

THE CITY OF WHITE PLAINS
Official Proceedings
of the Common Council

Vol. 104

City of White Plains, N.Y., February 5, 2018

No. 3

THE CITY OF WHITE PLAINS

OFFICERS

Mayor THOMAS M. ROACH
Council President JOHN MARTIN
City Clerk ANNE McPHERSON

COUNCIL MEMBERS:

Nadine Hunt-Robinson Milagros Lecuona
John Kirkpatrick John M. Martin
Dennis E. Krolian Beth N. Smayda

The Regular Stated Meeting of the Common Council held Monday, February 5, 2018, at seven thirty o'clock in the evening in the Common Council Chamber in the Municipal Building, Mayor Roach presiding and the following members present: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin.

Council President Martin asked unanimous consent to substitute Item 16s for Item 16, and Item 17s for Item 17 respectfully to correct administrative errors, to remove from the table all communications and resolutions that were tabled at the February 26, 2018 Special Meeting, and offered the consent agenda of Items 1 - 16s, 18-81, and 82 - 95, asking unanimous consent to move adoption of the ordinances, moved adoption of the ordinances, moved adoption of the resolutions, moved to file and spread all communications, refer any that are necessary to appropriate City Departments, Boards and Commissions, approve any appointments, and file any attachments.

Unanimous consent granted.

Council President Martin moved the consent agenda.

Councilwoman Hunt-Robinson seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin, and the Mayor - 7 - 0.

Communication from the Mayor.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the re-appointments of the following members of the Memorialization Committee:

| | |
|------------------|-------------------|
| Hon. John Martin | December 31, 2019 |
| Brian Wallach | December 31, 2019 |
| Jonathan Schere | December 31, 2019 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 29, 2018

Communication from the Mayor.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the following re-appointments to the Design Review Board:

| | |
|------------------------|-----------------|
| Michael Bellantoni | August 15, 2020 |
| Norman DiChiara, Chair | August 15, 2019 |
| Kent Johnson | August 15, 2019 |
| Marie McCann-Barab | August 15, 2020 |
| Edward Sutton | August 15, 2018 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the re-appointments of the following members of the Examining Board of Stationary Engineers

| | |
|-------------|-------------------|
| John Dillon | December 31, 2019 |
| James Doyle | December 31, 2019 |
| Oscar Longo | December 31, 2018 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 29, 2018

Communication from the Mayor.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the following appointment and re-appointments to the Zoning Board of Appeals:

| | |
|---------------------------|-------------------|
| Cecilia Bikkal, Chair | December 31, 2020 |
| Denise D'Ambrosio | December 31, 2023 |
| Larry Fleischman | December 31, 2020 |
| John Habermann, Alternate | December 31, 2020 |
| Brian Keating | December 31, 2021 |
| Michael Raneri | December 31, 2022 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 29, 2018

Communication from the Mayor.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the following appointment and re-appointments to the Appeals Committee Under the Building Code:

| | |
|--------------------|------------------|
| Thomas Devine | February 1, 2022 |
| Roger Moyer, Chair | February 1, 2022 |
| Gary Rogers | February 1 2022 |
| James Scully | February 1, 2022 |
| Stuart Shaw | February 1, 2022 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 29, 2018

Communication from the Mayor.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the appointment of Joseph Markey as a member of the Transportation Commission, and the re-appointment of Melissa Briggs and Kenneth Burford to terms which will expire on December 31, 2021.

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the following appointment and re-appointments to the Mayor's Advisory Committee for People With Disabilities:

| | |
|-----------------------|-----------------|
| Terry Degatano | October 2, 2018 |
| Michael Hellman | October 2, 2018 |
| Harriet Lowell | October 2, 2018 |
| Elizabeth Mark | October 2, 2018 |
| P. Gilbert Mercurio | October 2, 2018 |
| Jeremiah Frei Pearson | October 2, 2018 |
| Matthew Ravick | October 2, 2018 |
| Paul Schwarz | October 2, 2018 |
| Lisa Tarricone, Chair | October 2, 2018 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the following appointment and re-appointments to the Youth Board:

| | |
|---------------------------|-------------------|
| Hon. Justin Brasch, Chair | December 31, 2019 |
| Ayanna Preudhomme | December 31, 2020 |
| Kelly Marx | December 31, 2020 |
| Florence Bolton | December 31, 2020 |

| | |
|--------------------------|-------------------|
| Timothy Baird | December 31, 2020 |
| Thelma Davenport-Tulloch | December 31, 2020 |
| Slyvester Price | December 31, 2020 |
| Katrina Jackson | December 31, 2018 |
| Alexander Roithmayr | December 31, 2018 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mrs. Hunt Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the following appointments and re-appointments to the Budget and Management Advisory Committee to terms which will expire on December 31, 2018.

| | |
|--------------------|-------------------------|
| Rosa Boone | Hon. John Martin, Chair |
| Hon. Justin Brasch | Mark Mylon |
| Richard Hecht | Timothy Sheehan |
| Steven Hochman | Michael Stanton |
| Richard Payne | |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mrs. Hunt Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the following appointment and re-appointments to the Planning Board:

| | |
|-------------------|-------------------|
| Anna Cabrera | December 31, 2024 |
| Leonard Gruenfeld | December 31, 2019 |
| P. Lynn Oliva | December 31, 2024 |
| Jon F. Westland | December 31, 2024 |

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mrs. Hunt Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the Hon. Thomas Roach as Chair of the Capital Projects Board, the appointment of Hon. John Kirkpatrick and re-appointment of John Ioris to terms which will expire on December 31, 2019.

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mrs. Hunt Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the re-appointment of Robert Hoch, as Chair of the Historic Preservation Commission, Hon. Larry Delgado, Jennifer Lee, and Annette Kaicher, as Alternate, to terms which will expire on September 7, 2019, and Rev. Jeffrey A. Geary, and Hope Scully, to terms which will expire on September 7, 2018.

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mr. Kirkpatrick moved that it/they be filed and spread in full upon the minutes.

Mrs. Lecuona seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the appointments of Hon. Thomas Roach as Chair of the Personnel Committee, and members Hon. John Kirkpatrick, Hon. Nadine Hunt-Robinson and Hon. John Martin to terms which will expire on December 31, 2019.

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Mayor.

Mr. Kirkpatrick moved that it/they be filed and spread in full upon the minutes.

Mrs. Lecuona seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the appointment and re-appointments of Hon. Thomas Roach as Chair of the Urban Renewal Agency, and members James Glatthaar, Daniel Moriarity, Tracey Corbitt and Norman DiChiara to terms which will expire on December 31, 2021.

Sincerely,

Thomas M. Roach, Mayor

DATED: January 31, 2018

Communication from the Council President.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes.

Mr. Krolian seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to recommend the following appointment and re-appointments to the Conservation Board:

| | |
|----------------------|---------------|
| Andrew Berger, Chair | March 2, 2019 |
| Robert Burg | March 2, 2020 |
| Michael Goldman | March 2, 2019 |
| Bonnie Hagen | March 2, 2019 |
| Kim Holland | March 2, 2020 |
| Lauren McCallion | March 2, 2019 |
| Alan Ramsay | March 2, 2019 |
| Michael Stolzlar | March 2, 2019 |

Sincerely,

John M. Martin

Communication from the Council President.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes.

Mr. Krolian seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to recommend the appointment of Elaine Sommers, and the re-appointment of Luz Barrera to the Library Board to terms which will expire on December 31, 2020.

Sincerely,

John M. Martin

Communication from the Council President.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes.

Mr. Krolian seconded the motion.

Carried 5 - 2. Nays: Mr. Krolian and Mrs. Lecuona.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to recommend the following appointment and re-appointments to the Board of Ethics:

| | |
|--------------------|-------------------|
| Damon Amadio | December 31, 2018 |
| Nancy Barry | December 31, 2019 |
| Larry Delgado | December 31, 2019 |
| David Schiff | December 31, 2021 |
| Rev. Gregory Smith | December 31, 2019 |

Sincerely,

John M. Martin

Communication from the Council President.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes.

Mr. Krolian seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to recommend the following appointment and re-appointments to the Recreation Advisory Committee:

| | |
|-------------------|-----------------|
| Caroline Furry | January 1, 2020 |
| Leonard Gruenfeld | January 1, 2020 |

| | |
|----------------------------------|-----------------|
| Hon. Nadine Hunt-Robinson, Chair | January 1, 2020 |
| Christopher Kent | January 1, 2019 |
| Cayne Letizia | January 1, 2019 |
| Charles Morgan | January 1, 2019 |
| Richard Sanchez | January 1, 2020 |
| Evelyn Santiago | January 1, 2020 |
| Jonathan Schere | January 1, 2020 |
| Michelle Schoenfeld | January 1, 2020 |
| Kevin Scully | January 1, 2019 |

Sincerely,

John M. Martin

Communication from the Corporation Counsel.

Mr. Krolian moved that it/they be filed and spread in full upon the minutes.

Mr. Martin seconded the motion.

Carried.

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

In 2013, the City established the Energize NY Benefit Financing Program as authorized by New York State under the provisions of the New York General Municipal Law. This program authorized the Energy Improvement Corporation, a local development corporation, to make funds available to qualified property owners for the installation of renewable energy systems and energy-efficiency measures. The enabling provisions of this program were recently amended by New York State to eliminate barriers the State identified as preventing the program from reaching its full potential. These changes will allow the City's program to use monies available from the State and State authorities and permit a more flexible loan program for commercial properties.

In order to amend the City's current program to conform to the amendments in the enabling legislation adopted by New York State, these changes must be enacted by a local law and a local law requires that a public hearing be held prior to its adoption. Accordingly, a resolution scheduling a public hearing on the said proposed Local Law for March 5, 2018 is submitted herewith for your consideration.

John G. Callahan
Corporation Counsel

Dated: January 31, 2018
(For the Common Council Meeting of February 5, 2018)

Mr. Krolian offered only Local Law Introductory No. 1 of 2018. A Local Law to amend a Sustainable Energy Loan Program in the City of White Plains in accordance with Article 5-L of the General Municipal Law.

Mr. Krolian moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR MARCH 5, 2018 IN RELATION TO INTRODUCTORY LOCAL LAW NO. 1 FOR 2018 AMENDING THE WHITE PLAINS MUNICIPAL CODE BY AMENDING CHAPTER 5-7 OF SAID CODE, ENTITLED, "A LOCAL LAW TO AMEND A SUSTAINABLE ENERGY LOAN PROGRAM IN THE CITY OF WHITE PLAINS IN ACCORDANCE WITH ARTICLE 5-L OF THE GENERAL MUNICIPAL LAW."

RESOLVED, that a public hearing will be held on March 5, 2018 at 7:30 p.m. in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York concerning a proposed Local Law entitled, "A Local Law to Amend a Sustainable Energy Loan Program in the City of White Plains in Accordance with Article 5-L of the General Municipal Law," and be it further

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

Mr. Martin seconded the motion.

Carried.

The Mayor announced a public hearing in relation to the proposed amendment to the Zoning Ordinance of the City of White Plains creating a new TD-1 Transit Zoning District and Re-zoning a certain property in the B-2 Neighborhood Business Zoning District to TD-1 Transit Zoning District.

Mr. Martin moved that the hearing be opened.

Mr. Brasch seconded the motion.

Carried.

The Mayor declared the hearing opened and asked if anyone wished to be heard.

Mr. Martin moved that the hearing be adjourned to March 5, 2018.

Mr. Brasch seconded the motion.

Carried.

The Mayor announced a public hearing in relation to the application submitted on behalf of Westpark Associates NY LLC, for site plan amendment to construct a new parking garage at 1111 Westchester Avenue, White Plains, NY, which is an environmentally sensitive site as defined by Chapter 3-5 of the White Plains Municipal Code.

Mrs. Hunt-Robinson moved that the hearing be opened.

Mr. Kirkpatrick seconded the motion.

Carried.

The Mayor declared the hearing opened and asked if anyone wished to be heard.

The Mayor granted the privilege of the floor to Seth Mandelbaum, attorney for the applicant; Anthony Guchicone (sp?); Tim Tracy; Eileen Polanzo; (unknown); and Scott McDonald.

Mr. Kirkpatrick moved that the hearing be closed.

Mrs. Hunt-Robinson seconded the motion.

Carried.

Communications received from Commissioner of Building, Design Review Board, Commissioner of Planning, Planning Board, Commissioner of Public Safety, Commissioner of Public Works, Deputy Commissioner, Traffic Division, Transportation Commission, Commissioner of Parking, Conservation Board, Westchester County Planning Board, Environmental Officer.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Per Common Council referral on December 4, 2017, the Department of Building reviewed a proposed amendment to a previously approved site plan associated with 1111 Westchester Avenue.

The applicant, Westpark Associates NY LLC, proposes to construct a new three story parking garage on their site in support of PepsiCo, the sole tenant in the building, that has an increased need for parking for their employees and visitors. The new garage will be constructed within the existing parking lot so there is no increase in impervious area and will result in a net increase of approximately 266 parking spaces.

This department has no objection to this amendment being granted.

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

DATED: December 20, 2017
(for the January 2, 2018 Common Council Meeting)

December 19, 2017

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 December 11, 2017, review a proposed amendment to a previous approved Site Plan associated with 1111 Westchester Ave. The applicant, Westpark Associates NY LLC, proposes to construct a new three story parking garage on their site in support of Pepsico, the sole tenant in the building that has an increased need for parking for their employees and visitors. The new garage will be constructed within the existing parking lot so there is no increase in impervious area and will result in a net increase of approximately 266 parking spaces located at 1111 Westchester Ave, White Plains, NY.

