NOT-FOR-PROFIT AFFILIATE OF WESTCHESTER COMMUNITY COLLEGE, TO SERVE AS THE FISCAL SPONSOR ON BEHALF OF THE CITY OF WHITE PLAINS (WHITE PLAINS EDUCATION & TRAINING CENTER) IN ORDER TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$200,000 FOR THE WHITE PLAINS EDUCATION & TRAINING CENTER, TO PROVIDE WORKFORCE DEVELOPMENT FOR HIGH-GROWTH INDUSTRY EMPLOYERS, AND RECEIVE SAID GRANT FUNDS AND TRANSMIT THE FUNDS TO THE CITY OF WHITE PLAINS IN EXCHANGE FOR A 5% ADMINISTRATIVE FEE.

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

Section 1. The City of White Plains, through its White Plains Education & Training Center (WPTEC), and the Westchester Community College Foundation, Inc. (WCCF) have been selected to receive \$200,000 in grant funding from JPMorgan Chase for 2017 to provide targeted workforce development for high-growth industry employers. JPMorgan Chase will not issue grant funds to a municipality, and therefore, the WCCF, a not-for-profit affiliate of Westchester Community College, has agreed to act as the fiscal sponsor of the City of White Plains, and receive the aforementioned grant funds in the amount of \$200,000 and transmit the funds to the City of White Plains in exchange for an administrative fee of 5% of said grant funds.

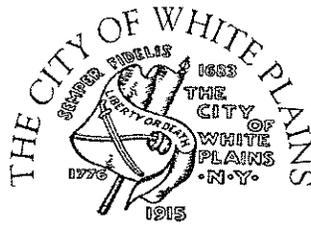
Section 2. The Mayor or his designee is hereby authorized to enter into an a Memorandum of Understanding , on behalf of the City of White Plains (White Plains Education & Training Center), with the Westchester Community College Foundation, Inc., to accept the \$200,000 in grant funding from JPMorgan Chase and serve as the fiscal sponsor on behalf of the City of White



Plains (White Plains Education & Training Center), and receive the aforementioned grant funds and transmit the funds to the City of White Plains in exchange for a 5% administrative fee. Said Memorandum of Understanding shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

FRAN CROUGHAN
DEPUTY COMMISSIONER

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

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

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

Re: Donation of Athletic Shoes

Soles4Souls, Inc. has offered to donate 100 new athletic gym shoes to the City of White Plains for distribution to city residents. The White Plains Recreation and Parks Department will distribute the athletic shoes on a 1st come/1st serve basis to individuals who can prove need, based on income, who register for the winter sports programs offered by the department.

Submitted herewith for your approval is an ordinance authorizing the Mayor to accept this donation on behalf of the City of White Plains.

Wayne D. Bass
Commissioner, Recreation & Parks

Date: October 3, 2016

“THE BIRTHPLACE OF THE STATE OF NEW YORK”

<http://www.cityofwhiteplains.com>

21

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, A DONATION FROM SOLES4SOULS, INC. ("S4S"), OF ONE HUNDRED (100) NEW ATHLETIC GYM SHOES TO THE CITY OF WHITE PLAINS ON A FIRST COME, FIRST SERVE BASIS TO INDIVIDUALS WHO CAN PROVE NEED, BASED ON INCOME, WHO REGISTER FOR THE WINTER SPORTS PROGRAMS OFFERED BY THE CITY'S DEPARTMENT OF RECREATION AND PARKS AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A DISTRIBUTION AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH S4S TO EFFECTUATE SAME

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

Section 1. The Mayor or his designee is hereby authorized to accept, on behalf of the City of White Plains (through the Department of Recreation and Parks), a donation from Soles4Souls, Inc. ("S4S"), an Alabama 501(C)(3) corporation headquartered at 319 Martingale Drive, Old Hickory, Tennessee 37138, of one hundred (100) new athletic gym shoes to the City of White Plains on a first come, first serve basis to individuals who can prove need, based on income, who register for the Winter Sports programs offered by the City's Department of Recreation and Parks.

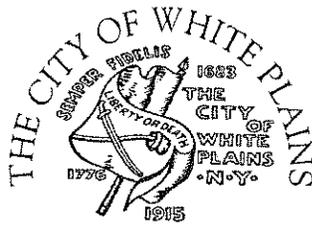
Section 2. In order to effectuate the above-described agreement, the Mayor or his designee is hereby further authorized to execute a Distribution Agreement with S4S whereby S4S has offered to provide and the City of White Plains as donee ("Donee"), has agreed to accept new, donated products from S4S to distribute to people in need. Said Distribution Agreement shall include a provision that each party shall defend, indemnify and hold harmless the directors, officers

and employees of the other party (including the original donor of the Donated products) from all actions in a court of law or equity, arising out of, or attributed to, any action in connection with the storage, transportation, distribution and/or use of the donated products supplied to Donee and/or its subcontractors.

Section 3. Said Distribution Agreement shall be both in a form acceptable and include terms and conditions acceptable to the Corporation Counsel of the City of White Plains.

Section 4. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

FRAN CROUGHAN
DEPUTY COMMISSIONER

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

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

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

Re: Use of City Center Lobby for Bake Sale on December 2, 2016

Submitted herewith for your consideration is a request for the Mayor to enter into a license agreement with Kite Realty Group and obtain a Certificate of Insurance in connection therewith for the use of the City Center Lobby for the Annual Breast Cancer Fundraising Bake Sale event on Friday, December 2, 2016, 10am – 4pm being hosted by the White Plains Recreation and Parks Seniors Program.

Wayne D. Bass
Commissioner, Recreation & Parks

Date: October 3, 2016

“THE BIRTHPLACE OF THE STATE OF NEW YORK”

<http://www.cityofwhiteplains.com>

23

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH KRG WHITE PLAINS CITY CENTER, LLC (C/O KITE REALTY GROUP) FOR USE OF THE CITY CENTER LOBBY AT 5 CITY PLACE FOR THE ANNUAL BREAST CANCER FUNDRAISING BAKE SALE EVENT ON FRIDAY, DECEMBER 2, 2016, FROM 10:00 AM TO 4:00 PM, BEING SPONSORED BY THE CITY OF WHITE PLAINS (DEPARTMENT OF RECREATION AND PARKS).

WHEREAS, the City of White Plains (Department of Recreation and Parks) would like to use the City Center lobby at 5 City Place in connection with the Annual Breast Cancer Fundraising Bake Sale event on Friday, December 2, 2016, from 10:00 a.m. to 4:00 p.m., being sponsored by the White Plains Recreation and Parks Seniors program; and

WHEREAS, the owners of said Property, KRG White Plains City Center, LLC (c/o Kite Realty Group) are willing to allow the use of their property from approximately 10:00 a.m to 4:00 p.m. on Friday, December 2, 2016, at no cost to the City of White Plains, provided the City provides it with a Certificate of Insurance and indemnifies said owners for the use of the property; and

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

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

Section 1. The Mayor or his designee is hereby authorized to execute a revocable license agreement with KRG White Plains City Center, LLC (c/o Kite Realty Group) for use of the lobby of the City Center on Friday, December 2, 2016, from 10:00 a.m. to 4:00 p.m., for the Annual Breast Cancer Fundraising Bake Sale sponsored by the City of White Plains (Recreation and Parks Senior Program) for no monetary consideration, but with an appropriate Certificate of Insurance and indemnification provision, and upon such other terms and conditions as are in the best interest of the City, in a form to be approved by the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.



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

THOMAS M. ROACH
MAYOR

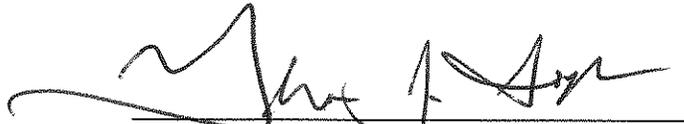
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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

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

- 1.) Create a "No Parking 10:00 AM to 11:00 AM Monday through Friday" zone on the west side of Greenridge Avenue as described in Section 224-c, Subdivision 20.
- 2.) Modify a "Two Hour Parking" zone on the east side of Overlook Road as described in Section 203-a, Subdivision 18-b.

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



Thomas J. Soyk, PE, PTOE

Acting Chairman

Dated: September 21, 2016 (for the October 3, 2016 Common Council Meeting)

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING A “NO PARKING 10:00 AM TO 11:00 AM MONDAY THROUGH FRIDAY” ZONE ON THE WEST SIDE OF GREENRIDGE AVENUE AND MODIFYING A “TWO HOUR PARKING” ZONE ON THE EAST SIDE OF OVERLOOK ROAD.

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

No Parking 10:00 am to 11:00 am Monday through Friday

Section 1. Article II, Section 224-c, 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 April 2015, is hereby amended to read by adding a new Subdivision 20 as follows:

20. Greenridge Avenue, on the west side between Bryant Avenue and Stratford Avenue.

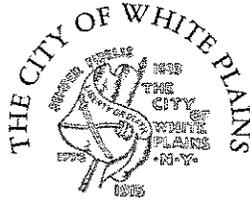
One Hour Parking

Section 2. Article II, Section 203-a, at Subdivision 18b of said ordinance, as last amended on the 5th day of December 2011, is hereby amended to read as follows:

18-b. Overlook Road, on the easterly side, between ~~Bolton Avenue~~ the southern property line of 90 Overlook Road and Gedney Way.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

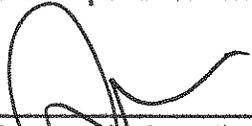
Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per referral by the Common Council on September 7, 2016, the Department of Building has reviewed an application (dated July 20, 2016) submitted by San Signs and Awnings on behalf of The Westchester Bank requesting Common Council permission to relocate an existing exterior sign to a higher elevation at 12 Water Street.

Our department has no objection to this application being granted.



Damon A. Amadio
Commissioner of Building

DATED: September 19, 2016
(For the October 3, 2016 Common Council Meeting)



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

DAMON A AMADIO, P.E.
Commissioner of Building

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

NICK PUJA
Secretary

September 19, 2016

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on September 14, 2016, reviewed an application to relocate existing wall sign for Westchester Bank located at 12 Water Street, White Plains, NY.

OUTCOME: The Design Review Board approved this application as submitted and had the following comments:

1. No visible wires, conduit or raceways.
2. Repair facade to match existing where sign has been removed.

Very truly yours,

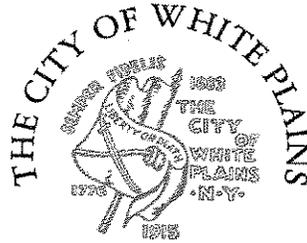
Marie McCann

Marie McCann, Member
Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

28



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

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

LINDA K. PUOPLO
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE WESTCHESTER BANK
12 WATER STREET
(SECTION 125, BLOCK 66, LOT 4-1.1)
APPLICATION FOR THE RELOCATION OF AN EXISTING EXTERIOR SIGN

APPLICATION

On July 20, 2016, San Signs and Awnings submitted an application on behalf of The Westchester Bank (the Applicant) requesting Common Council approval for the relocation of an existing exterior sign at 12 Water Street. The City of White Plains Sign Ordinance, Section 9-10-44 (g), permits one (1) sign for each building location or premise, per public street frontage. Common Council approval is required when the mounting height of a wall sign exceeds fifty (50) feet or four stories, whichever is lower, above the average grade of a building. The Applicant proposes to relocate its eastern facing mounted illuminated wall sign from 48 feet above grade to approximately 60 feet above grade.

PROJECT SUMMARY

This approximately 28,000 square foot parcel is located at the southeast corner of North Lexington Avenue and Water Street in the CB-4 (Core Business-4) Zoning District. The Westchester Bank building is approximately 67 feet in height and stands four (4) stories tall. There are two existing signs mounted to the building, one on the North Lexington Avenue side and the other at the rear of the building overlooking the surface parking lot. The latter sign is the subject of this Application.

Applicant seeks to relocate the sign from 48 feet above grade to approximately 60 feet above grade in order to improve its visibility, particularly to vehicles and pedestrians traveling west along Water Street. During certain times of year the sign is no longer visible because of the existence of mature, deciduous trees. The size and design of the sign (6 feet x 18 feet) will remain the same.

RECOMMENDATION

The Planning Department has no objection to the twelve (12) foot relocation of the existing, easterly facing sign from 48 feet to 60 feet above grade. The Planning Department notes that the size and design of the sign remains the same. In addition, the nearest residential district is more than 350 feet away; therefore, the increased height and accompanying illumination will have no additional impact on nearby residents.

Sincerely,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: September 21, 2016
For the October 3, 2016 Common Council Meeting



PLANNING BOARD

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

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN J. McCLAIN
SECRETARY

September 21, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE WESTCHESTER BANK – 12 WATER STREET – APPLICATION TO LOCATE A SIGN 60 FEET ABOVE GRADE IN ORDER TO CLEAR THE TREE CANOPY

At its September 20, 2016 meeting, the Planning Board considered the application by Westchester Bank to locate a sign higher than the allowed 50 feet above grade, in order to clear the tree canopy. Although the trees on the site do not obstruct the sign, the trees in the right-of-way on Water Street do obstruct the sign. The plans show that the base of the sign will be 60 feet above grade.

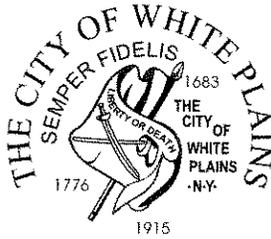
The Planning Board has no objection to allowing the sign to be located higher on the building.

Planning Board members voting in favor of the motion to find no objection to the application to relocate the Westchester Bank sign so that the base is at 60 feet above grade were: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

Respectfully submitted,

MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board

30



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

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

THOMAS M. ROACH
Mayor
422-1200

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

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

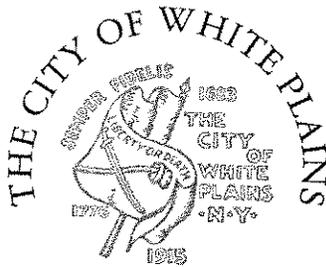
The Westchester Bank
Exterior Signage
12 Water Street
White Plains, NY



David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: September 19, 2016



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

The Department of Public Works has completed its review of an application by San Signs and Awning for The Westchester Bank located at 12 Water Street. The application is for the relocation of an existing exterior sign and consists of a cover letter dated 7/15/16 by The Westchester Bank, a letter from 12 Water Street Associates, LLC dated 7/12/16, a Short Form Build Permit Application dated 7/20/16 and sign drawings as prepared by San Signs and Awnings dated 7/18/16 and 11/17/14.

The Applicant requests approval to relocate an illuminated remote channel letter wall sign on the eastern face of the building. The exterior wall mounted illuminated signs will be wholly located within private property. The wind load for the sign mounting must be designed for 100 mph sustained winds with 120 mph gusts, to ensure that the public within the municipal right-of-way remains safe from storm/wind events resulting in wind-blown debris.

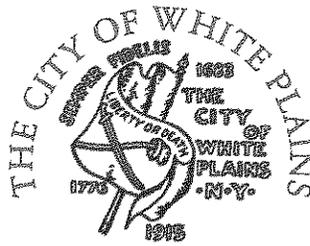
We have no objection to the Common Council approving this application.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: September 19, 2016

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

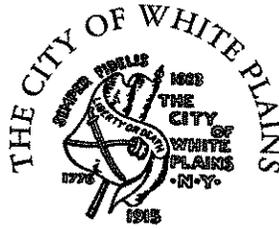
(914) 422-1232 Phone
(914) 422-1274 Fax

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

The Department of Parking/ Traffic Division has reviewed the application for the exterior sign relocation at 12 Water Street which was referred by the Common Council on September 6, 2016 and has no objection to this relocation.

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

Dated: September 12, 2016
(for the October 3, 2016 Common Council Meeting)



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

THOMAS M. ROACH
MAYOR

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

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

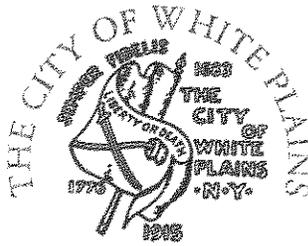
The Transportation Commission, at its meeting held on September 21, 2016, reviewed a request from Westchester Bank (12 Water Street), to relocate an exterior sign as referred by the Common Council on September 6, 2016.

The Transportation Commission had no objection.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: September 21, 2016 (for the October 3, 2016 Common Council Meeting)

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

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

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

(914) 422-1232 Phone

(914) 422-1274 Fax

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

Re: #79 Westchester Bank 12 Water Street Exterior Signage

The Department of Parking has received and reviewed the above-noted request to relocate existing exterior signage.

The Department of Parking has no objection to the relocation of signage.

