



**COMMON COUNCIL  
AGENDA  
REGULAR STATED MEETING  
October 5, 2015  
7:30 P.M.**

**PLEDGE TO THE FLAG:**

Hon. Milagros Lecuona

**ROLL CALL:**

City Clerk

**APPOINTMENTS:**

1. Communication from the Mayor in relation to the appointment of Erwin Gilliam to the Youth Board to a term which will expire on December 31, 2016. **F/S/A**
2. Communication from the Council President in relation to the re-appointment of J. Gregory Drummond to the Board of Assessment Review to a term which will expire on September 30, 2020. **F/S/A**

**LOCAL LAW:**

3. Public Hearing in relation to a Local Law to establish a Community Choice Aggregation (Energy) Program in the City of White Plains, which would allow local governments to put out for bid the total amount of natural gas or electricity being purchased by local residents or small business to assist in lowering energy costs. **OPENED/CLOSED**
4. Local Law Introductory No. 3 of 2015. A Local Law to establish a Community Choice Aggregation (Energy) Program in the City of White Plains. **ADOPTED 7 - 0**
5. Communication from the Mayor. **F/S**

6. Resolution of the Common Council of the City of White Plains of intention to participate in a Community Choice Aggregation (Energy) Program through Sustainable Westchester, Inc., to allow the City of White Plains to enter into agreements for a Sustainable Westchester Program to procure energy supply from Energy Service Companies (“ESCOs”) for the residents of the City of White Plains. **ADOPTED**

**PUBLIC HEARINGS:**

7. Public Hearing in relation to the application submitted on behalf of 166 WP Hospitality, LLC (“Applicant”) for a Special Permit to operate a Cabaret at the Copper Face Jacks Sports Bar and Grill, located at 166B Mamaroneck Avenue. **ADJOURNED TO NOV 2, 2015.**
8. Communication from the City Clerk **F/S**
9. Public Hearing in relation to the application submitted on behalf of 166 WP Hospitality, LLC (“Applicant”) for a Special Permit to operate a Cabaret at the Black Bear Sports Bar and Grill, located at 166A Mamaroneck Avenue. **ADJOURNED TO NOV 2, 2015**
10. Communication from the City Clerk **F/S**

**FIRST READING  
ORDINANCES:**

11. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings. **F/S**
12. Ordinance authorizing the settlement of certain tax review proceedings. **ADOPTED 7 - 0**
13. Communication from the Mayor in relation to a proposed amendment to Title IV of the White Plains Municipal Code to add a new Chapter 4-26 entitled, “Filming.” **F/S**
14. Ordinance of the Common Council of the City of White Plains amending Title IV of the Municipal Code or the City of White Plains to add a new Chapter 4-26, entitled, “Filming.” **ADOPTED 7 - 0**
15. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5467, Common Council Chambers AV Telecast System Improvements. **F/S**
16. Ordinance of the Common Council of the City of White Plains to amend the

Capital Projects Fund by establishing Capital Project No. C5467, entitled, Common Council Chambers AV Telecast System Improvements. **ADOPTED 7 - 0**

17. Communication from Chairman, Capital Projects Board, in relation to Capital Project No. C5466, Municipal Parking Structure Rehabilitation FY 2016. **F/S**
18. Communication from Environmental Officer **F/S**
19. Environmental Findings Resolution **ADOPTED 7 - 0**
20. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5466, entitled, Municipal Parking Structure Rehabilitation FY 2016. **ADOPTED 7 - 0**
21. Bond Ordinance dated October 5, 2015, authorizing the issuance of \$505,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the reconstruction of parking garages, constituting Class "A" Buildings in and for the City. **ADOPTED 7 - 0**
22. Communication from Commissioner of Public Safety in relation to an award in the amount of \$31,638, under the Edward Byrne Memorial Justice Assistance Grant which will be used to purchase Body Worn Cameras. **F/S**
23. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute grant documents on behalf of the City of White Plains, in relation to the acceptance of the Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,638, to be used by the Department of Public Safety to purchase twenty-five (25) Body Worn Cameras. **ADOPTED 7 - 0**
24. Communication from Commissioner of Planning in relation to an agreement with Parsons Brinckerhoff Inc., to provide planning, design, and engineering services for the White Plains Multimodal Transportation Center redevelopment project. **F/S**
25. Ordinance authorizing the Mayor or his designee, to sign a consultant agreement with Parsons Brinckerhoff, Inc., to provide professional services to complete preliminary planning, design, and engineering work for a proposed Multimodal Transportation Center in downtown White Plains. **ADOPTED 7 - 0**
26. Communication from Deputy Commissioner of Planning in relation to a sub-lease agreement between the City of White Plains and WP Housing Company, Inc., to operate a Community Education Facility known as the White Plains Education and

Training Center on the grounds of Brookfield Commons. **F/S**

27. Ordinance authorizing the Mayor or his designee to sign a sub-lease agreement to the Culinary Tech Center LLC, for the White Plains Education and Training Center. **ADOPTED 7 - 0**
28. Communication from Deputy Commissioner of Planning in relation to an amendment to the Community Development Fund Budget, reprogramming funds from previous and current Community Development Program Years. **F/S**
29. Ordinance amending the Community Development Fund Budget by reprogramming funds from previous and current Community Development Program Years. **ADOPTED 7 - 0**
30. Communication from Commissioner of Recreation and Parks in relation to a revocable license agreement between the City and 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 Fund Raising Bake Sale Event on Friday, October 23, 2015, from 10:00 a.m. to 4:00 p.m. **F/S**
31. 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 Fund Raising Bake Sale Event on Friday, October 23, 2015, from 10:00 a.m. to 4:00 p.m., sponsored by the City of White Plains Department of Recreation and Parks. **ADOPTED 7 - 0**
32. Communication from Director, Youth Bureau, in relation to a contract with SUNY Great Potential Program to receive a grant in the amount of \$11,500. **F/S**
33. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a contract with SUNY Great Potential Program to receive a grant in the amount of \$11,500, and to authorize the Budget Director to amend the FY 2015-16 Youth Development Fund to reflect this grant. **ADOPTED 7 - 0**
34. Communication from Director, Youth Bureau, in relation to a grant in the amount of \$30,400 from the Community Development Block Grant Program for the Computer Training Program. **F/S**
35. 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 Community Development Block Grant (CDBG) in the amount of \$30,400 for a computer training and computer software/supplies, and to authorize the Budget Director to amend the FY 2015-16 Youth Bureau General Fund to reflect this grant. **ADOPTED 7 - 0**

36. Communication from Director, Youth Bureau, in relation to an additional donation in the amount of \$7,000 from Webster Bank in support of the Youth Employment Program. **F/S**
37. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to execute an agreement to accept on behalf of the City of White Plains (through its Youth Bureau) an additional donation from Webster Bank in the amount of \$7,000 to support the Youth Bureau's Youth Employment Programs for the period December 31, 2014 to December 31, 2016, and to amend the FY 2015-16 Youth Development Fund to reflect said donations. **ADOPTED 7 - 0**
38. Communication from Director, Youth Bureau, in relation to an amendment to a previously approved ordinance to receive additional funding from the New York State Office of Alcohol and Substance Services to continue support of Project Hope. **F/S**
39. Ordinance amending an ordinance adopted May 4, 2015 entitled, "Ordinance amending an ordinance adopted March 2, 2015, entitled, 'An Ordinance of the Common Council of the City of White Plains authorizing the mayor to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive \$181,299, in funding to continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) providing alcohol and substance prevention services to the City of White Plains'." **ADOPTED 7 - 0**
40. Communication from Director, Youth Bureau, in relation to an agreement between the City and Berkeley College for classroom space for the Let's Get Ready Sat Prep Course, and to authorize a Certificate of Insurance. **F/S**
41. Ordinance of the Common Council of the City of White Plains authorizing the City of White Plains to enter into an agreement with Berkeley College at 99 Church Street to provide the City of White Plains classroom space usage at Berkeley College for Let's Get Ready Sat Prep Course on Mondays and Wednesdays from 5:30 p.m. - 8:30 p.m., and Saturdays 8:30 a.m. to 4:30 p.m., from September 30, 2015 to December 7, 2015. **ADOPTED 7 - 0**
42. Communication from Personnel Director in relation to a proposed amendment to the White Plains Municipal Code Compensation and Leave Plan regarding Per Diem Rates. **F/S**
43. Ordinance amending Section 2-5-80 of the White Plains Municipal Code by establishing additional Per Diem Rates. **ADOPTED 7 - 0**
44. Communication from Deputy Commissioner of Parking in relation to proposed

amendments to the Traffic Ordinance. **F/S**

45. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a ‘Speed of Motor Vehicles, Etc.’, on Davis Avenue, Old Mamaroneck Road and Hartsdale Avenue. **ADOPTED 7 - 0**

**RESOLUTIONS:**

46. Communication from Commissioner of Building in relation to an application submitted on behalf of Ichiro Asian Fusion, Inc., for a Special Permit to operate a Cabaret at 80 Mamaroneck Avenue. **F/S**
47. Resolution of the Common Council of the City of White Plains denying the application submitted on behalf of Ichiro Asian Fusion Inc., (“Applicant”) for a one year Special Permit to operate a “Primary Cabaret” at Ichiro Restaurant situated at 80 Mamaroneck Avenue (Section 125.75, Block 7, Lot 2) in accordance with Section 6.7.10.2 of the Zoning Ordinance of the City of White Plains.  
**ADOPTED**
48. Communication from Commissioner of Building in relation to an application submitted on behalf of Westchester Healthcare Properties I, LLC, for a one year Special Permit/Site Plan Approval extension for the construction and operation of a skilled nursing and rehabilitation facility to be known as White Plains Institute of Rehabilitation and Healthcare to be located at 116-120 Church Street. **F/S**

**ITEMS 49 - 58 F/S**

49. Communications from Design Review Board  
50. Commissioner of Planning  
51. Planning Board  
52. Commissioner of Public Safety  
53. Commissioner of Public Works  
54. Deputy Commissioner, Traffic Division  
55. Transportation Commission  
56. Commissioner of Parking  
57. Westchester County Planning Board  
58. Environmental Officer

59. Environmental Findings Resolution **ADOPTED**

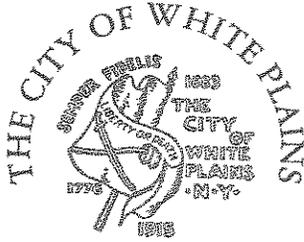
60. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of Westchester Healthcare Properties I, LLC (“Applicant”), for an additional one (1) year extension of the Special Permit/Site Plan Approval originally granted on February 7, 2011, and extended for one (1) year by resolution adopted on April 2, 2012, and extended and amended by resolution adopted August 5, 2013, and extended by a resolution adopted October 6, 2014, for a skilled nursing and rehabilitation facility to be know as the White Plains Institute of Rehabilitation and Healthcare, to be located at 116-120 Church Street, consisting of a five (5) story, approximately 88,605 square foot building that will house 160 beds and include administrative and staff offices,

common dining and recreation facilities, a second level outdoor landscaped plaza and a one level parking garage. **ADOPTED**

61. Communication from Commissioner of Recreation and Parks in relation to funding available from the New York State Office for the Aging of up to 2% salary and related fringe benefit increases to direct care staff and support professionals in support of senior citizens programs. **F/S**
  
62. Resolution of the Common Council of the City of White Plains authorizing the City of White Plains to claim funds under the New York State Office for Aging 2014-2015 Direct Care Worker Program and authorizing the Mayor or his designee to execute an attestation confirming that 2% funding increases will be used to support salary and salary related fringe benefit increases for direct care staff and direct support professionals. **ADOPTED**

**ITEM FOR REFERRAL:**

63. Communication from Commissioner of Building in relation to a proposed site plan amendment submitted on behalf of Hindu Temple of Tristate, for the construction of a single story temple in lieu of the previously approved site plan for a two story temple to be located at 390 North Street. . **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.**



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

**THOMAS M. ROACH  
MAYOR**

t:914.422.1411  
f:914.422.1395

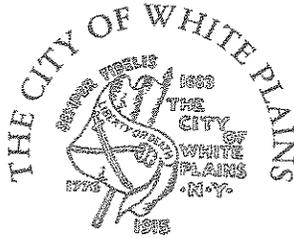
**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:**

I am pleased to announce the appointment of Erwin Gilliam as a member of the Youth Board to a term which will expire on December 31, 2016.

Sincerely,

Thomas M. Roach, Mayor

DATED: September 23, 2015



**COMMON COUNCIL**  
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NY 10601  
(914) 419-6891 • (914) 422-1330 Fax  
[Jmartin@whiteplainsny.gov](mailto:Jmartin@whiteplainsny.gov)

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John M. Martin  
Council President

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

The Common Council is pleased to recommend the following re-appointment to the Board of Assessment Review for a new five (5) year term commencing October 1, 2015:

<b>Member</b>	<b>Term Expires</b>
J. Gregory Drummond	September 30, 2020

Sincerely,

John M. Martin  
Council President

DATED: September 23, 2015

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

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

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

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

**Chapter 3-7**

**Community Choice Aggregation (Energy) Program**

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

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

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

C. The City of White Plains is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the “Order”). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15, 2014) to the extent that orders

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

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

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

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

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

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

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

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

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

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

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

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

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

B. The City of White Plains' purchase of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of White Plains will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead allow Sustainable Westchester to negotiate on behalf of the City of White Plains with Suppliers on behalf of participating residential and Small Commercial customers. The gross receipts tax will be paid by companies delivering and supplying energy, including but not limited to, one or more ESCOs.

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

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

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

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

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

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

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

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

an ESCO.

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

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

A. Sustainable Westchester, on behalf of the City of White Plains, will notify the existing Distribution Utility's residential and Small Commercial customers, by letter notice, of the City of White Plains' decision to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to opt out of the CCA Program.

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

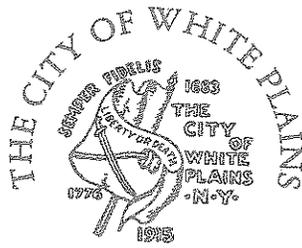
C. The opt-out period shall be twenty (20) days from the notice date.

D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter from the ESCO that will explain the customer's options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated three (3) day rescission period as detailed in Section 5(B)(3) of the New York Uniform Business Practices Law.

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

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

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



"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**

Concomitant with the adoption of Local Law No. 3 of 2015 establishing a Community Choice Aggregation (Energy) Program, passage of a resolution of intention to participate in such a program through Sustainable Westchester, Inc. is required to allow the City of White to enter into agreements for a Sustainable Westchester program to procure energy supply from energy service companies ("ESCOs") for the City of White Plains. Participation in the Sustainable Westchester program is contingent upon the following: (1) the default price is guaranteed to be consistently less than the utility price for the same period; or (2) the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the preceding twelve month period; or (3) the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the preceding twelve month period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities.

Attached for your consideration is a resolution expressing the City's intention to participate in a Community Choice Aggregation (Energy) Program through Sustainable Westchester, Inc. upon such conditions as described above.

Thomas M. Roach  
Mayor

Dated: September 29, 2015  
(For the Common Council Meeting of  
October 5, 2015)

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

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Anne M. McPherson CMC  
City Clerk/Registrar

Teresa Torelli  
Deputy Registrar

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

Attached is a communication submitted by 166 WP Hospitality d/b/a Black Bear Sports Bar and Grill, 166A Mamaroneck Avenue, in relation to an application for a Special Permit for Cabaret Use and requesting an adjournment of the public hearing to November 2, 2015, in order that the public notice might be perfected.

This is being transmitted for your information and action as appropriate.

Sincerely,

Anne M. McPherson, CMC  
City Clerk

DATED: October 1, 2015

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS OF INTENTION TO PARTICIPATE IN A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM THROUGH SUSTAINABLE WESTCHESTER, INC. TO ALLOW THE CITY OF WHITE PLAINS TO ENTER INTO AGREEMENTS FOR A SUSTAINABLE WESTCHESTER PROGRAM TO PROCURE ENERGY SUPPLY FROM ENERGY SERVICE COMPANIES (“ESCOs”) FOR THE RESIDENTS OF THE CITY OF WHITE PLAINS.

WHEREAS, Sustainable Westchester, Inc., a not-for-profit organization comprised of several municipalities in Westchester County, including the City of White Plains, received approval by the New York State Public Service Commission for a demonstration community choice aggregation (“CCA”) program in Westchester County, which will allow local governments to participate in a Sustainable Westchester program to procure energy supply from energy service companies (“ESCOs”) for the residents of the municipalities, and

WHEREAS, on October 5, 2015, the City of White Plains adopted Local Law No. 3 of 2015, to establish a Community Choice Aggregation (Energy) Program, and

WHEREAS, the Program is intended to provide consumers with the ability to lower their overall energy costs, and

WHEREAS, the Program is intended to include residential and small non-residential customers, and to permit the aggregation of both electric and natural gas purchases, and

WHEREAS, Sustainable Westchester, Inc. will issue a request for proposals to suppliers to provide energy to participants, and

WHEREAS, suppliers preparing bids need some assurance that municipalities are serious in their intent to participate, subject to final terms and rates being acceptable to the municipalities, will then award a contract, and

NOW THEREFORE, BE IT RESOLVED, that the City of White Plains intends to enter into agreements to participate in a Sustainable Westchester program for its residents and business consumers who are not currently purchasing electricity from an energy service company (ESCO), only if: 1) the default price is guaranteed to be consistently less than the utility price for the same period; or 2) the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the preceding twelve month period; or 3) the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the preceding twelve month period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities; and (4) the gross receipts tax will be paid to the City of White Plains by the companies delivering and supplying energy, including, but not limited to one or more ESCOs; and

BE IT FURTHER RESOLVED that, subject the City's review and acceptance of the final terms and rates secured in the winning, compliant bid, the Mayor or his designee is hereby authorized to execute any and all documents to give effect to this resolution.