OUTCOME: Design Review Board recommends the approval of this application and made the following comment:

1. Parking structure and site changes approved.

Kent Johnsson, Member
Design Review Board

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON
COUNCIL

SUBJECT: WESTPARK PARKING GARAGE
WESTPARK ASSOCIATES NY LLC
1111 WESTCHESTER AVENUE
SECTION 131.16, BLOCK 1, LOT 1
APPLICATION FOR SITE PLAN AMENDMENT

By letter dated November 17, 2017, Seth Mandelbaum, on behalf of Westpark Associates NY LLC (the "Applicant" and property owner) submitted an application to the White Plains Common Council for site plan amendment to construct a parking structure for PepsiCo, Inc. ("PepsiCo") the sole tenant of the property. The 25.5-acre property is located within the Campus Office District (C-O) along

Westchester Avenue to the south of eastbound I-287 and is deemed an "environmentally sensitive site" pursuant to Sections 4.4.25 of the Zoning Ordinance due to the presence of wetlands, steep slopes, and rock outcroppings onsite. The site contains 1,311 existing parking spaces located in three large surface parking areas and one smaller visitors parking area. In order to facilitate the project, the White Plains Zoning Board of Appeals granted an area variance for total building coverage at its November 1, 2017 meeting.

Applicant and PepsiCo have determined that the present parking condition is inadequate for PepsiCo's continued use of the property and thus proposes to construct a three-level, 495-space parking structure with a 54,274 square foot footprint on the southwestern corner of the property. The structure will replace, in part, an existing surface parking lot and include an array of solar panels at roof level which is anticipated to meet approximately 20% of the total electricity demand for the property. Applicant also seeks to improve site security by adding a new guard booth, reconfiguring the entrance to the easterly surface parking area, installing security gates to the northerly parking area, and adding a new guard booth and gate at the main entrance to the building and the visitor parking area. The garage and easterly parking lot updates will create a net increase of 266 parking spaces, providing a critical increase in available parking for PepsiCo's employees and visitors.

The Planning Department has reviewed the application for site plan approval pursuant to Section 7 of the City Zoning Ordinance and offers the following comments and recommendations for Common Council consideration:

I. ZONING COMPLIANCE

7.5 Site Plan Standards

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As is discussed further in Section II below, the proposed project is consistent with the City's Comprehensive Plan.

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

The applicant has submitted a Full Environmental Assessment Form (EAF), and prepared a "Queuing Analysis" evaluating the potential impact on traffic associated with the installation of the proposed security gates. Based on the findings of the applicant's Queuing Analysis, and upon confirmation by the City Traffic Engineer, the proposed security gates will have a minimal impact, if any, on Westchester Lane and no impact on Westchester Avenue.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The main vehicular entrance into and out of the site from Westchester Avenue remains unchanged. The entrance to the easterly surface parking area will be reconfigured to accommodate the proposed security improvements (new guard booth and gates). Applicant proposes to relocate the entrance approximately 140 feet to the north, which will align with the newly gated exit from the visitor parking area to the west. The existing entrance will be closed and converted into additional parking spaces.

The proposed parking structure can be accessed only via the newly relocated entrance to the easterly surface parking lot. The garage itself will be accessible on both its northerly and southerly sides (at grade). An internal ramp provides access to the second and third floors. An internal staircase and elevator provides pedestrian access to the different parking floors.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site remains unchanged and is adequate as confirmed by the City's Deputy Commissioner of Parking.

7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The project conforms to and exceeds the requirements of Section 8 of the Zoning Ordinance, as confirmed by the Deputy Commissioner of Parking.

7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

There is little change to the interconnection of parking lots or traffic circulation within the site, as the proposed parking structure will be located entirely on an existing surface parking lot and will connect to the existing sidewalk system within the site. The entrance to the easterly surface parking lot will be relocated approximately 140 feet to the north and also connects with the existing sidewalk/crosswalk system. The existing entrance / curb cut will be eliminated.

7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The location and arrangement of loading spaces remains unchanged.

7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

Pedestrian and vehicular circulation remains largely unchanged within the site and in relation to the adjoining street and sidewalk system, as the proposed parking structure will be located entirely on an existing surface parking lot and will connect to the existing sidewalk system within the site. Changes to the easterly surface parking lot are largely internal in nature; however, Applicant

proposes to install a new crosswalk and sidewalk linking the new and enhanced secure entrance to the existing sidewalk system and crosswalk to the main entrance.

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

Appropriate provisions for the physically disabled are provided in the proposed garage and the reconfigured easterly parking area, as confirmed by the Deputy Commissioner of Parking.

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

Additional and enhanced landscaping is proposed for the parking structure area, the reconfigured easterly surface parking lot, and the newly gated entrances to the northerly parking lot and visitor parking lot. In particular, Applicant is adding a large and heavily landscaped median (30 feet by 220 feet) located in between the proposed parking structure and the adjacent (remainder) surface parking area. This median will feature shade trees, flowering trees, and many shrubs.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

The Department of Public Safety will assess the adequacy of fire lanes and other emergency zones.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

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

There is no change to existing fences or walls on the site. During construction, a silt fence will be installed between the easterly parking lot and the wetland buffer area, and will meet the requirements of the Zoning Ordinance. The proposed garage will be built into an existing grade change in the westerly parking lot so that the garage itself will not be much higher than the highest point of the existing parking area or the existing buildings on the site. Moreover, the nearest neighbors are at a significantly higher elevation and are separated from the parking lot by substantial topography and wooded areas.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

The property qualifies as an "environmentally sensitive site", pursuant to Sections 4.4.25 of the Zoning Ordinance due to the presence of wetlands, steep slopes, and rock outcroppings onsite. However, the wetland, located on the easterly side of the site, is not impacted by the proposed improvements. A portion of the eastern parking area to be reconfigured in connection with security improvements will result in a minimal amount of disturbance within the 50 foot wetland buffer area (approximately 1,170 square feet). However, Applicant is mitigating this disturbance by replacing existing paved spaces within the buffer area with lawn, thus providing a net increase in green space within the buffer area, which will benefit the wetland. Furthermore, all proposed improvements have been designed to avoid impacts to steep slopes and rock outcroppings. There will be no creation of unnatural shapes in the existing slopes on the property, and all necessary measures will be taken to ensure erosion and sediment controls are put in place.

7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

Modifications to exterior lighting will be made to accommodate the parking structure and the reconfigured easterly parking area.

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

The project has been designed in a manner to minimize noise impacts on the surrounding neighborhood. The nearest neighbors are at a significantly higher elevation and are separated from the parking lot by substantial topography and wooded areas.

7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

Implementation of the applicant's SWPPP will provide an effective strategy for managing stormwater runoff.

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

The proposed parking structure will include a solar array above the top level, which is anticipated to produce approximately 20% of the necessary electricity for the property.

7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed parking structure, reconfigured surface parking lot, and security upgrades are critical to PepsiCo's continued use of the property. The nearest neighbors are at a significantly higher elevation and are separated from

the parking lot by substantial topography and wooded areas. As a result, it is anticipated that there will be little to no visual impacts to any neighboring properties.

II. COMPREHENSIVE PLAN CONSISTENCY

The proposed project is consistent with the land use and economic strategies contained in the City's 1997 and 2006 Update to the Comprehensive Plan. The Comprehensive Plan states the City enjoys a strong competitive position in Westchester County with regard to office and retail markets, and this competitive position can be expected to remain strong. Despite current regional market trends that favor technologically advanced and adaptable buildings for multi-use tenants, PepsiCo remains one of the few large corporate headquarters located in the City of White Plains. The demand for Class A office space within close proximity to New York City combined with the ease of commutation by both automobile and public transportation makes PepsiCo's location highly desirable. Maintaining a corporate headquarters like PepsiCo in White Plains is a critical component to the City's ability to maintain its competitive edge in the Region.

III. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 7.5 Site Plan Standards of the City Zoning Ordinance, the Planning Department recommends that the Common Council grant the requested site plan amendment subject to the following conditions:

1. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
2. Applicant must provide a detailed lighting plan pursuant to Section 7 of the Zoning Ordinance to the satisfaction of the Commissioner of Building.
3. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic

meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

4. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.
5. Prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated January 23, 2018

December 20, 2017

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WESTPARK PARKING GARAGE - 1111 WESTCHESTER AVENUE
- SITE PLAN AMENDMENT TO CONSTRUCT A NEW THREE STORY
PARKING GARAGE

At its December 19, 2017 meeting, the Planning Board considered the application by Westpark Associates for a site plan amendment to construct a two story parking structure on top of an existing parking lot at the rear of the property. The structure will provide a total of three levels of parking, and it will include a solar roof. The applicant stated that on November 1, 2017, the Zoning Board of Appeals granted an area variance for coverage.

The Planning Board has no objection to the proposed site plan amendment as requested.

Planning Board members voting in favor of sending a letter to the Common Council stating no objection to approval of the proposed site plan amendment: J. Ioris, J. Brasch, A. Cabrera, J. Westlund, L. Oliva, and S. Russell (6); Opposed: None (0); Absent: J. Durante (1).

Respectfully submitted,

John Ioris, Chairman
White Plains Planning Board

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

Westpark Garage-New 3 Story Garage
1111 Westchester Ave.

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: December 15, 2017

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

The Department of Public Works has reviewed an application requesting site plan approval for 1111 Westchester Avenue, including plan sheets SP-1 thru SP-3; SP-9 thru SP-11, titled "Westpark Parking Structure", dated 11/17/17; plan sheets SP-4 thru SP-8; SP 12 thru SP-14, dated 1/24/18; a SWPPP dated 1/24/18 and an annotated response dated 1/24/18, all prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

Previously received was a cover letter and statement of principal points both prepared by McCullough, Goldberger & Staudt, LLP, dated 9/20/17 and plan sheets A1 thru A5, titled "Onyx Parking Structure," dated 9/6/17, prepared by Desman Design Management.

We offer the following comments:

1. The Stormwater Pollution Plan (SWPPP) submitted by the applicant, current revision dated 1/24/18, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC has been approved. As the plans are further developed, amendments to the

- SWPPP, in accordance with the current 'NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity,' will be required.
2. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater Permit prior to the issuance of a Building Department Permit.
 3. The contractor must have an employee carry a current NYSDEC issued Trained Individual Card and be present on site at all times during soil disturbing activities.
 4. Any dewatering that may be needed during construction activities must be to a sediment tank and may only discharge to the storm drain. No groundwater is permitted to be pumped from the site into the City's sanitary sewer mains. Note that dewatering will only be permitted during construction.
 5. All catch basin grates, trench drains and curb pieces must include eco-friendly markings.
 6. The construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, and an as-built must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State Licensed Land Surveyor. 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 completed in accordance with the City's local law requirements and coordinated with the City's Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works 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 owner fail to be responsive. Further, the City through the Department of Public Works shall receive 20% of all costs, if Public Works must contract the work, as an administrative fee.
 7. All construction under the jurisdiction of the Department of Public Works must be in accordance with the department's standards regardless of what may be shown or omitted on the plan.
 8. All construction work shall be subject to the City's Construction Management Protocol. This protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

White Plains Construction Management Protocol requirements for the proposed redevelopment of the site are set forth below:

- a. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating other construction in the area, if any, including city projects which may be going on simultaneously with this project. The plan shall include strict

controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site; hours of deliveries to the site; location of deliveries; requirements for loading/unloading and storage of materials on the project site; length of time travel lanes can be encumbered; sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians; controls on "fugitive dust" and the impact of run-off from the site on the City's storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water); noise; pest control; street cleaning; site security; scheduling of periodic meetings with nearby residents and city staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, Planning and the Environmental Officer.

- b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted,) pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City Departments of Building, Public Safety and Public Works. (The City has a separate protocol for blasting.) In developing the excavation and construction procedures, applicant shall consult with residents within the construction impact area on their needs and concerns and provide an adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.
- c. The Construction Management Plan for the proposed project shall require that the applicant ensure, through appropriate measures, to be mutually agreed upon between the City and the applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the applicant 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. Once a parking plan is approved by the City for construction workers, the applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The

parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets, if deemed necessary, to access the construction site. For core area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

- d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on city streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- e. As to "fugitive dust", the applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
 - i. 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.
 - ii. All non-road vehicles over 50 HP 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.

- iii. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
- iv. "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.
- g. Prior to the issuance of any building or excavation permits, the applicant and its construction management team, including principal contractors, must meet together with representatives of the City's Departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that plan.
- h. The applicant shall equip all construction equipment with "back up" sound attenuation devices.
- i. The applicant 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 will be drawn from the bond posted with the City, Builder's Risk Insurance, and by the applicant as such damage is not covered by the bond or insurance.
- j. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the project applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- k. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the applicant which is inconsistent with those standards.
- l. The applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into city streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
- m. Applicant shall submit to the Commissioner of Public Works for review and approval, a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. Applicant shall provide coordinates in NAD 83 on the property survey.

- n. Applicant shall provide to the Commissioner of Public Works for his review and approval, profiles of the proposed service utilities, depicting existing utility crossings.
- o. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
- p. The applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same.

In conclusion, we have no objection to the conditioned approval, provided the comments are addressed to the sole satisfaction of the Commissioner of Public Works prior to the issuance of a Building Department permit.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: February 5, 2018

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

The Department of Parking/Traffic Division has reviewed the application for a site plan amendment for 1111 Westchester Avenue (Westpark Associates LLC) which was referred by the Common Council on December 4, 2017 and has the following comments:

- 1. The guide signing for visitors should follow the minimum letter height standards for street name signs and use guide sign colors (white on green) as stipulated in the MUTCD (Manual of Uniform Traffic Control Devices).
- 2. Stop signs and stop lines should be installed for minor traffic flows at key intersecting points.
- 3. Accessible spaces must be signed as per ADA requirements.
- 4. All parking space markings must be designated as white in color except for accessible spaces which can be outlined in blue.

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

Dated: December 19, 2017
(for the January 2, 2018 Common Council Meeting)

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

The Transportation Commission, at its meeting held on December 20, 2017, reviewed a request from 1111 Westchester Avenue, Westpark Garage - for site plan approvals to construct a 3 level parking garage, as referred by the Common Council on December 4, 2017.