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: September 20, 2016

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

County Ref. No. **WHP N16-009**

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 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: **San Signs & Awnings Relocation & Raising of Sign for Westchester Bank**

Address: **12 Water Street**

Section: **125.66** Block: **4** Lot: **1.1**

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.*

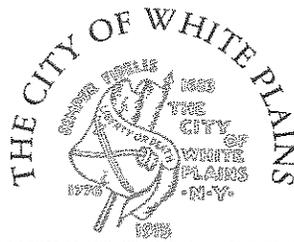
(Please note: All applications given a Positive Declaration pursuant to SEQOR must be referred as a complete application. Do not use this form.)

Do not write below this line.

Date received by the Westchester County Planning Board: **9/9/16**

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

36



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 21, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE WESTCHESTER BANK
12 WATER STREET
SITE PLAN APPROVAL REGARDING RELOCATION OF AN EXISTING EXTERIOR
SIGN

The application on behalf of The Westchester Bank ("Applicant") regarding a site plan amendment to relocate an existing exterior sign at 12 Water Street ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review regulations ("SEQR").

The Proposed Action involves the relocation of the eastern facing mounted illuminated wall sign from 48 feet above grade to approximately 60 feet above grade.

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

- A. Approval by the Common Council of an amendment to the site plan pursuant to Section 7 of the White Plains Zoning Ordinance.
- B. Approval plan by the Common Council to install a sign where the mounting height of a wall sign exceeds fifty (50) feet or four stories, whichever is lower, above the average grade of a building pursuant to the City of White Plains Sign Ordinance, Section 9-10-44 (g).

The Applicant has submitted the following materials in support of the application:

1. An application letter from Edward V. Yuhas, Vice President, The Westchester Bank, dated July 15, 2016.
2. A letter from Jackie Monaco, 12 Water Street Associates, LLC, dated July 12, 2016.
3. A Short Building Permit application dated Jul 20, 2016. \
4. A Short Environmental Assessment Form , dated July 26, 2016.
5. A sign design drawing entitled "12 Water Street," prepared by San Signs and Awnings dated 12/12/2016.

6. A sign design drawing entitled "12 Water Street," prepared by San Signs and Awnings dated 11/14/2014.

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) determine the Proposed Action to be an Unlisted Action; and (c) find that the Proposed Action will not have a significant effect on the environment for the following reasons:

- (a) The proposal is consistent with the White Plains Comprehensive Plan as amended 2006 and the Zoning Ordinance, as amended.

The regulations regarding outdoor signs and awnings listed in the Section 9-10 of the Municipal Code, provide standards for wall signs, including regulation of size, installation methods, materials and projection from building wall.

Section 9-10-44 (g) of the Municipal Code permits one (1) sign for each building location or premise, per public street frontage. Common Council approval is required when the mounting height of a wall sign exceeds fifty (50) feet or four stories, whichever is lower, above the average grade of a building.

This approximately 28,000 square foot parcel is located at the southeast corner of North Lexington Avenue and Water Street in the CB-4 (Core Business-4) Zoning District. The Westchester Bank building is approximately 67 feet in height and stands four (4) stories tall. There are two existing signs mounted to the building, one on the North Lexington Avenue side and the other at the rear of the building overlooking the surface parking lot.

The existing signage that is proposed to be relocated to a higher elevation on the building wall has previously been approved in regard to size, materials and lighting. The size and design of the sign (6 feet x 18 feet) will remain the same.

Applicant seeks to relocate the eastern facing, illuminated wall sign from 48 feet above grade to approximately 60 feet above grade in order to improve its visibility, particularly to vehicles and pedestrians traveling west along Water Street. During certain times of year the sign is no longer visible because of the existence of mature, deciduous trees.

The Proposed Action does not involve any significant changes to the site plan, building bulk dimensions or landscaping. The proposed signage faces other non-residential uses in the downtown area and faces the four story office building at One Barker Avenue and the White Plains Mall at 200 Hamilton Avenue. The nearest residential development, the Westgate Towers, are over 450 ft. distant from this office building and signage.

Based on the above discussion the Proposed Action is conforms to the site plan standards listed in Section 7, of the White Plains 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 relocation of the existing tenant signage does not represent a significant change to the approved land uses, floor area or building bulk dimensions.

- (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 relocation of the existing tenant signage to a higher elevation on the façade of this four-story office building does not represent any significant changes to the setting or character of the nearby area.

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

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

Respectfully submitted,



Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING SITE PLAN APPROVAL TO
RELOCATE EXISTING EXTERIOR SIGNAGE AT 12 WATER STREET ON
BEHALF OF THE WESTCHESTER BANK.

WHEREAS, the application on behalf of The Westchester Bank ("Applicant") regarding a site plan amendment to relocate an existing exterior sign at 12 Water Street ("Proposed Action") has been reviewed for compliance with the State Environmental Quality Review regulations ("SEQR"); and

WHEREAS, the Proposed Action involves the relocation of the eastern facing mounted illuminated wall sign from 48 feet above grade to approximately 60 feet above grade; and

WHEREAS, the Proposed Action includes the following approvals by the Common Council:

- A. Approval by the Common Council of an amendment to the site plan pursuant to Section 7, Site Plan Approval of the White Plains Zoning Ordinance.
- B. Approval plan by the Common Council to install a sign where the mounting height of a wall sign exceeds fifty (50) feet or four stories, whichever is lower, above the average grade of a building pursuant to the City of White Plains Sign Ordinance, Section 9-10-44 (g); and

WHEREAS, the Applicant has submitted the following materials in support of the application:

1. An application letter from Edward V. Yuhas, Vice President, The Westchester Bank, dated July 15, 2016.
2. A letter from Jackie Monaco, 12 Water Street Associates, LLC, dated July 12, 2016.
3. A Short Building Permit application dated Jul 20, 2016.
4. A Short Environmental Assessment Form , dated July 26, 2016.
5. A sign design drawing entitled "12 Water Street," prepared by San Signs and Awnings dated 12/12/2016.
6. A sign design drawing entitled "12 Water Street," prepared by San Signs and Awnings dated 11/14/2014; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council (a) designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) determine the Proposed Action to be an Unlisted Action; and (c) find that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby 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 is consistent with the White Plains Comprehensive Plan as amended 2006 and the Zoning Ordinance, as amended.

The regulations regarding outdoor signs and awnings listed in the Section 9-10 of the Municipal Code, provide standards for wall signs, including regulation of size, installation methods, materials and projection from building wall.

Section 9-10-44 (g) of the Municipal Code permits one (1) sign for each building location or premise, per public street frontage. Common Council approval is required when the mounting height of a wall sign exceeds fifty (50) feet or four stories, whichever is lower, above the average grade of a building.

This approximately 28,000 square foot parcel is located at the southeast corner of North Lexington Avenue and Water Street in the CB-4 (Core Business-4) Zoning District. The Westchester Bank building is approximately 67 feet in height and stands four (4) stories tall. There are two existing signs mounted to the building, one on the North Lexington Avenue side and the other at the rear of the building overlooking the surface parking lot.

The existing signage that is proposed to be relocated to a higher elevation on the building wall has previously been approved in regard to size, materials and lighting. The size and design of the sign (6 feet x 18 feet) will remain the same.

Applicant seeks to relocate the eastern facing, illuminated wall sign from 48 feet above grade to approximately 60 feet above grade in order to improve its visibility, particularly to vehicles and pedestrians traveling west along Water Street. During certain times of year the sign is no longer visible because of the existence of mature, deciduous trees.

The Proposed Action does not involve any significant changes to the site plan, building bulk dimensions or landscaping. The proposed signage faces other non-residential uses in the downtown area and faces the four story office building at One Barker Avenue and the White Plains Mall at 200 Hamilton Avenue. The nearest residential development, the Westgate Towers, are over 450 ft. distant from this office building and signage.

Based on the above discussion the Proposed Action is conforms to the site plan standards listed in Section 7, of the White Plains 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 relocation of the existing tenant signage does not represent a significant change to the approved land uses, floor area or building bulk dimensions.

- (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 relocation of the existing tenant signage to a higher elevation on the façade of this four-story office building does not represent any significant changes to the setting or character of the nearby area.

- (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 approval 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 that 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 SEQR.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED BY SAN SIGNS AND DRAWINGS ON BEHALF OF THE WESTCHESTER BANK, (“APPLICANT”), TENANT OF PROPERTY OWNED BY 12 WATER STREET ASSOCIATES, LLC, AND LOCATED AT 12 WATER STREET, FOR AN AMENDMENT TO AN APPROVED SITE PLAN TO PERMIT THE RELOCATION OF AN EXTERIOR, EAST FACING, ILLUMINATED SIGN “THE WESTCHESTER BANK” TO A HIGHER ELEVATION ABOVE FIFTY (50) FEET FROM WHERE IT IS CURRENTLY PERMITTED UNDER THE EXISTING SITE PLAN (FROM THE EXISTING 48 FEET ABOVE GRADE TO APPROXIMATELY 60 FEET ABOVE GRADE) .

WHEREAS, the Common Council of the City of White Plains, at its meeting held on September 6, 2016, received a communication from the Commissioner of Building, dated August 18, 2016, transmitting an application, submitted by San Signs and Awnings, on behalf of The Westchester Bank (“Applicant”), tenant of property owned by 12 Water Street Associates, LLC, and located at 12 Water Street, for an amendment to an existing site plan to permit the relocation of an exterior, east facing, illuminated sign “The Westchester Bank” to permit elevation above fifty (50) feet where it is currently permitted under the existing site plan (from 48 feet above grade to approximately 60 feet above grade), in accordance with Sections 7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”) and Chapter 9-10 of the Municipal Code of the City of White Plains (“Sign Ordinance’); and

WHEREAS, the City of White Plains Municipal Code at Section 9-10-44(g) (“Sign Ordinance”), permits one (1) sign for each building location or premise, per public street frontage; and

WHEREAS, Common Council approval is required when the mounting height of a wall sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building; and

WHEREAS, the Applicant proposes to relocate its eastern facing mounted illuminated wall sign from 48 feet above grade to approximately 60 feet above grade; and

WHEREAS, the approximately 28,000 square foot parcel is located at the southeast corner of North Lexington Avenue and Water Street in the CB-4 (Core Business-4) Zoning District; and

WHEREAS, The Westchester Bank building is approximately 67 feet in height and stands four (4) stories tall; and

WHEREAS, there are two (2) existing signs mounted to the building, one on the North Lexington Avenue side and the other at the rear of the building overlooking the surface parking lot, the latter sign being the subject of this instant Site Plan amendment application herein; and

WHEREAS, the Applicant seeks to relocate the sign from 48 feet above grade in order to improve the sign's visibility, particularly to vehicles and pedestrians traveling west along Water Street; and

WHEREAS, during certain times of the year, the sign is no longer visible because of the existence of mature, deciduous trees; the size and design of the sign (6 feet x 18 feet) will remain the same; and the sign will clear the tree canopy and

WHEREAS, the nearest residential district is more than 150 feet away and the increased height and accompanying illumination will have no additional impact on nearby residents; and

WHEREAS, the exterior wall mounted illuminated sign will be wholly located within private property; the wind load for the sign mounting must be designed for 100 mph sustained winds with 120 mph gusts, to ensure that the public within the municipal right-of-way remains safe from storm/wind events resulting in wind-blown debris; and

WHEREAS, the instant Application included the following documents:

A. A cover letter dated July 15, 2016, from Edward V. Yuhas, The Westchester Bank, Vice President, Operations & Facilities, 12 Water Street, White Plains, New York 10601, addressed to the Mayor and Common Council transmitting the Site Plan amendment Application; and

B. A letter dated July 12, 2016 from Jackie Monaco, Member, Property Owner, on behalf of 12 Water Street Associates, LLC, 89 Edison Avenue, Mount Vernon, New York 10550,

advising the Mayor and Common Council that 12 Water Street Associates, LLC, hereby authorizes San Signs and Awnings to relocate the illuminated sign “The Westchester Bank” at its property located at 12 Water Street, White Plains, and authorizes San Signs and Awnings to make a Site Plan amendment application for sign relocation; and

C. A short Environmental Assessment Form (EAF) as prepared by Michael Santeliquido, on behalf of the Applicant, San Signs and Awnings, dated July 26, 2016; and

D. A Department of Building short form Building Permit application, certified by and sworn to by Michael Santeliquido, on behalf 12 Water Street Associates, LLC for the Applicant, dated July 18, 2016; and

E. Two (2) sign design drawings (existing sign and proposed sign), entitled, “12 Water Street,” as prepared by San Signs and Awnings; and

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

WHEREAS, at its October 3, 2016 meeting, in connection with the Site Plan amendment Application, the Common Council received communications from the Commissioner

of Building dated September 19, 2016; the Commissioner of Planning, dated September 21, 2016; the Commissioner of Public Works dated September 19, 2016; the Commissioner of Public Safety, dated September 19, 2016; the Commissioner of Parking, dated September 20, 2016; the Deputy Commissioner of Parking for Transportation Engineering, dated September 12, 2016; the Chair of the Planning Board, dated September 21, 2016; the Acting Chair of the Design Review Board, dated September 19, 2016; the Acting Chair of the Transportation Commission, dated September 21, 2016; the Environmental Officer, dated September 21, 2016; and the Westchester County Planning Board, dated September 9, 2016; and

WHEREAS, in connection with the Application, the Common Council, at its October 3, 2016 meeting, declared itself Lead Agency for the environmental review of this project pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), classified this proposal as an Unlisted Action and undertook an environmental review of the proposed action pursuant to SEQRA, adopted environmental findings, including a negative declaration; and

WHEREAS, the proposed Revised Application for an amended site plan is in compliance with the applicable requirements of the CB-4 Zoning District and is consistent with the Zoning Ordinance and the 1997 Comprehensive Plan and its amendments thereto adopted by the Common Council on July 11, 2006; and

WHEREAS, the Common Council has reviewed and considered comments from

various City departments, boards, commissions, agencies, and officers and has reviewed and considered the Application with respect to the standards set forth in Section 7.5 of the Zoning Ordinance and Chapter 9-10 of the White Plains Municipal Code (“Sign Ordinance”); and

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

1. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed Application for an amended site plan involving the relocation of one (1) sign for the building at 12 Water Street conforms with the CB-4 Zoning District height, bulk and density requirements and is consistent with the above strategies of the 1997 Comprehensive Plan and the 2006 Plan Update adopted by the Common Council on July 11, 2006. The proposed signage faces other non-residential uses in the downtown area and faces the four (4) story building at One Barker Avenue and the White Plains Mall at 200 Hamilton Avenue. The nearest residential development, the Westage Towers, are over 150 feet distant from this office and building.

2. The vehicular and traffic circulation both within and without the site have been reviewed and are considered safe, adequate and convenient in accordance with Section 7.5.2 of the Zoning Ordinance, based upon reports of the Deputy Commissioner of Parking for Transportation Engineering and the Transportation Commission. This Finding specifically includes, but is not limited to, consideration of the effects of the signage and alterations on the traffic conditions on existing “streets;” vehicular and pedestrian access, drives and walkways; visibility at all exit points

of the site, including Water Street and North Lexington 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.

3. The design of the signage 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.

4. In accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration and recommendation of the Design Review Board, the architectural design of the relocation of the exterior signage to a higher elevation at the Westchester Bank building will enhance and protect the character and property values of the neighborhood; and

5. Based upon the recommendations of City staff, including the Commissioner of Planning and Planning Board, the Common Council finds that the proposed relocation of the Westchester Bank signage is appropriate; and

6. The Common Council hereby approves the Applicant's request pursuant to Section 9-10-44(g) of the Sign Ordinance to relocate the eastern facing, illuminated sign from 48 feet above grade to approximately 60 feet above grade in order to improve its visibility, particularly to vehicles

and pedestrians traveling west along Water Street; and now, therefore, be it

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

1. As per the recommendation set forth in the communication of the Commissioner of Public Works dated September 19, 2016, the Applicant shall ensure that the wind load for the sign mounting shall be designed for 100 mph sustained winds with 120 mph gusts, to ensure that the public within the municipal right-of-way remains safe from storm/wind events resulting in wind-blown debris.

2. As per the recommendation set forth in the communication of the Acting Chair of the Design Review Board, dated September 19, 2016, the Applicant shall ensure that there are no visible wires, conduit or raceway associated with the relocated sign.

3. As per the recommendation set forth in the communication of the Acting Chair of the Design Review Board, dated September 19, 2016, the Applicant shall ensure that the repaired facade shall match the existing facade where the sign has been removed.