**166 WP HOSPITALITY**

166 Mamaroneck Avenue,  
White Plains,  
NY 10601.

[cfieventsinfo@gmail.com](mailto:cfieventsinfo@gmail.com)  
(914) 422 3270

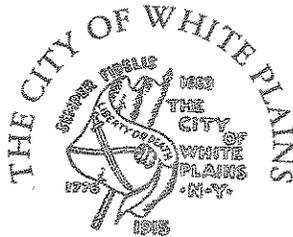


To the Honorable Mayor and Members of the Common Council,

Due to unforeseen circumstances I was unable to notify the Journal News and Adjoining Neighbours of our Application for a Special Permit Cabaret License for The Black Bear and Copper Face Jacks located at 166 A and B Mamaroneck Ave. I would like to request to reschedule our hearing for Octobers Common Council hearing and we will be sure to submit all paperwork in a timely fashion for the next hearing.

This would be greatly appreciated and our apologies for any inconvenience this may cause.

Best Regards  
Ben Prior



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

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Teresa Torelli  
Deputy Registrar

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

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This is being transmitted for your information and action as appropriate.

Sincerely,

Anne M. McPherson, CMC  
City Clerk

DATED: October 1, 2015

**166 WP HOSPITALITY**

166 Mamaroneck Avenue,  
White Plains,  
NY 10601.

[cfjeventsinfo@gmail.com](mailto:cfjeventsinfo@gmail.com)  
(914) 422 3270

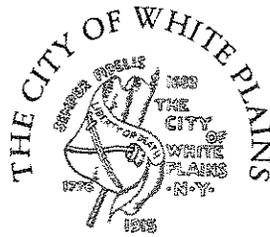


To the Honorable Mayor and Members of the Common Council,

Due to unforeseen circumstances I was unable to notify the Journal News and Adjoining Neighbours of our Application for a Special Permit Cabaret License for The Black Bear and Copper Face Jacks located at 166 A and B Mamaroneck Ave. I would like to request to reschedule our hearing for Octobers Common Council hearing and we will be sure to submit all paperwork in a timely fashion for the next hearing.

This would be greatly appreciated and our apologies for any inconvenience this may cause.

Best Regards  
Ben Prior



**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

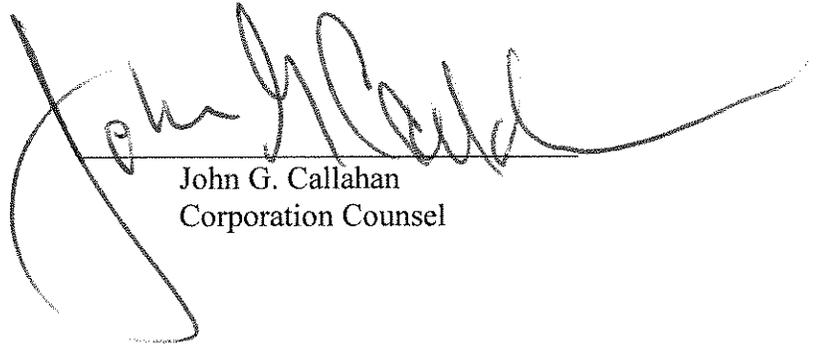
**CAROL L. VAN SCOYOC**  
Chief Deputy Corporation Counsel

**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 120 Westchester Avenue, 154 Westchester Avenue, 522 Mamaroneck Avenue and 528 Mamaroneck Avenue, White Plains, NY.

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



John G. Callahan  
Corporation Counsel

Dated: September 29, 2015  
(For the Common Council Meeting  
of October 5, 2015)

//

**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 credits paid according to the following list in accord with the applicable tax rate for

**Stop & Shop Companies, Inc.  
120 Westchester Avenue  
SBL: 126.61-3-2.1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 225,000	\$ 150,000	\$ 75,000	\$ 11,779.50
2010/11	\$ 225,000	\$ 165,000	\$ 60,000	\$ 10,069.20
2011/12	\$ 225,000	\$ 186,300	\$ 38,700	\$ 6,815.46
2012/13	\$ 225,000	\$ 211,300	\$ 13,700	\$ 2,527.24
2013/14	\$ 225,000	\$ 206,300	\$ 18,700	\$ 3,585.54
2014/15	\$ 225,000	\$ 196,300	\$ 28,700	\$ 5,629.22
2015/16	\$ 225,000	\$ 185,000	\$ 40,000	\$ 8,029.60
			<b>Total:</b>	<b>\$ 48,435.76</b>

**134-156 Westchester Avenue  
SBL: 126.61-3-4.1**

<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>
2007/08	\$ 303,700	\$ 298,000	\$ 5,700	\$ 809.00
2008/09	\$ 303,700	\$ 295,000	\$ 8,700	\$ 1,282.99
2009/10	\$ 303,700	\$ 280,000	\$ 23,700	\$ 3,722.32
2010/11	\$ 303,700	\$ 285,000	\$ 18,700	\$ 3,138.23
2011/12	\$ 303,700	\$ 303,700	\$ 0	\$ 0.00
2012/13	\$ 303,700	\$ 303,700	\$ 0	\$ 0.00
2013/14	\$ 303,700	\$ 303,700	\$ 0	\$ 0.00
2014/15	\$ 303,700	\$ 303,700	\$ 0	\$ 0.00
2015/16	\$ 303,700	\$ 300,000	\$ 3,700	\$ 742.74
			<b>Total:</b>	<b><u>\$ 9,695.28</u></b>

**Nippan Daido USA, Inc.  
528 Mamaroneck Avenue  
SBL: 131.09-2-2**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 13,400	\$ 9,500	\$ 3,900	\$ 612.53
2010/11	\$ 13,400	\$ 10,100	\$ 3,300	\$ 553.81
2011/12	\$ 13,400	\$ 10,800	\$ 2,600	\$ 457.89
2012/13	\$ 13,400	\$ 11,400	\$ 2,000	\$ 368.94
2013/14	\$ 13,400	\$ 11,900	\$ 1,500	\$ 287.61
2014/15	\$ 13,400	\$ 11,700	\$ 1,700	\$ 333.44
2015/16	\$ 13,400	\$ 11,700	\$ 1,700	\$ 341.26
			<b>Total:</b>	<b><u>\$ 2,955.48</u></b>

**522 Mamaroneck Avenue  
SBL: 131.29-7-4**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2009/10	\$ 39,500	\$ 28,000	\$ 11,500	\$ 1,806.19
2010/11	\$ 39,500	\$ 29,900	\$ 9,600	\$ 1,611.07
2011/12	\$ 39,500	\$ 31,700	\$ 7,800	\$ 1,373.66
2012/13	\$ 39,500	\$ 33,600	\$ 5,900	\$ 1,088.37
2013/14	\$ 39,500	\$ 35,100	\$ 4,400	\$ 843.66
2014/15	\$ 39,500	\$ 34,300	\$ 5,200	\$ 1,019.93
2015/16	\$ 39,500	\$ 34,300	\$ 5,200	\$ 1,043.85
			<b>Total:</b>	<b><u>\$ 8,786.73</u></b>

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:

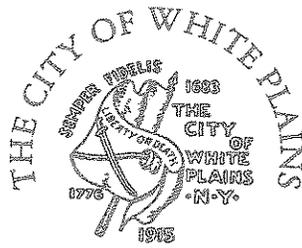
Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and the same hereby is approved.

§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.



"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**

Film is big business in the state of New York. There are currently 44 other television series, 17 pilots and 80 feature films shooting across the state and participating in the film production tax credit program. This translates into revenue that has a ripple effect if we can attract some of this business to White Plains.

The city of White Plains with its eclectic architecture and neighborhoods, and proximity to the film zone is uniquely positioned to take advantage of film opportunities. The proposed legislation submitted for your consideration would streamline the permitting process for film and television, set a fee schedule for these activities and confirm our reputation as a "film friendly" city. The legislation also ensures that these activities can be accommodated with minimal disruption within our city, and be a generator of revenue for the city, non-profits, businesses and residents.

We have already seen positive results through our initial efforts to create a more professional approach to filming in our City. This legislation is a substantial next step in our program.

Thomas M. Roach  
Mayor

Dated: September 28, 2015

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING TITLE IV OF THE MUNICIPAL CODE OF THE CITY OF WHITE PLAINS TO ADD A NEW CHAPTER 4-26, ENTITLED, "FILMING."

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

Section 1. Title IV of the White Plains Municipal Code, entitled, "Licenses, Permits and Business Regulations," last amended by ordinance adopted February 3, 2014, is hereby amended by adding a new Chapter 4-26, entitled, "Filming," to read as follows:

Chapter 4-26

Filming

Section 4-26-1 Definitions.

As used in this Chapter, the following terms shall have the meaning indicated:

(a). Filming. The taking of still or motion pictures either on film, videotape, photograph, digital recording, or by similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters, video streaming, or for institutional uses. The provisions of this Chapter shall not be deemed to include the "filming" of news stories within the City of White Plains.

( b ) Public Lands. Any and every public street, highway, sidewalk, square, public park or playground or any other public place, including a municipal parking area, or public building within the City of White Plains which is within the jurisdiction and control of the City of White Plains.

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( c) Private Land. Any land within the City of White Plains that is not public land, a public place or a public building .

Section 4-26-2 Permit required.

(a) No person or organization or entity shall film or permit filming on public or private land within the City of White Plains without first having obtained a permit from the office of the Mayor, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. The City of White Plains shall be acknowledged in the film credits for any film produced on public land or private land in the City of White Plains. Said permit must be readily available for inspection by City officials at all times at the site of the filming.

(b) All permits shall be applied for and obtained from the office of the Mayor during normal business hours. Applications for such permits shall be in a form approved by the office of the Mayor and be accompanied by a permit fee in the amount established by this Chapter in Section 4-26-11 herein. The application shall contain at least the following information:

- (1) Name, address and telephone number of the person or entity making the film;
- (2) Name, address and telephone of the location coordinator or other contact person, such as the on site coordinator;
- (3) Purpose of the filming;
- (4) Specific location of each property to be used in the filming;
- (5) Dates and times of the day that the property will be used;

(6) Name and address of the property owner;

(7) Consent of the owner of the property;

(8) The number of actors, extras, crew and all other persons who will participate in the filming;

(9) The estimated number and description of types of vehicles to be used by the crew, including vehicles used for transportation;

(10) A description of the arrangements for parking for the crew and work vehicles;

(11) A description of sanitary arrangements to be made for crew and bystanders;

(12) A description of crowd control measures;

(13) A description of cleanup methods to be used;

(14) A description of any event which may cause public alarm, including, but not limited to: pyrotechnic activity, aviation activity, motor vehicle activity, weapon activity, use of animals, or physical confrontations.

(15) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.

(16) Such other information as may be required by the office of the Mayor to protect the health, safety and welfare of residents of the City of White Plains.

(d) The Mayor or his or her designee may grant, deny or grant the permit with restrictions and/or conditions.

(e) As provided in Section 4-26-6 herein, the Mayor or his or her designee may deny an

application for a filming permit if it should be determined, in writing, that it will create a dangerous condition, interfere with the use of the City streets or public places, create a nuisance to the City residents , or violate any provisions of the White Plains Charter and Municipal Code.

(f) The City reserves the right to cancel a filming permit in the event of adverse or inclement weather, as such filming which could pose an impediment to the City's operation of its streets or other public places.

(g) If a permit is issued and, due to adverse or inclement weather or other good cause, filming does not in fact take place on the date(s) specified, the office of the Mayor may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this Chapter. No additional fee shall be paid for this permit, provided that such filming is in the same location(s) and for the same duration as specified in the original permit.

#### Section 4-26-3 Issuance of permits.

(a) No permits shall be issued by the office of the Mayor unless applied for prior to five (5) days before the requested shooting date; provided, however, the Mayor or his or her designee may waive the five-day period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

(b) No permit shall be issued for filming upon public land(s) unless the applicant shall provide the City of White Plains with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

The applicant shall procure and maintain for the duration of the filming the following insurance coverage protecting against claims for injuries to persons (including death) or damage to property which may arise in connection with the applicant's products and operations of applicant and premises occupied or used by the applicant and motor vehicles owned, leased, hired, or borrowed by the applicant, its agents, representatives, employees, vendors, or subcontractors:

(I ) Comprehensive Commercial General Liability, including products and completed operation and damage to rented premises: a minimum of one million dollars (\$1,000,000) limit per occurrence and \$3,000,000 in the general aggregate for bodily injury, personal injury and property damage;

(ii ) Automobile Liability: a minimum of three million dollars (\$3,000,000) combined single limit per accident for bodily injury and property damage; and

(iii ) New York State Workers' Compensation and Employer's Liability Insurance in accordance with statutory requirements. When an entity headquartered outside New York State provides the City of White Plains with a Certificate of Insurance for Workers' Compensation and Employer's Liability, the entity shall reflect in the Description of Operation section of the Certificate the phrase "New York State included in coverage."

(c) The applicant, in its sole discretion, may obtain and maintain any and all of the foregoing insurance through a primary umbrella/excess coverage policy.

(d) The City of White Plains, its officials, officers, employees and volunteers are to be covered as additional insured with respect to liability arising out of the activities performed by or on behalf of the applicant, products and operations of the applicant and premises occupied or used by the applicant and motor vehicles owned, leased, hired or borrowed by the applicant.

(e) The applicant shall furnish the City with Certificate(s) of Insurance evidencing the above coverages. Each insurance policy shall:

(1) not be suspended, voided, canceled or reduced in coverage or in limits without thirty (30) days prior written notice having being received by the City's Commissioner of Finance;

(2) be placed with insurers admitted in New York State with an A.M. Best's rating of no less than A-. When an entity is headquartered outside New York State and their insurers are not admitted in New York State, the insurance policies must be placed with insurers admitted in the state where the entity is headquartered with an A.M. Best rating of no less than A-.

(3) include a Waiver of Subrogation clause in favor of the City of White Plains;

(4) include an endorsement clarifying that the applicant and/or the applicant's insurance(s) is/are primary and Non-Contributory to any insurance the City of White Plains may maintain;

(5) include an Occurrence Policy Form; and

(6) have a policy deductible that does not exceed \$10,000.

(f) To the fullest extent permitted by New York State law, the applicant shall indemnify, defend and hold harmless the City, its officials, officers, employees, agents and volunteers from and against any claims, damages, losses and expenses, including, but not limited to, reasonable attorney's fees, arising out of or resulting from products and operations of the applicant and premises occupied or used by the applicant and motor vehicles owned, leased, hired, or borrowed by the applicant, its contractors, vendors, or their respective employees or agents provided such claims, damages, losses or expenses are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom. Such obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity which would otherwise exist to a party or person described herein.

(g) The posting of a maintenance bond in the amount of \$2500.00 running in favor of the City of White Plains and protecting and insuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all City laws and regulations will be followed. Within twenty-one (21) days of the completion of the filming, the City of White Plains will return the bond if there has been no damage to public property or public expense caused by the filming.

(h) The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Department of Public Safety with respect thereto.

Section 4-26-4 Interference with public activity; notice of filming.

(a) The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

(b) The holder of a permit shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three (3) days prior to the requested shooting date and be informed that objections may be filed with the City Clerk for submission to the office of the Mayor, said objections to form a part of the applicant's application and be considered in the review of same. Proof of service of notification to adjacent owners shall be submitted to the City Clerk within two (2) days of the requested shooting date.

Section 4-26-5. Interference with public activity; notice of filming

Filming in residential zones shall be permitted between the hours of 7:00 a.m. and 10:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with Section 4-26-7 hereof. The setup, production and breakdown required by all filming shall be included in the hours set forth herein.

Section 4-26-6. Refusal to issue permit; employment of police and electrician.

(a) The Mayor or his or her designee may refuse to issue a permit whenever he or she determines, on the basis of objective facts and after a review of the application and a report thereon by the Department of Public Safety and other City agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

(b) Further, the City of White Plains reserves the right to require one or more on-site police officers in situations where the proposed production may impede the proper flow of traffic, the cost of said police officer to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

Section 4-26-7. Waiver of requirements of Chapter by Office of the Mayor

The office of the Mayor may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Mayor or his or designee shall consider the following factors:

- (1). Traffic congestion at the location caused by vehicles to be parked on the public street.
- (2). Applicant's ability to remove film-related vehicles off the public streets.
- (3). When the applicant is requesting restrictions on the use of public streets or public

parking during the course of the filming.

(4). Nature of film shoot itself; e.g., indoor or outdoors; day or night; on public or private lands.

(5). Prior experience of the film company/applicant with the City of White Plains, if any.

Section 4-26-8 Copies of permits; inspections.

Copies of the approved permit will be sent to the Departments of Public Safety, Parking and Public Works, the City Clerk, the Corporation Counsel, and other appropriate City departments. The applicant shall permit the Fire Prevention Bureau or other City inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instruction issued by the Fire Prevention Bureau or other City inspectors.

Section 4-26-9. Reimbursement of certain costs.

In addition to any other fees mentioned in this Chapter, the applicant shall reimburse the City of White Plains for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the City was prevented from deriving because of filming. The applicant shall also be responsible for costs with City of White Plains personnel required to ensure health, safety and welfare, including, but not limited to, police, firefighters, public works employees and safety inspectors.

Section 4-26-10. Fees.