The Transportation Commission had no objection.

Thomas Soyk, PE, PTOE
Acting Chairman

Dated: December 20, 2017
(for the January 2, 2018 Common Council Meeting)

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

Re: 1111 Westchester Avenue Site Plan Amendment

The Department of Parking has received and reviewed the above noted application for a proposed parking garage at 1111 Westchester Avenue.

The Department of Parking has no objection to the approval of the site plan amendment.

Respectfully submitted,

John P. Larson, Commissioner
CWP — Department of Parking

Dated: December 19, 2017

DATE: January 4, 2018

TO: The Honorable Thomas M. Roach, Mayor and
Members of the Common Council of the City of White Plains

SUBJECT: 1111 Westchester Avenue. Westpark Parking Garage. Site plan amendment to construct a new three story parking garage within the existing campus-office development. Referral dated December 11, 2017, regarding an environmentally sensitive site — wetlands, rock outcroppings, and steep slopes.

The Common Council referred this site plan application to the Conservation Board because these lots are Environmentally Sensitive sites containing features such as wetlands, steep slope areas, and rock outcroppings. The campus office complex, built in the 1980's, consists of two office buildings and multiple parking lots terraced into the sloped site. There is a stream along the south edge of the property with a mapped buffer area, although the buffer is mostly occupied by a parking area.

This project involves the construction of a new three story parking garage on Westpark's site in support of PepsiCo, the sole tenant in the building, because of an increased need for parking for their employees and visitors. The new parking garage will be constructed within the existing parking lot, so there is no increase in impervious area and the project will result in a net increase of approximately 266 parking spaces. Additionally, Westpark is also proposing to construct a new guard booth, security gates, and other alterations to the parking lot in order to enhance security.

On November 1, 2017, the Zoning Board of Appeals granted an area variance for total building coverage following a public hearing, finding that the proposed project resulted in benefits to the Applicant that outweighed any potential impacts to the surrounding neighborhood.

The garage has minimal encroachments in to the mapped stream buffer setback, but that setback is mostly occupied by the parking lot. The garage will be built into an existing grade change in the parking lot of the property so that the garage will not be much higher than the existing two office buildings on the property. The nearest neighbors are higher in elevations themselves, and are separated from the parking lot by wooded areas, so it is anticipated that there will be little to no visual impact to any neighboring properties.

The applicant commissioned a traffic study by JMC Planning Engineering, Landscape Architecture & Land Surveying in order to understand the new traffic flow given the cars queueing up at the newly constructed guard booth and security gates. The proposed guard booth and gates are similar to the existing gates at the PepsiCo Corporate Campus in Purchase, NY, and an existing gate study was incorporated to accurately predict traffic patterns. It was determined that even at maximum levels, beyond average queueing, there will be more than enough room for vehicles entering the property. Specifically, there is 240 feet of

available queuing space for vehicles, and at the highest levels, only 160 feet will be used. Therefore, there will be no impact on traffic along Westchester Avenue or any of the surrounding streets.

The project includes new storm water management features to retrofit the developed site. A new bio-retention area is located just east of the garage. Plans show a "hydro" storm water quality treatment system. DPW will review the storm water plan.

A solar photovoltaic array will be constructed above this new parking structure, offsetting approximately 20% of the facility's electric usage. The plans do not show if the solar array will be constructed as carports or directly on the roof of the parking structure, thereby requiring setbacks from the edges as required by the DOB.

In the demolition of the existing concrete curbs with lighting and trees to make room for the new structure, a landscaping plan was presented that addresses both existing trees that will be removed and existing trees elsewhere on the site that will not be removed. The applicant very satisfactorily proposes to protect the trees that will not be removed from any negative consequences of construction activity. The applicant also proposes planting new flowering trees, shade trees, and various grasses and shrubs.

All proposed improvements have been designed to avoid impacts to steep slopes and rock outcroppings. There will be no creation of unnatural shapes in the existing slopes on the property, and the applicant has submitted a detailed plan demonstrating that all necessary measures will be taken to ensure erosion and sediment controls are put in place.

Building the proposed parking structure will have no impact on the wetland setback in that area. However, a portion of the east side of the parking area is to be reconfigured (the exact reconfiguration is not specified in any of the documents presented) in connection with the security improvements, which will result in a minimal amount of disturbance within the 50 foot wetland buffer (approximately 1,170 square feet). Without providing the details of how this area is to be reconfigured and what the security improvements are, the applicant assures that the disturbance will result in a net increase in green space within the buffer, which will actually benefit the wetland.

There is no indication on the drawings where the new accessible parking spaces will be nor if any parking spaces are to be used for electric vehicle charging.

The Conservation Board takes no exception to the site plan as long as Westpark adheres to the plans through construction and development. Additionally, as an advisory board to the other bodies of the City of White Plains the Conservation Board encourages follow-up by the appropriate departments in the following areas:

- a plan detailing the security improvements in the area where the wetlands will be disturbed

- a detailed landscape plan of the wetland area showing that it is to be xeriscaped, reducing or eliminating the need for supplemental water from irrigation.
- a plan detailing the construction of the solar photo voltaic array
- a plan detailing the accessible parking spaces, inclusion of electric vehicle charging stations, and bicycle racks
- As all organizations strive to grow, there may in the future be a need for even more parking spaces. There is room on the other side of the property to build another parking garage. A first step should be to implement an employee incentive plan which encourages employees to take the shuttle or carpool rather than come to work in a single occupied vehicle.

Respectfully submitted,

ANDREW BERGER, CHAIR
White Plains Conservation Board

December 18, 2017

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: | Westpark Parking Garage — WHP 17-018 |
| Action: | Site Plan Amendment |
| Location: | 1111 Westchester Avenue |

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 construction of a new three story garage within the existing parking lot is a matter for local determination in accordance with your community's planning and zoning policies. We commend the applicant for incorporating a solar array on the top level of the garage in order to provide about 20 percent of the power needs for the site. However, according to the Section A-A Profile on the plans, the solar array appears to be facing west. Our understanding is that solar arrays typically face south.

Thank you for calling this matter to our attention.

Respectfully,

Westchester County Planning Board

By: Eileen Mildenberger
Acting Commissioner

EM/KE

January 23, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WESTPARK ASSOCIATES NY LLC
1111 WESTCHESTER AVENUE
SITE PLAN AMENDMENT

The application submitted on behalf of Westpark Associates NY LLC, ("Applicant"), for a site plan amendment to construct a new parking garage within the existing office campus at 1111 Westchester Avenue ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The existing office development constructed in the 1980's contains two office buildings with 336,112 square feet of floor area and 1,311 parking spaces in surface parking areas.

The Proposed Action involves (a) construction of a three-level, 495-space parking structure with a 54,274 square foot footprint located within an existing surface parking lot which will result in a net increase of approximately 266 parking spaces, (b) installation of an array of solar panels at the garage roof which is anticipated to meet approximately 20% of the total electricity demand for the property, and (c) construction of security improvements that include installation of a new guard booth and reconfiguring the entrance to the easterly parking area, installing security gates to the northerly parking area, and adding a new guard booth and gate at the main entrance to the building and the visitor parking area.

The Proposed Action involves the following approval actions by the Common Council as the approving agency for the following:

1. Approval of a Site Plan amendment
2. Approval of an area variance by the Zoning Board of Appeals (ZBA) for total building coverage exceeding the 30% site coverage in the C-O Campus Office District

At its November 1, 2017 meeting, the White Plains Zoning Board of Appeals granted an area variance for total building coverage.

The 25.5-acre property is located within the Campus Office District (C-O) along Westchester Avenue and is deemed an "environmentally sensitive site" pursuant to Sections 4.4.25 of the Zoning Ordinance due to the presence of wetlands, steep slopes, and rock outcroppings onsite.

The Applicant has submitted the following documents in support of the Proposed Action ("Application Materials"):

1. Cover letter prepared by Mr. Seth Mandelbaum dated November 17, 2017.
2. A Full Environmental Assessment Form dated November 17, 2017.
3. A Short Form Building Permit Application dated November 13, 2017.
4. A Vehicle Queuing Analysis dated November 15, 2017 as prepared by JMC Consulting.
5. Architectural drawings A1 through A5 dated September 6, 2017 as prepared by Desman Design Management.
6. Drawings SP-1 through SP-14 dated June 12, 2017 as prepared by JMC Consulting.

The Environmental Officer recommends that the following conditions recommended by the various City departments, boards and commissions be included as part of the Proposed Action and which are herewith considered to be a part of the Proposed Action for purposes of the environmental review ("Conditions"):

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, all landscaping shall be maintained in a healthy, growing condition throughout the duration of the structure and use of 1111 Westchester Avenue and any planting not so maintained shall be replaced with new plants at the beginning of the next growing season; and
2. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, applicant must provide a detailed lighting plan pursuant to Section 7 of the Zoning Ordinance which is satisfactory to the Commissioner of Buildings; and
3. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018 and the Commissioner of Public Works dated February 5, 2018, all construction work shall be subject to the City's Construction Management Protocol:

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

- a. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating project construction with other construction in the area, if any, including City or County projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construc-

tion work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Planning, and Public Works, the Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.

- b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting. In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.

- c. The Construction Management Plan for the proposed project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant 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. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation

Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

- d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- e. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
 - 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 50 HP 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, 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.
- f. Prior to the issuance of any building or excavation permits, the Applicant 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 Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.
- g. The Applicant shall equip all construction equipment with "back up" sound attenuation devices.
- h. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is 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 Applicant for such damage as is not covered by the bond or insurance.
- i. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- j. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
- k. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, as in this case, the requirements of the approved SWPPP.
- l. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a

- licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
- m. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
 - n. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
 - o. The Applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and
4. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, prior to issuing a building permit the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards; and
 5. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, as the plans are further developed, amendments to the approved SWPPP, if so required, must be approved by the Department of Public Works in accordance with the current NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity; and
 6. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, the Applicant must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater permit prior to the issuance of a Building Department permit; and
 7. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, the Applicant's contractor must have an employee carry a current NYSDEC issued Trained Individual Card and be present on site at all times during soil disturbance activities; and
 8. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018 the Applicant must include information for any dewatering (which will only be permitted during construction) that may be needed during construction activities for which a sediment tank will be required and may only discharge to the storm drain and no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains; and
 9. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, all catch basin grates, trench drains and curb pieces must include eco-friendly markings; and

10. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5 2018, the Applicant must include a note on the plans stating that the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, must provide an as-built survey to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor, must obtain all necessary permits prior to the construction of any permanent stormwater facility and must execute, prior to the issuance of any certificate of occupancy (temporary or permanent) the required maintenance agreement for all on-site stormwater management measures which agreement must be in accordance with the City's local law requirements, must remain in effect with the transfer of the property, must contain an appropriate escrow account in an amount established by the Commissioner of Public Works for the maintenance of said stormwater facilities, which escrow account may be used by the Commissioner of Public Works to perform maintenance work should the owner fail to be responsive for which, the City through the Department of Public Works shall receive 20% of all costs, if CWP-DPW must contract the work, as an administrative fee and shall be in a form approved by the Corporation Counsel; and
11. As per the recommendations set forth in the communication of Commissioner of Public Works, dated December 5, 2018, all construction under the jurisdiction of the Department of Public Works must be in accordance with Department of Public Works standards regardless of what is shown or omitted from the plans.

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

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

The Comprehensive Plan provides the following Vision Statement for Campus Office Districts:

The Campus Office District, located along Westchester Avenue and at the Southern end of Mamaroneck Avenue should address the changing nature of office use in campus office settings, and the diverse concerns, interests and goals for the economic sustainability of these properties. The first element of this vision relates to the importance of these large office use parcels in the economic base of the City. The second element of the vision relates to the important open space character of these properties. The third element of the vision relates to the protection of the abutting residential areas from the intrusion of the impacts of uses which are more intense than the single family uses surrounding them. The vision is to establish appropriate new uses in combination with the existing office uses and the properties in the Campus Office Districts which enable these properties to be economically viable for the long term, while preserving and protecting open space, linking such open space to the City's open space network, implementing green and

sustainable building design and development and complete streets design on and among the campus office properties, while avoiding negative impacts of such new uses on these properties on the abutting single family residential uses in the Outer Area neighborhoods.

The proposed project is consistent with the land use and economic strategies contained in the City's 1997 and 2006 Update to the Comprehensive Plan. The Comprehensive Plan states the City enjoys a strong competitive position in Westchester County with regard to office and retail markets, and this competitive position can be expected to remain strong. Despite current regional market trends that favor technologically advanced and adaptable buildings for multi-use tenants, PepsiCo remains one of the few large corporate headquarters located in the City of White Plains. The demand for Class A office space within close proximity to New York City combined with the ease of commutation by both automobile and public transportation makes PepsiCo's location highly desirable. Maintaining a corporate headquarters like PepsiCo in White Plains is a critical component to the City's ability to maintain its competitive edge in the Region.

The proposed addition of a parking garage to the existing campus will not impact the abutting residential area to the west of the site, along Woodbrook Road. There will be no traffic impacts because all driveway access to the site connects to Westchester Avenue. The garage will be screened toward the residential neighborhood due to conditions related to the terrain, separation distance and existing vegetation.

Conformance with Zoning Ordinance

The existing development conforms to land use and dimensional regulations of the CO Zoning District.

The existing buildings have a site coverage of 8.5%, where 10% is permitted in the CO District. The proposed garage with an additional 54,274 square foot footprint will result in an increased coverage of 13.31%. At its November 1, 2017 meeting, the White Plains Zoning Board of Appeals granted an area variance for proposed total building coverage.