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

September 27, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE BOULEVARD
POST MAPLE 77, LLC
WEST POST ROAD AND MAPLE AVENUE
SITE PLAN APPROVAL

The petition submitted on behalf of Post Maple 77, LLC, a related company of Grid Properties, Inc. ("Applicant"), for Site Plan Approval to construct a mixed-use commercial and residential development to be known as "The Boulevard" on property located approximately at 55-103 West Post Road ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The project site is roughly bounded by Maple Avenue on the south, West Post Road (a Westchester County Road) on the north, Rathbun Avenue to the west, and the White Plains Nissan service facility to the east. The development Site was formerly occupied by car dealerships and small residential structures that have been cleared.

The Applicant is the owner, developer and operator of the lots designated on the City of White Plains Tax Assessment Map as Section 130.34, Block 5, Lots 1 through 6, 8 and 9, Section 130.34, Block 6, Lots 1 through 8 and Section 130.27, Block 8, Lot 3; and contract vendee of the parcel designated as Section 130.34, Block 5, Lot 7 (collectively, the "Development Site").

The Proposed Action involves the redevelopment of the approximately 4.2 acre site with mixed-use commercial and residential development with the following principal components:

1. Approximately 220,000 square feet of floor area including approximately 180,000 square feet intended for retail and restaurant uses, and approximately 40,000 sq. ft. of additional physical fitness facilities.

The proposed fitness uses do not constitute a "Health Club" use as defined in the White Plains Zoning Ordinance, as there are no membership requirements for the health facilities. A Special Permit for a "Health Club" use is therefore not required for the Project. Instead, the health facilities proposed by the Applicant must be treated as retail/personal service/services clearly incident to retail use.

2. Twelve (12) townhouse-style residential units, each with one bedroom are proposed along the Maple

4/0

Avenue frontage.

3. The parking requirement for the retail uses is 4 spaces per 1,000 square feet of retail use for a total requirement of 878 spaces.
4. The parking for the residential use is 1.0 space per unit plus 0.25 per bedroom for a total of 15 spaces.
5. The Applicant proposes to provide the total 893 parking spaces by 720 on-site self-park parking spaces in a four level parking garage to be constructed on-site and screened by the residential units facing Maple Avenue and the retail facing Post Road, along with 54 off-site satellite parking spaces (as needed) pursuant to Section 8.5.2 *Satellite Parking* of the Zoning Ordinance and 37 shared parking spaces pursuant to Section 8.5.3 *Joint Use* of the Zoning Ordinance. Since the Project site is located on a multi-modal corridor with the expectation of people arriving at the site by public bus, walking and bicycle, and since the ITE Parking Generation Manual, 4th Edition indicates a parking demand of 3 per 1,000 square feet of retail use, or 659 spaces, with higher numbers only anticipated for temporary periods of time, such as the December shopping period, 82 temporary stacked attendant parking spaces are proposed for a total of 893 parking spaces. However, due to the multi-modal nature of the Post Road corridor and the significantly lower parking demand projected by ITE, the Proposed Action includes the partial waiver of improvement of 82 parking spaces under Section 8.7.3 *Partial Waiver of Improvements* of the Zoning Ordinance.

The Proposed Action involves the following site plan approval actions pursuant to Sections 4,5,6,7 and 8 of the Zoning Ordinance, including:

1. Designate the multi-parcel site as a single development site.
2. Approval the Site Plan pursuant to Section 7.5 of the Zoning Ordinance, including:
 - a. Approval of off-site satellite parking for 54 spaces for employees to be located at 190 -192 South Lexington Avenue, which is owned by the Applicant pursuant to Section 8.5.2 of the Zoning Ordinance.
 - b. Approval of joint use parking for 37 parking spaces for the joint use of the retail store uses and the retail health facilities.
 - c. Approval of a partial waiver of improvement for 82 temporary stacked attendant parking spaces.
3. Approval of a payment of money-in-lieu of reservation of on-site parkland for site plans with residential units, pursuant to New York State General City Law Section 27-a.

Pursuant to the correspondence from the Commissioner of Planning dated September 16, 2016, the Common Council shall assess a fee-in-lieu of providing adequate park and recreation facilities of \$3,000 per one bedroom unit pursuant to New York State General City Law § 27-a. Under this fee schedule, the current 12 one-bedroom units proposed for The Boulevard would result in a total fee-in-lieu payment to the City of \$36,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

4. Approval of a Stormwater Pollution Preventions Plan (“SWPPP”) by the Commissioner of Public Works, and such utility improvements as may be required by the Department of Public Works or such other Westchester County or New York State agencies as may have jurisdiction, including the Brownfield Cleanup of the Project site.

The Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) (6) (iv) because it achieves the threshold for a Type I action that involves construction of more than 100,000 square feet of non-residential facilities in a city having a population of 150,000 persons or less.

Pursuant SEQR regulations 617.4 (b) (6) (i), for all Type I actions involving more than one agency, a lead agency must be established prior to determination of significance.

The involved or approval agencies include, but are not limited to, the following:

- a. White Plains Common Council as approving agency site plan approval and special permits as necessary.
- b. White Plans Commissioner of Public Works as the approval officer for the Stormwater Pollution Prevention Plan ("SWPPP");
- d. Westchester County Department of Public Works as approving agency for construction in connection to Post Road, a County Road.
- e. Westchester County Department of Health as approving agency of Water & Sewer connections.
- f. The New York State Department of Environmental Conservation ("DEC") as approving agency in relation to the Brownfield Cleanup Program for the Project site.

The Environmental Officer recommends that the Common Council declare its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR.

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

Respectfully submitted,

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

Rod Johnson
Environmental Officer

RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL DECLARING ITS INTENT TO SERVE AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE REDEVELOPMENT OF THE PROJECT KNOWN AS "THE BOULEVARD" TO BE LOCATED ON A DEVELOPMENT SITE OF APPROXIMATELY 4.2 ACRES BOUNDED BY MAPLE AVENUE, WEST POST ROAD, RATHBUN AVENUE AND THE WHITE PLAINS NISSAN SERVICE FACILITY ("PROJECT SITE") OF APPROXIMATELY 220,000 SQUARE FEET OF MIXED-USE COMMERCIAL DEVELOPMENT AND 12 RESIDENTIAL DWELLING UNITS.

WHEREAS, petition submitted on behalf of Post Maple 77, LLC, a related company of Grid Properties, Inc. ("Applicant"), for Site Plan Approval to construct a mixed-use commercial and residential development to be known as "The Boulevard" on property located approximately at 55-103 West Post Road ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the project site is roughly bounded by Maple Avenue on the south, West Post Road (a Westchester County Road) on the north, Rathbun Avenue to the west, and the White Plains Nissan service facility to the east. The development Site was formerly occupied by car dealerships and small residential structures that have been cleared; and

WHEREAS, the Applicant is the owner, developer and operator of the lots designated on the City of White Plains Tax Assessment Map as Section 130.34, Block 5, Lots 1 through 6, 8 and 9, Section 130.34, Block 6, Lots 1 through 8 and Section 130.27, Block 8, Lot 3; and contract vendee of the parcel designated as Section 130.34, Block 5, Lot 7 (collectively, the "Development Site"); and

WHEREAS, the Proposed Action involves the redevelopment of the approximately 4.2 acre site with mixed-use commercial and residential development with the following principal components:

1. Approximately 220,000 square feet of floor area including approximately 180,000 square feet intended for retail and restaurant uses, and approximately 40,000 sq. ft. of additional physical fitness facilities;

The proposed fitness uses do not constitute a "Health Club" use as defined in the White Plains Zoning Ordinance as there are no membership requirements for the health facilities. A Special Permit for a "Health Club" use is therefore not required for the Project. Instead, the health facilities proposed by the Applicant must be treated as retail/personal service/services clearly incident to retail use;

2. Twelve (12) townhouse-style residential units, each with one bedroom are proposed along the Maple Avenue frontage;
3. The parking requirement for the retail uses is 4 spaces per 1,000 square feet of retail use for a total requirement of 878 spaces;
4. The parking for the residential use is 1.0 spaces per unit plus 0.25 per bedroom for a total of 15 spaces;
5. The Applicant proposes to provide the total 893 parking spaces by 720 on-site self-park parking spaces in a four level parking garage to be constructed on-site and screened by the residential units facing Maple Avenue and the retail facing Post Road, along with 54 off-site satellite parking spaces (as needed) pursuant to Section 8.5.2 *Satellite Parking* of the Zoning Ordinance and 37 shared parking spaces pursuant to Section 8.5.3 *Joint Use* of the Zoning Ordinance. Since the Project site is located

4/1

on a multi-modal corridor with the expectation of people arriving at the site by public bus, walking and bicycle, and since the ITE Parking Generation Manual, 4th Edition indicates a parking demand of 3 per 1,000 square feet of retail use, or 659 spaces, with higher numbers only anticipated for temporary periods of time, such as the December shopping period, 82 temporary stacked attendant parking spaces are proposed for a total of 893 parking spaces. However, due to the multi-modal nature of the Post Road corridor and the significantly lower parking demand projected by ITE, the Proposed Action includes the partial waiver of improvement of 82 parking spaces under Section 8.7.3 *Partial Waiver of Improvements* of the Zoning Ordinance; and

WHEREAS, the Proposed Action involves the following site plan approval actions pursuant to Sections 4,5,6,7 and 8 of the Zoning Ordinance, including:

1. Designation of the multi-parcel site as a single development site;
2. Approval of the Site Plan pursuant to Section 7.5 of the Zoning Ordinance, including:
 - a. Approval of off-site satellite parking for 54 spaces for employees to be located at 190 -192 South Lexington Avenue which is owned by the Applicant pursuant to Section 8.5.2 of the Zoning Ordinance;
 - b. Approval of joint use parking for 37 parking spaces for the joint use of the retail store uses and the retail health facilities, pursuant to Section 8.5.3 of the Zoning Ordinance;
 - c. Approval of a partial waiver of improvement for 82 temporary stacked attendant parking spaces pursuant to Sections 6.6.2 and 8.7.3 of the Zoning Ordinance; and

WHEREAS, the Proposed Action further involves the approval of a payment of money-in-lieu of reservation of on-site parkland for site plans with residential units, pursuant to New York State General City Law Section 27-a. Pursuant to the correspondence from the Commissioner of Planning dated September 16, 2016, the Common Council shall assess a fee-in-lieu of providing adequate park and recreation facilities of \$3,000 per one bedroom unit pursuant to New York State General City Law § 27-a. Under this fee schedule the current 12 one-bedroom units proposed for The Boulevard would result in a total fee-in-lieu payment to the City of \$36,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property; and

WHEREAS, the Proposed Action further involves the approval of a Stormwater Pollution Preventions Plan (“SWPPP”) by the Commissioner of Public Works, and such utility improvements as may be required by the Department of Public Works or such other Westchester County or New York State agencies as may have jurisdiction, including the Brownfield Cleanup of the Project site; and

WHEREAS, the Proposed Action represents a Type I Action under SEQR regulations 617.4 (b) (6) (iv) because it achieves the threshold for a Type I action that involves construction of more than 100,000 square feet of non-residential facilities in a city having a population of 150,000 persons or less; and

WHEREAS, pursuant to SEQR regulations 617.4 (b) (6) (i), for all Type I actions involving more than one agency, a lead agency must be established prior to determination of significance; and

WHEREAS, the involved or approval agencies include, but are not limited to the following:

1. White Plains Common Council as approving agency site plan approval and special permits as

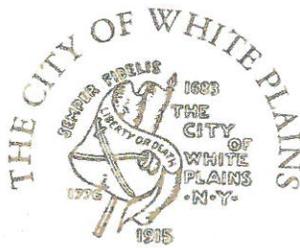
necessary;

2. White Plains Commissioner of Public Works as the approval officer for the Stormwater Pollution Prevention Plan("SWPPP");
3. Westchester County Department of Public Works as approving agency for construction in connection to Post Road, a County Road;
4. Westchester County Department of Health as approving agency of Water & Sewer connections.
5. The New York State Department of Environmental Conservation ("DEC") in relation to the Brownfield Cleanup Program for the Project site; and

WHEREAS, the Environmental Officer has recommended that the Common Council, declare its intent to serve as Lead Agency for the environmental review of the Proposed Action; and now, therefore, be it

RESOLVED, that the Common Council hereby declares its intent to serve as the Lead Agency for the environmental review of the Proposed Action; and be it further

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



"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

The Westchester County Association has approached the City of White Plains about participating in a new initiative called the Sister Cities Smart Growth Compact.

This initiative focuses on strengthening the long-term economic and community health and vitality of Westchester County's four largest cities: Mt. Vernon, New Rochelle, White Plains and Yonkers. It proposes to do so through collaboration and strategic planning with and among the four cities, specifically by assisting them in responding to the impacts of growth and changing technology in a manner that will benefit them economically as well as on a community level.

The Sister Cities Compact envisions the cities as the critical backbone of the region and the drivers of future economic growth. The cities are the places that enable people to live close to where they work and play, where a balanced transportation network connects mixed use urban centers, where innovation and technology are recognized along with a world class workforce and where cultural diversity and respect for the natural environment are celebrated.

By signing onto the Compact White Plains would agree to work collaboratively with the Westchester County Association and the other participating cities on smart growth initiatives; to share best practices; and to partner and collaborate on technology initiatives, such as planning a community broadband map.

A review of the experiences of other cities around the country has shown that those who have invested in high capacity broadband are reaping economic benefits and are in the best position to attract and retain high growth and emerging industries. By aggregating the populations of the four cities we believe that we can bring in high capacity broadband and realize similar benefits.

White Plains would enter into this Sister Cities Compact on a voluntary basis. Its participation in the initiative in no way compromises its independent authority to adopt policy, code changes, make land use decisions and otherwise govern in accordance with its municipal laws.

Attached for your consideration is a resolution authorizing the participation of the City of White Plains in the Westchester County Association's Sister Cities Smart Growth Compact.

Mayor

(For the Common Council Meeting of October 3, 2016)

42

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE ON BEHALF OF THE CITY OF WHITE PLAINS, TO ENTER INTO AN AGREEMENT WITH THE WESTCHESTER COUNTY ASSOCIATION, KNOWN AS THE SISTER CITIES SMART GROWTH COMPACT, TO WORK COLLABORATIVELY WITH THE WESTCHESTER COUNTY ASSOCIATION AND WITH AND AMONG THE THREE OTHER CITIES, MOUNT VERNON, NEW ROCHELLE AND YONKERS, REGARDING SMART GROWTH INITIATIVES, TO SHARE BEST PRACTICES, AND TO PARTNER AND COLLABORATE ON TECHNOLOGY INITIATIVES, SUCH AS PLANNING A COMMUNITY BROADBAND MAP.

WHEREAS, the health and vitality of the New York metropolitan region is directly linked to the health and vitality of Westchester County's largest cities, Mount Vernon, New Rochelle, White Plains and Yonkers; and

WHEREAS, the physical and cultural diversity of these four cities creates the opportunity for a wide variety of economic development initiatives and community investments; and

WHEREAS, with City collaboration as its cornerstone, the Sister Cities Smart Growth Compact promotes a high quality metropolitan setting within which people will live, work and enjoy the culture the region offers; and

WHEREAS, through collaboration and strategic planning, the four cities can, individually and jointly, respond to the impacts of growth and changing technology in a manner which will benefit the entire New York metropolitan region; through the implementation of the initiatives included in the Sister Cities Smart Growth Compact, the region can be a place where

people live close to where they work and play; where a balanced transportation network connects mixed-use urban centers; where innovation and technology are recognized along with a world class workforce; and where cultural diversity and respect for the natural environment are celebrated; and

WHEREAS, the City of White Plains, along with the Cities of Mount Vernon, New Rochelle, recognizes that growth and development decisions can impact neighboring jurisdictions and the region; and

WHEREAS, each of the four cities is within a thirty-five (35) minute commute by MTA Metro-North Railroad to the New York City central business district; and

WHEREAS, there is a significant growth in the reverse commuter sector between the City of New York and each of the four cities; and

WHEREAS, each of the four cities has made a commitment to sustainable growth principles and investments in innovation and technology; and

WHEREAS, the four cities jointly recognize that cities across the country of similar size are national leaders in smart growth, innovation and technology, and that, in today's global economy, the talent pool can locate anywhere in the nation; and

WHEREAS, there is a need to make investments in technology, including broadband

and wireless, a need to make investments in facilities which encourage start-up and growth in technology and innovation, and a need to make investments in the workforce of the metropolitan New York region; and

WHEREAS, there is a recognition by the four Cities that the definition of smart growth includes innovation and technology, as well as transportation and land use; and

WHEREAS, the City of White Plains, together with the other Cities of Mount Vernon, New Rochelle, and Yonkers, each desires to work collaboratively on initiatives defined in the Sisters Cities Smart Growth Compact to demonstrate their commitment to address the nature of growth within their individual jurisdictions and collectively as Sister Cities; and

WHEREAS, the City of White Plains, together with the other Cities of Mount Vernon, New Rochelle and Yonkers, each desires to work in partnership with the Westchester County Association's Sister Cities Smart Growth Compact; and

WHEREAS, the City of White Plains, together with each of the other Cities of Mount Vernon, New Rochelle and Yonkers, agrees in principle to the following:

1. To enter into a Sister Cities Smart Growth Compact to work collaboratively on smart growth initiatives;
2. To share best practices in the following areas:
 - A. Land use and zoning;
 - B. National Environmental Policy Act (NEPA), New York State Environmental Quality Review Act (SEQRA) and environmental permitting;

- C. Urban design and open space;
- D. Transportation and transit, including bicycle and pedestrian;

3. To partner and collaborate on technology initiatives, specifically “planning a community broadband roadmap;”
4. Work with partners in business and development, through the Westchester County Association, to identify workforce needs for the next five (5) to ten (10) years;
5. Partner with academic institutions to develop a 21st century workforce;
6. Identify regulatory and statutory barriers to advancing smart growth initiatives and impacting strategic investments;
7. Develop joint federal and New York State legislative agenda which will advance the smart growth initiatives; and
8. Seek federal and state grant funds to implement initiatives as appropriate and seek private funds to provide research and market the joint initiatives.