(1) Basic filming permit:

For a crew of fewer than three (3) persons: Three hundred fifty dollars (\$350) per day

For a crew of three (3) to fifteen (15) persons: One thousand dollars (\$1000) the first day and seven hundred fifty (\$750) each day thereafter.

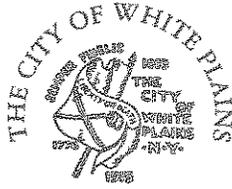
For a crew of greater than fifteen (15) persons: One thousand five hundred dollars (\$1500) the first day and one thousand dollars (\$1000) each day thereafter.

Where an applicant requests a waiver of the provision of Section 4-26-3(a) requiring expedited processing of a permit application within twenty four (24) hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be one thousand dollars (\$1000).

Section 4-26-11. Violation and penalties.

Any person who violates any provision of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding \$1500.00 for each day or part thereof that such filming or related activities are conducted.

§ 2. This ordinance shall take effect immediately.



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

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

The Capital Projects Board has recommended a project entitled "Common Council Chambers AV Telecast System Improvements" in the Capital Improvement Program for 2015-16. This project includes the replacement of the existing lighting system with an LED light system which will use less electricity, generate less heat and improve telecast clarity; replacement of existing cameras with smaller, wall mounted, remote controlled, pan/tilt/zoom high definition (HD) cameras; the installation of wall mounted monitors for the Council and audience to view presentations from their seats; integration of presentation system to allow PowerPoint presentations to be run directly into the video system; the upgrading of various equipment to HD standards, and minor related improvements.

Submitted herein is legislation which would authorize the Mayor to direct the Commissioners of Public Works and Purchase to enter into various contracts, as necessary, to complete the project. The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5467, entitled "**Common Council Chambers AV Telecast System Improvements**", and to establish a project budget as follows:

**REVENUES:**

C5467-09925	Cable TV Fund Contribution	<u>\$250,000</u>
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**EXPENDITURES:**

C5467-8.106	Major Additions/Improvements	<u>\$ 250,000</u>
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It is also requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

October 3, 2015

*"The Birthplace of the State of New York"*

www.whiteplainsny.gov

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**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5467 ENTITLED, "COMMON COUNCIL CHAMBERS AV TELECAST SYSTEM IMPROVEMENTS."**

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

Section 1. As part of a continuing program for Capital Improvements for 2015-2016, the City's Capital Projects Board has recommended a capital project entitled, "Common Council Chambers AV Telecast System Improvements." This project includes the replacement of the existing lighting system with an LED light system which will utilize less electricity, generate less heat, and improve telecast clarity; replacement of existing cameras with smaller, wall mounted, remote controlled pan/tilt/zoom high definition (HD) cameras; the installation of wall mounted monitors for the Common Council and audience to view presentations from their seats; integration of the presentation system to allow PowerPoint presentations to be run directly into the video system; the upgrading of various equipment to HD standards; and minor related improvements.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works and the Commissioner of Purchase to enter into various contracts, as necessary, to 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. C5467, entitled, "**Common Council Chambers AV Telecast System**

Improvements,” with a budget as follows:

**REVENUES:**

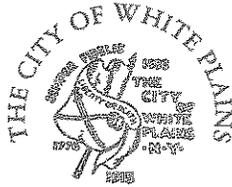
C5467-09925	Cable TV Fund Contribution	<u>\$250,000</u>
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**EXPENDITURES:**

C5467-8.106	Major Additions/Improvements	<u>\$250,000</u>
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Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.



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

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

The Capital Projects Board has recommended the inclusion of certain rehabilitation work in various parking garages as part of the FY 2015-16 Capital Improvement Program at an estimated cost of \$500,000. This is an annual project to perform rehabilitative structural work such as repairs to membranes, sprinkler piping, structural repairs, waterproofing, sanitary sewer repairs, lighting, fans and signage.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts, as required, to complete the capital improvements. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5466 entitled "**Municipal Parking Structure Rehabilitation FY 2016,**" as follows:

**REVENUES**

C5466-08810	Serial Bonds	\$ <u>505,000</u>
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**EXPENDITURES**

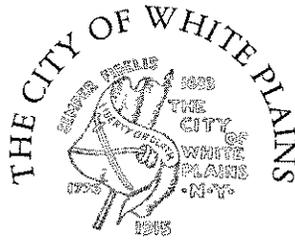
C5466-4.005	Finance and Auditing	\$ 5,000
C5466-8.106	Major Additions-Improvements	<u>500,000</u>
		\$ <u>505,000</u>

It is further requested that issuance of \$505,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds to this project from the General Fund, pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

October 3, 2015



**ENVIRONMENTAL OFFICER**

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601  
(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

September 22, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5466,  
MUNICIPAL PARKING STRUCTURE REHABILITATION FY 2016

Capital Project No. C5466 Municipal Parking Structure Rehabilitation FY 2016 (hereinafter referred to as the Proposed Action) has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves rehabilitation and improvements at various City garages. This is an annual project to perform rehabilitative structural work such as repairs to membranes, expansion joints, lighting, fans and signage.

This represents a Type II Action under SEQR regulations in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities. Type II actions are determined under SEQR regulations not to have a significant effect on the environment.

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

Respectfully submitted,

Rod Johnson  
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING  
CAPITAL PROJECT NO. C5466,  
MUNICIPAL PARKING STRUCTURE REHABILITATION FY 2016

WHEREAS, Capital Project No. C5466 Municipal Parking Structure Rehabilitation FY 2016 (hereinafter referred to as "Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves rehabilitation and improvements at various City garages. This is an annual project to perform rehabilitative structural work such as repairs to membranes, expansion joints, lighting, fans and signage; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, 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 involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those 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. C5466 ENTITLED, "MUNICIPAL PARKING STRUCTURE REHABILITATION FY 2016."**

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

Section 1. Included in the adopted Capital Projects Improvement Program is funding for certain rehabilitation work in various parking garages as part of the 2015-2016 Capital Improvement Program at an estimated cost of \$500,000. This is an annual project to perform rehabilitative structural work such as repairs to membranes, sprinkler piping, structural repairs, waterproofing, sanitary sewer repairs, lighting, fans and signage.

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

Section 3. In order to provide the necessary funding for the Commissioner of Public Works to undertake and complete the capital project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5466, entitled, "**Municipal Parking Structure Rehabilitation FY2016,**" as follows:

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**REVENUES:**

C5466-08810	Serial Bonds	<u>\$505,000</u>
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**EXPENDITURES:**

C5466-4.005	Finance and Auditing Fees	\$ 5,000
C5436-8.1.06	Major Additions-Improvements	<u>500,000</u>
		<u>\$505,000</u>

Section 3. The Mayor is hereby authorized to direct the Commissioner of Finance to sell \$505,000 of serial bonds to finance the project, to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED OCTOBER 5, 2015, AUTHORIZING THE ISSUANCE OF \$505,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF PARKING GARAGES, CONSTITUTING CLASS “A” BUILDINGS IN AND FOR THE CITY.**

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

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

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

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$505,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the

Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 12(a)(1) of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

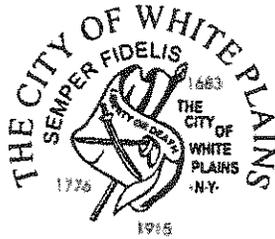
Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond ordinance by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

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

behalf of the City, the commitment authorized by the Rule (the “Commitment”), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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



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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

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

Dear Mayor and Common Council Members:

The Department of Public Safety has been awarded an Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,638 by the United States Justice Department. The Department will use these funds to purchase twenty five Body Worn Cameras.

Therefore, transmitted herewith for your consideration is an ordinance authorizing the Mayor to accept funds under the grant documents and to direct the Budget Director to amend the FY 2015-2016 Public Safety Grants Fund to reflect the receipt and appropriation of this grant as follows:

INCREASE REVENUES:

EB15-02242      Edward Byrne Justice Grant      \$31,638

INCREASE EXPENDITURES

EB15-5.301      Video/Recording Equipment      \$31,638

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

David E. Chong  
Commissioner of Public Safety

Dated: September 24, 2015

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY OF WHITE PLAINS, IN RELATION TO THE ACCEPTANCE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$31,638 TO BE USED BY THE DEPARTMENT OF PUBLIC SAFETY TO PURCHASE TWENTY-FIVE (25) BODY WORN CAMERAS.**

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

Section 1. The Mayor of the City of White Plains or his designee is hereby authorized to accept a grant in the amount of \$31, 638 from the U. S. Department of Justice, and in connection therewith, execute any and all documents, in a form acceptable to the Corporation Counsel, and accept funds under grant documents for the Edward Byrne Memorial Justice Assistance Grant. The Department of Public Safety will use these funds to purchase twenty-five (25) body worn cameras. The program period commences October 1, 2015 and terminates on September 30, 2017.

Section 2. The Mayor is further authorized to direct the Budget Director to amend the FY 2015/2016 Public Safety Grants Fund, to reflect the receipt and appropriation of this grant, as follows:

**INCREASE REVENUE:**

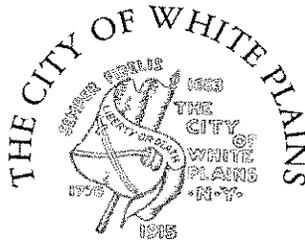
EB15 - 02242	Edward Byrne Justice Grant	<u>\$31,638</u>
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**INCREASED EXPENDITURES:**

EB15 - 5.301	Video/Recording Equipment	<u>\$31,638</u>
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Section 3. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect immediately.



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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICI  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**SUBJECT: ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SIGN A CONSULTANT AGREEMENT WITH PARSONS BRINCKERHOFF INC. TO PROVIDE PLANNING, DESIGN, AND ENGINEERING SERVICES FOR THE WHITE PLAINS MULTIMODAL TRANSPORTATION CENTER REDEVELOPMENT PROJECT**

Submitted, herewith, for your review and approval, is an ordinance authorizing the Mayor or designee to enter into a consultant agreement with Parsons Brinckerhoff, Inc. (“Consultant”) to provide professional planning, design, and engineering services for the White Plains Multimodal Transportation Center Redevelopment Project.

The overarching goal of the project is to transform the existing Multimodal Transportation Center into a more functional and attractive regional transit hub that will maximize the economic development potential of the both the station area and downtown core. The City was successful in securing a \$1,000,000 grant from the New York State Energy Research and Development Authority (“NYSERDA”) Cleaner, Greener Communities Program, Phase II, Category 3 (CFA #30408 / Contract #39490) which was formally accepted by the Common Council on May 4<sup>th</sup>, 2015.

In August 2015, the City of White Plains issued a Request for Proposals (“RFP”) soliciting “Consultant Proposals” from interested parties to provide professional services to complete preliminary planning, design, and engineering work for the project. Following an open and competitive bid process, Parsons Brinckerhoff, Inc. has been identified as the preferred firm to engage stakeholders, prepare baseline studies, and formulate a Strategic Plan pursuant to the NYSERDA grant scope of work.

The Consultant will be responsible for preparing the following deliverables:

1. *Contract Management*: assisting in the preparation of quarterly project progress reports and finalizing the existing Draft Performance Based Metric Report;
2. *Multimodal Transportation Center Stakeholder Task Force*: attending six Task Force meetings, creating presentations and providing meeting materials;
3. *Public Outreach*: contribution of content for the project website hosted by the City of White Plains,

attending two public meetings, creating presentations, providing meeting materials, and creating summary reports;

4. *Existing Conditions*: Final Existing Conditions Report summarizing findings of baseline studies, review of existing studies/reports and data, and the creation of a GIS database;
5. *Strategic Plan*: Goals and objectives, guiding principles, performance measures, issues and opportunities, alternative development and screening process, overall recommended vision with early-action, mid-term and long-term strategies, Implementation Plan with phasing/timeline and potential funding sources, stakeholder and public outreach efforts, and project next steps.

Attached for your consideration is an ordinance authorizing the Mayor or his designee to sign a consultant agreement with Parsons Brinckerhoff, Inc. for the aforementioned professional services and deliverables at a fee of \$794,214 to be funded by the City's NYSERDA Cleaner, Greener Communities Program, Phase II, Category 3 grant award.

Respectfully submitted,



Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: September 22, 2015

**ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SIGN A CONSULTANT AGREEMENT WITH PARSONS BRINCKERHOFF TO PROVIDE PROFESSIONAL SERVICES TO COMPLETE PRELIMINARY PLANNING, DESIGN, AND ENGINEERING WORK FOR A PROPOSED MULTIMODAL TRANSPORTATION CENTER IN DOWNTOWN WHITE PLAINS.**

WHEREAS, the City of White Plains issued a Request for Proposals ("RFP") soliciting "Consultant Proposals" from interested parties to provide professional services to complete preliminary planning, design, and engineering work for a proposed Multimodal Transportation Center in downtown White Plains in connection with a grant received from the New York State Energy Research and Development Authority ("NYSERDA"); and

WHEREAS, following an open and competitive BID process, Parsons Brinckerhoff ("Consultant") was selected as the most able firm to complete the desired scope of work within a twelve month time period; and

WHEREAS, the Consultant has proposed to engage with the public and stakeholders, undertake pertinent engineering and financial baseline studies, and create a Strategic Plan for station area redevelopment over a period of twelve months at a cost of \$794,214.

**NOW THEREFORE**

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

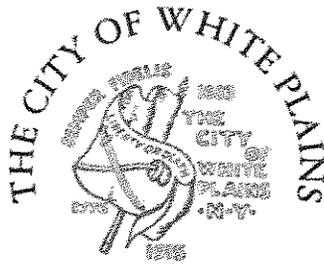
**Section 1.** The Mayor or his designee is hereby authorized to sign a Consultant Agreement between the City and Parsons Brinckerhoff pursuant to which Parsons Brinckerhoff shall prepare the following deliverables including, but not limited to, contract management, assisting the Multimodal Transportation Center Stakeholder Task Force, assisting public

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outreach, obtaining existing conditions reports along with existing reports to create a GIS database and preparing short-term, mid-term and long-term strategies for development of the project for an fee of \$794,214 to be paid out of the NYSERDA grant of \$1,000,000. The work is to be completed within twelve months.

**Section 2.** The aforementioned agreement shall be in a form approved by the Corporation Counsel of the City of White Plains.

**Section 3.** This ordinance shall take effect immediately.



**PLANNING DEPARTMENT**

70 Church Street , White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

**Re: AUTHORIZATION TO EXECUTE A SUB-LEASE AGREEMENT WITH THE  
CULINARY TECH CENTER, LLC, FOR THE WHITE PLAINS EDUCATION AND  
TRAINING CENTER**

Submitted, herewith, for your review and approval, is an ordinance authorizing the Mayor to sign a Sub-Lease Agreement between the City of White Plains and the Culinary Tech Center, LLC ("CTC"), for the operation by "CTC" of a culinary and hospitality school at the White Plains Education and Training Center. The City of White Plains has entered into a sub-lease with the owner, WP Housing Company, Inc. to operate a Community Education Facility, according to terms of said sub-lease. This Community Education Facility is known as the White Plains Education and Training Center.

The White Plains Education and Training Center ("WP ETC"), located on the grounds of the White Plains Housing Authority's new Brookfield Commons (previously named Winbrook Campus), is preparing to offer a full range of education and training programs. The primary target population is the unemployed and the underemployed with the goals of increasing employability through training for real-time job opportunities in today's market and achieving economic self-sufficiency and continued economic growth. The training opportunities available at the WP ETC have been carefully selected based upon research, information, and partnerships with the businesses and industries in White Plains, Westchester County, and the region. The WP ETC has targeted training opportunities to support the employment needs of regional high growth industries including healthcare, hospitality and technology.

The WP ETC model employs effective and selective partnerships with existing, proven successful organizations that will co-locate at the WP ETC to provide an array of opportunities. The WP ETC features a state-of-the-art teaching facility that includes an industrial teaching kitchen, a computer

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classroom, and multi-purpose classrooms. In addition to the training opportunities, the WP ETC will also feature complimentary career development services such as the Career Closet, Café, a computer resource center, WIFI, outdoor space including gardens, and an executive conference room.

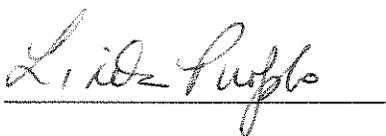
CTC, is accredited by the New York State Education Department, Bureau of Proprietary Schools and Supervision. CTC has received initial approval for operation at the WP ETC. The sub-lease is for a period of ten years and includes dedicated classrooms, office space, and the Café.

The base rent to be paid by CTC is as follows:

Period (Lease Year)	Annual
1 <sup>st</sup> & 2 <sup>nd</sup>	\$87,500
3 <sup>rd</sup> & 4 <sup>th</sup>	\$94,500
5 <sup>th</sup> & 6 <sup>th</sup>	\$102,060
7 <sup>th</sup> & 8 <sup>th</sup>	\$110,225
9 <sup>th</sup> & 10 <sup>th</sup>	\$119,042

CTC will provide full scholarships to White Plains residents at the rate of 25% of the actual enrollment of each class or program. CTC will also operate the café to showcase students' accomplishments and to host community and student events and activities. CTC will provide regular reports on student demographics, facility utilization, and outcomes. CTC will also participate in regular partnership meetings and participate in efforts to realize the full vision of the WP ETC.

Attached for your consideration is an ordinance authorizing the Mayor, or his designee, to execute a Sub-Lease Agreement with the Culinary Tech Center, LLC, for occupancy and operation of said culinary school at the White Plains Education and Training Center in a form to be approved by the Law Department.