The following table demonstrates compliance with zoning regulations of the CO District.

| Description | C-0 District Required | Existing | Proposed |
|--|--------------------------|---------------------|---------------------|
| Lot Area (Sf/Acres) | 435,600/10 (Min) | 1,121,656/ 25.75 | 1,121,656/ 25.75 |
| Existing Office Bdg. Footprint (SF) | N/A | 94,997(1) | 94,997 |
| Proposed Parking Structure Footprint (SF) | N/A | N/A | 54,274 |
| Existing Guard Booths (Sf) | N/A | 50 | 50 |
| Proposed Guard Booth (Sf) | N/A | N/A | 25 |
| Total (Sf) | | 95,047 (1) | 149,346 |

Maximum Building Cover-
age:

| | | | |
|-------------------|----------|------|----------|
| All Buildings (%) | 10 (Max) | 8.47 | 13.31(2) |
|-------------------|----------|------|----------|

Parking Summary Table

| | |
|---|--|
| Gross Building Area | = 336,112 Sf |
| Parking Required | = 1,009 Spaces (3 Spaces/1,000 Sf) |
| Existing Parking | = 1,311 Spaces |
| Existing Surface Parking To Be | = -211 Spaces Removed For Parking Structure |
| Existing Parking To Be Removed For Security Improvements | = -18 Spaces |
| Parking Proposed In Parking Structure | = 495 Spaces |
| Total Parking Provided | = 1,577 Spaces |
| Net New Parking Proposed | = 266 Spaces |

7.5 Site Plan Standards

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As is discussed further in Section III below, the proposed project is consistent with the City's Comprehensive Plan.

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

The applicant has submitted a Full Environmental Assessment Form (EAF), and prepared a "Queuing Analysis" evaluating the potential impact on traffic associated with the installation of the proposed security gates. Based on the findings of the applicant's Queuing Analysis, and upon confirmation by the City Traffic Engineer, the proposed security gates will have a minimal impact, if any, on Westchester Lane and no impact on Westchester Avenue.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The main vehicular entrance into and out of the site from Westchester Avenue remains unchanged. The entrance to the easterly surface parking area will be reconfigured to accommodate the proposed security improvements (new guard booth and gates). Applicant proposes to relocate the entrance approximately 140 feet to the north, which will align with the newly gated exit from the visitor parking area to the west. The existing entrance will be closed and converted into additional parking spaces.

The proposed parking structure can be accessed only via the newly relocated entrance to the easterly surface parking lot. The garage itself

will be accessible on both its northerly and southerly sides (at grade). An internal ramp provides access to the second and third floors. An internal staircase and elevator provides pedestrian access to the different parking floors.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site remains unchanged and is adequate as confirmed by the City's Deputy Commissioner of Parking.

7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The project conforms to and exceeds the requirements of Section 8 of the Zoning Ordinance, as confirmed by the Deputy Commissioner of Parking.

7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

There is little change to the interconnection of parking lots or traffic circulation within the site, as the proposed parking structure will be located entirely on an existing surface parking lot and will connect to the existing sidewalk system within the site. The entrance to the easterly surface parking lot will be relocated approximately 140 feet to the north and also connects with the existing sidewalk/crosswalk system. The existing entrance / curb cut will be eliminated.

7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The location and arrangement of loading spaces remains unchanged.

7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

Pedestrian and vehicular circulation remains largely unchanged within the site and in relation to the adjoining street and sidewalk system, as the proposed parking structure will be located entirely on an existing surface parking lot and will connect to the existing sidewalk system within the site. Changes to the easterly surface parking lot are largely internal in nature; however, Applicant proposes to install a new crosswalk and sidewalk linking the new and enhanced secure entrance to the existing sidewalk system and crosswalk to the main entrance.

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

Appropriate provisions for the physically disabled are provided in the proposed garage and the reconfigured easterly parking area, as confirmed by the Deputy Commissioner of Parking.

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

Additional and enhanced landscaping is proposed for the parking structure area, the reconfigured easterly surface parking lot, and the newly gated entrances to the northerly parking lot and visitor parking lot. In particular, Applicant is adding a large and heavily landscaped median (30 feet by 220 feet) located in between the proposed parking structure and the adjacent (remainder) surface parking area. This median will feature shade trees, flowering trees, and many shrubs.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

The Department of Public Safety will assess the adequacy of fire lanes and other emergency zones.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

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

There is no change to existing fences or walls on the site. During construction, a silt fence will be installed between the easterly parking lot and the wetland buffer area, and will meet the requirements of the Zoning Ordinance. The proposed garage will be built into an existing grade change in the westerly parking lot so that the garage itself will not be much higher than the highest point of the existing parking area or the existing buildings on the site. Moreover, the nearest neighbors are at a significantly higher elevation and are separated from the parking lot by substantial topography and wooded areas.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

The property qualifies as an "environmentally sensitive site", pursuant to Sections 4.4.25 of the Zoning Ordinance due to the presence of wetlands, steep slopes, and rock outcroppings onsite. However, the wetland, located on the easterly side of the site, is not impacted by the proposed improvements. A portion of the eastern parking area to be reconfigured in connection with security improvements will result in a minimal amount of disturbance within the 50 foot wetland buffer area (approximately 1,170 square feet). However, Applicant is mitigating this disturbance by replacing existing paved spaces within the buffer area with lawn, thus providing a net increase in green space within the buffer area, which will benefit the wetland. Furthermore, all proposed improvements have been designed to avoid impacts to steep slopes and rock outcroppings. There will be no creation of unnatural shapes in the existing slopes on the property, and all necessary measures will be taken to ensure erosion and sediment controls are put in place.

7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

Modifications to exterior lighting will be made to accommodate the parking structure and the reconfigured easterly parking area.

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

The project has been designed in a manner to minimize noise impacts on the surrounding neighborhood. The nearest neighbors are at a significantly higher elevation and are separated from the parking lot by substantial topography and wooded areas.

7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

Implementation of the applicant's SWPPP will provide an effective strategy for managing stormwater runoff

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

The proposed parking structure will include a solar array above the top level, which is anticipated to produce approximately 20% of the necessary electricity for the property.

7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed parking structure, reconfigured surface parking lot, and security upgrades are critical to PepsiCo's continued use of the property. The nearest neighbors are at a significantly higher elevation and are

separated from the parking lot by substantial topography and wooded areas. As a result, it is anticipated that there will be little to no visual impacts to any neighboring properties.

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

The proposed addition of a parking garage to the developed site does not represent a significant change to the performance characteristics of the existing office uses regarding air quality, traffic or noise levels, or solid waste production levels.

The new garage will be constructed within the existing parking lot so there will be no significant increase in impervious area.

The project includes new stormwater management features to retrofit the developed site. A new Bioretention Area is located just east of the garage. Plans include a "Hydro" stormwater quality treatment system. All changes to the site drainage to accommodate the new improvements will be subject to the approval by the Department of Public Works.

A Construction Management Plan is required for the development of the Proposed Project. The Plan shall include strict controls on all aspects of the construction, including soil erosion and sedimentation control controls on "fugitive dust", noise, pest control, etc.

The Property qualifies as an "environmentally sensitive site" under the City of White Plains Zoning Ordinance, as there are wetlands, steep slopes, and rock outcroppings on the site.

The only steep slopes impacted by the project are the minimal planter areas situated between the terraced parking lots.

The wetland area is not impacted by the proposed improvements. A portion of the east side of the parking area is to be reconfigured in connection with the security improvements, which will result in a minimal amount of disturbance within the 50 foot wetland buffer (approximately 1,170 square feet). However, the reconfiguration of the driveway and parking spaces will result in a net increase in green space within the buffer, which will actually benefit the wetland.

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

The site has been developed with a four-story office building, associated parking and maintained landscaping areas for over thirty five years. There are no naturally vegetated areas within the property.

A landscaping plan was presented that addresses both existing trees that will be removed and existing trees elsewhere on the site that will not be

removed. The applicant proposes to protect the trees that will stay from any negative consequences of construction activity and proposes planting new flowering trees, shade trees, and various grasses and shrubs.

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

The office development at 1111 Westchester Avenue, constructed in the 1980's.

The residential neighborhood known as "Ridgeway at White Plains" is located adjacent to the rear/west side of this site. The garage structure is 200 ft. distant to this rear/west property line and approximately 350 ft. to the nearest residence along Woodbrook Road. The Westpark campus includes a 100 ft. wide, forested buffer area around the perimeter of the site that serves to screen the project. The top level of the garage with an elevation of 187 ft. is approximately 25 feet lower in elevation than the residential properties on Woodbrook Road. Due to conditions related to topography, separation distance and vegetation, the construction of the proposed three-level parking structure within the existing surface parking lot will not significantly alter the visual appearance of the campus office site from the adjacent residential neighborhood

- (e) No major change in type or quantity of energy used will result from the Proposed Action.

A solar photovoltaic array will be constructed above this new parking structure, offsetting approximately 20% of the facility's electric usage.

- (f) No hazard to health or human safety will be created.

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

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

- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected.

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

Respectfully submitted,

Rod Johnson
Environmental Officer

Mr. Brasch moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A SITE PLAN AMENDMENT TO CONSTRUCT A NEW PARKING GARAGE WITHIN THE EXISTING OFFICE CAMPUS AT 1111 ON BEHALF OF WESTPARK ASSOCIATES NY LLC.

WHEREAS, the application submitted on behalf of Westpark Associates NY LLC, ("Applicant"), for a site plan amendment to construct a new parking garage within the existing office campus at 1111 Westchester Avenue ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the office development constructed in the 1980's contains two office buildings with 336,112 square feet of floor area and 1,311 parking spaces in surface parking areas; and

WHEREAS, the Proposed Action involves (a) construction of a three-level, 495-space parking structure with a 54,274 square foot footprint located within an existing surface parking lot which will result in a net increase of approximately 266 parking spaces, (b) installation of an array of solar panels at the garage roof which is anticipated to meet approximately 20% of the total electricity demand for the property, and (c) construction of security improvements that include installation of a new guard booth and reconfiguring the entrance to the easterly parking area, installing security gates to the northerly parking area, and adding a new guard booth and gate at the main entrance to the building and the visitor parking area; and

WHEREAS, the Proposed Action involves the following approval actions by the Common Council as the approving agency for the following:

1. Approval of a Site Plan amendment.
2. Approval of an area variance by the Zoning Board of Appeals (ZBA) for total building coverage exceeding the 30% site coverage in the C-O Campus Office District.

At its November 1, 2017 meeting, the White Plains Zoning Board of Appeals granted an area variance for total building coverage; and

WHEREAS, the 25.5-acre property is located within the Campus Office District (C-O) along Westchester Avenue to the south of eastbound I-287 and is deemed an "environmentally sensitive site" pursuant to Sections 4.4.25 of the Zoning Ordinance due to the presence of wetlands, steep slopes, and rock outcroppings onsite; and

WHEREAS, the Applicant has submitted the following documents in support of the Proposed Action ("Application Materials"):

1. A cover letter prepared by Mr. Seth Mandelbaum dated November 17, 2017;
2. A Full Environmental Assessment Form dated November 17, 2017;
3. A Short Form Building Permit Application dated November 13, 2017;
4. A Vehicle Queuing Analysis dated November 15, 2017 as prepared by JMC Consulting;
5. Architectural drawings A1 through A5 dated September 6, 2017 as prepared by Desman Design Management
6. Drawings SP-1 through SP-14 dated June 12, 2017 as prepared by JMC Consulting; and

WHEREAS, the Environmental Officer recommends that the following conditions recommended by the various City departments, boards and commissions be included as part of the Proposed Action and which are herewith considered to be a part of the Proposed Action for purposes of the environmental review ("Conditions"):

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, all landscaping shall be maintained in a healthy, growing condition throughout the duration of the structure and use of 1111 Westchester Avenue and any planting not so maintained shall be replaced with new plants at the beginning of the next growing season; and
2. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, applicant must provide a detailed lighting plan pursuant to Section 7 of the Zoning Ordinance which is satisfactory to the Commissioner of Buildings; and
3. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018 and the Commissioner of Public Works dated February 5, 2018, all construction work shall be subject to the City's Construction Management Protocol:

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

- a. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating project construction with other construction in the area, if any, including City or County projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but

not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Planning, and Public Works, the Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.