NOW, THEREFORE, BE IT

RESOLVED, that Mayor of the City of White Plains or his designee, is hereby authorized on behalf of the City of White Plains, to enter into an agreement with the Westchester County Association known as the Sister Cities Smart Growth Compact, along with the Cities of Mount Vernon, New Rochelle, and Yonkers, to work collaboratively with the Westchester County Association and with and among the other three aforementioned Cities, regarding smart growth initiatives, to share best practices, and to partner and collaborate on technology initiatives, such as planning a community broadband map; and be it further

RESOLVED, that the City of White Plains, as well as each of the other

aforementioned Cities, by entering into this Sister Cities Smart Growth Compact does so on a voluntary basis and retains its independent authority to adopt policy, code changes, make land use decisions and otherwise govern in accordance with its municipal laws.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7.2 of the White Plains Zoning Ordinance, is an application for a site plan amendment associated with 301-303 Quarropas Street (aka "The Prelude"). This application was filed on September 16 2016 by Jonathan Rose Companies on behalf of Winbrook Phase I, LP, the owner of the property.

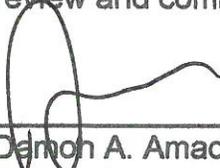
The purpose of this amendment is to address modifications made to the site to introduce a drop-off zone for the residents as well as proposing a new security gate and signage to control access to the parking area. The proposed modifications will result in fifteen parking spaces being available for use by the White Plains Education & Training Center.

The property is situated within a B-3 (Intermediate Business - 3) zoning district.

The Common Council is the approving agency for the following:

- 1.) Amended Site Plan- Section 7.7.2

Referrals may be made at this time to appropriate City departments and boards for their review and comment.



Damon A. Amadio PE
Commissioner of Building

Date: July 28, 2016
(for the August 1, 2016 Common Council meeting)

Submission: Cover letter prepared by Mr. Joseph Gabriel dated September 23, 2016; a Short Form Building Application dated September 16, 2016; a Short Environmental Assessment Form dated September 16, 2016; and drawings SP-1.0 and SP-1.1 dated September 15, 2016 as prepared by Divney Tung Schwalbe.



Winbrook Phase I, LP

551 Fifth Avenue, 23rd Floor
New York, NY 10176
Tel 917.542.3600
Fax 917.542.3601
www.rosecompanies.com

September 19, 2016

White Plains Common Council
City Hall
255 Main St.
White Plains, NY 10601

Re: Request for Site Plan Amendment

To the White Plains Common Council:

We are writing in reference to the new building located at 301-303 Quarropas Street in White Plains (Building Permit # 2013-0366BLDG). We respectfully request that you review this project for a proposed Site Plan Amendment, in regards to the access drive and parking that are provided at this project.

This request for a Site Plan Amendment seeks to address the following:

1. Bring the project's approved Site Plan in line with the conditions as they have been built in the access drive and parking area. The original Common Council Resolution related to the project's Site Plan Approval indicated 23 parking spaces to be provided along the project's access drive. Subsequent changes to the parking and access drive design resulted in a total of 17 parking spaces being provided.
2. Provide for a proposed change to the access drive and parking area, to allow for a parking security gate to be added in the future.

Below is a detailed summary of the project design and approvals related to this area of the site, as well as description of new documents in support of the Site Plan Amendment request. Attached are drawings and other documents, as referenced in this history, and related to this request:

1. Original Site Plan Drawing: The original Site Plan for this project envisioned an access drive with 23 parking spaces. This plan was reviewed by the White Plains Common Council, and on August 6, 2012 the Common Council passed a resolution in regards to this Site Plan Approval. ***Attached is a copy of this of this drawing, labeled "SITE GEOMETRY PLAN – SP-1.0" and dated 04/19/2012.***
2. Development of Design: The initial Common Council Resolution (August 2012) was passed approximately a year and a half before construction began (January 2014). As such, the design for the area was subsequently further developed, in preparation for review and permitting by the White Plains Department of Building.
3. Pre Submission Conference: In March 2013, the development team (WP Housing Company, Jonathan Rose Companies, Dattner Architects, Divney Tung Schwalbe, and Cuddy & Fedder LLP) met with the City of White Plains for a Pre Submission Conference to review the further developed Conformed Site Plan Documents. This meeting included discussion of the addition of a passenger drop-off area to facilitate access to the building, as requested by the City. This dropoff area reduced the number of parking spaces from 23 to 17.



4. Request to extend Site Plan and Special Permit Approvals: In May 2013, William Null of Cuddy & Fedder LLP, on behalf of the development team, submitted a request to the Mayor and Common Council to extend the Site Plan and Special Permit Approvals, as these initial approvals were set to expire in August 2013.
5. Common Council Resolution for extension: On July 1, 2013, the Common Council extended the Site Plan Approval with a new resolution. This Common Council Resolution for the extension did *not* indicate the number of parking spaces to be provided.
6. Site Plan – as built condition: In September 2013, the development team submitted revised Site Layout Plan to the Department of Building, conforming to the changes discussed during the Pre Submission Conference, showing the passenger drop-off area and a total of 17 parking spaces. The current as-built condition is consistent with this plan.
7. Site Layout Plan – as built condition AND future proposed plan – At the request of the City (as tenant in this building), the development team is exploring adding a security parking gate to this access drive. This addition would also reduce parking by 2 parking spaces. The project engineer has produced a drawing showing this future proposed work. Note that electric and low voltage design would be developed under further by our design team. This same drawing sheet also shows the current existing as-built condition (consistent with item #6 above). ***Attached is a copy of this of this drawing, labeled “GATE CONTROL PLAN 15 P.S. LAYOUT – SP-1.1” and dated 09/15/2016.***
8. Short Environmental Assessment Form – We understand that a short form EAF is requested with this Site Plan Amendment request. ***Attached is a copy of this short form EAF, executed by the project engineer.***
9. Building Department Short Form – We understand that a Building Short Form ,ay be requested by the Building Department. ***Attached is a copy of an executed Building Short Form, in the case that this is needed.***

Please advise as to the next steps necessary to proceed with this request, and to review at the Common Council’s October 2016 meeting.

Sincerely,

Joseph Gabriel
Project Manager - Jonathan Rose Companies
for Winbrook Phase I, LP
Tel: 917.542.3608
jgabriel@rosecompanies.com

Short Environmental Assessment Form

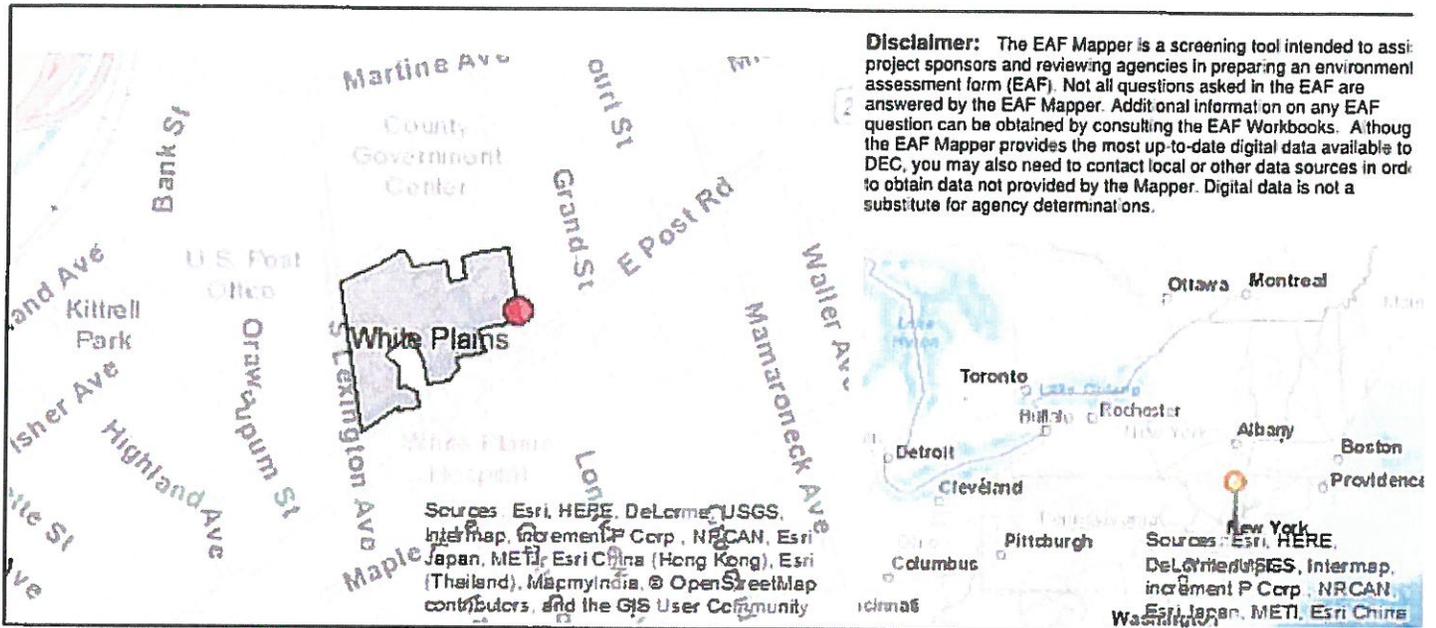
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Winbrook Redevelopment Phase 1 - Site Plan Amendment				
Project Location (describe, and attach a location map): 223 Dr. Martin Luther King Jr. Blvd, White Plains, NY 10601 (Section 125.83, Block 7, Lot 1)				
Brief Description of Proposed Action: The Proposed Action includes a request to the White Plains Common Council for a Site Plan Amendment with two components: 1) Approval is sought for the installation of a parking gate to control vehicle access to an existing parking lot; installation of the gate will require the removal of two parking spots, reducing the number of spaces from 17 to 15. Approximately 750 square feet will be disturbed for the installation of the gate and associated utilities. 2) Approval is sought for the existing 17-space parking lot; this facility was originally approved for 23 spaces and, as constructed, currently contains 17 spaces; per the above, this will be reduced from 17 to 15 spaces for the installation of the parking gate.				
Name of Applicant or Sponsor: Winbrook Phase I, LP c/o Jonathan Rose Companies		Telephone: 917-542-3600 E-Mail: mdaly@rosecompanies.com		
Address: 551 Fifth Avenue, 23rd Fl				
City/PO: New York		State: NY	Zip Code: 10176	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of White Plains Common Council - Site Plan Amendment			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.2 acres		
b. Total acreage to be physically disturbed?		0.017 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		9.7 acres		
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



CITY OF WHITE PLAINS
DEPARTMENT OF BUILDING

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

Reset Form

http://www.cityofwhiteplains.com/

Print Form

1 APPLICATION TYPE: MULTI-FAMILY DWELLINGS & COMMERCIAL CONSTRUCTION
 RESIDENTIAL (ONE & TWO FAMILY DWELLINGS)

2 PERMIT TYPE: (Only one permit per application form.) Legalization SCAN FEE: _____

Building (no volume added) HVAC Plumbing
 Grading /Excavation Kitchen Exhaust Sign, Awning, Canopy & Bunting
 Demolition / Scaffold Boiler Fire Alarm Vertical Transportation
 Updated & Substitute C.O. Mechanical / Generator Low Voltage Permit Hoisting
 Temporary Structures Fire Suppression Electrical CON ED #: _____

3 Application #: _____ Date Filed: _____ Reviewed by: _____ Ins: _____
 Estimated Cost of Work: \$19,000 (including labor, material & fixtures) Fee Amount: _____ Receipt #: _____
 Permit #: _____ Date Issued: _____ Assigned CEO: _____ Assigned Eng: _____
 Site Address: 223 Dr. Martin Luther King Jr. Blvd SBL: 125.83-7-1 Zone: B-3 Set Back: _____
 Unit #: -- Floor #: -- Sq Ft: -- Present Use & Occupancy: Parking facility
 Sprinkler: -- Construction Type: -- Proposed Use & Occupancy: Parking facility with barrier gate per SP-1.1
 Work Description: Installation of a barrier gate within an existing parking facility to control vehicle access to the site.

4 Applicant: Winbrook Phase I, LP Address: 551 Fifth Avenue, 23rd Fl, New York, NY 10176
 Contact: Michael Daly, Jonathan Rose Co. CELL: -- PHONE: 917-542-3600 FAX: 917-542-3608
 EMAIL: mdaly@rosecompanies.com

5 Contractor: TBD Address: --
 Contact: -- CELL: -- PHONE: -- FAX: --
 EMAIL: --
 Signature: -- Date: -- Do you have any employees? Yes No

6 Engineer or Architect: Divney Tung Schwalbe LLP Address: One North Broadway, White Plains, NY 10601
 Contact: Gerhard M. Schwalbe, P.E. CELL: -- PHONE: 914-428-0010 FAX: 914-428-0017
 EMAIL: jschwalbe@divneytungschwalbe.com

7 Owner or Tenant: Winbrook Phase I, LP Address: 551 Fifth Avenue, 23rd Fl, New York, NY 10176
 Contact: Michael Daly, Jonathan Rose Co. CELL: -- PHONE: 917-542-3600 FAX: 917-542-3608
 EMAIL: mdaly@rosecompanies.com

8

STATE OF NEW YORK)

AFFIDAVIT OF OWNERSHIP

BUILDING SHORT FORM 0

COUNTY OF WESTCHESTER)

I, MICHAEL DALY being duly sworn, deposes and says: that
(PRINT NAME) (OWNER, AGENT, BUILDER, CONTRACTOR)

WINBROOK PHASE 1 LP
(PRINT NAME OWNER)

Is the owner in fee of the premises to which this application applies; that he/she (the applicant) is duly authorized to make this application; and that the state contained here are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plan specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations.

[Signature]
Signature of Applicant/Contractor

Westchester County License# _____

Unique # & NYS # (Fire Alarm Only) _____

STANA FIELDS

Notary Public - State of New York

No. 01FI6311304

Qualified in Kings County

My Commission Expires September 15, 2018

Applicant Sworn Before Me

16th Day of September 2016

[Signature]

NOTARY PUBLIC

(NOTE: The filing of this application does not constitute a permit to commence construction)

9

BUILDING OWNER CERTIFICATION (If applicable): (To be signed by Owner)

I, MICHAEL DALY, hereby certify that I have full knowledge of the proposed alteration at my property as described herein and take no exception to such activity.

[Signature]
Signature of Property Owner

Date _____

MICHAEL DALY
Print Name & Title

AUTHORIZED REPRESENTATIVE

Note: An authorization letter granting the above signed applicant permission to submit this application can be attached to application, in lieu of completing owner certification. Owner signature not required if work is being done under a Parent Building Permit.

Applicant must provide Parent Building Permit number: _____

10

HOLD HARMLESS (If applicable)

Homeowner to complete only if you will do all the work yourself. (No employees or subcontractors used.)

To: Commissioner of Building

Subject: Building Permit Application# _____

Site Address: _____

SBL: _____

I, _____, the permittee, to the fullest extent permitted by law, shall save, keep, indemnify and hold harmless the City of White Plains and their respective officers, officials, employees, and agents from and against all liability, injury, loss or damage, cost or expense in law or in equity that may at any time arise directly or indirectly by reason of or in the course of performing the work pursuant to the Building Permit, which may be occasioned by any act or omission of the permittee, any of the permittee's employees, volunteers or any subcontractor. The foregoing provisions shall not be construed to cause the permittee to indemnify the City of White Plains from its negligence.