Linda Puoplo  
Deputy Commissioner

Dated: September 21, 2015  
(for the Meeting of the Common Council on October 5, 2015)

**ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SIGN A SUB-LEASE AGREEMENT TO THE CULINARY TECH CENTER, LLC, FOR THE WHITE PLAINS EDUCATION AND TRAINING CENTER**

WHEREAS, the City of White Plains has entered into a sub-lease with the owner, WP Housing Company, Inc. to operate a Community Education Facility known as the White Plains Education and Training Center and located on the grounds of the White Plains Housing Authority's new Brookfield Commons (previously named Winbrook Campus); and

WHEREAS, the White Plains Education and Training Center is preparing to offer a full range of education and training programs to serve the primary target population of the unemployed and the underemployed with the goals of increasing employability through training for real-time job opportunities in today's market and achieving economic self-sufficiency and continued economic growth; and

WHEREAS, the training opportunities available at the White Plains Education and Training Center have been carefully selected based upon research, information, and partnerships with the businesses and industries in White Plains, Westchester County, and the region. The White Plains Education and Training Center has targeted training opportunities to support the employment needs of regional high growth industries including healthcare, hospitality and technology; and

WHEREAS, the Culinary Tech Center, LLC, is a culinary and hospitality school accredited by the New York State Education Department, Bureau of Proprietary Schools and Supervision and has received initial approval for operation at the White Plains Education and Training Center; and,

WHEREAS, the Culinary Tech Center has requested a ten year sub-lease for an acceptable base rent to be paid by the Culinary Tech Center to the City of White Plains; and,

WHEREAS, the Culinary Tech Center will provide full scholarships to White Plains residents at the rate of 25% of the actual enrollment of each class or program, operate the café to showcase students' accomplishments and to host community and student events and activities, and will provide regular reports on student demographics, facility utilization, and outcomes, and participate in regular partnership meetings and participate in efforts to realize the full vision of the White Plains Education and Training Center.

**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 sign a Sub-Lease

Agreement between the City and Culinary Tech Centers, LLC, pursuant to which:

A. Culinary Tech Center will:

1. Provide full scholarships to White Plains residents at the rate of 25% of the actual enrollment of each class or program,
2. Operate the café to showcase students' accomplishments and to host community and student events and activities,
3. Provide regular reports on student demographics, facility utilization, and outcomes,
4. Participate in regular partnership meetings and participate in efforts to realize the full vision of the White Plains Education and Training Center.

B. The following financial terms will be included:

1. 10 year sub-lease agreement,
2. The City will be paid base rent by the Culinary Tech Center starting at \$87,500 for the first two years, with regular increases throughout the ten year sub-lease period,
3. 25% of class enrollment will be available to eligible City residents at no cost to the resident.

**Section 2.** The aforementioned agreement shall be in a form approved by the Corporation Counsel of the City of White Plains.

**Section 3.** This ordinance shall take effect immediately.



**COMMUNITY DEVELOPMENT PROGRAM**

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

DATE: September 21, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: TRANSFER OF FUNDS IN COMMUNITY DEVELOPMENT PROGRAM BUDGET

The standard annual review process of the CDBG program involves periodic reviews of program performance, unexpended balances, and current needs to determine the appropriate allocation of program funds. Community Development Program administrative staff has reviewed current program funding requirements and balances as part of Community Development Program review of the City's 2015-16 Community Development Budget.

The reallocations shown in the accompanying ordinance reflect the need for increased funds for program services. Program services funds are used to support activities such as public facility improvements including parks, etc. Funds are being reallocated from Community Development projects and administration that did not and/or will not require their full allotment of funds.

Submitted herewith for your consideration is an ordinance authorizing the reallocations described in this communication.

Respectfully submitted,

Linda K. Puoplo  
Deputy Commissioner of Planning as  
Community Development Administrator

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT FUND BUDGET BY REPROGRAMMING FUNDS FROM PREVIOUS AND CURRENT COMMUNITY DEVELOPMENT PROGRAM YEARS.

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

Section 1. Amendment of the Community Development Fund Budgets for previous and current program years is hereby authorized to reprogram and reallocate funds from Program Years 41 and 42

Section 2. The Mayor is hereby authorized to direct the Budget Director to make the following transfers:

**Appropriations:**

**From Year 41**

15269-4.023	Program Services (CD '15 CWP Parks)	\$ 25,000
15005-4.004	Consultants (Rehabilitation Administration)	12,860
15090-4.004	Consultants (CD Administration)	<u>25,000</u>
		<u>\$ 62,860</u>

**From Year 42**

16314-4.753	Salary Reimbursement (CDBG Code Enforcement 2016)	\$ 11,250
16314-4.754	SS/Medicare Reimbursement (CDBG Code Enforcement 2016)	861
16314-4.755	Other Benefits Reimbursement (CDBG Code Enforcement 2016)	2,115
16090-4.753	Salary Reimbursement (CD Administration)	15,000
16090-4.754	SS/Medicare Reimbursement (CD Administration)	<u>1,480</u>
		<u>\$ 30,706</u>

**To Year 42**

16269-4.023	Program Services (CD '16 CWP Parks)	<u>\$ 93,566</u>
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**Revenues:**

**From Year 41**

CD2015-02203	CD Grant Year 2015	<u>\$ 62,860</u>
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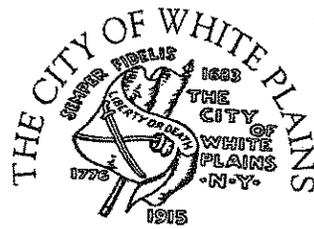
**To Year 42**

CD2016-02203	CD Grant Year 2016	<u>\$ 62,860</u>
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Section 3. The Mayor is hereby authorized to direct the Budget Director to receive and disburse funds accordingly.

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 October 23, 2015

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, October 23, 2015, 10am – 4pm being hosted by the White Plains Recreation and Parks Seniors Program.

Wayne D. Bass  
Commissioner, Recreation & Parks

Date: September 18, 2015

“THE BIRTHPLACE OF THE STATE OF NEW YORK”

<http://www.cityofwhiteplains.com>

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AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO 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, OCTOBER 23, 2015, 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, October 23, 2015, 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, October 23, 2015, 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, October 23, 2015, 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.



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

Thomas M. Roach  
 Mayor

Frank Williams, Jr.  
 Executive Director

September 16, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Regional Partnership of Schools and Colleges Great Potential Program has awarded the City of White Plains Youth Bureau \$11,500.00 to conduct weekly group meetings at White Plains High School and White Plains Middle School. The weekly meetings will include goal setting, academic counseling, tutoring, college prep, guest speakers and enrichment. The contract period is September 01, 2015 through August 31, 2016. I am requesting that the Mayor be authorized to enter into a contract with the Great Potential Program to receive these funds. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Funds as follows:

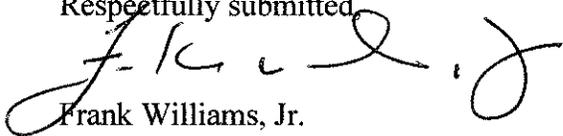
**Increase Estimated Revenue:**

GPT16 - 02235	SUNY Great Potential	<u>\$11,500</u>
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**Increase Appropriations:**

GPT16 - 4.910	Program Supplies	\$4,300
GPT16 - 4.940	Contracted Services	\$3,500
GPT16 - 4.970	Travel Expense	\$3,700

<b>TOTAL</b>	<b><u>\$11,500</u></b>
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Respectfully submitted,  
  
 Frank Williams, Jr.  
 Director Youth Bureau

For the October 05, 2015 Common Council Meeting

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OF HIS DESIGNEE TO ENTER INTO A CONTRACT WITH THE SUNY GREAT POTENTIAL PROGRAM TO RECEIVE A GRANT IN THE AMOUNT OF \$11,500 AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2015/16 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT.

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

Section 1. The Mayor, or his designee, is hereby authorized to enter into a contract with SUNY Great Potential Program, in order to receive a grant awarded to the City of White Plains (Youth Bureau) in the amount of \$11,500 to conduct weekly group meetings at White Plains High School and White Plains Middle School. The weekly meetings will include goal setting, academic counseling, tutoring, college prep, guest speakers and enrichment. The contract period is September 1, 2015 through August 31, 2016. Said contract shall be in a form acceptable to the Corporation Counsel.

Section 2. The Mayor is further authorized to direct the Budget Director to amend the FY 2015/16 Youth Development Fund as follows:

**Increase Estimated Revenue:**

GPT16-02235	SUNY Great Potential	<u>\$11,500</u>
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**Increase Appropriations:**

GPT16-4.910	Program Supplies	\$ 4,300
GPT16-4.940	Contracted Services	3,500
GPT16-4.970	Travel Expense	<u>3,700</u>
		<u>\$11,500</u>

Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purpose.

Section 4. This ordinance shall take effect September 1, 2015.

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

Thomas M. Roach  
 Mayor

Frank Williams, Jr.  
 Executive Director

September 14, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The City of White Plains Youth Bureau has received a grant in the amount of \$30,400 from the Community Development Block Grant for the Computer Training Program; the new initiative for Youth Employment Services Department of the Youth Bureau. We are requesting that the Mayor and Common Council accept the funds. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Bureau General Fund as follows.

**Increased Estimated Revenue:**

F015 – 02203	HUD CD Block Grant	<u>\$30,400</u>
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**Increase Appropriations:**

F015 - 4.023	Program Services	<u>\$30,400</u>
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TOTAL	<u>\$30,400</u>
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Respectfully submitted,

Frank Williams, Jr.  
 Director Youth Bureau

For : October 5, 2015 Common Council

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OF HIS DESIGNEE TO ACCEPT ON BEHALF OF THE CITY OF WHITE PLAINS A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF \$30,400 FOR A COMPUTER TRAINING AND COMPUTER SOFTWARE/SUPPLIES AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2015/16 YOUTH BUREAU GENERAL FUND TO REFLECT THIS GRANT.

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 a Community Development Block Grant (CDBG) in the total amount of \$30,400 for a computer training (\$24,000) and computer software/supplies (\$6,400) for a new initiative for the Youth Employment Services Department of the Youth Bureau. The contract period is July 1, 2015 through December 1, 2015. Said contract between the City of White Plains, as grantee, and the City of White Plains Youth Bureau, as subrecipient, shall be in a form acceptable to the Corporation Counsel.

Section 2. The Mayor is further authorized to direct the Budget Director to amend the FY 2015/16 Youth Bureau General Fund as follows:

**Increase Estimated Revenue:**

F015-02203	HUD CD Block Grant	<u>\$30,400</u>
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**Increase Appropriations:**

F015-4.023	Program Services	<u>\$30,400</u>
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Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purpose.

Section 4. This ordinance shall take effect July 1, 2015.

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

Thomas M. Roach  
 Mayor

Frank Williams, Jr.  
 Executive Director

September 16, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On September 3<sup>rd</sup> 2013, the Common Council enacted an ordinance accepting a donation in the amount of \$10,000 from the Webster Bank to support the Youth Bureau's Youth Employment Programs for the period January 01, 2014 to December 31, 2014. The Youth Bureau received an additional \$7,000 from the Webster Bank to support the Youth Employment program. The Youth Bureau is requesting to amend the above contract by adding the \$7,000 and extending the contract period from December 31, 2014 to December 31, 2016. I am requesting that the Mayor be authorized to receive this fund and it is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Bureau's Youth Development Fund as follows:

**Increase Estimated Revenue:**

WEB14 - 06275	Contributions	<u>\$7,000</u>
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**Increase Appropriations:**

WEB14 - 1.800	Part time Salary	\$6,497
WEB14 - 2.001	Fica	\$497
WEB14 - 2.020	MTA Payroll Tax	<u>\$6</u>

<b>TOTAL</b>	<b><u>\$7,000</u></b>
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Respectfully submitted,

Frank Williams, Jr.  
 Director Youth Bureau

For: October 5, 2015 Common Council

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT TO ACCEPT ON BEHALF OF THE CITY OF WHITE PLAINS (THROUGH ITS YOUTH BUREAU), AN ADDITIONAL DONATION FROM WEBSTER BANK IN THE AMOUNT OF \$7,000 TO SUPPORT THE YOUTH BUREAU'S YOUTH EMPLOYMENT PROGRAMS FOR THE PERIOD DECEMBER 31, 2014 TO DECEMBER 31, 2016 AND TO AMEND THE FY 2015/16 YOUTH DEVELOPMENT FUND TO REFLECT SAID DONATION.

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

Section 1. On September 3, 2013, the Common Council adopted an ordinance accepting a donation in the amount of \$10,000 from Webster Bank to support the Youth Bureau's Youth Employment Programs for the period January 1, 2014 to December 31, 2014 and authorizing the Mayor, or his designee, to execute a contract regarding same.

Section 2. The Mayor, or his designee, is hereby authorized to accept on behalf of the City of White Plains (through its Youth Bureau), a donation in the additional amount of \$7,000 from Webster Bank to support the Youth Bureau's Youth Employment Program and extending for the abovementioned contract to a period from December 31, 2014 to December 31, 2016. The contract shall be in a form approved by the Corporation Counsel.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor is hereby authorized to direct the Budget Director to amend the FY 2015/16 Youth Development Fund as follows:

**Increase Estimated Revenue:**

WEB14-06275	Contributions	<u>\$ 7,000</u>
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**Increase Appropriations:**

WEB14-1.800	Part Time Salary	\$ 6,497
WEB14-2.001	FICA	497
WEB14-2.020	MTA PR Tax	<u>6</u>
		<u>\$7,000</u>

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Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purposes.

Section. This ordinance shall take effect December 31, 2014.



**YOUTH BUREAU  
OFFICE OF THE MAYOR  
11 AMHERST PLACE - WHITE PLAINS, NEW YORK 10601  
(914) 422-1378 - FAX (914) 422-6489  
[www.WhitePlainsYouthBureau.org](http://www.WhitePlainsYouthBureau.org)**

THOMAS M. ROACH  
Mayor

FRANK WILLIAMS, JR.  
Executive Director

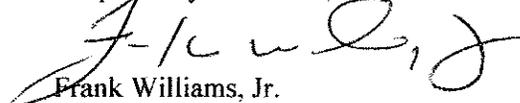
September 14, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On May 4<sup>th</sup> 2015, the Common Council enacted an ordinance accepting additional funds of \$621 to increase the Youth Bureau's Project Hope program funded by The New York State OASAS, from \$182,450 to \$183,071 to increase the salary and fringe benefit for the direct care staff. On September 10, 2015 the Youth Bureau received a letter from the New York State OASAS stating their support of the 2015 Family Day event held on September 28, 2015 by providing \$3,000 in funding. Family day consists of dinner and movie offered to approximately 300 participants. There will also be presentations on the reality of "medical" marijuana. The Project Hope Program, provide alcohol and substance prevention services to the City of White Plains. The contract period will remain the same as January 01, 2015 to December 31, 2015. The Youth Bureau is requesting to amend the New York State OASAS budget to reflect the additional funds of \$3,000 for a total grant amount of \$186,071. I am requesting that the Mayor and Common Council approve this amendment. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2015/16 Youth Development Fund as follows:

		Current Budget	New Budget
<u>Increase Estimated Revenue:</u>			
	OAS15 - 02266 NYS OASAS	<u>\$183,071</u>	<u>\$186,071</u>
<u>Increase Appropriations:</u>			
	OAS15 - 1.200 CSEA Salaries & Wages	\$91,042	\$91,042
	OAS15 - 1.800 Part time Salaries	\$40,695	\$40,695
	OAS15 - 2.001 FICA	\$10,079	\$10,079
	OAS15 - 2.020 MTA PR Tax	\$449	\$449
	OAS15 - 2.101 NYS Emp. Pension	\$19,255	\$19,255
	OAS15 - 2.201 Employee Health Insurance	\$18,451	\$18,451
	OAS15 - 2.204 NYS Health Ins. Admin Charge	\$25	\$25
	OAS15 - 2.301 Dental Insurance	\$1,240	\$1,240
	OAS15 - 2.407 Optical Insurance	\$346	\$346
	OAS15 - 4.910 Program Supplies	\$933	\$3,933
	OAS15 - 4.950 Direct Services	\$456	\$456
	OAS15 - 4.970 Travel Expense	<u>\$100</u>	<u>\$100</u>
	<b>Total</b>	<b><u>\$183,071</u></b>	<b><u>\$186,071</u></b>

Respectfully submitted,

  
Frank Williams, Jr.  
Director

For: October 5, 2015 Common Council Meeting

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**AN ORDINANCE AMENDING AN ORDINANCE ADOPTED MAY 4, 2015, ENTITLED "AN ORDINANCE AMENDING AN ORDINANCE ADOPTED MARCH 2, 2015, ENTITLED "AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE COUNTY OF WESTCHESTER (DEPARTMENT OF COMMUNITY MENTAL HEALTH) IN ORDER TO RECEIVE \$181,299 IN FUNDING TO CONTINUE THE PROJECT HOPE PROGRAM THROUGH THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES (OASAS) PROVIDING ALCOHOL AND SUBSTANCE PREVENTION SERVICES TO THE CITY OF WHITE PLAINS.' "**

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

**Section 1.** On January 5, 2015, the Common Council of the City of White Plains adopted an ordinance accepting a grant from the New York State Office of Alcoholism and Substance Abuse Services (OASAS) in the amount of \$181,299 to continue its Project Hope Program, providing alcohol and substance prevention services to the City of White Plains for the period January 1, 2015 to December 31, 2015. On March 2, 2015, the Common Council adopted an ordinance amending the January 5, 2015 ordinance, based upon an additional \$1,151 in funding by OASAS to increase the salary and fringe benefits for direct care staff for the period April 1, 2015 to December 31, 2015. On May 4, 2015, the Common Council adopted an ordinance amending the March 2, 2015 ordinance, after the City had been informed by OASAS that a calculation error was discovered and that the City is to receive \$1,772 in additional funding, instead of \$1,151, for an increase of \$621. On September 10, 2015, the City received notice from OASAS that it will be providing an additional \$3,000 for a total grant amount of \$186,071. The additional \$3,000 is to support the 2015 Family Day event held on September 28, 2015.