- b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting. In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.
- c. The Construction Management Plan for the proposed project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant 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. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be

approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

- d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- e. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
 - 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, 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.
- f. Prior to the issuance of any building or excavation permits, the Applicant 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 Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.
- g. The Applicant shall equip all construction equipment with "back up" sound attenuation devices.
- h. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is 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 Applicant for such damage as is not covered by the bond or insurance.
- i. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- j. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
- k. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, as in this case, the requirements of the approved SWPPP.
- l. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a

- licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
- m. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
 - n. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
 - o. The Applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and
4. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, prior to issuing a building permit the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards; and
 5. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, as the plans are further developed, amendments to the approved SWPPP, if so required, must be approved by the Department of Public Works in accordance with the current NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity; and
 6. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, the Applicant must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater permit prior to the issuance of a Building Department permit; and
 7. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, the Applicant's contractor must have an employee carry a current NYSDEC issued Trained Individual Card and be present on site at all times during soil disturbance activities; and
 8. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018 the Applicant must include information for any dewatering (which will only be permitted during construction) that may be needed during construction activities for which a sediment tank will be required and may only discharge to the storm drain and no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains; and
 9. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, all catch basin grates, trench drains and curb pieces must include ecofriendly markings; and

10. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5 2018, the Applicant must include a note on the plans stating that the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, must provide an as-built survey to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor, must obtain all necessary permits prior to the construction of any permanent stormwater facility and must execute, prior to the issuance of any certificate of occupancy (temporary or permanent) the required maintenance agreement for all on-site stormwater management measures which agreement must be in accordance with the City's local law requirements, must remain in effect with the transfer of the property, must contain an appropriate escrow account in an amount established by the Commissioner of Public Works for the maintenance of said stormwater facilities, which escrow account may be used by the Commissioner of Public Works to perform maintenance work should the owner fail to be responsive for which, the City through the Department of Public Works shall receive 20% of all costs, if CWP-DPW must contract the work, as an administrative fee and shall be in a form approved by the Corporation Counsel; and
11. As per the recommendations set forth in the communication of Commissioner of Public Works, dated December 5, 2018, all construction under the jurisdiction of the Department of Public Works must be in accordance with Department of Public Works standards regardless of what is shown or omitted from the plans; and

WHEREAS, the Environmental Officer has recommended that the Common (a) designate itself to be the Lead Agency for the environmental review of the Proposed Action and (b) determine that the Proposed Action is an Unlisted Action under SEQR regulations; and (c) determine that the Proposed Action will not have a significant effect on the environment for the following reasons; and

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

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

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

RESOLVED that the Common Council hereby determines that the Proposed Action is an Unlisted Action under the White Plans Zoning Ordinance and SEQR regulations; and be it further

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

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

The Comprehensive Plan provides the following Vision Statement for Campus Office Districts:

The Campus Office District, located along Westchester Avenue and at the Southern end of Mamaroneck Avenue should address the changing nature of office use in campus office settings, and the diverse concerns, interests and goals for the economic sustainability of these properties. The first element of this vision relates to the importance of these large office use parcels in the economic base of the City. The second element of the vision relates to the important open space character of these properties. The third element of the vision relates to the protection of the abutting residential areas from the intrusion of the impacts of uses which are more intense than the single family uses surrounding them. The vision is to establish appropriate new uses in combination with the existing office uses and the properties in the Campus Office Districts which enable these properties to be economically viable for the long term, while preserving and protecting open space, linking such open space to the City's open space network, implementing green and sustainable building design and development and complete streets design on and among the campus office properties, while avoiding negative impacts of such new uses on these properties on the abutting single family residential uses in the Outer Area neighborhoods.

The proposed project is consistent with the land use and economic strategies contained in the City's 1997 and 2006 Update to the Comprehensive Plan. The Comprehensive Plan states the City enjoys a strong competitive position in Westchester County with regard to office and retail markets, and this competitive position can be expected to remain strong. Despite current regional market trends that favor technologically advanced and adaptable buildings for multi-use tenants, PepsiCo remains one of the few large corporate headquarters located in the City of White Plains. The demand for Class A office space within close proximity to New York City combined with the ease of commutation by both automobile and public transportation makes PepsiCo's location highly desirable. Maintaining a corporate headquarters like PepsiCo in White Plains is a critical component to the City's ability to maintain its competitive edge in the Region.

The proposed addition of a parking garage to the existing campus will not impact the abutting residential area to the west of the site, along Woodbrook Road. There will be no traffic impacts because all driveway access to the site connects to Westchester Avenue. The garage will be screened toward the residential neighborhood due to conditions related to the terrain, separation distance and existing vegetation.

Conformance with Zoning Ordinance

The existing development conforms to land use and dimensional regulations of the CO Zoning District.

The existing buildings have a site coverage of 8.5%, where 10% is permitted in the CO District. The proposed garage with an additional 54,274 square foot footprint will result in an increased coverage of 13.31%. At its November 1, 2017 meeting, the White Plains Zoning Board of Appeals granted an area variance for proposed total building coverage.

The following table demonstrates compliance with zoning regulations of the CO District.

| Description | C-0 District Required | Existing | Proposed |
|--|--------------------------|---------------------|---------------------|
| Lot Area (Sf/Acres) | 435,600/10 (Min) | 1,121,656/ 25.75 | 1,121,656/ 25.75 |
| Existing Office Bdg. Footprint (SF) | N/A | 94,997(1) | 94,997 |
| Proposed Parking Structure Footprint (SF) | N/A | N/A | 54,274 |
| Existing Guard Booths (Sf) | N/A | 50 | 50 |
| Proposed Guard Booth (Sf) | N/A | N/A | 25 |
| Total (Sf) | | 95,047 (1) | 149,346 |
| Maximum Building Coverage: | | | |
| All Buildings (%) | 10 (Max) | 8.47 | 13.31 V(2) |

Parking Summary Table

| | |
|---|--|
| Gross Building Area | = 336,112 Sf |
| Parking Required | = 1,009 Spaces (3 Spaces/1,000 Sf) |
| Existing Parking | = 1,311 Spaces |
| Existing Surface Parking To Be Structure | = -211 Spaces Removed For Parking Structure |
| Existing Parking To Be Removed For Security Improvements | = -18 Spaces |
| Parking Proposed In Parking Structure | = 495 Spaces |
| Total Parking Provided | = 1,577 Spaces |
| Net New Parking Proposed | = 266 Spaces |

7.5 Site Plan Standards

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As is discussed further in Section III below, the proposed project is consistent with the City's Comprehensive Plan.

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

The applicant has submitted a Full Environmental Assessment Form (EAF), and prepared a "Queuing Analysis" evaluating the potential impact on traffic associated with the installation of the proposed security gates. Based on the findings of the applicant's Queuing Analysis, and upon confirmation by the City Traffic Engineer, the proposed security gates will have a minimal impact, if any, on Westchester Lane and no impact on Westchester Avenue.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The main vehicular entrance into and out of the site from Westchester Avenue remains unchanged. The entrance to the easterly surface parking area will be reconfigured to accommodate the proposed security improvements (new guard booth and gates). Applicant proposes to relocate the entrance approximately 140 feet to the north, which will align with the newly gated exit from the visitor parking area to the west. The existing entrance will be closed and converted into additional parking spaces.

The proposed parking structure can be accessed only via the newly relocated entrance to the easterly surface parking lot. The garage itself will be accessible on both its northerly and southerly sides (at grade). An internal ramp provides access to the second and third floors. An internal staircase and elevator provides pedestrian access to the different parking floors.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site remains unchanged and is adequate as confirmed by the City's Deputy Commissioner of Parking.

7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The project conforms to and exceeds the requirements of Section 8 of the Zoning Ordinance, as confirmed by the Deputy Commissioner of Parking.

7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

There is little change to the interconnection of parking lots or traffic circulation within the site, as the proposed parking structure will be located entirely on an existing surface parking lot and will connect to the existing sidewalk system within the site. The entrance to the easterly surface parking

lot will be relocated approximately 140 feet to the north and also connects with the existing sidewalk/crosswalk system. The existing entrance / curb cut will be eliminated.

7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The location and arrangement of loading spaces remains unchanged.

7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

Pedestrian and vehicular circulation remains largely unchanged within the site and in relation to the adjoining street and sidewalk system, as the proposed parking structure will be located entirely on an existing surface parking lot and will connect to the existing sidewalk system within the site. Changes to the easterly surface parking lot are largely internal in nature; however, Applicant proposes to install a new crosswalk and sidewalk linking the new and enhanced secure entrance to the existing sidewalk system and crosswalk to the main entrance.

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

Appropriate provisions for the physically disabled are provided in the proposed garage and the reconfigured easterly parking area, as confirmed by the Deputy Commissioner of Parking.

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

Additional and enhanced landscaping is proposed for the parking structure area, the reconfigured easterly surface parking lot, and the newly gated entrances to the northerly parking lot and visitor parking lot. In particular, Applicant is adding a large and heavily landscaped median (30 feet by 220 feet) located in between the proposed parking structure and the adjacent (remainder) surface parking area. This median will feature shade trees, flowering trees, and many shrubs.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

The Department of Public Safety will assess the adequacy of fire lanes and other emergency zones.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

7.5.3.1 The location, height and materials of walls, fences, hedges and plantings so as to insure harmony with adjacent development, screen "parking lots" and "loading spaces," and conceal storage areas, refuse areas, utility installations

and other such features. Such walls, fences, hedges and plantings shall, at a minimum, meet the requirements of Sections 4.4.16, 4.4.19 and 8.7.5 of this Ordinance.

There is no change to existing fences or walls on the site. During construction, a silt fence will be installed between the easterly parking lot and the wetland buffer area, and will meet the requirements of the Zoning Ordinance. The proposed garage will be built into an existing grade change in the westerly parking lot so that the garage itself will not be much higher than the highest point of the existing parking area or the existing buildings on the site. Moreover, the nearest neighbors are at a significantly higher elevation and are separated from the parking lot by substantial topography and wooded areas.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

The property qualifies as an "environmentally sensitive site", pursuant to Sections 4.4.25 of the Zoning Ordinance due to the presence of wetlands, steep slopes, and rock outcroppings onsite. However, the wetland, located on the easterly side of the site, is not impacted by the proposed improvements. A portion of the eastern parking area to be reconfigured in connection with security improvements will result in a minimal amount of disturbance within the 50 foot wetland buffer area (approximately 1,170 square feet). However, Applicant is mitigating this disturbance by replacing existing paved spaces within the buffer area with lawn, thus providing a net increase in green space within the buffer area, which will benefit the wetland. Furthermore, all proposed improvements have been designed to avoid impacts to steep slopes and rock outcroppings. There will be no creation of unnatural shapes in the existing slopes on the property, and all necessary measures will be taken to ensure erosion and sediment controls are put in place.

7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

Modifications to exterior lighting will be made to accommodate the parking structure and the reconfigured easterly parking area.

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

The project has been designed in a manner to minimize noise impacts on the surrounding neighborhood. The nearest neighbors are at a significantly higher elevation and are separated from the parking lot by substantial topography and wooded areas.

7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

Implementation of the applicant's SWPPP will provide an effective strategy for managing stormwater runoff.

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

The proposed parking structure will include a solar array above the top level, which is anticipated to produce approximately 20% of the necessary electricity for the property.

7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed parking structure, reconfigured surface parking lot, and security upgrades are critical to PepsiCo's continued use of the property. The nearest neighbors are at a significantly higher elevation and are separated from the parking lot by substantial topography and wooded areas. As a result, it is anticipated that there will be little to no visual impacts to any neighboring properties.

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

The proposed addition of a parking garage to the developed site does not represent a significant change to the performance characteristics of the existing office uses regarding air quality, traffic or noise levels, or solid waste production levels.

The new garage will be constructed within the existing parking lot so there will be no significant increase in impervious area.

The project includes new stormwater management features to retrofit the developed site. A new Bioretention Area is located just east of the garage. Plans include a "Hydro" stormwater quality treatment system. All changes to the site drainage to accommodate the new improvements will be subject to the approval by the Department of Public Works.

A Construction Management Plan is required for the development of the Proposed Project. The Plan shall include strict controls on all aspects of the construction, including soil erosion and sedimentation control controls on "fugitive dust", noise, pest control, etc.

The Property qualifies as an "environmentally sensitive site" under the City of White Plains Zoning Ordinance, as there are wetlands, steep slopes, and rock outcroppings on the site.

The only steep slopes impacted by the project are the minimal planter areas situated between the terraced parking lots.

The wetland area is not impacted by the proposed improvements. A portion of the east side of the parking area is to be reconfigured in connection with

the security improvements, which will result in a minimal amount of disturbance within the 50 foot wetland buffer (approximately 1,170 square feet). However, the reconfiguration of the driveway and parking spaces will result in a net increase in green space within the buffer, which will actually benefit the wetland.

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

The site has been developed with a four-story office building, associated parking and maintained landscaping areas for over thirty five years. There are no naturally vegetated areas within the property.

A landscaping plan was presented that addresses both existing trees that will be removed and existing trees elsewhere on the site that will not be removed. The applicant proposes to protect the trees that will stay from any negative consequences of construction activity and proposes planting new flowering trees, shade trees, and various grasses and shrubs.

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

The office development at 1111 Westchester Avenue, constructed in the 1980's.

The residential neighborhood known as "Ridgeway at White Plains" is located adjacent to the rear/west side of this site. The garage structure is 200 ft. distant to this rear/west property line and approximately 350 ft. to the nearest residence along Woodbrook Road. The Westpark campus includes a 100 ft. wide, forested buffer area around the perimeter of the site that serves to screen the project. The top level of the garage with an elevation of 187 ft. is approximately 25 feet lower in elevation than the residential properties on Woodbrook Road. Due to conditions related to topography, separation distance and vegetation, the construction of the proposed three-level parking structure within the existing surface parking lot will not significantly alter the visual appearance of the campus office site from the adjacent residential neighborhood

- (e) No major change in type or quantity of energy used will result from the Proposed Action.

A solar photovoltaic array will be constructed above this new parking structure, offsetting approximately 20% of the facility's electric usage.

- (f) No hazard to health or human safety will be created.

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

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

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

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

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

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

Mrs. Hunt-Robinson moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF WESTPARK ASSOCIATES NY LLC ("APPLICANT"), OWNER OF THE PROPERTY KNOWN AS 1111 WESTCHESTER AVENUE, FOR AN AMENDMENT TO AN APPROVED SITE PLAN TO CONSTRUCT A NEW PARKING GARAGE AND OTHER SITE IMPROVEMENTS.