Applicant/Permittee Name: _____

Signature: _____

Date: _____

Witness Name: _____

Signature: _____

Date: _____

11

PERMIT REQUIREMENT AGREEMENT:

I, MICHAEL DALY (Print Name), understand and will comply with the following: (Initial each requirement and sign)

- 1. Construction shall not begin until the appropriate permit is issued X.
- 2. Construction, alterations or repair work shall not start before 7:00am or continue past 7:00pm on weekdays A.
- 3. Construction, alterations or repairs shall not start before 9:00am or continue past 7:00pm on weekends A.
- 4. Required erosion and sediment control methods will be installed and inspected prior to start of construction X.
- 5. Contractor is responsible to call the W.P. Building Dept for all mandatory inspections X.
- 6. Revision to work involving structure or life safety systems shall have approved amended plans prior to doing the work X.

I have read, initialed and fully understand the above requirements _____

[Signature]
(SIGNATURE)

Dated: 9/16/2016

12 MUST BE COMPLETED FOR ALL PLUMBING APPLICATIONS:

NOTES: A Licensed master plumber and / or certified journeyman shall be present for all plumbing inspections. Plumbing applications sh only be submitted by a duly licensed Westchester County Master Plumber. File drawings, descriptions, etc. must be per the Plumbing Code o New York State & the White Plains Supplemental Building Code.

DOES THE WESTCHESTER COUNTY LICENSED PLUMBER HAVE ANY EMPLOYEES?: YES NO

THE FOLLOWING IS A LIST OF WORK TO BE DONE:

FLOOR	W.C.	LAV.	BATHS	SINKS	SINK & TUB	LAUNDRY	URINAL	SLOP SINK	DRINKING FOUNTAIN	FLOOR DRAINS	H/W HEATER	H/W HEAT DEVICE	OTHER FEATURE
BSMT LEVEL	<input type="checkbox"/>												
1ST LEVEL	<input type="checkbox"/>												
2ND LEVEL	<input type="checkbox"/>												
3RD LEVEL	<input type="checkbox"/>												
4TH LEVEL	<input type="checkbox"/>												
5TH LEVEL	<input type="checkbox"/>												
6TH LEVEL	<input type="checkbox"/>												
7TH LEVEL	<input type="checkbox"/>												
8TH LEVEL	<input type="checkbox"/>												
9TH LEVEL	<input type="checkbox"/>												
ROOF LEVEL	<input type="checkbox"/>												

OTHER WORK: _____

GENERAL FILING INSTRUCTIONS : (Building Short Form - No Volume Added)

1. Complete application and have it notarized.
2. File in person at Building Department.
3. Filing hours are Monday through Friday from 9:00 am to 1:00 pm only.
4. Provide copies of all licenses.
5. Provide certificates of insurance made out to The City of White Plains as Holder.
 - a) General Liability showing The City of White Plains as additionally insured for \$1,000,000 coverage /occurrence.
Exception: Homeowners shall provide proof of General Liability insurance of \$500,000 per occurrence.
 - b) Automobile Liability for \$1,000,000 coverage CSL.
 - c) Statutory Worker's Compensation. (Accord Form not acceptable)
Exception: Contractors with no employees, submit completed NYS Worker's Compensation Board Form#CE-200(12-08).
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
 - d) Statutory N.Y. State Disability. (Accord Form not acceptable)
Exception: Contractors with no employees, submit approved NYS Worker's Compensation Board Form#CE-200(12-08).
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
6. Refer to individual instructions for each specific Permit Type. (See below)
7. Incomplete applications will not be processed and will be considered abandoned after six months.
8. Provide all fees in form of check or Money Order payable to The City of White Plains. Scan fee applicable for all applications submitted with attached drawings
9. Engineers are only available for review & consultations from 9am - 1pm.
10. Legalization work requires signed & sealed drawings and certification letter generated by a NYS licensed Design Professional.

* CONTRACTOR UNDERSTANDS PERMIT ISSUANCE WILL BE DELAYED WITHOUT RECEIPT OF APPROVED FORM#CE-200(06-08).

ADDITIONAL FILING INSTRUCTIONS : (SPECIFIC INSTRUCTIONS AVAILABLE BY PERMIT TYPE)

1. PLUMBING PERMIT requirements.
2. MECHANICAL PERMIT requirements:
 - a) Central Vacuum Systems.
 - b) Oil tanks.
 - c) Chimney Re-Lining
 - d) Battery Room
3. DEMOLITION requirements.
4. HVAC PERMIT requirements.
5. BOILER PERMIT requirements.
6. KITCHEN EXHAUST PERMIT requirements.
7. FIRE ALARM PERMIT requirements.
8. FIRE SUPPRESSION PERMIT requirements.
9. FENCE & WALL requirements.
10. SIGN & AWNING requirements. (Design Review Board Agenda Requirements)
11. RIGGING & HOISTING requirements.

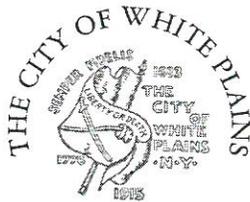
New Residential Building Sustainability Suggestions:

HAVE YOU CONSIDERED.....

1. Using recycled material in any the building elements?
2. Locating the building on the site to maximize the use of natural lighting?
3. Modular building construction?
4. Using high efficiency insulation such as "Spray foam"?
5. A photovoltaic system for power or water heating?
6. A rainwater harvesting system for irrigation purposes?
7. Energy Star Appliances?
8. Ground source heat pump system for space conditioning?
9. Heat recovery ventilation system?
10. Using high efficiency (low E) double or triple pane windows?
11. Radiant floor (hot water) heating
12. Low flow shower heads?
13. LED lamps in light fixtures?
14. Using Ceiling fans?
15. Using low VOC emitting materials for paints, adhesives, carpets, coating, etc...?
16. Recycling post construction waste?

Note: It is not mandatory that any of the above items be incorporated into your building design/construction unless specifically required by one of the New York St Codes. If you have any questions about any of the above items, please feel free to contact our offices for additional information. The intent of this document is to raise awareness of sustainability techniques for your consideration when planning your project.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

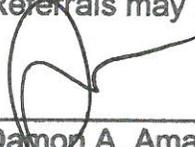
Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by Maple and Broadway Holdings, LLC, for an extension of the Site Plan and Special Permit Approval for their project at 60 South Broadway.

A letter petition, dated September 13, 2016, prepared by Cuddy and Feder LLP on behalf of Maple and Broadway Holdings, LLC has been submitted for a one (1) year extension to a Common Council Resolution originally approved on February 1, 2016.

It is anticipated that the project will not be far enough along to be considered "substantially constructed" prior to the February 1, 2017 expiration.

It should be noted that the requisite site plan extension fee was paid by the applicant in conjunction with this request.

Referrals may be made at this time to appropriate City departments and boards.



Damon A. Amadio P.E.
Commissioner of Building

Dated: September 21, 2016
(for October 3, 2016, Common Council Meeting)

Documents Submitted: Letter prepared by Mr. William Null dated September 13, 2016; A Short Form Building Permit Application dated July 13, 2015 and a Short Environmental Assessment Form dated September 13, 2016

45

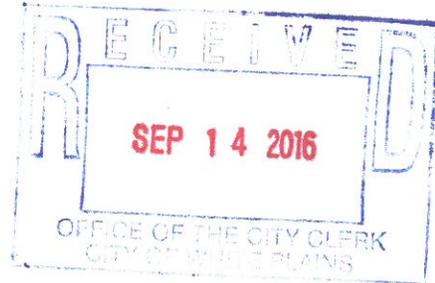


445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

September 13, 2016

BY HAND

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



Re: Maple and Broadway Holdings, LLC
Request for Extension of Site Plan & Special Permit Approval
Premises: 60 South Broadway, White Plains, New York (the "Property")

Dear Mayor Roach and Members of the Common Council:

On behalf of Maple and Broadway Holdings, LLC (the "Applicant"), we respectfully request the extension of the previously granted Site Plan and Special Permit Approval for the proposed redevelopment of the Westchester Pavilion site at 60 South Broadway (the "Project"). The Applicant is the special purpose entity that Lennar Multifamily Communities, LLC has been utilizing for the development of the Property. Lennar will be closing title and acquiring the Property on October 14, 2016. This closing date is "time of the essence" and Lennar is contractually obligated to close on that date. Applications for a Demolition Permit and Building Permit have been submitted to the City and are being reviewed.

As you know, the development of this Project on approximately 3.58 acres of land classified in the CB-3 District was approved by the Common Council in February 1, 2016 by Resolution granting Site Plan and Special Permit Approval (the "Approval Resolution"). The Approval Resolution expires on year from its adoption, if not extended. Accordingly, since the closing of title to this Property is scheduled for October 14, 2016 and the Project will commence with the demolition of the existing buildings, we respectfully request the extension of the Approval Resolution for another year. There are no changes proposed to the Project and no changed circumstances have occurred that would affect any of the conclusions reached by the Common Council in its determination to adopt the Approval Resolution.

In support of this Application, we respectfully submit the following documentation:

1. A Building Permit Short Form; and
2. A Short Environmental Assessment Form

Based upon the above, we respectfully request that the Approval Resolution be extended to



September 13, 2016

Page 2

February 1, 2018, including but not limited to the Special Permit for the restaurants (with outdoor dining).

Thank you for your consideration.

Respectfully submitted,


William S. Null

WSN:yp

Enclosures

cc: John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Messrs. Ed Easley, Timothy Mulcahy, George Vomvolakis and John Malone, Lennar Multifamily Communities LLC; Mr. Mike Cohn and Ms. Kerry-Ann Wilson, Lennar Commercial; Mr. Willing L. Biddle, Urstadt Biddle Properties Inc.; Messrs. Carl Ordemann and Stuart Lachs, Perkins Eastman; and Mr. Christopher Lapine, P.E., The Chazen Companies



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

Anne M. McPherson CMC
City Clerk/Registrar

Elizabeth Scardino
Deputy Registrar

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Transmitted herewith is a communication in relation to a petition submitted on behalf of WP Development NB, LLC, to amend the Zoning Ordinance to establish a new Zoning District entitled, "Planned Residential Development," a mixed residential district that would include multi-family rental housing units, graduate or professional school housing, and an assisted living/memory care facility at 52 North Broadway, and a communication from the Planning Board in relation thereto.

Sincerely,


Anne McPherson, CMC
City Clerk

DATED: September 29, 2016



PLANNING BOARD

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

(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

MICHAEL QUINN
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN J. McCLAIN
SECRETARY

September 21, 2016

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PETITION TO: A) AMEND THE ZONING ORDINANCE TO ESTABLISH A NEW ZONING DISTRICT CALLED "PLANNED RESIDENTIAL DEVELOPMENT," WHICH IS A MIXED RESIDENTIAL DISTRICT THAT INCLUDES MULTI-FAMILY HOUSING, GRADUATE OR PROFESSIONAL SCHOOL HOUSING, AND AN ASSISTED LIVING/MEMORY CARE FACILITY; AND B) AMEND THE ZONING MAP TO CHANGE THE ZONING CLASSIFICATION OF THE 16.09-ACRE PARCEL AT 52 NORTH BROADWAY FROM RM-1.5 TO "PLANNED RESIDENTIAL DEVELOPMENT" DISTRICT

At its August 16, 2016 and September 20, 2016 meetings, the Planning Board considered the petition by WP Development NB, LLC to establish a new zoning district called "Planned Residential Development" ("PRD") district, and to amend the Zoning Map to re-zone the 16.09-acre former Good Counsel property at 52 North Broadway from RM-1.5 to the proposed Planned Residential Development district.

The Planning Board's purview at this stage is to determine whether the submitted petition is appropriate as to form, and whether it is consistent with the Comprehensive Plan ("the Plan"). The Board will further consider the technical issues and the general advisability of the proposed Zoning Ordinance and Zoning Map amendments if and when the petition is referred by the Common Council for substantive review and during any subsequent environmental review process.

With regard to the petition to amend the Zoning Ordinance and Zoning Map, the Planning Board finds that it is appropriate as to form.

Regarding consistency with the Comprehensive Plan, the Board finds that the proposed PRD district is generally consistent with the Plan, but that there are certain aspects of the petition that require clarification and refinement to ensure consistency with the Plan, and other aspects that *may* be inconsistent with the Plan.

While the proposed petition for rezoning only applies to the 52 North Broadway property, the Board believes that it is important to identify which additional properties in the city may be eligible for consideration for rezoning to the PRD district during any subsequent environmental review process.

The Comprehensive Plan sections regarding Close-In Neighborhoods and North Broadway Corridor relate to the former Good Counsel property. However, it is important to note that these sections provide both general and specific recommendations for large geographic areas of the city. Each of these sections was utilized by the Board as a barometer for Plan consistency.

Close-In Neighborhoods

The Plan describes the Close-In neighborhoods as low-rise, medium density areas. Some Board members feel that the proposed PRD district would allow for housing that is neither low-rise, nor medium density. Other members feel that the proposed density is the same as is permitted under the current zoning and that the proposed height is *not* inconsistent with the Plan because it should be considered in the context of the area, and that, with sufficient setbacks, the proposed height may not be an issue.

The Vision Statement and Strategies for the Close-In Neighborhoods stress: a) preservation of the residential integrity of these areas; b) compatibility of new development with the character of the surrounding housing; c) limiting housing to existing densities; and d) protection from intrusion of non-residential uses and their impacts. Below are the Board's comments on each of these statements.

a) *Preservation of the residential integrity of the [Close-In Neighborhoods]* - The Board finds that the PRD district is consistent with this vision statement from the Plan in that it is proposed as a predominantly residential district.

b) *Compatibility of new development with the character of the surrounding housing* – The Board has mixed opinions on the consistency of the PRD district with this statement from the Plan. Some Board members feel that the proposed 140-foot height of the PRD district *would be* of compatible character to surrounding housing because there are 12-story multi-family buildings to the south of the property on Stewart Place. Other members feel that it *would not be* compatible with the surrounding housing, citing the one-, two-, and three-family houses on Ross Street, Warren Street, and South Kensico Avenue.

c) *Limiting housing to existing densities* – The Board believes that a minor refinement to the text of the petition would make it consistent with this statement from the Plan. The PRD district proposes to use floor area ratio to determine the number of units that could be built in the district. Applying a ratio of 0.75 to the lot area, as proposed, would allow 525,660sf of multi-family floor area. The number of units would be determined by the size of the units themselves, i.e., development of small units could potentially permit a greater number of units to be developed on site than the existing RM-1.5 zoning would allow. The Planning Board believes that the current method of calculating housing density based on lot area (instead of floor area ratio) in the

existing RM-1.5 district would tie the maximum number of residential units to the existing lot size and thus ensure that the existing residential density is maintained consistent with the Comprehensive Plan recommendation.

d) *Protection from intrusion of non-residential uses and their impacts* – The Board believes that a minor refinement to the text of the petition would make it consistent with this statement from the Plan. The PRD district proposes ancillary non-residential uses that serve residents of the development community. The Board feels that non-residential uses should be more clearly defined and limited to ensure that they will be subordinate to the residential uses, and will not adversely impact the surrounding neighborhood. The Board is particularly concerned about traffic and other impacts to Ross Street.

North Broadway Corridor

The Vision Statement for the North Broadway Corridor focuses on: a) preservation and enhancement of the Corridor's distinctive features with respect to historical sites that relate to the City's early history, including its critical role in the Revolutionary War; and b) deep open space setbacks and low-rise medium density residential and institutional uses, which contribute to the expansive boulevard appearance of the street from the northern end of Tibbits Park to I-287.

Preservation and enhancement of the Corridor's distinctive features with respect to historical sites – The proposed PRD district does not address historic features. Some Board members believe that recognition of the historic aspects of a site should be included in the petition in order to be consistent with the Plan. Other members note that historic features may not be present on other sites that may be considered for PRD district re-zoning, and the issue should be addressed during site plan review and any subsequent environmental review process as required.

Preservation and enhancement of the deep open space setbacks and low-rise medium density residential and institutional uses that contribute to the expansive boulevard appearance of the Corridor – The Board finds the proposed PRD district to be consistent with this vision statement.

The Strategies for the North Broadway Corridor

- *Maintain the new zoning which conforms to existing residential densities in the North End and Church Street/Park Avenue neighborhoods and the distinct medium density context of the abutting North Broadway apartment district, while maintaining a clear line between the two densities.*

If the petition is amended to tie density to lot area instead of floor area ratio, then the residential density will be maintained and the petition will be consistent with the Plan.

- *Preserve the role of North Broadway as a linear open space by preserving deep setbacks along North Broadway from I-287 to Tibbits Park.*

The Board finds the proposed PRD district to be consistent with this vision statement because it provides a 200 foot front yard setback. The Board would like more clarity on the open

space functions of the front yard setback during any subsequent site plan or environmental review process.