**Section 2.** To reflect the aforementioned additional \$3,000 in funding from the New

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York State OASAS, Section 1 of an ordinance adopted January 5, 2015, entitled “An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester (Department of Community Mental Health) in order to Receive \$181,299 in Funding to Continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains,” as amended by ordinances adopted March 2, 2015 and May 4, 2015, is hereby further amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive funding for Project Hope through the New York State Office of Alcohol and Substance Abuse Services (OASAS) in the amount of [~~\$183,071~~] \$186,071 for the period beginning January 1, 2015 and ending December 31, 2015, to provide alcohol and substance prevention services to the City of White Plains through its Youth Bureau. Said contract shall be in a form approved by the Corporation Counsel.

**Section 3.** Section 2 of an ordinance adopted January 5, 2015, entitled, “An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester (Department of Community Mental Health) in order to Receive \$181,299 in Funding to Continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains,” as amended by ordinances adopted March 2, 2015 and May 4, 2015, is hereby further amended to read as follows:

§2. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year [2014/15] 2015/2016 Youth Development Fund as follows:

**Increase Estimated Revenues:**

OAS15-02266	NYS OASAS	<u>[\$183,071]</u>	<u>\$186,071</u>
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**Increase Appropriations:**

OAS15-1.200	CSEA Salaries & Wages	\$91,042	
OAS15-1.800	Part-time Salaries	40,695	
OAS15-2.001	FICA	10,079	
OAS15-2.020	MTA PR Tax	449	
OAS15-2.101	NYS Emp. Pension	19,255	
OAS15-2.201	Employee Health Insurance	18,451	
OAS15-2.204	NYS Health Ins. Admin Charge	25	
OAS15-2.301	Dental Insurance	1,240	
OAS15-2.407	Optical Insurance	346	
OAS15-4.910	Program Supplies	[933] <u>\$3,933</u>	
OAS15-4.950	Direct Services	456	
OAS15-4.970	Travel Expenses	<u>100</u>	
		<u>[\$183,071]</u>	<u>\$186,071</u>

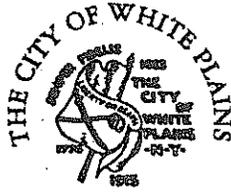
**Section 4.** All other provisions of the aforementioned ordinance adopted January 5, 2015, shall remain in full force and effect.

**Section 5.** This ordinance shall take effect immediately.

White Plains to enter into an agreement with Berkeley College at 99 Church Street, White Plains, New York, for the provision of classroom space usage at Berkeley College for the Let's Get Ready-SAT Prep Course, Mondays and Wednesdays from 5:30 p.m. to 8:30 p.m., and Saturdays, from 8:30 a.m. to 4:30 p.m., commencing September 30, 2015 and terminating December 7, 2015. The aforementioned agreement shall be in a form approved by the Corporation Counsel for the City of White Plains.

Section 2. The City of White Plains is further authorized to issue a certificate of general public liability insurance that names Berkeley College and its affiliates as additional insured for the period of September 30, 2015 to December 7, 2015 for the City's usage of classroom space at Berkeley College for the above-described program.

Section 3. This ordinance shall take effect September 30, 2015.



YOUTH BUREAU  
OFFICE OF THE MAYOR  
11 AMHERST PLACE - WHITE PLAINS, NEW YORK 10601  
(914) 422-1378 - FAX (914) 422-6489  
[www.WhitePlainsYouthBureau.org](http://www.WhitePlainsYouthBureau.org)

THOMAS M. ROACH  
Mayor

FRANK WILLIAMS, JR.  
Executive Director

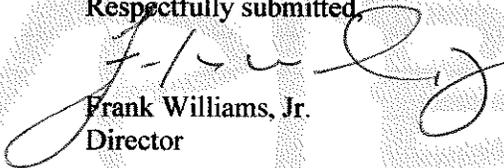
September 14, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The White Plains Youth Bureau is requesting permission to enter into an agreement with Berkeley College at 99 Church Street, White Plains, New York, for the provision of space usage for the Let's Get Ready SAT Prep Course on Mondays and Wednesdays from 5:30 PM – 8:30 PM and Saturdays 8:30 AM to 4:30 PM. Program begins on September 30, 2015 and ends on December 7, 2015.

The Berkeley College is requesting a certificate of insurance from the City of White Plains to allow the Youth Bureau to use the space for the above programs. I am requesting that the Mayor and Common Council approve the use of the space for the above mentioned program for the days and times as stated above and I am also requesting the Mayor and Common Council authorize the issuance of a copy of the Certificate of Insurance to Berkeley College for the period September 30, 2015 to December 7, 2015.

Respectfully submitted,

  
Frank Williams, Jr.  
Director

For: October 05, 2015 Common Council Meeting

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CITY OF WHITE PLAINS TO ENTER INTO AN AGREEMENT WITH BERKELEY COLLEGE AT 99 CHURCH STREET TO PROVIDE THE CITY OF WHITE PLAINS CLASSROOM SPACE USAGE AT BERKELEY COLLEGE FOR LET'S GET READY SAT PREP COURSE ON MONDAYS AND WEDNESDAYS FROM 5:30 PM-8:30 PM AND SATURDAYS 8:30 AM TO 4:30 PM FROM SEPTEMBER 30, 2015 TO DECEMBER 7, 2015 AND TO AUTHORIZE A CERTIFICATE OF INSURANCE TO BERKELEY COLLEGE FOR THE PERIOD SEPTEMBER 30, 2015 TO DECEMBER 7, 2015.

WHEREAS, the City of White Plains Youth Bureau is requesting permission for the City of White Plains to enter into an agreement with Berkeley College at 99 Church Street, White Plains, New York, for the provision of classroom space usage at Berkeley College for the Let's Get Ready SAT Prep Course on Mondays and Wednesdays from 5:30 p.m. to 8:30 p.m., and Saturdays from 8:30 a.m. to 4:30 p.m., commencing September 30, 2015 and terminating December 7, 2015; and

WHEREAS, while Berkeley College is waiving its rental fee of the classroom space usage, the College is requesting a certificate of general public liability insurance that names Berkeley College and its affiliates as additional insured for the period September 30, 2015 through December 7, 2015 for the above described program; 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 on behalf of the City of

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DEPARTMENT OF PERSONNEL  
MUNICIPAL BUILDING \* 255 MAIN STREET \* WHITE PLAINS, NEW YORK, 10601  
(914) 422-1257 \* FAX (914) 422-6496

Thomas M. Roach  
Mayor

Elisabeth Wallace  
Personnel Officer

Debra Clay  
Deputy Personnel Officer

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

Dear Mayor and Council Members:

The following recommendations are made requiring amendments to the Compensation and  
Leave Plan:

Establish additional per diem rates for the existing title of Civil Service Monitor.

These additional rates are needed to compensate for more difficult civil service  
examinations and physical agility tests.

An ordinance amending the Compensation and Leave Plan is transmitted herewith for Council  
deliberation.

Respectfully submitted,

Elisabeth Wallace  
Personnel Officer

Dated for: October 5, 2015

AN ORDINANCE AMENDING SECTION 2-5-80 OF THE WHITE PLAINS MUNICIPAL CODE BY ESTABLISHING ADDITIONAL PER DIEM RATES.

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

Section 1. Section 2-5-80, Appendix 5c. Per Diem Employees of the White Plains Municipal Code is hereby amended as follows:

**ESTABLISH**

<u>Position Title</u>	<u>Per Diem</u>
Civil Service Monitor	\$20
Civil Service Monitor	\$30
Civil Service Monitor	\$110
Civil Service Monitor	\$120
Civil Service Monitor	\$130
Civil Service Monitor	\$150
Civil Service Monitor	\$180
Civil Service Monitor	\$200

§2. The Mayor is hereby authorized to direct the Commissioner of Finance to amend the uniform system of accounts accordingly.

§4. This ordinance shall take effect October 5, 2015

4/3



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

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THOMAS M. ROACH  
MAYOR

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

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

Submitted herewith is an ordinance amending the Traffic Ordinance of the City of White Plains as follows;

- 1.) Modify a "Speed of Motor Vehicles, Etc." on Davis Avenue, Old Mamaroneck Road and Hartsdale Avenue as described in Section 302 Subdivisions 4. (b), (l) and (r).

This amendment is in accordance with the recommendations of the Transportation Commission and is to become effective upon adoption by the Common Council.

Thomas J. Soyk, PE, PTOE

Acting Chairman

Dated: September 22, 2015 (for the October 5, 2015 Common Council Meeting)

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**AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A "SPEED OF MOTOR VEHICLES, ETC." ON DAVIS AVENUE, OLD MAMARONECK ROAD AND HARTSDALE AVENUE.**

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

**Speed of Motor Vehicles, Etc.**

Section 1. Article III, Section 302, Subdivisions 4, 4(b), 4(l) and 4 ( r) of an ordinance adopted by the Common Council of the City of White Plains on the third day of September 1946, entitled, "An ordinance regulating traffic in the City of White Plains and providing penalties for the violations of its provisions," as last amended on the 2nd day of September 2014, is hereby amended to read as follows:

4. Maximum school speed limits for motor vehicles and motorcycles on the public highways of The City of White Plains are hereby established as follows and no person shall drive in excess of such maximum school speed limits during school days between the hours of seven o'clock a.m. and six o'clock p.m., unless as otherwise specified herein:

4 (b). Davis Avenue, alongside the Highlands Middle School within the area marked by signs reading twenty miles per hour between the hours of 7:15 a.m. to 8:00 a.m. and 2:15 p.m. to 3:15 p.m.

4(l). Old Mamaroneck Road, approaching Hartsdale Avenue and alongside Highlands

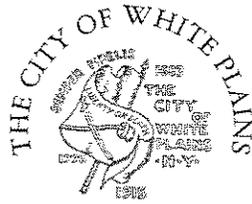
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Middle School within the area marked by signs reading twenty-five miles per hour between the hours of 7:15 a.m. to 8:00 a.m. and 2:15 p.m. to 3:15 p.m.

4(r). Hartsdale Avenue, alongside Highlands Middle School, within the area marked by signs reading twenty miles per hour between the hours of 7:15 a.m. to 8:00 a.m. and 2:15 p.m. to 3:15 p.m.

Section 2. 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**

The Department of Building has reviewed an application, filed on April 25 2014, on behalf of Ichiro Asian Fusion Inc for a Special Permit to allow for a "Cabaret" use at "Ichiro" restaurant located at 80 Mamaroneck Avenue, White Plains, New York. The present and future use of the property is a restaurant / bar – Assembly "A " use group and is located within a CB -2 Zoning District.

Type of Business

Ichiro occupies approximately 4,400 square feet (total gross floor area) on the ground floor of 80 Mamaroneck Avenue. The space houses a kitchen, a dining area and a bar. The business operates seven days a week and is engaged in preparing food which is served to patrons seated at tables. Patrons select food from a full menu and table service is accommodated via a wait staff.

Type of Cabaret

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

Based upon the applicants drawing, dated February 12, 2014, the net floor area of the restaurant is calculated to be approximately 3,000 square feet. We have calculated that the applicant is proposing to dedicate approximately 1,430 square feet of the net floor area for entertainment/dancing when in the cabaret mode of

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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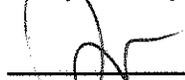
operation. This equates to approximately 48% of the net floor area. As the establishment is a restaurant with entertainment and/or dancing that occupies more than 40% of the net floor area, it is classified as a "Primary Cabaret".

A "Primary Cabaret" is permitted in the CB-2 zone but cannot be located within 300 feet of any dwelling unit. This proposed cabaret is located within 150 feet of an apartment building located at the intersection of Quarropas and Mamaroneck Avenues.

It should be noted that several attempts were made to have the applicant adjust the cabaret square footage so it could be classified as an "Accessory Cabaret". To date no revised submission has been received by this department.

Based upon the above this Cabaret Special Permit cannot be granted.

Respectfully Submitted



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Damon A. Amadio P.E.  
Commissioner of Building

Date: September 24, 2015  
(for the October 5, 2015 Common Council meeting)

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS DENYING THE APPLICATION SUBMITTED ON BEHALF OF ICHIRO ASIAN FUSION INC. ("APPLICANT") FOR A ONE YEAR SPECIAL PERMIT TO OPERATE A "PRIMARY CABARET" AT "ICHIRO" RESTAURANT SITUATED AT 80 MAMARONECK AVENUE (SECTION 125.75, BLOCK 7, LOT 2) IN ACCORDANCE WITH SECTION 6.7.10.2 OF THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS.

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

WHEREAS, the Common Council of the City of White Plains, at a meeting held on August 4, 2014, received a communication from the Commissioner of Building, dated July 24, 2014, forwarding an application submitted on behalf of Ichiro Asian Fusion, Inc. ("Applicant") for Ichiro Restaurant, for approval by the City of White Plains of a one year special permit to allow a cabaret use at 80 Mamaroneck Avenue; and

WHEREAS, the premises is designated on the Official Tax Assessment Map of the City of White Plains as Section 125.75, Block 7, Lot 2; and

WHEREAS, the premises is situated in the CB-2 (Core Business-2 ) Zoning District

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in which a cabaret is a special permit use; and

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

WHEREAS, the Application included the following documents:

A. A cover letter from G. Alexander Jenkins, Esq., on behalf of the Applicant, dated April 25, 2014, requesting a special permit to operate a cabaret at 80 Mamaroneck Avenue; and

B. A letter from Mr. Jian Ping Chen, dated April 25, 2014, President, Ichiro Restaurant, on behalf of the Applicant; and

C. A Building Permit Short Form application dated March 28, 2014; and

D. A letter dated November 6, 2013, from Silverman Realty Group, Inc., owner of the property located at 80-82 Mamaroneck Avenue, stating that the corporation is aware that the Ichiro Asian Fusion, Inc will be submitting an application for a cabaret license at 80-82 Mamaroneck Avenue; and

E. A short form Environmental Assessment Form (EAF) dated April 25, 2014, certified by Mr. Jian Ping Chen, on behalf of the Applicant; and

F. Architectural plans, drawings OC-1 and OC-2, entitled, respectively, “Restaurant Table & Chairs Occupancy Plan,” and “Cabaret Plan,” as prepared by Mileto Architectural Associate, D.P.C., last dated, respectively, February 12, 2014 and July 23, 2014; and

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

G. A copy of a Liquor License issued by the New York State Liquor Authority to the Applicant with an expiration date of 12/31/2014; and

WHEREAS, at its August 4, 2014 meeting, the Common Council referred the application for a special permit to operate a cabaret to various City departments, boards, commissions, officers, and the Westchester County Planning Board for review, comments and recommendations, in accordance with the Zoning Ordinance; and

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

WHEREAS, at its October 6, 2014 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to November 3, 2014; and

WHEREAS, at its November 3, 2014 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to December 1, 2014; and

WHEREAS, at its December 1, 2014 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to January 5, 2015; and

WHEREAS, at its January 5, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to February 2, 2015; and

WHEREAS, at its February 2, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to March 2, 2015; and

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

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

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

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

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

WHEREAS, at its March 2, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to April 6, 2015; and

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

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

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

WHEREAS, at its April 6, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to May 4, 2015; and

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

hearing to May 4, 2015; and

WHEREAS, at its May 4, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing to May 12, 2015; and

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

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

WHEREAS, at its May 12, 2015 special meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing on the application to June 1, 2015; and

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

WHEREAS, at its June 1, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing on the application to July 6, 2015; and

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

WHEREAS, at its July 6, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing on the application to August 3, 2015; and

WHEREAS, at its August 3, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then adjourned the public hearing on the application to September 8, 2015; and

WHEREAS, at its September 8, 2015 meeting, the Common Council opened the duly noticed public hearing, afforded the Applicant and the public the opportunity to present testimony in relation to the Special Permit application, and then closed the public hearing on the application; and

WHEREAS, the Common Council, at its October 5, 2015 meeting, received a

communication in relation to the Special Permit application from the Commissioner of Building dated September 24, 2015; and

WHEREAS, the Commissioner of Building, in a communication dated September 24, 2015, noted that the Ichiro Restaurant occupies approximately 4,400 square feet (total gross floor area) on the ground floor of 80 Mamaroneck Avenue; the ground floor spaces houses a kitchen, a dining area, and a bar; and

WHEREAS, the Commissioner of Building also stated in a communication dated September 24, 2015, in conformance with the new Zoning Ordinance provisions, that the business operates seven (7) days a week and is engaged in preparing food which is served to patrons seated at tables and that patrons select food from a full menu and table service is accommodated via a wait staff; and

WHEREAS, the Commissioner of Building notes in the communication dated September 24, 2015, that the Zoning Ordinance now categorizes a cabaret as one of two types: (1) an "Accessory Cabaret" in which the entertainment and/or dancing, do not, in the aggregate, occupy more than 40% of the net floor area of the principal business of a restaurant; or (2) a "Primary Cabaret," in which the entertainment and/or dancing, in the aggregate, occupy more than 40% of the "Net Floor Area" of the principal business of a "Restaurant;" the "Net Floor Area" is defined as the "floor area of a premises open to the public excluding bathroom facilities;" and

WHEREAS, the Commissioner of Building states in a communication dated

September 24, 2015, that based upon the Applicant's drawing submission dated February 12, 2014, the net floor area of Applicant's restaurant space is calculated to be approximately 3,000 square feet; and

WHEREAS, the Commissioner of Building further states in his September 24, 2015 communication, that the Department of Building has calculated that the Applicant is proposing to dedicate approximately 1,430 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation, which equates to approximately 48% of the net floor area;; and

WHEREAS, the Commissioner of Building concludes in a communication dated September 24, 2015, that as the establishment is a restaurant with entertainment and /or dancing that occupies more than 40% of the net floor area, it is classified as a "Primary Cabaret;" and

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

WHEREAS, as the Commissioner of Building notes in his September 24, 2015 communication that while a "Primary Cabaret" is permitted in the CB-2 Zoning District, such cabaret cannot be located within 300 feet of any dwelling unit; and

WHEREAS, the Commissioner of Building further states that since the proposed cabaret is located within 150 feet of an apartment building located at the intersection of Quarropas and Mamaroneck Avenues, the cabaret special permit cannot be granted based on the Zoning

Ordinance provisions; and

WHEREAS, the Commissioner of Building also notes in his communication dated September 24, 2015, that several attempts were made to have the Applicant adjust the cabaret square footage so it could be classified as an “Accessory Cabaret,” but to date, no revised submission has been received by the Department of Building.