WHEREAS, the Common Council of the City of White Plains, at its meeting held on December 4, 2017, received a communication from the Commissioner of Building dated November 20, 2017, forwarding an application, submitted on behalf of Westpark Associates NY LLC ("Applicant"), owner of the property known as 1111 Westchester Avenue for an amendment to an approved site plan ("Application"), in accordance with Section 7.7.2 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), to construct a new three level parking garage containing 495 parking spaces within an existing parking lot, resulting in approximately 266 additional parking spaces, as well as adding an array of solar panels on the roof of the garage providing approximately 20% of the electrical demand for the buildings and some security improvements to the parking lots on the site such as adding a new guard booth, reconfiguring the

entrance to the easterly surface lot, installing security gates to the north parking lot and adding a new guard booth and gates to the main entrance and visitor's parking lot; and

WHEREAS, the 25.5 acre site, improved with two four-story office buildings has frontage on Westchester Avenue; and

WHEREAS, the premises located at 1111 Westchester Avenue is known and designated on the Tax Assessment Map of the City of White Plains as Section 131.16, Block 1, Lot 1; and

WHEREAS, the property is located in the Campus Office Zoning District of the City of White Plains ("C-O District"); and

WHEREAS, 1111 Westchester Avenue is improved with two four-story office buildings, occupied by PepsiCo containing approximately 336,000 square feet; and

WHEREAS, the instant application required a variance of the total building coverage from 10% as allowed by the Zoning Ordinance to 13.31% as shown on the plans; and

WHEREAS, the Zoning Board of Appeals of the City of White Plains approved said variance at their meeting of November 1, 2017; and

WHEREAS, the instant Application includes the following documents:

A. A cover letter dated November 17, 2017, from Seth Mandelbaum transmitting the Application and describing same; and

B. A Short Form Building Permit Application, dated November 13, 2017; and

C. A Full Environmental Assessment Form (EAF) in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. at Part 617, dated November 17, 2017; and

D. A Vehicle Queuing Analysis dated November 15, 2017 prepared by JMC Consulting; and

E. Architectural drawing A1 through A5 dated September 6, 2017 prepared by Desman Design Management; and

F. Drawings SP-1 through SP-14 dated June 12, 2017 prepared by JMC Consulting; and

WHEREAS, the instant Application was referred to all necessary City departments, boards, commissions, agencies and officers for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, pursuant to a letter from the Corporation Counsel, dated December 27, 2017, the Common Council, by resolution adopted January 2, 2018 scheduled a public hearing for February 5, 2018 regarding this application because the property is an environmentally sensitive site which contains

wetlands, rock outcroppings and steep slopes and environmentally sensitive sites require that a public hearing be held before any final action can be taken; and

WHEREAS, the public hearing on the amended sit plan application on an environmentally was duly noticed and opened on February 5, 2018, at which time the Applicant's representatives and public were given the opportunity to speak for and against the Application; and

WHEREAS, the Common Council closed the public hearing on February 5, 2018; and

WHEREAS, in connection with instant Application, the Common Council at a meeting held on February 5, 2018 received a communication from the Commissioner of Building dated December 20, 2017; the Commissioner of Planning dated January 23, 2018; the Commissioner of Public Works, dated February 5, 2018; the Commissioner of Public Safety, dated December 15, 2017; the Commissioner of Parking, dated December 20, 2017; the Deputy Commissioner of Parking for Transportation Engineering, dated December 19, 2017; the Chair of the Planning Board, dated December 20, 2017; a member of the Design Review Board, dated December 19, 2017; the Acting Chairman of the Transportation Commission, dated December 20, 2017; the Chair of the White Plains Conservation Board, dated January 4, 2018; the Westchester County Planning Board, dated December 18, 2017; and the Environmental Officer, dated January 23, 2018 and

WHEREAS, in connection with the Application for an amended site plan, the Common Council, at its February 5, 2018 meeting, declared itself Lead Agency for the environmental review of this project pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), classified this proposal as an Type 1 Action and undertook an environmental review of the proposed action pursuant to SEQRA, adopted environmental findings, including a negative declaration; and

WHEREAS, the proposed Application for an amended site plan is in full compliance with the applicable requirements of the C-O Zoning District, and is consistent with the Zoning Ordinance and the 1997 Comprehensive Plan and the amendments thereto adopted by the Common Council on July 11, 2006, except for total building coverage for which the Zoning Board of Appeals of the City of White Plains granted a variance at its November 1, 2017 meeting; and said amended site plan is in conformance with the aforementioned variance granted; and

WHEREAS, the Common Council has reviewed and considered comments from various City departments, boards, commissions, agencies, and officers and has reviewed and considered the amended site plan Application with respect to the standards set forth in Section 7.5 of the Zoning Ordinance.

NOW, THEREFORE, be it

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

1. In accordance with Section 7.5.1 of the Zoning Ordinance, the amended site plan Application is consistent with the strategies established in the 1997 and 2006 Update of the Comprehensive Plan adopted July 11, 2006 ("Comprehensive Plan"). The subject property is located in the core of the C-O Zoning District. The Vision Statement for said district in the Comprehensive Plan notes that there are diverse concerns regarding the district. First, large office use parcels are important to the economic base of the City. In addition, the open space required on those parcels are important. Lastly, abutting residential neighborhoods should be protected from the more intense usage in said districts.

2. In accordance with Section 7.5.1 of the Zoning Ordinance, the amended site plan Application is consistent with the Comprehensive Plan in that few corporate headquarters like PepsiCo remain in the City and retaining the PepsiCo headquarters is important to the City's ability to maintain its competitive edge in the region.

3. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed amended site plan Application still provides that over 85% of the site is unimproved with buildings retaining substantial open space. In addition, there will be no traffic or visual impact on the abutting residential neighborhoods because vehicular ingress and egress will remain solely from Westchester Avenue and the proposed improvements will be screened from said residential neighborhoods by the terrain, separation distance and existing vegetation.

4. The vehicular and traffic circulation both within and without the site have been reviewed and are considered safe, adequate and convenient in accordance with Section 7.5.2 of the Zoning Ordinance, based upon reports of the Traffic Department and the Traffic Commission. This Finding specifically includes, but is not limited to, consideration of the effects of the alterations, renovations and improvements on the traffic conditions on existing "streets"; vehicular and pedestrian access drives and walkways; visibility at all exit points of the site; arrangements for and on and off-street parking facilities, the location, arrangement and adequacy of loading spaces; patterns of vehicular and pedestrian circulation; facilities for the physically challenged; and the adequacy of emergency access

5. The Applicant submitted a full Environmental Assessment Form and a Queuing Analysis which indicated the proposed security gates and other security changes would have minimal, if any impact on Westchester Lane and no impact on Westchester Avenue.

6. The design of these alterations, renovations and improvements are in harmony with adjacent uses and will preserve property values and protect the quality of the environment in accordance with Section 7.5.3 of the Zoning Ordinance.

7. The property qualifies as an environmentally sensitive site due to the presence of wetlands, steep slopes and rock outcroppings. The wetland will not be disturbed by the proposed improvements. While a small area of the wetland

buffer will be disturbed during construction, after completion there will be an increase in green area within the wetland buffer, benefitting the wetland. The rock outcroppings and steep slopes will not be impacted by the improvements.

8. Furthermore the stormwater runoff will be properly managed under the applicant's SWPPP. The array of solar panels on the top of the parking garage will provide approximately 20% of the buildings' electrical needs.

9. In accordance with Section 7.5.4 of the Zoning Ordinance, the architectural design of the new parking garage and site improvements for the Application will have no impact on the neighboring residential properties since the neighbors are at a significantly higher elevation and are separated from the improvements by both substantial distance and wooded areas.

10. The Application to construct a new three level parking garage containing 495 parking spaces within an existing parking lot, resulting in approximately 266 additional parking spaces, as well as adding an array of solar panels on the roof of the garage providing approximately 20% of the electrical demand for the building and some security improvements to the parking lots on the site such as adding a new guard booth, reconfiguring the entrance to the easterly surface lot, installing security gates to the north parking lot and adding a new guard booth and gates to the main entrance and visitor's parking lot is consistent with the original approved site plan and all prior amendments thereto; and be it

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

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, all landscaping shall be maintained in a healthy, growing condition throughout the duration of the structure and use of 1111 Westchester Avenue and any planting not so maintained shall be replaced with new plants at the beginning of the next growing season; and

2. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, applicant must provide a detailed lighting plan pursuant to Section 7 of the Zoning Ordinance which is satisfactory to the Commissioner of Buildings; and

3. As per the recommendation set forth in the communications of the Commissioner of Planning dated January 23, 2018 and the Commissioner of Public Works dated February 5, 2018, all construction work shall be subject to the City's Construction Management Protocol:

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

a. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating project construction with other construction in the area, if any, including City or County projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within

the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Planning, and Public Works, the Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.

b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting. In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.

c. The Construction Management Plan for the proposed project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant 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. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For Core Area develop-

ment, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.

e. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.

f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:

- i. 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.
- ii. 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.
- iii. 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.
- iv. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.

- v. "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.
- g. Prior to the issuance of any building or excavation permits, the Applicant 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 Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.
- h. The Applicant shall equip all construction equipment with "back up" sound attenuation devices.
- i. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is 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 Applicant for such damage as is not covered by the bond or insurance.
- j. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- k. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.
- l. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, as in this case, the requirements of the approved Storm Water Pollution Prevention Plan ("SWPPP").
- m. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.
- n. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
- o. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to

close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.

p. The Applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and

4. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, prior to issuing a building permit the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project will meet LEED Certification Silver and New York State Energy Star standards; and

5. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, as the plans are further developed, amendments to the approved SWPPP, if so required, must be approved by the Department of Public Works in accordance with the current New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity; and

6. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, the Applicant must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater permit prior to the issuance of a Building Department permit; and

7. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, the Applicant's contractor must have an employee carry a current NYSDEC issued Trained Individual Card and be present on site at all times during soil disturbance activities; and

8. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, the Applicant must include information for any dewatering (which will only be permitted during construction) that may be needed during construction activities for which a sediment tank will be required and may only discharge to the storm drain and no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains; and

9. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5, 2018, all catch basin grates, trench drains and curb pieces must include eco-friendly markings; and

10. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 5 2018, the Applicant must include a note on the plans stating that the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, must provide an as-built survey to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor, must obtain all necessary permits prior to the construction of any permanent stormwater facility and must execute, prior to the issuance of any certificate of occupancy (temporary or permanent) the required maintenance agreement for all on-site stormwater management measures which agreement

must be in accordance with the City's local law requirements, must remain in effect with the transfer of the property, must contain an appropriate escrow account in an amount established by the Commissioner of Public Works for the maintenance of said stormwater facilities, which escrow account may be used by the Commissioner of Public Works to perform maintenance work should the owner fail to be responsive for which, the City through the Department of Public Works shall receive 20% of all costs, if the Department of Public Works must contract the work, as an administrative fee and shall be in a form approved by the Corporation Counsel; and

11. As per the recommendations set forth in the communication of Commissioner of Public Works, dated February 5, 2018, all construction under the jurisdiction of the Department of Public Works must be in accordance with Department of Public Works standards regardless of what is shown or omitted from the plans

Mr. Kirkpatrick seconded the motion.

Carried.

The Mayor announced a public hearing in relation to the application submitted on behalf of White Plains Hospital ("Applicant"), for Special Permit and Amended Site Plan Approval for the renovation of the existing four story facility located at 79 East Post Road, situated in the B-3 Zoning District.

Mrs. Hunt-Robinson moved that the hearing be opened.

Mr. Kirkpatrick seconded the motion.

Carried.

The Mayor declared the hearing opened and asked if anyone wished to be heard.

The Mayor granted the privilege of the floor to William Null, attorney for the applicant and.....

Mrs. Hunt-Robinson moved that the hearing be closed.

Mr. Kirkpatrick seconded the motion.

Carried.

Communications from Commissioner of Building, Design Review Board, Commissioner of Planning, Planning Board, Commissioner of Public Safety, Commissioner of Public Works, Deputy Commissioner, Traffic Division, Transportation Commission, Commissioner of Parking, Westchester County Planning Board, Environmental Officer.

Mrs. Hunt-Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

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

Per Common Council referral, the Department of Building has reviewed a request for Special Permit and Amended Site Plan Approval for a proposed project at 79 East Post Road.

This facility is located in the B-3 Zoning District and is known and designated on the tax assessment map of the City of White Plains as Section-130.27, Block-4, Lot-1.

The applicant, White Plains Hospital, has acquired the property and is proposing to completely renovate the existing four (4) story facility. The intent is to relocate some of their existing professional offices from the main campus into this building. Professional offices are allowed in the B-3 zone as a Permitted Principal Use.

A combination of existing on-site parking and a previous "fee in lieu" parking payment satisfies their 36 space parking requirement.

This department has no objection to this project being approved. We do request that a condition be included in the approval resolution requiring that the applicant submit, as part of their building permit application, a layout of the proposed use for the former parking area.

Respectfully Submitted,

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

DATED: January 23, 2018
(for the February 5, 2018 Common Council Meeting)

December 19, 2017

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 December 11, 2017, review a request for a Special Permit and amended Site Plan approval for a proposed project at 79 E Post Rd. The applicant, White Plains Hospital, has acquired the property and is proposing to completely renovate the existing four (4) story

facility. The intent is to relocate some of the existing professional offices from the main campus to the renovated building located at 79 East Post Road, White Plains, NY.

OUTCOME: Design Review Board recommends the approval of this application and made the following comment:

1. Site Plan and building design approved.

Kent Johnsson, Member
Design Review Board

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON
COUNCIL

SUBJECT: 79 EAST POST ROAD
WHITE PLAINS HOSPITAL
APPLICATION FOR AMENDED SITE PLAN AND SPECIAL
PERMIT APPROVAL

By letter dated November 21, 2017, William S. Null, on behalf of the White Plains Hospital (the "Applicant") submitted an application for an Amended Site Plan and Special Permit Approval to the White Plains Common Council. The Applicant intends to renovate the existing four-story (approximately 16,000 sq. ft.) brick office building located at 79 East Post Road to relocate professional offices from the Hospital's Main Campus. The proposed "business or professional office" use is permitted as-of-right in the B-3 Intermediate Business Zoning District.

The amended site plan as proposed will: 1. Relocate the existing entrance and create a new lobby area that is ADA accessible; 2. Close an existing driveway and curb-cut leading to the former upper parking level; 3. Enclose the stairs at the existing entrance; 4. Close an internal two-story atrium (floors 2 and 3); 5. Provide an additional elevator; and 6. Modernize and modify the building's existing façade and windows.