- *Continue to take steps to lessen the impacts of commercial and highway traffic on residential areas adjacent to North Broadway; ...*

Although the petition states that primary vehicular access will be provided along a State or County road, the Board remains concerned about increased traffic on Ross Street.

The Planning Board has many additional comments regarding the specific content of the petition, and looks forward to the opportunity to provide a substantive review of the proposal in the future.

Planning Board members voting in favor of the motion to send the above comments to the Common Council: M. Quinn, J. Durante, J. Ioris, L. Oliva, R. Stackpole, and J. Westlund (6); Opposed: None (0); Absent: A. Cabrera (1).

Respectfully submitted,

MICHAEL QUINN
Michael Quinn, Chairman
White Plains Planning Board

VENEZIANO & ASSOCIATES

COUNSELLORS-AT-LAW

84 BUSINESS PARK DRIVE
SUITE 200
ARMONK, NEW YORK 10504

TEL: (914) 273-1300
FAX: (914) 273-1303

July 25, 2016

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

**Re: 52 North Broadway (former Good Counsel Campus)
Zoning Petition**

Dear Mayor Roach and Members of the Common Council:

On behalf of WP Development NB, LLC, owner of the 16.1 acre property located at 52 North Broadway, and in cooperation with co-counsel, William S. Null of Cuddy & Feder LLP, we respectfully submit a Zoning Petition with respect to the redevelopment of this previously tax-exempt parcel which was the former site of the Good Counsel campus.¹

The Petition seeks the rezoning of the property to permit its redevelopment with a mix of residential uses, including 400 multi-family rental housing units, graduate or professional school housing, and an assisted living/memory care facility.

The property is located at 52 North Broadway in the RM-1.5 zoning district. For more than 100 years, the property has been exempt from real estate taxes, having been owned and operated by The Sisters of the Divine Compassion, an educational and religious use. Since the property has been sold to our client, it is on the tax rolls and generating significant tax revenue. When developed as proposed, this residential community will provide substantial additional tax revenues to the City and school district. As set forth in detail in the Zoning Petition, the proposed development is consistent with the density permitted by the current RM-1.5 District

¹ The project team includes AKRF, Inc., Perkins Eastman Architects, P.C., JMC Engineering, Maser Engineering, Veneziano & Associates; Cuddy & Feder LLP.

Thomas Roach, Mayor
White Plains Common Council

July 25, 2016
Page 2

and is also consistent with the height of the multi-family residential buildings immediately to the south of the property. The project also supports the Comprehensive Plan which is focused on maintaining the site's open nature and, particularly, the large open space corridor along North Broadway. Toward that end, the proposal preserves the North Broadway frontage by providing a 2.69 acre buffer, while preserving approximately 56%, or 9 acres, of the overall site as open space.

As demonstrated in the Petition and shown on the plans attached thereto as exhibits, the multi-family residential buildings are proposed to be located to the rear of the site, closest to I-287. In addition to minimizing visual impacts from North Broadway, that portion of the site is significantly lower in elevation than the front of the site, thereby further mitigating visual impacts. The graduate or professional school housing is to be located at the northern end of the subject property, immediately adjacent to the campus of the Elizabeth Haub School of Law at Pace University ("Pace Law School"). Pace Law School fully supports the entire project including the graduate or professional school housing.² The students attending the law school, who drive there every day currently utilize parking on the campus. The consolidation of the housing immediately adjacent to the campus will enable the same parking spaces to be utilized by those students residing on campus. Among other benefits to the housing serving the law school is it will help to mitigate the daily vehicular traffic generated by students arriving and leaving the campus. The Pace campus acts as a buffer to the residential area further north on Crane Avenue.

The assisted living/memory care facility is proposed to be located in the central part of the property. There will be 80 beds for assisted living and 45 beds for memory care. The facility will be owned and operated by Sunrise, a nationally-renowned provider of such facilities. This use fills a needed and under-served market, especially the memory care component.

The property is listed on the National Register of Historic Places. We have been coordinating with the State Historic Preservation Office (SHPO) and your Historic Preservation Commission (HPC) with respect to this aspect of the development. Accordingly, we will be preserving the Chapel and the Mapleton Building, which are the key buildings of significance. The latter building is proposed for relocation northerly on the site. The current condition of the remaining buildings, and the difficulty and expense of bringing them into compliance with current life-safety standards, is such that they cannot effectively be re-purposed and we propose to demolish them.

² See, letter attached to the Zoning Petition.

VENEZIANO & ASSOCIATES

Thomas Roach, Mayor
White Plains Common Council

July 25, 2016
Page 3

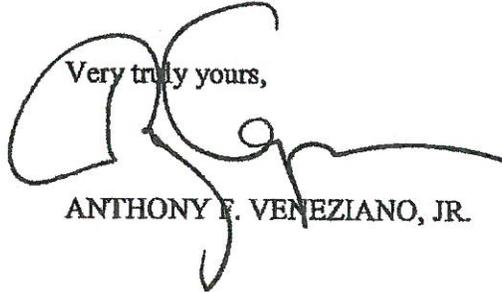
The three proposed residential uses are complimentary to one another. The multi-family rental units will provide additional housing opportunities for Pace students and faculty, as well as employees of the assisted living facility, while also providing needed rental housing units in White Plains. The graduate or professional school housing will assist Pace Law School in marketing its program by providing essentially on-site housing for the students. The assisted living facility will provide a continuum of care for Westchester's aging population for which there is an existing need, particularly for memory care units near family members.

In addition to the direct economic benefits by way of increased real estate tax revenues, there will be an economic multiplier effect resulting from the influx of additional residents to the City and the money they will spend in purchasing goods and services in the City. New residents of the residential building will also support the office market in White Plains.

Attached to the Zoning Petition are a number of exhibits, including a proposed site plan, visual perspectives from properties surrounding the site, the proposed text of a Zoning Ordinance Amendment to accommodate the proposal, and a Full Environmental Assessment Form.

We look forward to working with you and the City's Boards, Commissions, and Commissioners on this exciting project. Please place this matter on the Common Council agenda for August 1, 2016 for commencement of the review process. Thank you for your courtesy and cooperation.

Very truly yours,

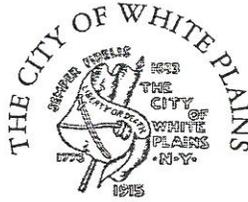


ANTHONY F. VENEZIANO, JR.

AFV/kj
Encls.

cc: Peter S. Duncan
Roderick O'Connor
Sunrise Assisted Living
William S. Null, Esq.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

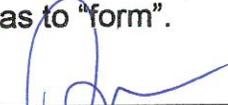
Submitted, herewith, for your review and appropriate action, pursuant to Section 12 of the White Plains Zoning Ordinance, is a petition dated September 22, 2016 in support of a request for an amendment to the City of White Plains Zoning Ordinance. This petition is submitted by McCullough, Goldberger and Staudt LLP on behalf of the applicant, Danone Foods Inc (a/k/a Dannon).

The Petitioner is a prospective tenant of a portion of the property located at 100 Bloomingdale Road (a/k/a One Maple Avenue). The property is located in a B-1 Zoning District (Restricted Business) and is designated as a Special "S" Zone. The property currently houses a four-level, approximately 240,000 square foot mixed use building populated by retail, restaurant and office tenants.

Dannon's proposed tenancy will be primarily office space in nature but a portion of their operation requires an area for the testing and limited production of food products in a laboratory setting.

As such, the petition seeks the rezoning of the property at 100 Bloomingdale Road (a/k/a One Maple Avenue) to allow an "Accessory Food Laboratory" Use.

Referrals may be made at this time to appropriate city departments and boards for review as to "form".



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

Dated: September 29, 2016
(for October 3, 2016, Common Council Meeting)

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

47

Documents

Submitted: Cover letter prepared by Mr. Seth Mandelbaum dated September 22, 2016
and a Zoning Petition dated September 22, 2016

McCULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

10605

(914) 949-8400

FAX (914) 949-2510

WWW.MCULLOUGHGOLDBERGER.COM

**FRANK S. McCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2008)**

**FRANK S. McCULLOUGH, JR.
JAMES STAUDT
LINDA B. WHITEHEAD
SETH M. MANDELBAUM**

**JOANNA C. FELDMAN
DEBORAH A. GOLDBERGER
EDMUND C. GRAINGER, III
PATRICIA W. GURAHIAN
MEREDITH A. LEFF
RUTH F.-L. POST
KEVIN E. STAUDT
STEVEN M. WRABEL**

**CHARLES A. GOLDBERGER
KEITH R. BETENSKY
COUNSEL**

September 22, 2016

Honorable Mayor Thomas Roach
and Members of the Common Council
City of White Plains City Hall
255 Main Street
White Plains, NY 10601

Re: Zoning Amendment Petition--Dannon

Dear Hon. Mayor Roach & Members of the Common Council:

This firm represents Danone Foods, Inc. and The Dannon Company, Inc. (collectively or either of which are referred to as "Dannon" or the "Petitioner") in connection with the enclosed zoning amendment petition. The Petitioner is a prospective tenant of a portion of the property located at 100 Bloomingdale Road a/k/a 1 Maple Avenue (the "Property"). The Property is classified in the B-1 (Restricted Business) Special "S" Zoning District on the City of White Plains Zoning Map, and is currently developed with a four-level, approximately 240,000 square foot building, known as "The Source at White Plains," which is currently occupied by retail, restaurant and office tenants.

Dannon has identified the Property as an ideal location for the potential relocation of its headquarters, which would allow such relocation with no increase in the height¹ or footprint of the existing building. However, although offices and retail are permitted uses at the Property, an accessory food laboratory is not currently expressly permitted in the B-1 (Restricted Business) Zoning District. Therefore, a zoning text amendment is respectfully requested to permit an "accessory food laboratory" on certain parcels in the B-1 District, including the Property, as set forth in further detail in the enclosed zoning amendment petition (the "Petition").

¹ Other than a small skylight over the reception area, which would extend approximately six feet above the existing roofline.

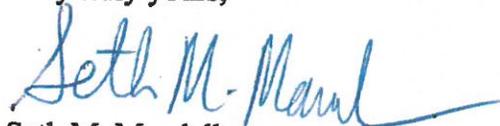
Dannon's current location at 100 Hillside Avenue in the Town of Greenburgh consists of both traditional office space and a pilot plant, where research and development are performed for products to be produced by Dannon and/or its affiliates. The Town of Greenburgh Zoning Ordinance also permits the sale of "pilot prototype or experimental products which are the result of or the end product of scientific research, development or engineering."

In addition to allowing an "accessory food laboratory", the proposed zoning text attached to the enclosed Petition also includes restrictions on the sale of any product created, processed, or otherwise altered by an "accessory food laboratory." Specifically, the proposed zoning text would provide that "[s]uch product may be sold only within the overall premises operated by such principal office use to which the "accessory food laboratory" is associated. Specifically, production of product intended for wholesale distribution, off-site retail sale, or on-site packaged retail sale shall be prohibited; provided however that such sale may occur on site for the purpose of consumption on site; and provided further that nothing herein shall be construed to prohibit sales of any products to staff or employees."

In support of this application, enclosed please find thirty (30) copies of the Petition (with a signed Letter of Authorization from the owner of the Property attached thereto), together with a completed Short Environmental Assessment Form ("EAF") and a check for the required \$100.00 application fee.

Kindly place this matter on the next available Council agenda, for consideration of the required referrals of the Petition by the Council pursuant to Section 12.5 of the Zoning Ordinance; and for the Council to declare its intent to serve as the Lead Agency under SEQRA, so notice of such intent may be circulated to the other Involved Agencies. If you have any questions or require additional information, please do not hesitate to contact my office. Thank you for your consideration.

Very truly yours,



Seth M. Mandelbaum

SMM:srw

Enc.

cc: John G. Callahan, Esq.
Dannon
William Null, Esq. (Attorney for Property Owner)

CITY OF WHITE PLAINS COMMON COUNCIL
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----X
In the Matter of the Petition of

DANONE FOODS, INC.
and THE DANNON COMPANY, INC.
(collectively the Petitioner),

**PETITION FOR
AMENDMENT TO THE
CITY OF WHITE PLAINS
ZONING ORDINANCE**

For Amendment to the City of White Plains
Zoning Ordinance.

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

PETITIONER, DANONE FOODS, INC. and THE DANNON COMPANY, INC.
(collectively or either of which are referred to as “Dannon” or the “Petitioner”), with its principal
place of business at 100 Hillside Avenue, White Plains, NY 10603, hereby petitions the Common
Council of the City of White Plains for amendments to the Zoning Ordinance of the City of
White Plains.

INTRODUCTION

1. Danone Foods, Inc. and The Dannon Company, Inc. are duly formed and existing
corporations licensed to do business in the State of New York, with their principal place of
business at 100 Hillside Avenue, White Plains (Town of Greenburgh), NY 10603.

2. Petitioner (or one of them) is a prospective tenant of a portion of the property
located at 100 Bloomingdale Road a/k/a 1 Maple Avenue, City of White Plains, County of
Westchester, State of New York (hereinafter referred to as the “Property”) and is authorized by
the owner of the Property to submit this Petition. The Property is shown and designated on the
City of White Plains Tax Map as Tax Parcel No. 126.77-2-2. The Property is owned by
Bloomingdale Road Investors LLC. Attached hereto and made a part hereof as Exhibit 1 is a
signed Letter of Authorization from the Property owner.

3. The Property is located in the B-1 (Restricted Business) Special "S" Zoning District on the City of White Plains Zoning Map, and is currently developed with a four-level, approximately 240,000 square foot building, known as "The Source at White Plains," which is currently occupied by retail, restaurant and office tenants.

4. Directly to the south of the Property is an office building at 120 Bloomingdale Road, and across Bloomingdale Road to the southeast is the Bloomingdale's department store and related surface parking lots. Directly to the east of the Property, on the far side of Bloomingdale Road, is the New York Presbyterian/Weill Cornell Hospital facility. Directly north of the Property, on the far side of Maple Avenue, is The Westchester Mall, and to the northwest is the Crowne Plaza hotel. West of the Property is the Carhart neighborhood. See aerial photo of overall Property and surrounding neighborhood, attached hereto and made a part hereof as Exhibit 2.

5. Petitioner's current location at 100 Hillside Avenue in the Town of Greenburgh consists of both traditional office space and a pilot plant (also referred to as an "accessory food laboratory"), where research and development are performed for products to be produced by Dannon and/or its affiliates. The Town of Greenburgh Zoning Ordinance also permits the sale of "pilot prototype or experimental products which are the result of or the end product of scientific research, development or engineering."

6. Petitioner has identified the Property as an ideal location for the potential relocation of its headquarters. Petitioner is contemplating building out interior space on both the 4th floor level (vacant space adjacent to the recently occupied HGAR space) and the ground level (along Maple Avenue) of the existing building. There would be no increase in the overall footprint or height (other than a small skylight over the reception area, which would extend approximately six feet above the existing roofline) of the existing building. However, although offices and retail are permitted uses at the Property, an accessory food laboratory (with the potential for associated retail sales of the products produced therein) are not currently expressly permitted in the B-1 (Restricted Business) Special "S" Zoning District.

7. Therefore, Petitioner is hereby requesting that the Common Council amend the White Plains Zoning Ordinance to allow an accessory food laboratory in the B-1 (Restricted Business) Zoning District on lots of 5 acres or more. The requested amendment would also permit associated retail sales of the products produced in the food laboratory within the Petitioner's leased space.

EXISTING STRUCTURES AND USES ON THE PROPERTY

8. The Property is approximately 6 acres in size and is presently improved with a four-level, approximately 240,000 square foot building, known as "The Source at White Plains," which is currently occupied by retail, restaurant and office tenants.

PROPOSED STRUCTURE AND USES ON THE PROPERTY

9. Petitioner intends to build out existing 4th floor space for offices (as well as constructing approximately 15,000 square feet of space on the existing parking deck on the 4th floor), and to renovate a portion of the occupied ground floor of the retail center for the accessory food laboratory. The total gross floor area that Petitioner would occupy is approximately 80,000 square feet¹ of the existing approximately 240,000 square foot building.

10. The proposal would not increase the overall height (other than the aforementioned skylight) or footprint of the existing structure, and would represent a major investment by a prestigious corporation in downtown White Plains.

PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE

11. Petitioner respectfully requests the adoption of a Zoning Text Amendment consisting of the addition of a new Special Permit use for an "Accessory Food Laboratory" to be added to Section 6 of the Zoning Ordinance. Specifically, under the proposed Zoning Text Amendment, an "Accessory Food Laboratory" would only be permitted by Special Permit from

¹ An additional mezzanine area is proposed on the 4th floor, which will not increase the overall floor area.

the Common Council, and only on properties that are located in the B-1 (Restricted Business) Zoning District and are at least 5 acres in size, on which an existing or proposed office use is operated by the same or an affiliated entity. The subject Property complies with these criteria.