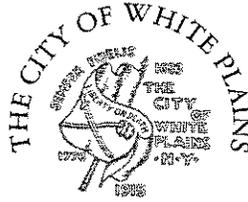
NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Building has determined that the drawings submitted by the Applicant meet the requirements for a “Cabaret, Primary” as that term is defined under Section 2.4 of the Zoning Ordinance, since the Application includes “a ‘cabaret’ in which the entertainment and/or dancing, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a ‘restaurant;’ ” and be it further

RESOLVED, that while a “Primary Cabaret” is permitted in the CB-2 Zoning District, such cabaret cannot be located within 300 feet of any dwelling unit in accordance with Section 6.7.10.2 of the Zoning Ordinance; and be it further

RESOLVED, that since the Special Permit Application as submitted for a proposed cabaret use at 80 Mamaroneck Avenue is situated within 150 feet of an apartment building located at the intersection of Quarropas and Mamaroneck Avenues, the Application for a special permit for a cabaret use is hereby denied based on Section 6.7.10.2 of the Zoning Ordinance.

THOMAS M. ROACH  
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601

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

Damon A. Amadio, P.E.  
Commissioner

Kevin M. Hodapp, P.E.  
Deputy Commissioner

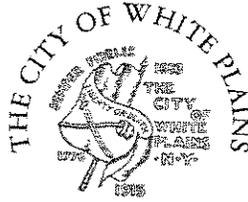
TO THE HONORABLE THOMAS M. ROACH, MAYOR  
AND MEMBERS OF THE COMMON COUNCIL OF THE  
CITY OF WHITE PLAINS

Per referral by the Common Council on August 4, 2015, the Department of Building has reviewed a request by Westchester Healthcare Properties I, LLC. for an extension of the site plan approval for their project at 120 Church Street.

This department has no objection to this extension being granted.

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

Dated: August 24, 2015  
(for the September 8, 2015, Common Council Meeting)



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601

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

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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 16, 2015

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on September 14, 2015, reviewed a proposed Site Plan extension for White plains Healthcare Properties located at Church St & Barker Ave, White Plains, NY.

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

**Norman DiChiara**

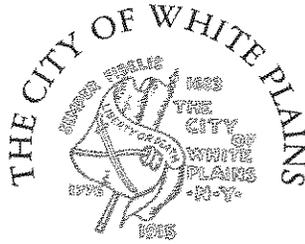
Norman DiChiara, Chairman

Design Review Board

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

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**PLANNING DEPARTMENT**

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

THOMAS M. ROACH  
MAYOR

CHRISTOPHER N. GOMEZ, AICP  
COMMISSIONER

LINDA K. PUOPLO  
DEPUTY COMMISSIONER

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

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

**Application**

The Building Department received a letter dated July 21, 2015 from DeBello, Donnellan, Weingarten, Wise and Wiederkehr LLP on behalf of White Plains Healthcare Properties I, LLC (the "Applicant"), requesting a one-year extension of the Special Permit and Site Plan Approval for a skilled nursing and rehabilitation facility at 120 Church Street (SBL: 125.67-3-1).

**Project Summary**

The Applicant intends to build a skilled nursing and rehabilitation facility to be known as the White Plains Institute of Rehabilitation and Healthcare, located at 120 Church Street. The facility will consist of a five (5) story, approximately 88,000 square foot building that will house 160 beds and include administrative and staff offices, common dining and recreation facilities, a second and third level roof garden, a rehabilitation gym, and parking garages.

**Project History**

On February 7, 2011, the Common Council granted special permit and site plan approvals for a 180 bed facility, which approvals were extended and subsequently amended on August 5, 2013 to reduce the number of beds from 180 to 160; reduce the number of stories from six to five, reduce the height from 78 feet to 65 feet; reduce the parking levels from two to one; reduce the floor area from 96,989 sf to 88,605 sf; and increase the number of on-site parking spaces from 29 to 49. The Applicant has stated that, since the time that the approvals were granted, they have been working toward obtaining the financing necessary to begin construction. There have been no changes to the project since the August 5, 2013 approval. That approval of the amended site plan was extended on October 6, 2014.

**Recommendation**

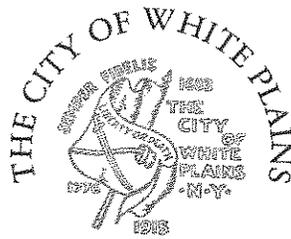
The Planning Department has no objection to a one-year extension of the amended Special Permit and Site Plan approval granted by the Common Council on August 5, 2013, and extended on October 6, 2014, as no changes are proposed to the plan, and there have been no changes in the area that would cause the Department to reconsider its previous recommendation finding no objection to extension.

Respectfully submitted,



Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: September 23, 2015  
For the October 5, 2015 Common Council Meeting



**PLANNING BOARD**

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

THOMAS M. ROACH  
MAYOR

MICHAEL QUINN  
CHAIRMAN

CHRISTOPHER GOMEZ, AICP  
COMMISSIONER OF PLANNING

LINDA PUOPLO  
DEPUTY COMMISSIONER

EILEEN McCLAIN  
SECRETARY

September 24, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

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

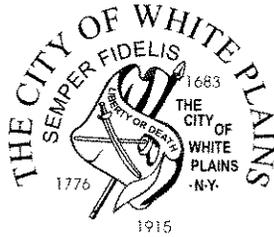
At its September 17, 2015 meeting, the Planning Board reviewed the application for a one year extension of the Special Permit and Site Plan approvals granted by the Common Council in February 2011, amended in August 2013, and extended in October 2014. No changes are proposed to the project since that approval.

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

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

Respectfully submitted,

**MICHAEL QUINN**  
Michael Quinn, Chairman  
White Plains Planning Board



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

THOMAS M. ROACH  
Mayor  
422-1200

JAMES M. BRADLEY  
Chief of Police  
422-6230

DAVID E. CHONG  
Commissioner  
422-6350

RICHARD L. LYMAN  
Fire Chief  
422-6360

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

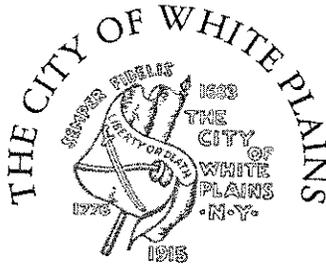
Westchester Healthcare Properties  
Site Plan Extension  
Church Street & Barker Avenue



David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: August 18, 2015



**DEPARTMENT OF PUBLIC WORKS**

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

**THOMAS M. ROACH**  
MAYOR

**RICHARD G. HOPE**  
ACTING COMMISSIONER

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

We have reviewed a request by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP on behalf of White Plains Healthcare Properties I, LLC for an one (1) year extension of the Site Plan approvals for the development of a five (5) story skilled nursing facility to house 160 beds, including an underground parking garage at the corner of Church Street and Barker Avenue.

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

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

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

- The City of White Plains has formally adopted a Complete Streets ordinance which was made part of the Municipal Code. While many of these principles have been previously implemented by DPW within the right-of-way, the pedestrian component of this project must be reconsidered, in one part, due to the close proximity of a Senior Housing facility. The applicant proposes to remove and discard the bench presently located within the right-of-way of Church Street. The project must include provisions to replace this bench as well as furnish an additional bench on the Barker Ave. side, within the right-of-way. The location and design standards of the benches will be as directed by DPW.

Pursuant to the Site Plan and Special Permit approval in 2011 including the extensions granted, the applicant has incorporated changes and further refinement of the plans resulting from input received from various entities such as the New York State Department of Health, the City's professional staff, boards and agencies. The DPW comments stated in the Common Council resolution have not been incorporated on the plans, nor has the supporting information been provided. These comments critically

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affect the infrastructure requirements and right-of-way improvements required for the project, which includes the City's streetscapes treatment; i.e. promenade type sidewalk lighting, etc. The applicant must address DPW's comments well in advance of the Building Dept. permitting stage to avoid a delay in the onset of construction.

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

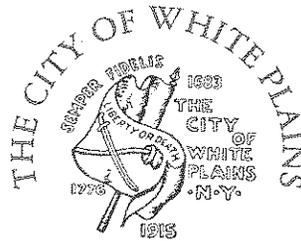
Respectfully submitted,

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

Richard G. Hope  
Acting Commissioner of Public Works

Dated: August 25, 2015

**THOMAS M. ROACH**  
MAYOR



**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

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

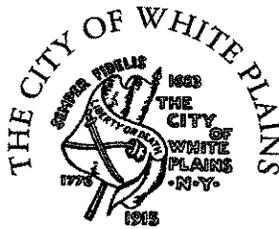
TO THE HONORABLE MAYOR THOMAS M. ROACH AND MEMBERS  
OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Parking Department/Traffic Division has reviewed the request an extension of the resolution granting Site Plan approval for 120 Church Street (White Plains Healthcare Properties) and referred by the Common Council on August 3, 2015.

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

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

Dated: August 19, 2015  
(for the September 8, 2015 Common Council Meeting)



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

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THOMAS M. ROACH  
MAYOR

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

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

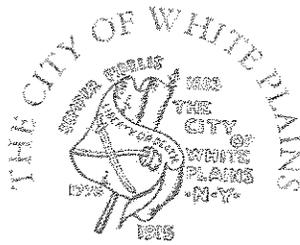
The Traffic Commission, at its meeting held on August 19, 2015, reviewed a request from White Plains Healthcare Properties (116-120 Church Street), for a special permit and site plan approval extension as referred by the Common Council on August 3, 2015.

The Transportation Commission had no objection to granting the extension.

  
\_\_\_\_\_  
for Thomas Soyk, PE, PTOE  
Acting Chairman

Dated: August 26, 2015 (for the September 8, 2015 Common Council Meeting)

**THOMAS M. ROACH**  
MAYOR



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

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

**JOHN P. LARSON**  
COMMISSIONER

**JOHN FUERST**  
DEPUTY COMMISSIONER

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

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

**RE: #56 – White Plains Healthcare Properties I, LLC  
Application for Site Plan Extension  
120 Church Street (Corner of Church and Barker)**

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

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

Respectfully submitted,

John P. Larson  
Commissioner of Parking

Date: September 8, 2015

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Robert P. Astorino  
County Executive

County Planning Board

August 10, 2015

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

Dear Ms. McPherson:

Thank you for the notification concerning the following proposed action:

Project Name/File Number:	<b>Westchester Healthcare Properties — WHP 15-011</b>
Action:	<b>One-Year Extension of Site Plan and Special Permit Approvals</b>
Location:	<b>116-120 Church Street</b>

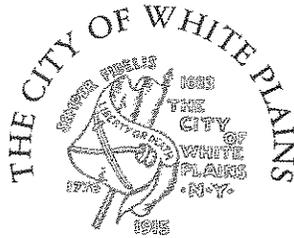
We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the extension of these existing approvals are a matter for local determination in accordance with your community's planning and zoning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

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:  
Edward Buroughs, AICP  
Commissioner

EEB/LH



**ENVIRONMENTAL OFFICER**

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

(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH  
MAYOR

ROD JOHNSON  
ENVIRONMENTAL OFFICER

September 22, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

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

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

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

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

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

At its October 6, 2014 meeting, the Common Council granted a one year extension to the site plan approval ("2014 Approval").

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

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

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

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The previous 2014 Approval and the current Proposed Action requires the following approval actions:

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

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

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

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

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

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

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

Protocol as provided herein.

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

conformance with DPW standards regardless of what may be shown or omitted on the plan, i.e. all signs must be placed within private property.

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

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

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

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

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, the City of White Plains has formally adopted a Complete Streets policy. While many of these principles have been previously implemented by the Department of Public Works within the right-of-way, the pedestrian component of this project must be reconsidered, in one part, due to the close proximity of a Senior Housing facility. The Applicant proposes to remove and discard the bench presently located within the right-of-way of Church Street. The project must include provisions to replace this bench as well as furnish an additional bench on the Barker Avenue side, within the right-of-way. The location and design standards of the benches will be as directed by the Department of Public Works.
3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013 and September 2, 2014, pursuant to the Site Plan and Special permit approval in 2011, and the extension granted in 2012 and 2013, the Applicant has incorporated changes and further refinement of the plans resulting from input received from various entities such as the New York State Department of Health, the City's professional staff, boards and agencies. The Department of Public Works comments stated in the Common Council resolution have not been incorporated on the plans, nor has the supporting information been provided. These comments critically affect the infrastructure requirements and right-of-way improvements required for the project, which includes the City's streetscapes treatment i.e. promenade type sidewalk lighting, etc. The Applicant must address the Department of Public Works' comments well in advance of the Building Department permitting stage to avoid a delay in the onset of construction.
4. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the two-way entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of two-way operation. All other site markings shall be white except for the handicap space markings which shall be blue. Colors for markings must be indicated on the plans.
5. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There must instead be a stop sign and stop line for traffic exiting the covered parking. There must also be a stop sign (located near the crossing of the sidewalk) and stop line for the driveway exit at Barker Avenue. Stop lines must be at a minimum of four (4) feet behind the crosswalk or sidewalk.
6. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there are two corrections for the signs on sheet C1.02. The sign "G" shall be 24" x 30" in size. The sign "H" shall be colors of white on green.

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

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

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

Since the August 5, 2013 approval, the project has not been changed and there are no other relevant changes in circumstances related to the project.

Based on the above discussion, it is recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings adopted for the 2014 Approval; (d) reconfirm the SEQRA findings adopted October 6, 2014; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment.

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

Respectfully submitted,



Rod Johnson  
Environmental Officer

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

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

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

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

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

WHEREAS, at its October 6, 2014 meeting, the Common Council granted a one year extension to the site plan approval ("2014 Approval"); and

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

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

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

WHEREAS, the previous 2014 Approval and the current Proposed Action requires the following approval actions:

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

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

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

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

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

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

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

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

1. The Common Council has hereby approved the terrace, as shown on the Final Application plans, on the Church Street side of the proposed project site. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, the proposed terrace at the Barker Avenue/Church Street corner is specifically not approved as it is inconsistent with Section 4.4.14.3 of the Zoning Ordinance and will therefore require a variance from the Board of Appeals (Zoning) to project into the required yards.
2. The Common Council has hereby approved the projection of the canopy up to three feet into the front yard setback on Barker Avenue and side yard setback on Church Street. As per the communications of the Commissioner of Building dated January 31, 2011 and the Commissioner of Planning, dated January 30, 2011, there is an architectural canopy proposed that projects from the building face above the terrace. A variance from the Board of Appeals (Zoning) will also be required to allow this projection into the required yards to extend beyond three feet into the required yard setback.
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7. As per the communication of the Chair of the Design Review Board dated November 12, 2010, the lower wall face below the patio on Church Street shall be brick.
8. As per the communication of the Commissioner of Planning dated January 30, 2011, while the design and operation of the exterior loading and refuse collection area being provided on the site have been reviewed by the Departments of Traffic and Public Works, and the Traffic Commission, the final design shall be subject to the review and approval by the Commissioners of Traffic, Planning, and Public Works if City garbage and recycling collection will be utilized.
9. As per the communication of the Commissioner of Planning dated January 30, 2011, the Landscape Design plan (L1.01) shows a drop curb at the driveway access and egress areas on both Church Street and Barker Avenue. These drop areas shall be level with the sidewalk so that the driveways do not create a cross slope to the sidewalk as this is necessary to facilitate ease of mobility for automated wheelchairs and for persons pushing a wheelchair. The final sidewalk design plan shall be subject to the approval of the Commissioners of Planning and Public Works to ensure that this issue is addressed.
10. As per the communication of the Commissioner of Planning dated January 30, 2011, all required landscaping shall be properly trimmed and maintained in good condition at all times by the Applicant.
11. As per the communication of the Commissioner of Planning dated January 30, 2011, a final exterior lighting plan showing foot candle levels and cuts of the lighting fixtures must be submitted to the Commissioners of Building and Planning for review and approval prior to the issuance of a Building Permit for the Project.
12. As per the communication of the Commissioner of Planning dated January 30, 2011, screening and sound attenuation of the roof top mechanical units shall be reviewed and approved by the Commissioners of Planning and Building prior to the issuance of a Building Permit.
13. As per the communication of the Commissioner of Planning dated January 30, 2011, the Applicant shall prepare, obtain approval for, and manage the construction of the proposed Project pursuant to

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

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

driveway apron and special sidewalk treatments, etc.