In addition to site plan approval, the proposed project requires special permit approval pursuant to Section 5.3 of the Zoning Ordinance to increase the total Floor Area Ratio (FAR) of the building. The proposed enclosure of both the internal atrium and the current entrance stairs will increase the gross floor area of the building by approximately 2,200 sq. ft. (from 15,652 to 17,910 sq. ft.), thus increasing the building's FAR from 2.0 to 2.3. Zoning Ordinance Section 5.3 footnote (i) permits an increase of FAR in the B-3 District by up to 0.5 upon issuance of a special permit by the Common Council. Further the "business or professional office" use requires 36 parking spaces to be provided onsite. The amended site plan maintains 14 existing parking spaces on the lower level of the building while the balance of the required parking has been met via a previous "Fee-in-Lieu" payment for 25 spaces.

I. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains Comprehensive Plan. It is located within the City's "Core Area"; defined as "the retail, governmental, office, health service and transportation center of the City". The Comprehensive Plan envisions a vibrant, mixed use Core Area with easily accessible, well-designed and well-lit streets and sidewalks and land uses that complement one another. Renovation and reuse of vacant buildings will enhance the attractiveness of the Core Area. The Plan views the White Plains Hospital as a major health services institution; the hospital serves a regional population and draws visitors to the City.

The vision for the Post Road corridor is an attractive mixed use gateway to the City; with the White Plains Hospital continuing to be an anchor institution of the corridor. Continued improvements to the White Plains Hospital Center are encouraged by the Plan.

The proposed project is consistent with the vision of both the Core Area and the Post Road corridor. The project enhances the public's accessibility to professional services offered by White Plains Hospital, maintaining the hospital as one of the City's major anchor institutions. The project will also make improvements to the structure's façade and streetscape improvements along E. Post Road; one of the City's "gateway corridors".

II. ZONING COMPLIANCE

Site Plan Standards

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As previously identified, the project is consistent with recommendations of the City's Comprehensive Plan.

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

A Short Environmental Assessment Form dated November 17, 2017 was submitted wherein the Applicant stated that the proposed action will not result in a substantial increase in traffic above present levels. As confirmed by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The site plan contains two existing vehicular entrances; one off of Longview Avenue and the other off of E. Post Road. Both entrances access the same parking level despite a change in

grade. The main pedestrian entrance/lobby is accessible from E. Post Road. Access to the lobby from the parking level is available via internal stairway and elevator.

- 7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site is adequate as confirmed by the City's Deputy Commissioner of Parking.

- 7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The amended site plan maintains 14 existing parking spaces on the lower level of the building while the balance of the required parking has been met via a previous "Fee-in-Lieu" payment for 25 spaces.

- 7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

All curb cuts in the amended site plan are existing and the project does not propose any new cuts be made. Additional curb and sidewalk will be placed along the E. Post Road frontage nearest the existing driveway. Pedestrian access from the parking level to the lobby is provided via stairwell and elevator.

- 7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

One loading space is required for professional offices, pursuant to Section 8 of the Zoning Ordinance. Site Plan Drawing No. A-100, dated 11/17/2017, must be revised to show the one loading space in the rear driveway area as shown on the site plan approved on February 8, 1988. Note that the Zoning Board of Appeals granted variances to the applicant in relation to loading dock dimensions and delivery truck turn radius requirements on October 14, 1987.

- 7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

A concrete sidewalk will exist around the entire site. Two pedestrian curb cuts with crosswalks are provided, one on Longview Avenue and one on E. Post Road. A crosswalk leads from the project site to the intersection of E. Post Road and Longview Avenue. Existing curb cuts will be reduced along E. Post Road near the existing driveway, and improvements will be made to the adjacent sidewalk

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

Appropriate provisions for the physically disabled are provided within the parking structure adjacent to the lobby as confirmed by the City's Deputy Commissioner of Parking.

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

The site's parking area is completely contained on the lower level of the building and is not visible from the street or adjacent properties. Improvements to the streetscape, including the replacement of trees and planters has been provided around the entire site.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

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

The Applicant has proposed an amended site plan for the renovation of the building located at 79 E. Post Road. The proposed renovations include modernization of the building's façade and window openings, these changes will be made in line with the character of neighboring hospital buildings. Streetscape improvements were also proposed, these updates to the appearance of the E. Post Road corridor will have positive impacts on all adjacent properties.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

There are no natural features, wetlands or unique wildlife habitat on the site. However, NYS DEC records indicate the

presence of a peregrine falcon within 0.5 miles of the site; the proposed project will have no adverse impacts to the species or their habitat.

- 7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

A total of three (3), existing City of White Plains downtown street lights are located on the E. Post Road frontage of the site. No additional lights have been proposed on site. All exterior lighting is in conformance to the requirements of Section 4.4.20 of the Zoning Ordinance.

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

Renovations at 79 E. Post Road will not create any additional noise, thus having no adverse impacts on the surrounding neighborhood.

- 7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

No changes are proposed to the existing building storm drainage system, or the rate of runoff generated by the site.

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

No solar energy systems have been proposed.

- 7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed renovations will substantially improve the aesthetics of the structure and streetscape improvements have also been proposed. This project will greatly enhance the character of the E. Post Road corridor and will have a positive impact on adjacent properties.

Special Permit Standards

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

The Applicant requests a Special Permit to increase the Floor to Area Ratio (FAR) of the building from 2.0 to 2.3, pursuant to Section 5.3, footnote "i" of the Zoning Ordinance. The site is located in the B-3 Zoning District, which is described as an intermediate business zone.

The zone is intended to serve as a general retail district containing a wide variety of retail, office and service business "uses"; the majority of "uses" in the district are of a service character. The proposed modifications to the structure located at 79 E. Post Road will allow the building to be used as professional offices for White Plains Hospital staff in a location that better serves the public. This will be done by relocating these services from the main office campus to a more accessible location. The project is in harmony with the appropriate and orderly development of the area.

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

The Special Permit for an increase in the FAR will not hinder or discourage the appropriate development and use of adjacent land and buildings. Rather, the proposed streetscape and façade improvements may serve as a catalyst for further renovation or future development along the E. Post Road corridor.

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

The Special Permit for an increase to the building's FAR will not have any impacts related to noise, traffic, fumes, or vibration on surrounding development. The increase in FAR will be made by enclosing the internal two-story atrium; thus the changes will not be visible from the street or any other properties.

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

The parking area is located within the structure and will not be visible from the street or any residential uses.

III. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 7 Site Plan Standards and Section 6.5 Special Permit Standards of the City Zoning Ordinance, the Planning Department recommends that the Common Council grant the requested site plan and special permit approval subject to the following conditions:

1. Site Plan Drawing No. A-100, dated 11/17/2017, must be revised to designate the Ground Level floor area, formerly occupied by 15 parking spaces, for use as "Storage of sidewalk snow plow and other equipment" as indicated by the Applicant. The revised drawing must be submitted to the Building Department for approval at the time of Building Permit Application.

2. Site Plan Drawing No. A-100, dated 11/17/2017, must be revised to show the one loading space in the rear driveway area as shown on the site plan approved February 8, 1988.
3. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
4. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any. The Plan shall include strict controls on all aspects of the construction. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
5. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 23, 2018

December 20, 2017

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS HOSPITAL - SITE PLAN AMENDMENT AND
SPECIAL PERMIT TO RENOVATE AN EXISTING BUILDING
LOCATED AT 79 EAST POST ROAD FOR PROFESSIONAL OFFICE
USE

At its December 19, 2017 meeting, the Planning Board considered the application by White Plains Hospital to renovate the existing office building at 79 East Post Road to create office space for uses that are currently operating at another building on the hospital property, which is proposed to be demolished.

The Planning Board recommends approval of the proposed site plan amendment and special permit as requested.

Planning Board members voting in favor of sending a letter to the Common Council stating no objection to approval of the proposed site plan amendment: J. Ioris, J. Brasch, A. Cabrera, J. Westlund, L. Oliva, and S. Russell (6); Opposed: None (0); Absent: J. Durante (1).

Respectfully submitted,

John Ioris, Chairman
White Plains Planning Board

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

White Plains Hospital-Special Permit
Site Plan Amendment
Renovate 79 East Post Road

David E. Chong
Commissioner of Public Safety

DEC:bn

Date: December 15, 2017

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

The Department of Public Works has reviewed the request by Cuddy & Feder, LLP, dated December 1, 2017, on behalf of White Plains Hospital, for the premises located at 79 East New York Post Road, which is located within the B-3 zoning district, to submit a site plan amendment and special permit approval, to renovate the existing building at the corner of Longview Avenue and 79 East New York Post Road. Plans include an entrance relocation and upgrades; ADA accessibility upgrades; new elevator installation; driveway alterations; staircase alterations; building façade alterations; and the closure of an existing two-story atrium.

The following information included in the request, with a cover letter addressed to the Common Council dated 12/1/17, prepared by Cuddy & Feder, LLP, are the following:

- Plan sheets G-001, A-001, A-100, A-101, A-201, C-101, & C-501, dated November 17, 2017, prepared by Array Architects, P.C.
- Sheet V-001.02 (property survey), revised dated October 27, 2017, and prepared by Control Point Associates, Inc., P.C.
- An additional cover letter from Cuddy & Feder, addressed to the Common Council, dated November 29, 2017 (updated by the December 1, 2017 cover letter),
- City of White Plains Building Department 'Building Short Form' (sheets 1 thru 4), notarized and dated November 21, 2017
- 'Short Environmental Assessment Form - Part 1 - Project Information' (sheets 1 thru 3), signed and dated November 17, 2017
- Copy of an EAF 'Mapper Summary Report', dated November 9, 2017
- Copy of a 'Certificate of Occupancy' for the subject premises, dated November 12, 1997
- Letter from the Building Department Commissioner to the Mayor & Common Council, dated November 29, 2017.

We offer the following comments:

1. As indicated on the plans, existing trees within the City right-of-way proposed to be removed shall be replaced with new trees. (Tree types and caliper to be determined by the City of White Plains DPW.)
2. The sizes and materials of all existing utility service lines, (fire and domestic water services, sanitary sewer service, storm water service, gas service, electric service), running from the building to the main utility lines along Longview Avenue (and/or East New York Post Road) must be labeled on the utility plan.
3. DPW reserves the right to order sediment and erosion control practices (i.e., silt fencing, soil stockpile area), if deemed necessary in order to prohibit any sediments from encroaching into the right of way and/or storm water system.
4. All construction (i.e., new driveway apron, granite curbing installation, promenade sidewalk placement, pavement replacement, etc.) under the jurisdiction of the Department of Public Works (DPW) must be in conformance with DPW standards regardless of what may be shown on the plans.
5. For all work occurring within the City's right-of-way, all applicable DPW permits shall be filed (i.e. - street and/or sidewalk obstruction and protection). During the demolition phase of the project, all removed materials, sediments and/or construction debris is prohibited

from entering the City right-of-way. Construction and/or silt fencing may be required along the property line as directed by DPW to properly protect pedestrian and vehicular traffic.

6. In addition to East New York Post Road being New York State Route 22, it is also Westchester County Road 53. All construction along East New York Post Road must conform to all State, County and City of White Plains standards for construction.

In conclusion, we have no objection to conditioned approval, provided the comments are addressed to the sole satisfaction of the Commissioner of Public Works, prior to the issuance of a Building Department permit.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 2, 2018

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

The Department of Parking/Traffic Division has reviewed the application for a site plan amendment for 79 East Post Road which was referred by the Common Council on December 4, 2017 and has the following comments:

1. It should be made clear that the old access driveway along East Post Road is no longer open for traffic.
2. A stop sign, stop line and short double yellow line should be installed at the parking lot driveway on Longview Avenue.
3. All parking space markings must be designated as white in color except for accessible spaces which can be outlined in blue.

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

Dated: December 19, 2017
(for the January 2, 2018 Common Council Meeting)

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

The Transportation Commission, at its meeting held on December 20, 2017, reviewed a request from 79 East Post Road, White Plains Hospital Request from

Action: Site Plan Amendment and Special Permit Approval

Location: 79 East Post Road

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 renovations and improvements to be undertaken at this building 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: _____
Eileen Mildenerger
Acting Commissioner

EM/KE

January 23, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS HOSPITAL CENTER
79 EAST POST ROAD
SPECIAL PERMIT AND AMENDED SITE PLAN APPROVAL
SBL: 130.27-4-1

The application submitted on behalf of White Plains Hospital Center ("WPHC" or "Applicant") for an Amended Site Plan and Special Permit Approval to increase the overall building Floor Area Ratio (FAR) of the office building at 79 East Post Road ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review ("SEQR") regulations.

The Premises was originally developed as a "medical office" building with site plan approval granted February 8, 1988. The parking required for the "medical office" use was 53 parking spaces: 28 parking spaces on the Premises (15 spaces in the Cellar; and 13 spaces in the upper parking level); with an additional 25 spaces provided by fee-in-lieu of parking).

The applicant, White Plains Hospital, has acquired the property and is proposing to completely renovate the existing four (4) story (approximately 16,000 sq. ft.) office building with the intent to relocate some of the existing "professional offices" from the Hospital's main campus to the renovated building.

The amended site plan will (1) relocate the existing entrance and create a new lobby area that is ADA accessible, (2) close one of two existing driveways and curb-cut leading to the former upper level parking (thereby removing 13

parking spaces on that level) (3) enclose the stairs at the existing entrance, (4) close an internal two-story atrium (floors 2 and 3), (5) provide an additional elevator, and (6) modernize and modify the building's façade and window openings.

The application submitted on behalf of White Plains Hospital Center involves an amended Site Plan and Special Permit Approval for the installation of a new "professional office" use that is specifically limited to only the premises at 79 East Post Road (SBL: 130.27-4-1). This application does not represent "medical office" or "hospital" uses and does not involve or require any amendments to the Special Permit granted to the WPHC for the "hospital" use at the main campus located on the opposite side of Longview Avenue and generally known as 41 East Post Road (SBL: (SBL: 130.27- 7-3.111).

The Applicant intends to renovate the existing four-story (approximately 16,000 sq. ft.) brick office building located at 79 E. Post Road and to relocate professional offices from the Hospital's Main Campus to the renovated building.