12. A copy of the proposed Zoning Text Amendment is attached hereto as Exhibit 3.

13. The Zoning Text Amendments would not have any adverse impact on the Zoning Ordinance or the City of White Plains for several reasons. First, the proposed Zoning Text Amendments would only affect properties that are located in the B-1 (Restricted Business) Zoning District and are at least 5 acres in size, on which an existing or proposed office use is operated by the same or an affiliated entity.

14. Second, the Special Permit for an Accessory Food Laboratory would be subject to additional criteria, including that the operation of any “accessory food laboratory” must be carried out in compliance with all county, state, federal, and/or other applicable regulations. No offensive noises, gases, fumes, smoke, odors, dust or vibrations shall emanate from such use, and no waste products shall be discharged therefrom of a character to create a nuisance or to be injurious to health.

15. Moreover, with respect to retail sale of product produced on-site in the accessory food laboratory, the proposed Zoning Text Amendments provide as follows:

Any product created, processed, or otherwise altered by an “accessory food laboratory” may be sold only within the overall premises operated by such principal office use to which the “accessory food laboratory” is associated. Specifically, production of product intended for wholesale distribution, off-site retail sale, or on-site packaged retail sale shall be prohibited; provided however that such sale may occur on site for the purpose of consumption on site; and provided further that nothing herein shall be construed to prohibit sales of any products to staff or employees.

16. Finally, the proposed Zoning Text Amendments will further facilitate the goals set forth under the 2006 Revisions of the 1997 Comprehensive Plan. Specifically, the Comprehensive Plan identifies this area of Bloomingdale Road as a “Specialty Retail Area” that should be maintained. The adaptive reuse of existing floor area within the existing retail building for office, accessory food laboratory and related retail uses by a major corporation would not

represent a significant change to the existing uses or building design, and is consistent with the strategies and economic development goals of the Comprehensive Plan.

17. For all of the foregoing reasons, it is respectfully submitted that the proposed Zoning Ordinance Amendments should be granted.

WHEREFORE, Petitioner respectfully requests that the Common Council amend the Zoning Ordinance of the City of White Plains as set forth above.

Dated: White Plains, NY
September 22, 2016

Respectfully submitted,
DANONE FOODS, INC.
and THE DANNON COMPANY, INC.

BY: Aimee Woodward

TITLE: Senior Corporate Counsel

EXHIBIT 1

LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER

(See attached)

EXHIBIT 2

AERIAL PHOTO OF SUBJECT PROPERTY

(See attached)

EXHIBIT 3

PROPOSED ZONING TEXT AMENDMENT

(See attached)

PROPOSED ZONING TEXT AMENDMENT

1. Section 2.4 of the Zoning Ordinance of the City of White Plains shall be amended by adding a new definition, after the definition of the term “Accessory Electronic Games” and before the definition of the term “Accessory Use” as follows:

“Accessory Food Laboratory”

An “accessory food laboratory” located within a building and constituting an “accessory use” to an existing or proposed office situated on the same “lot”, which “accessory food laboratory” is used for experimentation in pure or applied research, design, development and production of new food products and/or reformulation or improvement of existing food products.

2. A new Section 6.2.1.37 shall be added to the Zoning Ordinance of the City of White Plains so that the Common Council shall be the approving agency for this special permit “use”, as follows:

6.2.1.37 “Accessory Food Laboratory.”

3. A new Section 6.7.32 shall be added to the City of White Plains Zoning Ordinance as follows:

6.7.32 “Accessory Food Laboratory”

- | | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.7.32.1 | An “accessory food laboratory” shall be permitted on a lot of at least 5 acres, classified in the B-1 (Restricted Business) District as an “accessory use” to an existing or proposed office operated by the same, or an affiliated entity on the same “lot”. |
| 6.7.32.2 | An “accessory food laboratory” may not exceed 20% of the total gross floor area leased, owned or operated by the entity occupying the associated principal office situated on the same premises. |
| 6.7.32.3 | Any product created, processed, or otherwise altered by an “accessory food laboratory” may be sold only within the overall premises operated by such principal office use to which the “accessory food laboratory” is associated. Specifically, production of product intended for wholesale distribution, off-site retail sale, or on-site packaged retail sale shall be prohibited; provided however that such sale may occur on site for the purpose of consumption on site; and provided further that nothing herein shall be construed to prohibit sales of any products to staff or employees. |

- 6.7.32.5 The operation of any “accessory food laboratory” must be carried out in compliance with all county, state, federal, and/or other applicable regulations.
- 6.7.32.6 No offensive noises, gases, fumes, smoke, odors, dust or vibrations shall emanate from such use, and no waste products shall be discharged therefrom of a character to create a nuisance or to be injurious to health.

4. Section 5.1, Schedule of Use Regulations, of the City of White Plains Zoning Ordinance, shall be amended as follows:

Under the heading Office, a new row shall be added to the chart as follows:

5.1 Schedule of Use Regulations

ZONING DISTRICTS	
“USES”	LI
	LI-M
	B-6
	UR-4
	CB-4
	CB-3
	CB-2
	CB-1
	BR-2
	BR-1
	B-3
	B-2
	B-1
	O-R
	C-O and PCD
	RM-0.35
	RM-0.4
	RM-0.7
	RM-1
	RM-1.5T
	RM-1.5
	RM-2
	RM-2.5
	R2-2.5
	R2-4
	R1-5
	R1-7.5
	R1-12.5
	R1-20
	R1-30
Office	SP
Accessory Food Laboratory	

5. Section 5.2, List of Use Regulations, of the City of White Plains Zoning Ordinance, shall be amended as follows:

Under the heading District: B-1, a new row shall be added to the chart for “Accessory Food Laboratory” such that it shall read as follows:

5.2 List of Use Regulations

District: B-1

USE	TYPE
"Multi-family dwellings"	PP
The keeping of "household pets"	PA
"Health clubs"	SP
Accessory "swimming pools" as regulated by Sections 4.4.24 and 6.7.3	SP
Accessory tennis courts, paddle tennis courts or other similar courts	SP
Accessory "dish antennas" as regulated by Sections 4.4.23 and 6.7.21	SP
Churches or other places of worship	PP
Sunday schools or other similar religious schools	PA
Parish houses or rectories	PA
Convents	PP
"Emergency shelters"	SP*
"Overnight shelters of the homeless"	SP*
"Uses" of the City of White Plains	PP
"Uses" of other governments, subject to the requirements of Section 5.6	PP
"Public schools"	PP
"Private secondary or elementary schools"	SP
"Nursery schools" or "day care centers"	SP
"Nursery schools" or "day care centers" in conjunction with a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	PA
Independent, unaffiliated "nursery schools" or "day care centers" located within a permitted church or other place of worship, "membership club," or "public school" or "private secondary or elementary school"	SP
"Universities," "colleges" or seminaries	PP
Business or professional offices	PP
Office in residence of a "professional person" as regulated by Section 5.4.2	PA
Business, administrative or headquarters offices for "philanthropic institutions"	PP
Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "real estate offices," but not including sales of automobile parts or accessories involving installation at point of sale	PP
"Retail laundries" or "retail dry cleaners"	PP
Banks	PP

District: B-1

USE	TYPE
Business or trade schools	PP
Libraries, museums or art galleries	PP
Newsstands	PA
"Customary home occupations" as regulated by Section 5.4.2	PA
"Restaurants" or "cafeterias"	SP
Outdoor dining	SP
"Restaurants" or "cafeterias" for employees	PA
"Cafes"	SP
"Accessory electronic games"	PA
"Accessory Food Laboratory"	SP
Outdoor storage of motor vehicles	SP
Medical laboratories	PP
"Public utility buildings or structures"	SP
"Private garages," carports or open parking for private passenger vehicles	PA
"Parking lots" or "parking garages"	PA
Commercial "parking lots" for private passenger vehicles, but not for storage of used or new motor vehicles for sale or for hire	SP
"Parking lots" or "parking garages" of the City of White Plains or its Parking Department	PP

KEY:

- PP = Permitted Principal "Use";
- PA = Permitted "Accessory Use";
- SP = Special Permit "Use";
- (R-A), etc. = Prior District designation;
- * = When in the Central Parking Area

6. Section 8.3, Schedule of Parking and Loading Requirements of the Zoning Ordinance of the City of White Plains shall be amended as follows:

Under the heading Business, a new row shall be added to the chart as follows:

"USES"	MINIMUM NUMBER OF "PARKING SPACES"		MINIMUM NUMBER OF "LOADING SPACES"
	PER 1,000 sq. ft. (prorated so that the requirement shall be the next highest integer)	OTHER	
"Accessory Food Laboratory"	2.5 (1.7 CPA)	plus 1 per commercial vehicle kept on "lot"	Up to 1,500 sq. ft. : None 1,500-20,000 sq. ft.: 1 For each additional 10,000 sq. ft.: 1 additional

Short Environmental Assessment Form

Part 1 - Project Information

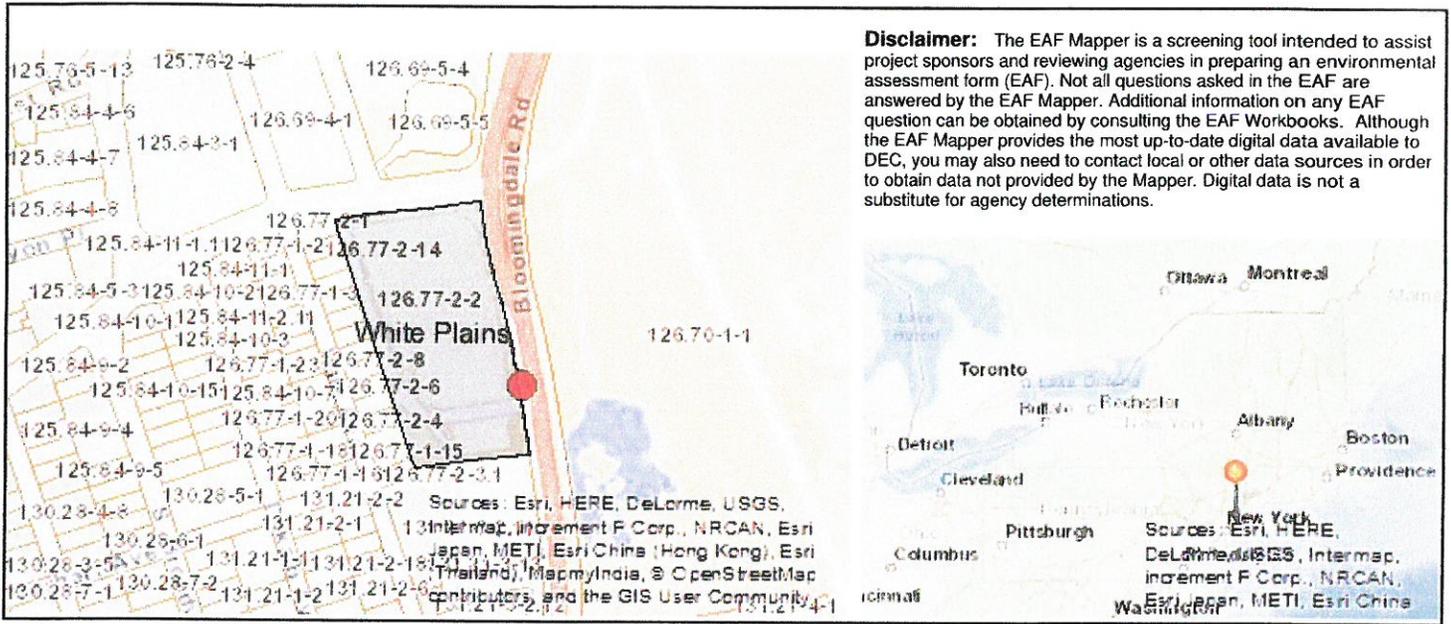
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

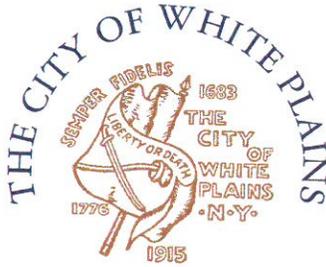
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: Accessory Food Laboratory Zoning Amendment and Related Actions							
Project Location (describe, and attach a location map): 100 Bloomingdale Road (a/k/a 1 Maple Avenue), White Plains, New York							
Brief Description of Proposed Action: Zoning text amendment to permit "accessory food laboratory" use in the B-1 Zoning District of the City of White Plains by special permit from the Common Council, as well as associated site plan/special permit approval for a specific project at the Project Location described above from the Common Council. The proposed action also includes incentives from the Westchester County Industrial Development Agency ("IDA") and New York State Empire State Development, as well as a PILOT Agreement with the IDA and City of White Plains.							
Name of Applicant or Sponsor: Danone Foods, Inc. and The Dannon Company, Inc.		Telephone: 914-467-5153 E-Mail: aimee.wood@dannon.com					
Address: 100 Hillside Avenue							
City/PO: White Plains		State: NY	Zip Code: 10603				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: White Plains Common Council--Site Plan/Special Permit approval; Approval of PILOT Agreement Westchester County IDA--Sales Tax/Mortgage Tax Exemptions, PILOT; NYS ESD--Financial Incentives			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? _____ 6 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>No ground disturbance is proposed in connection with the proposed action. _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: Danone Foods, Inc. and The Dannon Company, Inc _____</p>		<p>Date: September 22, 2016 _____</p>
<p>Signature: <u>Seth M. Maub</u> as attorney _____</p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



DEPARTMENT OF PUBLIC WORKS

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

THOMAS M. ROACH
MAYOR

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

RICHARD G. HOPE
COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

An application, dated September 19, 2016, was submitted by One Dekalb Avenue, LLC., requesting to purchase approximately 4,522 square feet of land lying in the unimproved portion of Maple Avenue, known and designated as part of Lots 146, 147, 149 and 120, as shown on a file Map no. 1789, titled, "Amended Map of Carhart Homestead, White Plains, Westchester County, New York, dated March, 1908." The subject property was acquired for the future widening of Maple Avenue from LLUH Realty Corporation, by deed dated October 1, 1952, recorded in Liber 5140, Page 441.

At present, the subject property is no longer needed for public use to expand Maple Avenue. Additionally, on June 5, 2006, the Council approved the discontinuance of approximately 6,108 square feet of the unimproved right-of-way along Maple Avenue and subsequent transfer to the adjoining property owner. Based on the foregoing, DPW recommends that this portion of the right-of-way be discontinued and removed from the City's inventory as it serves no municipal purpose. It is further recommended that, in accordance with Section 207-a of the Charter, the property be sold to One DeKalb Avenue, LLC., the adjoining property owner as the land is of insufficient size to create a suitable building lot.

The public right-of-way is shown on the City's Official Map as maintained by the Department of Public Works. In order to discontinue any portion of the public right-of-way, Section 29 of the General City Law and Sections 126 and 152 of the City's Charter mandate that such amendments to the Official Map require public notice and a public hearing before the Council.

The Council may refer the proposed discontinuance of a portion of the unimproved right-of-way along Maple Avenue and corresponding amendment to the official city map to the Planning Board for further action.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: September 28, 2016 (for the
October 3, 2016 Common Council Meeting)

48a

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

www.whiteplainsny.gov

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is an application, dated September 19, 2016 requesting Site Plan and Special Permit Approval for a proposed project at One Dekalb Avenue. This application was submitted by Cuddy and Feder LLP on behalf of the applicant, One Dekalb LLC.

The premises is comprised of 38,364 square feet of lot area situated at the southeast corner of Maple Avenue and South Broadway with frontage on the westerly side of Maple Avenue. It is designated on the City of White Plains Tax Map as Section 125, Block 84, lots 1,2,3,16 and 17 and is located within the RM-1 Zoning District.

The Applicant proposes the development of a six-story (65 foot), 77 unit apartment building including 103 off-street parking spaces. Sixteen of the apartments are proposed for participation in the City's Affordable Housing Program.

Six stories and a maximum height of 65 feet is permitted by Special Permit when a building is located on a lot greater than 15,000 square feet.

To facilitate this development, as shown on the accompanying plans, the applicant is also requesting permission to purchase a 4,522 square foot parcel of City owned land located in the unimproved Right of Way ("R.O.W") along Maple Avenue. A similar parcel was sold to a related entity to facilitate the construction of the "La Gianna" apartment building on the corner of Dekalb and Maple Avenue.