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

greater than 78, which is the LEED standard for a low-sloped roof, with a minimum coverage of 75% of the roof surface; or such roofing system, approved by the Commissioners of Planning and Building which shall otherwise meet the requirements of the LEED - NC version 2.2 Sustainable Sites Credit 7.2 for "Heat Island Effect, Roof;" and

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

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

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

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

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

WHEREAS, the Environmental Officer has recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQR findings for the 2014 Approval; (d) reconfirm the SEQR findings adopted October 6, 2014; and (f) reconfirm that the Proposed Action will not have a significant effect on the environment; and

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

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby reconfirms the

SEQR findings adopted October 6, 2014; and be it further

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

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

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

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

WHEREAS, the Special Permit/Site Plan approval granted on February 7, 2011,

contained the following conditions:

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

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

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

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

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

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

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

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

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

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

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

12. As per the communication of the Commissioner of Planning dated January 30, 2011, screening and sound attenuation of the roof top mechanical units shall be reviewed and approved by the Commissioners of Planning and Building prior to the issuance of a Building Permit.

13. As per the communication of the Commissioner of Planning dated January 30,

2011, the Applicant shall prepare, obtain approval for, and manage the construction of the proposed Project pursuant to a Construction Management Plan meeting the requirements of the Construction Management Protocol as provided herein.

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

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

1. The CMP shall be a written document which includes strict controls on all aspects of the construction, including construction related impacts to adjacent properties, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time public street travel lanes can be

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

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

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

4. The Project Owner shall post on the construction fence along both

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

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

City streets will be booted or towed at the owners expense.

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

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

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

- a. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these

off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

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

- c. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
  
- d. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, and that is not a motor vehicle or vehicle used solely for competition, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
  
- e. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

8. The CMP shall address the maintenance of the property during the construction phase. Prior to the commencement of construction, the Project Owner or any successor or assign shall be required to maintain the property and ensure that the property is clean and free from hazardous conditions.

9. The CMP shall also include a construction waste management and recycling program which shall (1) describe how waste materials and recyclables will be collected and removed from the site, and (2) how recycling of construction debris will be maximized and reused on the site where possible.

B. Since vibration from excavation and construction equipment and work on the project site could have negative impacts on adjacent properties, the Project Owner must take all appropriate steps to avoid impacts to such properties, including (1) pre-disturbance surveys of the directly abutting properties and other properties determined by the Department of Building to be potentially impacted; (2) use of procedures approved by the Departments of Public Safety and Building for any rock chipping or pile driving, sheeting and shoring around the excavation area if necessary; and (3) any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. It is further necessary that in developing

the excavation and construction procedures, the Project Owner will be required to (1) consult with residents within the construction impact area, on their needs and concerns, and (2) provide adequate understanding and ensure proper notice to these owners.

C. If blasting is to occur, the CMP shall be immediately amended to include the City's Blasting Protocol. No blasting is anticipated with this Construction Project.

D. As to "fugitive dust," the Project Owner must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer, and this must be summarized in the CMP.

E. Hours of permitted construction work shall be determined in advance with the Commissioners of Public Safety, Building and Public Works, and shall be recorded in the CMP, and be strictly enforced.

F. Prior to the issuance of any building or excavation permits, the Project Owner and its construction management team, including principal contractors, must meet together with representatives of the City departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the CMP and to ensure that all responsible parties understand their responsibilities under that Plan.

G. The Project Owner shall be responsible to ensure that all streets and/or roadway

infrastructure which are damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the Project Owner for such damage as is not covered by the bond or insurance. After all underground utility work is completed and accepted, and construction vehicles have completed their work on the project, repair of streets shall be undertaken by the Project Owner to include, as directed by the Commissioner of Public Works, milling and resurfacing of the pavement on the affected portions of the City's street(s) and shall be undertaken by the Project Owner at the Project Owners sole cost and expense.

H. The City of White Plains Standard Construction Details and Specifications shall be used and supercede any other details or specifications that may have been used by the Project Owner.

I. Existing unsuitable fill shall be removed from the site and appropriately disposed. Fill used on the site should come, to the maximum extent feasible, from other locations being excavated on the site. If any fill is brought from off-site, the Commissioner of Public Works must be notified in advance and all requirements of the City's Department of Public Works must be complied with, to ensure that only clean fill is brought to the site.

J. The Project Owner and the designated Construction Manager shall conduct a neighborhood meeting in advance of the commencement of construction.

K. The Project Owner shall provide to the building managers of residential buildings within 500 feet of the project site a list of contact numbers, including that of the owner and Construction Manager.

L. The Project Owner shall submit, as part of the CMP, a plan for pre-construction and during construction rodent control. Once approved, this rodent control plan shall be maintained in effect during the entire construction phase.

M. During the period of construction adjacent to and in the public right of way of Church Street or Barker Avenue, at the Project Owner's sole cost and expense, a public safety person, by the Commissioners of Public Safety and Public Works, shall be assigned to provide traffic management.

15. As per the communication of the Commissioner of Planning dated January 30, 2011, prior to the issuance of a Building Permit, at the time plans are submitted for building permits, the Applicant must present to the City a more detailed report from a LEED® certified architect or engineer explaining how the LEED® Certification standards shown in the attached checklist have been met or exceeded in the final design of the project, and submit a further report to the City, from a LEED® certified architect or engineer, prior to the issuance of a temporary or permanent Certificate of Occupancy, on the final LEED® standards met by the Project.

16. As per the communication of the Commissioner of Public Works dated February

7, 2011, the Stormwater Pollution Prevention Plan (SWPPP) was received on January 18, 2011, reviewed and approved by that department. As the design and construction plans are further developed, the Department of Public Works expects to see additional measures in the area of “green” stormwater control and usage.

17. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant must provide a certified property survey from a New York State licensed land surveyor.

18. As per the communication of the Commissioner of Public Works dated February 7, 2011, the Applicant’s M.E.P. engineer of record (EOR) for the building’s mechanical systems must submit design calculations to disclose the particular methodology used to arrive at the required size of the water and sanitary sewer service lines. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The EOR is the Applicant’s New York State licensed design professional responsible for insuring the project’s service lines are adequate for its intended inhabitants and uses. The Applicant shall include the sizing methodology to determine the total amount of potable water demand and the sewage effluent flow as well as the stormwater flow from the building, to confirm that the sizes of the water and sewer service lines are designed to meet current New York State Plumbing Code requirements. When the final sizing of the building’s service line(s) is determined by the Applicant’s EOR, the Commissioner of Public Works shall have sole discretion to determine the nature and degree of upgrading (if necessary) for the City’s infrastructure, and such improvements are to be the responsibility of the Applicant.

19. As per the communication of the Commissioner of Public Works dated February 7, 2011, the sidewalk improvements include using the City's "promenade" type (stamped concrete) treatment and the installation of new granite curbing, as well as the installation of new LED Lumec style lighting standards as determined by the Commissioner of Public Works.

20. As per the communication of the Commissioner of Public Works dated February 7, 2011, there are a number of technical items that must be addressed prior to the issuance of any Building Department permits, *i.e.* construction level stormwater comments, including dewatering, sanitary sewer service line aerated grease trap, number of water service connections (two required) and water valve configurations with proposed interconnect, plantings, grading and location of sidewalk within the municipal right-of-way, size of drain line within the building for the backflow prevention device(s), driveway apron and special sidewalk treatments, etc.

21. As per the communication of the Commissioner of Public Works dated February 7, 2011, all construction under the jurisdiction of the Department of Public Works (DPW) must be in conformance with DPW standards regardless of what may be shown or omitted on the plan, *i.e.* all signs must be placed within private property.

22. As per the communication of the Commissioner of Public Works dated February 7, 2011, backflow devices must be installed on the fire and domestic services. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional

engineer and submitted to DPW for review and subsequent final approval by the Westchester County Department of Health. The floor drain for said room must be adequate to comply with DPW and Westchester County Health Department standards.

23. As per the communication of the Commissioner of Public Works dated February 7, 2011, although the Applicant states that a private carter will be utilized for trash and recycling pick-up, the Applicant must amend its Solid Waste Management Plan. In particular, the Applicant must disclose the routing plan for removal of the waste to the collection point by the private carter.

24. As per the communication of the Commissioner of Public Works dated February 7, 2011, the construction of all stormwater facilities must be under the supervision of the stormwater design EOR, and an as-built must be provided to the DPW, signed and sealed by this engineer, or by a New York State licensed land surveyor.

25. As per the communication of the Commissioner of Public Works dated February 7, 2011, a required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be complete in accordance with the City's requirements and coordinated with the Corporation Counsel. A typical escrow account must be established for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the Applicant fail to be responsive. Further, the DPW shall receive 20% of all costs as

an administrative fee.

26. A snow removal plan shall be submitted by the Applicant for approval to the Commissioner of Public Works prior to the issuance of a Building Permit.

27. As per the communication of the Environmental Officer dated February 1, 2011, the proposed on-site storm drains connect to the municipal drainage system which flow to the Bronx River. To help prevent water pollution and discourage deposition of waste chemicals and trash, all catch basins and area drains shall incorporate the City's "Eco-drain" standard which includes the environmental inscription "DUMP NO WASTE - DRAINS TO LOCAL RIVER" permanently cast into the curb plate or grating.

28. As per the discussion at the public hearing held by the Common Council on January 3, 2011, including statements from representatives of the Applicant, the roof above the sixth floor shall be a white roof constructed from roofing materials having a Solar Reflectance Index (SRI) equal to or greater than 78, which is the LEED® standard for a low-sloped roof, with a minimum coverage of 75% of the roof surface; or such roofing system, approved by the Commissioners of Planning and Building which shall otherwise meet the requirements of the LEED® - NC version 2.2 Sustainable Sites Credit 7.2 for "Heat Island Effect, Roof;" and

WHEREAS, by letter dated January 19, 2012, Mark P. Weingarten, Esq., of the law firm of DelBello, Donnellan Weingarten Wise & Wiederkehr, LLP, counsel for the Applicant,

requested a one (1) year extension of the Special Permit/Site Plan for the skilled nursing and rehabilitation facility previously approved by the Common Council on February 7, 2011, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"); and

WHEREAS, on April 2, 2012, the Common Council of the City of White Plains, after adopting environmental findings, approved the Applicant's request for a one (1) year extension of the aforementioned Special Permit/Site Plan, subject to the Applicant's compliance with all of the applicable conditions contained in the February 7, 2011 resolution, and subject to the Applicant's compliance with the following additional condition set forth in the communication dated March 5, 2012, from the Commissioner of Public Works:

Regulations governing stormwater have become progressively more strict and have been updated by the New York State Department of Environmental Conservation (NYSDEC). Any and all new Federal, State or local requirements and fees in effect at the time of the subsequent issuance of any Building Department permit shall apply. This includes new regulations adopted by the City of White Plains and/or NYSDEC; and

WHEREAS, the resolution adopted April 2, 2012, granting a one (1) year extension of the approved Special Permit/Site Plan for 116-120 Church Street expired February 4, 2013; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on February 4, 2013, received a communication from the Commissioner of Building, dated January 31, 2013, forwarding an application submitted on behalf of the Applicant, Westchester Healthcare Properties, LLC, for an additional one (1) year extension of the approved Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, originally approved on February 7, 2011, and extended for one (1) year on April 2, 2012, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"); and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on March 4, 2013, also received a communication from the Commissioner of Building dated February 25, 2013, forwarding an application, submitted on behalf of the Applicant Westchester Healthcare Properties, LLC, to amend the approved Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, including (1) reducing the number of beds from 180 to 160; (2) reducing the height of the building from 6 to 5 stories; (3) reducing the height of the building from 78 feet to 65 feet; (4) reducing the parking levels from two (2) levels to one (1) level; (5) reducing the number of on-site parking spaces from 52 spaces to 25 spaces and requesting payment of a fee-in-lieu for the twenty-eight (28) spaces not provided; (6) increasing the basement space to accommodate additional building support space; (7) reducing the gross floor area from 96,989 square feet to 88,605 square feet; (8) eliminating a curb cut on Barker Avenue so that a total of three (3) curb cuts remain; one on Barker Avenue and two on Church Street; (9) adding a rehabilitation gym over the garage at the second level roof garden and including a new additional

roof garden on the third level; and

WHEREAS, the Applicant subsequently revised the aforementioned Special Permit/Site Plan amendment application by expanding the basement of the proposed building to increase the number of on-site parking spaces from twenty-eight (28) to forty-nine (49) and requesting a “fee-in-lieu” payment for the balance of the remaining four (4) required parking spaces; and also including the following modifications: (1) reconfiguring the massing at the rear corner of the building to accommodate the new garage entry ramp; (2) relocating the “back of house” support space from its former location at the basement level to the ground floor level; (3) reconfiguring the ambulance space, roof garden stair and garage entry access to allow the creation of additional surface parking spaces (included in the 49 above-described parking spaces); relocating the loading access from the former ground level garage to the rear alley of the building; (4) replacing the previously proposed garage ventilation louvers on the building exterior with recessed brick masonry; and (5) incorporating several architectural modifications requested by the Design Review Board, including (A) the addition of decorative pedestal lighting along the Barker Street sidewalk; (B) the relocation of building mounted lighting (at the rear of the building) to the retaining wall to ensure that light shines toward the proposed building and away from the adjacent residential property; ( C ) the addition of tinted glazing at all stairwell windows; and (D) the addition of windows and architectural detail on the previously blank wall at the rear of the building; and

WHEREAS, on August 5, 2013, the Common Council of the City of White Plains, after conducting a duly noticed public hearing, and adopting environmental findings, approved an

additional one (1) extension to the Special Permit/Site Plan originally granted to the Applicant on February 7, 2011, and extended for one (1) year by resolution adopted April 2, 2012, for a skilled nursing and rehabilitation facility to be known as the White Plains Institute of Rehabilitation and Healthcare to be located at 116-120 Church Street, and also approved an amendment to modify the approved and extended Special Permit/Site Plan, including (1) reducing the number of beds from 180 to 160; (2) reducing the height of the building from 6 to 5 stories; (3) reducing the height of the building from 78 feet to 65 feet; (4) reducing the parking levels from two (2) levels to one (1) level; (5) increasing the number of on-site parking spaces from 28 to 49 spaces and requesting a “Fee-in-Lieu” payment for the balance of the required 4 spaces; (6) increasing the basement space; (7) reducing the gross floor area from 96,989 square feet to 88,605 square feet; (8) eliminating the curb cut on Barker Avenue; (9) adding a rehabilitation gym over the garage at the second level roof garden and including a ne additional roof garden on the third level; (10) reconfiguring the massing at the rear end corner of the building to accommodate the new garage entry ramp; (11) relocating the “back of house” support space from the basement level to the ground floor level; (12) relocating the loading access from the ground level garage to the rear alley of the building; and (13) several architectural modifications; and

WHEREAS, the aforementioned extension and amended Special Permit/Site Plan approval adopted August 5, 2013, contained the following additional conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013, regulations governing stormwater has become more strict

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

2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013, the City of White Plains has formally adopted a Complete Streets policy. While many of these principles have been previously implemented by the Department of Public Works within the right-of-way, the pedestrian component of this project must be reconsidered, in one part, due to the close proximity of a Senior Housing facility. The Applicant proposes to remove and discard the bench presently located within the right-of-way of Church Street. The project must include provisions to replace this bench as well as furnish an additional bench on the Barker Avenue side, within the right-of-way. The location and design standards of the benches will be as directed by the Department of Public Works.

3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated August 5, 2013, pursuant to the Site Plan and Special Permit approval in 2011, and the extension granted in 2012, the Applicant has incorporated changes and further refinement of the plans resulting from input received from various entities such as the New York State Department of Health, the City's professional staff, boards and agencies. The Department of

Public Works comments stated in the Common Council resolution have not been incorporated on the plans, nor has the supporting information been provided. These comments critically affect the infrastructure requirements and right-of-way improvements required for the project, which includes the City's streetscapes treatment *i.e.* promenade type sidewalk lighting, etc. The Applicant must address the Department of Public Works' comments well in advance of the Building Department permitting stage to avoid a delay in the onset of construction.

4. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the two-way entrance and exit roadway connecting to Church Street shall be marked with a double yellow line for its entire length of two-way operation. All other site markings shall be white except for the handicap space markings which shall be blue. Colors for markings must be indicated on the plans.

5. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there is no need for a stop line as shown on sheet C1.02 for the entering traffic. There must instead be a stop sign and stop line for traffic exiting the covered parking. There must also be a stop sign (located near the crossing of the sidewalk) and stop line for the driveway exit at Barker Avenue. Stop lines must be at a minimum of four (4) feet behind the crosswalk or sidewalk.

6. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, there are two

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

7. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the handicap parking spaces must be signed with the appropriate sign from the NYSDOT MUTCD. The handicap loading areas (cross hatching next to spaces) must be signed as "No Parking."

8. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering dated June 13, 2013, the one-way flow must be signed, particularly at the aisle intersection near the ramp. The turning radius for getting onto the ramp from the parking must be improved or exiting traffic will conflict with entering traffic at the base of the ramp; and

WHEREAS, the resolution adopted August 5, 2013, granting a one extension of the approved Special Permit/Site Plan and amendment to same for 116-120 Church Street expired August 4, 2014; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on August 4, 2014, received a communication from the Commissioner of Building, dated July 29, 2014, forwarding an application in the form of a letter dated July 25, 2014, from Mark P. Weingarten, Esq., of the law firm of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, counsel for the

Applicant, White Plains Healthcare Properties I, LLC, requesting an additional one (1) year extension of the approved amended Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, originally approved on February 7, 2011, extended for one (1) year on April 2, 2012, and extended and amended on August 5, 2013, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance; and

WHEREAS, on October 6, 2014, the Common Council, after adopting environmental findings, approved the Applicant's request for an additional one (1) year extension of the approved Special Permit/Site Plan, subject to the Applicant's compliance with all of the applicable conditions contained in the February 7, 2011 resolution, April 2, 2012 resolution, and August 5, 2013 resolution; and

WHEREAS, the resolution adopted October 6, 2014, granting a one (1) year extension of the approved Special Permit/Site Plan and amendment to same for 116-120 Church Street expired on August 3, 2015; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on August 3, 2015, received a communication from the Commissioner of Building, dated July 21, 2015, forwarding an application in the form of a letter dated July 21, 2015, from Mark P. Weingarten, Esq., of the law firm of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, counsel for the Applicant, White Plains Healthcare Properties I, LLC, requesting an additional one (1) year

extension of the approved amended Special Permit/Site Plan for a skilled nursing and rehabilitation facility at 116-120 Church Street, originally approved on February 7, 2011, extended for one (1) year on April 2, 2012, and extended and amended on August 5, 2013, and extended on October 6, 2014, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance; and

WHEREAS, the request for the one (1) year extension of the approved amended Special Permit/Site Plan was referred by the Common Council at its meeting of August 3, 2015, to the Departments of Law, Building, Planning, Public Safety, Public Works, Traffic and Parking, and the Planning Board, Design Review Board, Transportation Commission, Environmental Officer and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at a meeting held on October 5, 2015, in relation to the one (1) year extension of the amended Special Permit/Site Plan application, received communications from the Commissioner of Building dated August 24, 2015; the Commissioner of Planning, dated September 23, 2015; the Acting Commissioner of Public Works, dated August 25, 2015; the Commissioner of Public Safety, dated August 18, 2015; the Commissioner of Parking, dated September 8, 2015; the Deputy Commissioner of Parking for Transportation Engineering, dated August 19, 2015; the Chair of the Planning Board, dated September 24, 2015; the Acting Chair of the Transportation Commission, dated August 26, 2015; the Chair of the Design Review Board, dated September 16, 2015; the Environmental Officer, dated September 22, 2015; and the

Westchester County Planning Board, dated August 10, 2015; and

WHEREAS, the then Acting and now Commissioner of Public Works, in a communication dated August 25, 2015, re-confirmed the recommendations set forth in a communication from the then Commissioner of Public Works dated August 5, 2013, incorporated as Conditions 1 through 3 of the extension and amended Special Permit/Site Plan approval resolution adopted August 5, 2013; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, boards, commissions, and officers and the Westchester County Planning Board and has reviewed and considered the one (1) year extension of the amended Special Permit/Site Plan application, with respect to the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 4, 6, 7 and 8, and the 1997 Comprehensive Plan and the 2006 Plan Update, adopted by the Common Council on July 11, 2006; and

WHEREAS, the Applicant received the necessary variances for the project from the (Zoning) Board of Appeals on October 5, 2011, which were extended by the Board of Appeals until March 31, 2016; and

WHEREAS, the Applicant's counsel in a letter dated July 21, 2015, states that since the time that the approvals were granted, the Applicant has been diligently working toward obtaining the financing necessary to begin construction of the project, and intends to commence construction

of the project upon closing on the financing; and

WHEREAS, the Applicant has paid its required fee pursuant to Section 11.5 of the Zoning Ordinance for this instant application herein to extend for one (1) year an amended Special Permit/Site Plan approval; and

WHEREAS, in relation to the one year extension application (“Proposed Action”), the Environmental Officer, in a communication dated September 22, 2015, has recommended in accordance with the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), that the Common Council reconfirm itself to serve as Lead Agency for the environmental review of the Proposed Action; reconfirm the Proposed Action to be an Unlisted Action under SEQRA regulations; determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings last adopted on October 6, 2014 for the extension and amended Special Permit/Site Plan approval; reconfirm the SEQRA findings adopted August 5, 2013; and reconfirm that the Proposed Action will not have a significant effect on the environment; and

WHEREAS, by resolution adopted October 5, 2015, the Common Council has re-confirmed itself to be the Lead Agency for the environmental review of the application to extend the approval of the amended Special Permit/Site Plan for an additional one (1) year pursuant to SEQRA; re-confirmed that the Proposed Action is an Unlisted Action; found that the Proposed Action has not

changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQRA findings last adopted on October 6, 2014 for the extension and amended Special Permit/Site Plan approval; re-confirmed the SEQRA findings adopted October 6, 2014; and re-confirmed that the Proposed Action will not have a significant effect on the environment; now, therefore, be it

RESOLVED, that the Common Council hereby extends until August 1, 2016, the Special Permit/Site Plan approval originally granted by resolution adopted on February 7, 2011, the one (1) year extension approval granted April 2, 2012, the one (1) year extension and amended Special Permit/Site Plan approval granted August 4, 2013, and the one (1) year extension approval granted October 6, 2014, for a skilled nursing and rehabilitation facility to be known as the “White Plains Institute of Rehabilitation and Healthcare” to be located at 116-120 Church Street consisting of a five (5) story, approximately 88,605 square foot building that will house 160 beds and include administrative and staff offices, common dining and recreation facilities, a second level outdoor level landscaped plaza and a one level garage, subject to the Applicant’s compliance with of the applicable conditions set forth in the aforementioned approval resolutions.

**THOMAS M. ROACH**  
MAYOR



**WAYNE D. BASS**  
COMMISSIONER

**FRAN CROUGHAN**  
DEPUTY COMMISSIONER

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

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

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

New York State Office for the Aging (NYSOFA) has funding available to provide up to 2% salary and related fringe benefit increases to direct care staff and direct support professionals. Salary increases that took effect on or after January 1, 2014 through December 31, 2014, are eligible to use as a basis for claiming this reimbursement.

The funding received will be used solely to support salary and salary-related fringe benefit increases for direct care staff and direct support professionals through the agreement with the Westchester County Department of Senior Programs and Services for the continuing operation of senior citizens programs pursuant to Titles III-B and III-C.

Attached for your consideration is legislation accomplishing this funding.

Wayne D. Bass, Commissioner  
Department of Recreation & Parks

Dated:  
September 18, 2015

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

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A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CITY OF WHITE PLAINS TO CLAIM FUNDS UNDER THE NEW YORK STATE OFFICE FOR AGING 2014-2015 DIRECT CARE WORKER PROGRAM AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN ATTESTATION CONFIRMING THAT 2% FUNDING INCREASES WILL BE USED TO SUPPORT SALARY AND SALARY-RELATED FRINGE BENEFIT INCREASES FOR DIRECT CARE STAFF AND DIRECT SUPPORT PROFESSIONALS.

WHEREAS, pursuant to Part 1 of Chapter 60 of the New York State Laws of 2014, ("the statute"), the New York State 2014-2015 enacted budget included funding for the provision of a two percent (2%) increase in annual salary and salary-related fringe benefit costs for providers with Direct Care staff and Direct Support professionals, effective January 1, 2015; and

WHEREAS, additionally, the statute provides for an additional 2% increase for these staff, effective April 1, 2015; and

WHEREAS, the statute requires each provider to submit an attestation confirming that the funding increases will be used solely to support salary and salary-related fringe benefit increases for direct care staff and direct support staff professionals by an agreement with the County of Westchester through its Department of Senior Programs and Services for the continuing operation of senior citizens programs pursuant to Titles III-B and II-C.

NOW THEREFORE, BE IT

RESOLVED, that the Mayor of the City of White Plains or his designee be, and

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hereby is, authorized and directed to execute an attestation certifying that the State-aid funding for Direct Care Worker Program provided to the City of White Plains Department of Recreation, will be used solely to provide salary increases and salary-related fringe benefit increases for City of White Plains direct care staff and direct support professionals as defined by the Director of the New York State Office for the Aging; and be it further

RESOLVED, that said attestation shall be in a form approved by the Corporation Counsel of the City of White Plains.

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 site plan amendment to a project located at 390 North Street. The applicant, Hindu Temple of Tristate, proposes the construction a single story temple in lieu of the previously approved two story temple. The original project was approved by the Common Council on April 7, 2014.

The new temple design consists of approximately 7,800 square feet of space on one level which will house the sanctuary, a cafeteria, restrooms, an entry lobby and support spaces. The previous design encompassed approximately 15,000 square feet on two levels.

The applicant is proposing to maintain the site design as originally submitted including the parking space allocation, site lighting design and storm water mitigation system.

These premises are situated within an R1-30 (Residential One Family) Zoning District where churches and other places of worship are permitted principal uses. The total site area is approximately 1.75 acres.

The Storm Water Pollution Prevention Plan (SWPPP) approved as part of the original submission is still valid as the impervious area is unchanged.

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

Damon A. Amadio P.E.  
Commissioner of Building

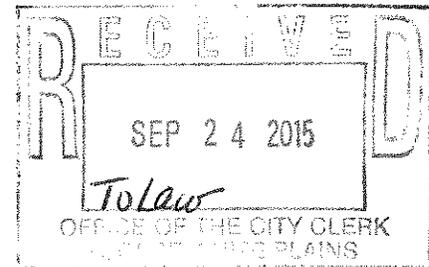
**DATED:** September 25, 2015  
(For the October 5, 2015 Common Council Meeting)

**DOCUMENTS  
SUBMITTED:** Cover letter prepared by Cuddy and Feder LLP, dated September 24, 2015; architectural Drawings A101, A101a, A102, A103, A104, and E-1 dated September 24, 2015 as prepared by Dipti Shah Architect; drawings S-1 and S-2 dated February 5, 2015 as prepared by LynStarr Engineering; a site survey dated January 23 2014, as prepared by Summit Land Surveying P.C.; a Parking Management Plan dated April 13, 2015 ; a Traffic Impact Study dated January 15 2014 and a Parking Evaluation Study dated January 14 2014 all three prepared by Maser Consulting P.A.; a letter regarding storm water management dated September 23 2015 as prepared by Hudson Engineering and Consulting P.C.; a Short Form Building Permit Application dated September 23, 2015; a Short Environmental Assessment Form dated September 23, 2015; and a LEED project checklist dated September 24, 2015

September 24, 2015

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: Application of Hindu Temple of Tri-State for Site Plan Approval  
(Premises: 390 North Street, White Plains, NY (Section 131.06, Block 4, Lot 16))

Dear Mayor Roach and Members of the Common Council:

On behalf of Hindu Temple of Tri-State, we respectfully submit its Application for Amended Site Plan Approval for the reduction in scale and size of the previously approved new Temple and Place of Worship to be situated at 390 North Street on the east side of such street, southerly of Bryant Avenue. The Premises comprises approximately 76,000 square feet of area classified in the R1-30 (Residential One-Family) District in which a Place of Worship is a principally permitted use.

As you know, this Temple was approved by the Common Council on April 7, 2014 (the "Site Plan Approval"), which Site Plan Approval was extended for another year on April 6, 2015. Pursuant thereto, a Building Permit was issued on June 4, 2015. However, no construction yet has commenced. Pending approval by the Common Council of this Amended Site Plan, construction could commence as early as November 2015.

This new Temple is needed to serve a community of members who have lacked a permanent Place of Worship. Thus, the acquisition of these Premises and the commencement of construction represent a significant and special success for the Hindu community in our region.

The scale of the Temple is proposed to be reduced from that approved by the Site Plan Approval. It now will rise only one-story, rather than two-stories in height. With the elimination of the social hall previously planned for the first floor, the sanctuary will be located on the first floor. The size of the sanctuary remains the same. The footprint of the Temple and its location on the Premises also remain identical to that approved by the Site Plan Approval issued in 2014. Since the parking and circulation areas remain the same, the engineering details have not changed from those detailed in the previously reviewed Site Plan Approval, as confirmed by Michael F. Stein, P.E. in his enclosed letter, dated September 23, 2015.

Hinduism is one of the world's oldest religions going back to prehistoric times. It is more a "Way of Life" based on Dharma (Duties) and Karma (Actions). In its broadest concept, it tolerates various forms of worship suitable to each individual's circumstance. It is not mandatory to visit the Temple on a regular basis. Most Hindu homes have a small shrine or puja room at home for daily prayers. Hindus are more likely to visit the Temple in large numbers during religious

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festivals. These festivals, like Diwali, are based on the lunar calendar and number ten (10) to twelve (12) annually. More often the Temples are a meeting place for religious discourses as well as bhajans and kirtans (devotional songs and chants). It is anticipated that larger attendance will occur only during high holidays, which most likely will be celebrated by the congregation on weekends (despite the actual dates possibly occurring during the weekday) as the official holiday becomes difficult to observe as a community when it falls during a working week.

This Site Plan Application proposes construction of a new Temple of approximately 7,842 square feet (as compared to the previously approved 15,000 square feet). While the Temple is smaller, the provision of parking will be the same as set forth in the Site Plan Approval. The Temple will accommodate around 400 people during the "high holy days". On other holy days it is anticipated that no more than 100 people regularly will attend. The average requirement for parking will be 30 spaces on a daily basis with slightly more needed on the weekends. Accordingly, the Amended Site Plan shows the same 56 self-park spaces to be provided within the property together with an additional 36 overflow tandem parking spaces in a courtyard area adjacent to the main parking lot for a total of 92 parking spaces, all as had been initially shown to the Common Council in connection with the Site Plan Approval.

The Temple has been designed to incorporate the traditional components of a Hindu Temple that include the following six design elements:

- a. Dome and Steeple;
- b. Inner Chamber (Sanctum Sanctorum);
- c. Temple Hall;
- d. Front Porch;
- e. Reservoir; and
- f. Walkway around inner chamber.

As you know, Places of Worship throughout the City have had the actual demand for parking spaces evaluated based upon actual usage so that the Zoning Ordinance's requirement of 10 parking spaces per 1,000 square feet for the building has not been rigidly applied. For this Place of Worship, the Site Plan Approval recognized that the proposed parking layout was sufficient. For this reduced Temple, the same should apply and the 92 parking spaces amply satisfies the requirements for these Premises.

In support of this Application and in accordance with Section 7 of the Zoning Ordinance, we respectfully submit thirty-six (36) sets of the following documents entitled "Hindu Temple of Tri-State, 390 North Street, White Plains, NY", dated September 24, 2015 (unless otherwise noted):

1. Survey prepared by Summit Land Surveying, P.C., dated August 6, 2011, last revised March 14, 2012, entitled "Topographical Survey of Lot 1 as shown on the certain map

September 24, 2015

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- entitled, Amended Map of Lots 1, 2, 3 and 4 of Section Number 1 of Old Oak Ridge located at City of White Plains, Westchester County, New York”;
2. Plans prepared by Dipti Shah Architect, dated September 24, 2015, numbered and titled as follows:
    - a. A101 - Revised Site Plan, Revised Zoning Chart
    - b. A101a - Revised Parking Calculations
    - c. A102 - New Floor Plan
    - d. A103 - New Elevations
    - e. A104 - Section
  3. Plans prepared by LynStaar Engineering PC, dated February 5, 2015, entitled “Hindu Temple of Tristates, 390 North Street, White Plains, New York,” numbered and titled as follows:
    - a. S1 – Site Plan, and
    - b. S2 – Details.
  4. A plan prepared by Dipti Shah Architect, dated April 30, 2015, numbered E1 and entitled, “Site Plan – Lighting”;
  5. A September 23, 2015 letter from Michael F. Stein, P.E., President of Hudson Engineering & Consulting, P.C., confirming that the engineering details remain the same as set forth in the Site Plan Approval;
  6. A Sustainability Checklist prepared by Dipti Shah Architect;
  7. “Parking Management Plan,” prepared by Maser Consulting P.A., dated April 13, 2015, together with duplicate copies of the former “Traffic Impact Study for Hindu Temple of Tri-State (390 North Street) White Plains, Westchester County, NY,” dated January 15, 2014, prepared by Maser Consulting P.A.;
  8. Duplicate copies of the former “Parking Evaluation for Hindu Temple of Tri-State (390 North Street) White Plains, Westchester County, NY,” dated January 15, 2014, prepared by Maser Consulting P.A.;
  9. A Short Environmental Assessment Form in accordance with 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”); and
  10. A copy of the Building Permit issued on June 4, 2015, together with a Building Permit Application including the requisite check in the amount of \$800, representing the Application fee for this 7,842 square foot building.

September 24, 2015

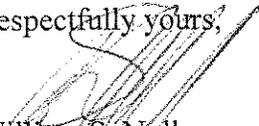
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As shown on the enclosed submission, the proposed Place of Worship (which will be fully sprinklered) conforms to the requirements of the Zoning Ordinance in all respects.

We respectfully request that this letter and its enclosures be placed on the Agenda for consideration by the Common Council at its next scheduled meeting. We look forward to appearing before the City to address any questions.

Thank you for your courtesy and attention to this matter.

Respectfully yours,



William S. Null

WSN:yp

Enclosures

cc: (w/o enclosures): John G. Callahan, Esq., Chief-of-Staff and Corporation Counsel; Mr. Damon Amadio, Commissioner of Building; Ms. Dipti Shah, R.A.; Mr. Om P. Dhiman; Mr. Jyotin N. Thaker; Shesh Murthy, M.D.; Mr. Michael Stein, P.E.; Dr. John Collins, P.E.; Lynstaar Engineering PC