The Common Council is the approving agency for all aspects of this development including:

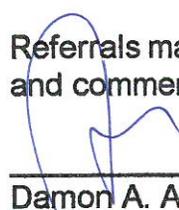
- 1.) Discontinuance of a Street pursuant to Section 152 of the City of White Plains Charter and Municipal Code
- 2) Sale of Excess Property pursuant to Section 207-a of the City of White Plains Charter and Municipal Code.
- 3.) Site Plan Approval - Entire Project (Section 7).
- 4) Special Permit Approval-Zoning Table 5.3 (footnote "t")
- 5.) SEQRA Approvals - Lead Agency.

In order to acquire the property from the City, the City owned land in the unimproved R.O.W. will need to be discontinued and the Official Map of the City of White Plains will have to be amended. Accompanying this referral is a letter from the Department of Public Works opining on this subject.

The sale of the land and terms thereof will have to be approved by the Common Council at a later date.

It should be noted that a Storm Water Pollution Prevention Plan ("SWPPP") has been submitted to the Department of Public Works and was deemed to be acceptable as to "form".

Referrals may be made at this time to appropriate City departments and boards for review and comments.



Damon A. Amadio P.E.
Commissioner of Building

Dated: September 28, 2016
(for October 3, 2016 Common Council Meeting)

Documents

Submitted: Cover letter as prepared by William S. Null, Esq. of Cuddy & Feder LLP, dated September 19, 2016; a Short Form Building Permit Application dated September 19, 2016; a Short Environmental Assessment Form dated August 26, 2016; sanitary and domestic water load calculations dated September 2, 2016 ; a letter from City Carting and Recycling dated September 9, 2016 : a Solid Waste Management Plan dated August 26, 2016 and drawings SD-001, SV-101, SD-100 thru SD-107, SD-401 thru SD-405 and SD-501 thru SD-505 all dated August 26, 2016.



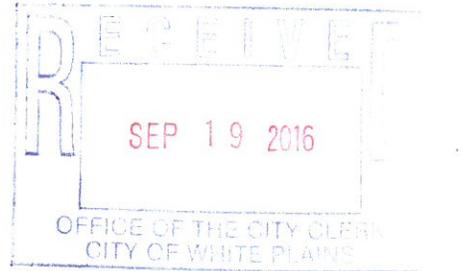
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

William S. Null, Esq.
wnull@cuddyfeder.com

September 19, 2016

BY HAND

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



Re: 1 DeKalb Avenue, White Plains, New York (the "Premises")

Dear Mayor Roach and Members of the Common Council:

On behalf of One DeKalb LLC, the owner of the above-referenced Premises classified in the RM-1 (Residential Multi-Family) District, we respectfully submit this Application for Site Plan Approval and a Special Permit to construct a 77 unit multifamily apartment building, including 16 affordable units.¹ The Premises comprise 38,364 square feet in lot areaⁱⁱ situated at the southeast corner of Maple Avenue and South Broadway with frontage on the westerly side of DeKalb Avenue.

To facilitate this development, including the significant number of affordable units, we respectfully request to purchase from the City a 4,522 square foot parcel of surplus land that was taken by the City years ago for the widening of Maple Avenue, which currently is not planned to proceed. The City land would be combined with 5,617 square feet of the owner's Premises and would be made available as publicly accessible open space with benches, fixed chess tables and accompanying seating, as well as stepped seating, sculpture and enhanced landscaping. The park-like open space will complement the extensive landscaping proposed for the opposite side of Maple Avenue, continuing the transformation of this street making it much more attractive and welcoming to pedestrians creating an attractive terminus to South Broadway. No building improvements would be located within the City owned land proposed to be acquired.

Importantly, this development will include 16 affordable units outside of the Central Parking Area ("CPA"), representing twenty (20%) percent of the units in accordance with Section 5.3, footnote (s) of the Zoning Ordinance.^{1 iii} The Premises is an appropriate and attractive location

¹ Accordingly, although not situated in the CPA and not otherwise required to provide Affordable Housing on these Premises, this building will provide the City with an additional 16 affordable rental units for families with an income level of 95% of Westchester County's Median Family Income.

for this mid-rise building situated convenient to shopping, transportation and community facilities. There will be 103 parking spaces in a structured garage located beneath the building.

Subject to issuance of a Special Permit in accordance with Section 5.3, footnote (t), the building is proposed to stand six (6) stories in height. The Premises and the development will involve the demolition of several existing buildings fronting both on South Broadway and DeKalb Avenue.

In support of this Application, we respectfully submit plans entitled, “Proposed Multi-Family Residential Development, 1 DeKalb Avenue, White Plains, Westchester County, New York,” last dated August 26, 2016 (unless otherwise noted) prepared by Papp Architects, P.C. (PA), Catizone Engineering, P.C. (CE) and Imbiano-Quigley Landscape Architects, P.C. (IQ) numbered and titled as follows:

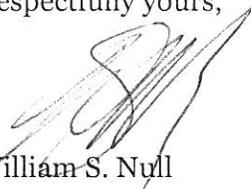
SHEET NUMBER	SHEET TITLE	PREPARED BY
SD-001	SITE DEVELOPMENT DATA	PA
SV-101	EXISTING SURVEY – entitled “Survey of Property prepared for Lighthouse Enterprises in the City of White Plains, Westchester County, N.Y.”, dated January 13, 2016, last revised July 18, 2016	Ward Carpenter Engineers Inc.
SD-100	SITE DEMOLITION PLAN	PA
SD-101	SITE LAYOUT PLAN	PA
SD-102	SITE LIGHTING PLAN	PA
SD-103	SITE PHOTOMETRIC PLAN	PA
SD-104	LANDSCAPING PLAN	IQ
SD-105	GRADING PLAN	CE
SD-106	UTILITY PLAN	CE
SD-107	EROSION AND SEDIMENT CONTROL PLAN	CE
SD-401	DRIVEWAY PROFILES	CE
SD-402	STORM PROFILES	CE
SD-403	BUILDING PLANS	PA
SD-404	BUILDING PLANS	PA
SD-405	BUILDING ELEVATIONS	PA
SD-501	SITE DETAILS	PA
SD-502	SITE DETAILS	CE
SD-503	SITE DETAILS	CE
SD-504	CITY OF WHITE PLAINS STANDARD DETAILS	CE
SD-505	CITY OF WHITE PLAINS STANDARD DETAILS	CE

Also enclosed in support of this Application are the following documents:

1. A Building Permit Application, dated August 26, 2016, prepared by Papp Architects, P.C. (and check in the amount of \$2,310 for the Application Fee).
2. A Short Environmental Assessment Form 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 (collectively "SEQRA").
3. A Solid Waste Management Plan, dated August 26, 2016, prepared by Papp Architects, P.C.
4. A Solid Waste Routing Plan, dated September 9, 2016, prepared by City Carting & Recycling confirming that the Premises would be served by private carting.
5. Sanitary Load Calculations, dated September 2, 2016, prepared by Alan R. Schwartz, P.E. Consulting Engineers.
6. Domestic Water Load Calculations, dated September 12, 2016, prepared by Alan R. Schwartz, P.E. Consulting Engineers.
7. Stormwater Pollution Prevention Plan, dated August 26, 2016, prepared by Catizone Engineering, P.C.

We look forward to appearing before the Common Council to present this proposed development to you and to address any questions you may have regarding this Application. Thank you for your consideration.

Respectfully yours,



William S. Null

WSN:yp

Enclosures

Cc: John G. Callahan, Esq., Chief of Staff and Corporation Counsel; Mr. Damon Amadio, Building Commissioner; Mr. Christopher Gomez, Planning Commissioner; Mr. David W. Mann; Mr. Philip Fruchter, AIA; Mr. Pietro Catizone, P.E.; and Mr. John A. Imbiano

ⁱ Pursuant to Section 5.3, footnote (t) of the Zoning Ordinance, upon issuance of a Special Permit (by the Common Council) the "height" of a building in the RM-1 District may be increased to 6 stories on lots greater than 15,000 square feet in area.

ⁱⁱ The Premises comprise 33,842 square feet in lot area owned by the Applicant, which together with the 4,522 square feet requested to be acquired from the City would equal 38, 264 square feet of lot area.

iiiiiii Pursuant to Section 5.3, footnote (s) of the Zoning Ordinance the Area of the lot required for each “dwelling unit” shall be reduced from 1,000 to:

500 for “dwelling units” which address the purposes set forth in Section 5.1.4.5 [sic*] and for which at least 20 percent of the “dwelling units” are affordable to moderate income families based on income schedules published annually by the Department of Planning.

*Note: The above-referenced Section 5.1.4.5 set forth in Section 5.3, footnote (s) of the Zoning Ordinance seemingly is not correctly cited. Instead, Section 5.4.1.5 should have been referenced, which states:

“For the RM-1-5, RM-1, RM-0.4 and RM-0.35 Districts, to provide for a supply of “dwelling units” suitable for families of all sizes, in locations which are convenient to shopping, transportation and community facilities, and where higher densities will allow for the development of new housing at a more moderate cost. The “height” and density requirements of these districts are such that low-rise “buildings” are permitted in fringe areas near the center of the City, and the mid- and high-rise “buildings” are permitted in the center of the City, all in locations consistent with the “Comprehensive Plan.”

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

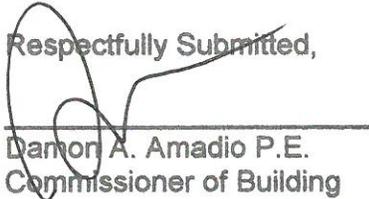
Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7 of the White Plains Zoning Ordinance, is a proposed minor amendment to a previously approved site plan associated with 785 Mamaroneck Avenue.

The applicant, Burke Rehabilitation Center, proposes to add forty-nine new at grade parking spaces. These spaces are not associated with new building construction.

A minor amendment is a modification or change in an approved "site plan" that does not exceed any of the following thresholds:

1. There is no increase in the mandatory off-street parking or loading requirement.
2. There is no increase in "use" and no new "use" is established
3. There is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

Respectfully Submitted,


Damon A. Amadio P.E.
Commissioner of Building

DATED: September 20, 2016
(for the October 3, 2016 Common Council Meeting)

DOCUMENTS

SUBMITTED: Cover letter prepared by Mr. Anthony Nestor dated September 22, 2016; a Short Environmental Assessment Form received August 16, 2016; a Short Form Building Permit Application received August 16, 2016 and drawings SP-1 through SP-7 dated August 9, 2016 as prepared by John Meyer Consulting.



Site Planning
 Civil Engineering
 Landscape Architecture
 Land Surveying
 Transportation Engineering

Environmental Studies
 Entitlements
 Construction Services
 3D Visualization
 Laser Scanning

RECEIVED
 SEP 22 2016
 CITY OF WHITE PLAINS
 DEPT OF BUILDING

September 22, 2016

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

RE: JMC Project 16107
 Burke Rehabilitation Center Parking Expansion
 785 Mamaroneck Avenue
 City of White Plains, NY

Dear Mayor Roach, and Members of the Common Council:

On behalf of Burke Rehabilitation & Research Center and in accordance with Section 6.2.1.1 of the zoning code, we respectfully submit twelve (12) copies of the following plans, application and forms in support of their minor site plan amendment application for the expansion of parking at the main campus. The enclosed documents are as follows:

A. JMC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. #/Date</u>
SP-1	"Cover Sheet"	08/09/2016
SP-2	"Overall Site Plan"	08/09/2016
SP-3	"Existing Conditions Plan"	08/09/2016
SP-4	"Layout Plan"	08/09/2016
SP-5	"Grading & Utilities Plan"	08/09/2016
SP-6	"Erosion & Sediment Control Plan"	08/09/2016
SP-7	"Construction Detail"	08/09/2016

B. Applications

1. Completed City of White Plains Department of Building Short Form, dated 06/30/2016.
2. Completed NYSDEC Short Environmental Assessment Form, dated 06/30/2016.

The Minor Site Plan application proposes the addition of 49 new parking spaces within the main facilities parking area located in the eastern portion of the property to supplement staff and patient parking. In addition, there were 15 parking spaces within the parking area lost due re-stripping, which will be re-added. The area encompassing the additional parking spaces will be comprised of porous pavers to minimize the impervious surfaces.

We trust the enclosed information is completed and respectfully request that the application be forwarded to all relevant departments, Boards and Commission for their review and comment. We look forward to appearing before the Common Council to address any questions. Thank you for your consideration in this matter.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

A handwritten signature in black ink, appearing to read 'ANESTER', with a horizontal line extending to the right.

Anthony P. Nester, RLA
Associate Principal

Cc: Mr. Brain Swift

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

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

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action pursuant to the White Plains Municipal Code, Chapter 9-6 Historic Preservation, Section 9-6-3(C), is the resolution from the Historic Preservation Commission of the City of White Plains proposing the Foster/Buckout Cemetery as a local landmark.

The Foster/Buckout Cemetery is a burial ground owned by the City of White Plains. A public hearing will be held considering the proposed designation on October 12, 2016 at 7:00 pm in the Common Council Chambers.

Respectfully submitted,

Damon A. Amadio P.E.
Commissioner of Building

DATED: September 29, 2016
(For the October 3, 2016 Common Council Meeting)

RELATED DOCUMENTS: Historic Preservation Commission Resolution, dated
September 28, 2016

**RESOLUTION OF THE HISTORIC PRESERVATION
COMMISSION OF THE CITY OF WHITE PLAINS
PROPOSING THE DESIGNATION OF PROPERTY KNOWN
AS THE FOSTER BUCKOUT BURIAL GROUND ON HALL
AVENUE, APPLICATION NO. H-2016-5, AS A LOCAL
LANDMARK.**

WHEREAS, pursuant to Section 9-6-2(h) of the City of White Plains Municipal Code (the “Municipal Code”), the Historic Preservation Commission of the City of White Plains (the “Commission”) has the authority to recommend the designation of local landmarks or districts and is charged with maintaining an inventory of designated local landmarks or districts within the City; and

WHEREAS, pursuant to the Municipal Code Section 9-6, recommendations proposing properties or structures for local landmark designation may be initiated by the Commission; and

WHEREAS, at its regular meeting on September 14, 2016, the Commission discussed an application recommending a structure known the Birthplace of the State of New York Monument at Armory Place dedicated by the Daughters of the American Revolution (the “DAR Monument”), White Plains, NY be considered for possible designation as a local landmark;

WHEREAS, the Commission submitted an application proposing the designation of the DAR Monument; and

WHEREAS, the DAR Monument is located ; and

WHEREAS, the Foster/Buckout Cemetery was dedicated as burial ground by John Foster, Sr., when he transferred the property to his son, William Ashly Foster; and

WHEREAS, prior to its dedication a burial ground, the Foster/Buckout Cemetery was part of the Foster farm formerly located in North Castle; and

WHEREAS, the Foster family was one of the early settlers in the White Plains area and has been identified with the property since 1776; and

WHEREAS, John Foster, Sr., was a farmer whose remaining land was eventually sold to the City of White Plains by his descendent David Baldwin, which land is now known as Baldwin Farms; and

WHEREAS, the first burial at the Foster/Buckout Cemetery dates back to 1821 with the last burial of Caleb Wildey in 1948 ; and

WHEREAS, the Foster/Buckout Cemetery has suffered vandalism resulting in the loss of all but one of the headstones; and

WHEREAS, the Commission discussed the historic significance of the Foster/Buckout Cemetery, including its present conditions and surroundings; and

WHEREAS, based on the information contained herein, the Commission finds that there is sufficient reason to propose the Foster/Buckout Cemetery as a potential local landmark pursuant to subsections “a,” “c,” and “d” of Section 9-6-3(b) of the Municipal Code; and

WHEREAS, after a review of the record, and after having had due deliberations thereon, now, therefore, be it

RESOLVED, that pursuant to Municipal Code Section 9-6-3, the Commission hereby makes an application proposing The Foster/Buckout Cemetery for designation as a local landmark; and

BE IT FURTHER RESOLVED, that Historic Preservation Commission hereby directs the Secretary to give due notice of the proposed designation to the owner of the Foster/Buckout Cemetery and notice of the public hearing to be held on October 12, 2016 in the

Common Council Chambers at 255 Main Street, White Plains, New York at 7:00 p.m., in accordance with law.

Dated: September 28, 2016

HISTORIC PRESERVATION
COMMISSION OF THE CITY OF
WHITE PLAINS



ROBERT HOCH, Chairperson
Building Department
70 Church Street
White Plains, NY 10601
(914) 422-1269

I HEREBY CERTIFY the above to be a full, true and correct copy of a resolution duly adopted by the Historic Preservation Commission of the City of White Plains on the date above mentioned, four (4) members of the Board being present and concurring; said resolution being filed in the office of the City Clerk.



Anne McPherson
Secretary

Dated: September 29, 2016
White Plains, New York