The Proposed Action involves the following approval actions by the Common Council:

1. Approval of a special permit pursuant to Section 5.3 Footnote (i) of Section 5.3 of the Zoning Ordinance which permits an increase of Floor Area Ratio (FAR) in the B-3 District from 2.0 by 0.5 to 2.5, upon issuance of a special permit by the Common Council.

The proposed enclosure of both the internal atrium and the current entrance stairs will increase the gross floor area of the building from 15,652 to 17,910 sq. ft., thus increasing the building's FAR from 2.0 to 2.3.

2. Approval of an amendment to the site plan to renovate the existing four-story (approximately 16,000 sq. ft.) brick office building located at 79 E. Post Road and to relocate professional offices from the Hospital's Main Campus to the renovated building.
 - Change the permitted use from the former "medical office" use approved in 1988 to the proposed "professional office" use which is allowed in the B-3 zone as a Permitted Principal Use.
 - Change the designated use of the former "upper parking level" on the 1988 Site Plan deleting 15 parking spaces and designated the newly labeled "Ground Level floor" for use as "storage of sidewalk snow plow and other equipment."
 - Change the required parking from the 53 parking spaces (28 on site and 25 fee-in-lieu spaces) required for the former "medical office" use to 36 parking spaces required for the proposed "professional offices" use. This required parking is provided by 14 parking spaces currently located on the lower level and the remaining 22 parking spaces have been provided via a previously paid "Fee-in-Lieu of parking" for parking for 25 spaces (with 3 extra Fee-in-Lieu spaces).

WHEREAS, the Applicant has submitted the following documents in support of the Proposed Action ("Application Materials"):

- A. A cover letter prepared by William Null, Cuddy & Feder, LLP, dated November 11, 2017.
- B. A letter prepared by William Null, Cuddy & Feder, LLP, dated December 1, 2017, transmitting a revised Short Environmental Assessment Form, dated November 17, 2017 (same date), revised Item 12.a to add nearby Percy Granger Home Historic Site.
- C. A Short Form Building Permit Application, dated November 17, 2017.
- D. A revised Short Environmental Assessment Form, dated November 17, 2017 (same date), revised Item 12.a to add nearby Percy Granger Home Historic Site.
- E. Boundary & Topographic Survey, entitled "White Plains Hospital Medical Center, 79 East Post Road (NYSR 22), Lot 1, Block 4, City of White Plains, Westchester County, State of New York" (V-001.02), last revised 10-27-2017, prepared by Control Point Associates Inc. PC.
- F. Site Plan drawings generally titled "White Plains Hospital 79 East Post Road Renovation," prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C. ("McClaren"), or Array Architects P.C. ("Array"), numbered, titled, and dated as follows:

| <u>No.</u> | <u>Title</u> | <u>Prepared by</u> | <u>Dated</u> |
|------------|-------------------------------|---------------------|--------------|
| Cover | Cover sheet/ Drawing Schedule | McLaren Engineering | 10/27/2017 |
| A-001 | Zoning Plan | McLaren Engineering | 11/17/2017 |
| A-100 | Floor Plans | Array Architects | 11/17/2017 |
| A-101 | Floor Plans | Array Architects | 11/17/2017 |
| A-201 | Building Elevations | Array Architects | 11/17/2017 |
| C-101 | Site & Grading Plan | McLaren Engineering | 11/17/2017 |
| C-501 | Details | McLaren Engineering | 11/17/2017 |

The Environmental Officer recommends that the following conditions recommended by the various departments, boards and commissions should be adopted as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (herein after referred to as the "Conditions"):

1. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
2. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any. The Plan shall include strict controls on all aspects of the construction. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

3. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.
4. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to designate the Ground Level floor area, formerly occupied by 15 parking spaces, for use as "storage of sidewalk snow plow and other equipment." This revised drawing shall be submitted to the Building Department for approval with the Building Permit Application.
5. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to show the one loading space in the rear driveway area as shown on the site plans approved on February 8, 1988.

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

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

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains Comprehensive Plan. It is located within the City's "Core Area"; defined as "the retail, governmental, office, and health service and transportation center of the City". The Comprehensive Plan envisions a vibrant, mixed use Core Area with easily accessible, well-designed and well-lit streets and sidewalks and land uses that complement one another. Renovation and reuse of vacant buildings will enhance the attractiveness of the Core Area. The Plan views the White Plains Hospital as a major health services institution; the hospital serves a regional population and draws visitors to the City.

The vision for the Post Road corridor is an attractive mixed use gateway to the City; with the White Plains Hospital continuing to be an anchor institution of the corridor. Continued improvements to the White Plains Hospital Center are encouraged by the Plan.

The proposed project is consistent with the vision of both the Core Area and the Post Road corridor. The project enhances the public's accessibility to professional services offered by White Plains Hospital, maintaining the hospital as one of the City's major anchor institutions. The project will also make improvements to the structure's façade and streetscape improvements along E. Post Road; one of the City's "gateway corridors".

Conformance to the Zoning Ordinance:

The application submitted on behalf of White Plains Hospital Center involves an amended Site Plan and Special Permit Approval for the installation of a new "professional office" use that is specifically limited to only the premises at 79 East Post Road (SBL: 130.27-4-1). This application does not represent "medical office" or "hospital" uses and does not involve or require any

amendments to the Special Permit granted to the WPHC for the "hospital" use at the main campus located on the opposite side of Longview Avenue and generally known as 41 East Post Road (SBL: (SBL: 130.27- 7-3.111).

The Premises was originally developed as a "medical office" building with site plan approval granted February 8, 1988 ("1988 Approval"). The parking required for the "medical office" use was 53 parking spaces: 28 parking spaces on the Premises (15 spaces in the Cellar; and 13 spaces in the upper parking level); with an additional 25 spaces provided by fee-in-lieu of parking).

The 1988 Approval resolution, pursuant to Section 4.4.19.2 of the Zoning Ordinance, determined that the adjoining land uses satisfy the same purpose as the otherwise required ten (10) foot buffer screening area, and, accordingly, waives said requirement. Since that approval the adjacent site has been developed with the 9-story, Longview Cromwell Municipal Parking Garage.

The proposed "professional office" uses are permitted as of right in the B-3 District as a Permitted Principal Use.

As previously noted, the Premises will be occupied by professional offices relocated from the Hospital's Main Campus. Enclosure of both the internal atrium and the current entrance stairs increases the gross floor area of the building from 15,652 to 17,910 square feet. Accordingly, the increase of 2,258 square feet prompts this request to modify the permitted FAR, pursuant to Footnote (i) of Section 5.3, which permits the Common Council on issuance of a Special Permit to increase non-residential FAR by up to 0.5 on properties situated in the Central Parking Area. The application requests a Special Permit allowing the FAR to increase to 2.31 because, among other reasons, the increased FAR does not otherwise expand the footprint of the building.

| ZONING REQUIREMENT IN B-3 DISTRICT | REQUIRED/ PERMITTED | EXISTING | PROPOSED |
|---|----------------------------|-----------------|-----------------|
| Area of Lot (sf) | - | 7,839 | 7,839 |
| Building Footprint (sf) | - | 5,873 | 5,873 |
| Maximum Building Lot Coverage(%) | 80% | 75% | 75% |
| Gross Floor Area | - | 16,155 | 17,910 |
| Maximum Floor Area Ratio (FAR) (2) | 2.0+0.5 = 2.5 | 2.0 | 2.3 |
| Max Height (stories) | 4 | 4+ Cellar | 4+ Cellar |
| Max Height (ft) | 50 | <50 | <50 |
| Lot Dimensions | | | |
| Frontage (ft) (Longview Ave) | - | 63.39 | 63.39 |
| Depth of Lot (ft) (East Post Rd) | - | 132.72 | 132.72 |
| Yard Dimensions | | | |

| | | | |
|---|----|------|------|
| Front (along Longview Avenue) | 5 | 5.3 | 5.3 |
| One Side | - | 0 | 0 |
| One Side | - | 0 | 0 |
| Rear (driveway along eastern property line) | 15 | 14.9 | 14.9 |

Building Area Table

| | Area (GSF) |
|--------------|---------------|
| Ground Level | 1,515 |
| First Floor | 5,523 |
| Second Floor | 3,132 |
| Second Floor | 2,315 |
| Third Floor | 5,425 |
| Total | 17,910 |

Required Parking

The Premises was developed as a medical office building and issued Certificate of Occupancy No. 8370 in 1997. As shown on the Certificate of Occupancy, it provided 53 parking spaces: 28 parking spaces on the Premises (15 spaces in the Cellar; and 13 spaces in the upper parking level); with an additional 25 spaces provided by fee-in-lieu of parking.

Pursuant to the Zoning Ordinance, parking for the "professional offices" in this building requires 2 spaces per 1,000 square feet of gross floor area, so the 17,910 square feet of gross floor area will require 36 parking spaces. The requisite parking has been provided, despite the closure of the existing driveway to the upper level parking removing 13 parking spaces. The amended site plan maintains 14 existing parking spaces on the lower level of the building while the balance of the required parking has been met via a previous "Fee-in-Lieu" payment for 25 spaces.

| | Area (GSF) | Parking Required per 1,000SF (1) | Parking Spaces |
|--|------------|----------------------------------|----------------|
| Parking Required | | | |
| Professional Office | 17,910 | 2 | 36 |
| Parking Provided | | | |
| Lower level Parking | | | 14 |
| "Payment in lieu of" parking spaces from prior | | | 25 |
| Total Parking Provided | | | 39 |

Required Loading Zone

By resolution dated October 14, 1987, the Zoning Board of Appeals granted variances to the applicant in relation to loading dock dimensions. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to show the one loading space in the rear driveway area as shown on the site plans approved on February 8, 1988.

Conformance with Zoning Ordinance Section 6.5: General Standards for Special Permit Uses

Site Plan Standards

- 7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As previously identified, the project is consistent with recommendations of the City's Comprehensive Plan.

- 7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

A Short Environmental Assessment Form dated November 17, 2017 was submitted wherein the Applicant stated that the proposed action will not result in a substantial increase in traffic above present levels. As confirmed by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

- 7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The site plan contains two existing vehicular entrances; one off of Longview Avenue and the other off of E. Post Road. Both entrances access the same parking level despite a change in grade. The Longview Avenue entrance is accessible via both right and left-turn. The existing driveway off of E. Post Road will remain operable with access to the parking level available via a garage door. The main pedestrian entrance/lobby is accessible from E. Post Road. Access to the lobby from the parking level is available via internal stairway and elevator.

- 7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site is adequate as confirmed by the City's Deputy Commissioner of Parking.

- 7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The amended site plan maintains 14 existing parking spaces on the lower level of the building while the balance of the required parking has been met via a previous "Fee-in-Lieu" payment for 25 spaces.

- 7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

All curb cuts in the amended site plan are existing and the project does not propose any new cuts be made. Additional curb and sidewalk will be placed along the E. Post Road frontage nearest the existing driveway. Pedestrian access from the parking level to the lobby is provided via stairwell and elevator.

- 7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

One loading space is required for professional offices, pursuant to Section 8 of the Zoning Ordinance. Site Plan Drawing No. A-100, dated 11/17/2017, must be revised to show the one loading space in the rear driveway area as shown on the site plan approved on February 8, 1988. Note that the Zoning Board of Appeals granted variances to the applicant in relation to loading dock dimensions and delivery truck turn radius requirements on October 14, 1987.

- 7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

A concrete sidewalk will exist around the entire site. Two pedestrian curb cuts with crosswalks are provided, one on Longview Avenue and one on E. Post Road. A crosswalk leads from the project site to the intersection of E. Post Road and Longview Avenue. Existing curb cuts will be reduced along E. Post Road near the existing driveway, and improvements will be made to the adjacent sidewalk.

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

Appropriate provisions for the physically disabled are provided within the parking structure adjacent to the lobby as confirmed by the City's Deputy Commissioner of Parking.

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

The site's parking area is completely contained on the lower level of the building and is not visible from the street or adjacent properties. Improvements to the streetscape, including the replacement of trees and planters has been provided around the entire site.

- 7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

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

The Applicant has proposed an amended site plan for the renovation of the building located at 79 E. Post Road. The proposed renovations include modernization of the building's façade and window openings, these changes will be made in line with the character of neighboring hospital buildings. Streetscape improvements were also proposed, these updates to the appearance of the E. Post Road corridor will have positive impacts on all adjacent properties.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

There are no natural features, wetlands or unique wildlife habitat on the site. However, NYS DEC records indicate the presence of a peregrine falcon within 0.5 miles of the site; the proposed project will have no adverse impacts to the species or their habitat.

7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

A total of three (3), existing City of White Plains downtown street lights are located on the E. Post Road frontage of the site. No additional lights have been proposed on site. All exterior lighting is in conformance to the requirements of Section 4.4.20 of the Zoning Ordinance.

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

Renovations at 79 E. Post Road will not create any additional noise, thus having no adverse impacts on the surrounding neighborhood.

7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

No changes are proposed to the existing building storm drainage system, or the rate of runoff generated by the site.

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

No solar energy systems have been proposed.

- 7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed renovations will substantially improve the aesthetics of the structure and streetscape improvements have also been proposed. This project will greatly enhance the character of the E. Post Road corridor and will have a positive impact on adjacent properties.

Special Permit Standards

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

The Applicant requests a Special Permit to increase the Floor to Area Ratio (FAR) of the building from 2.0 to 2.3, pursuant to Section 5.3, footnote "i" of the Zoning Ordinance. The site is located in the B-3 Zoning District, which is described as an intermediate business zone. The zone is intended to serve as a general retail district containing a wide variety of retail, office and service business "uses"; the majority of "uses" in the district are of a service character. The proposed modifications to the structure located at 79 E. Post Road will allow the building to be used as professional offices for White Plains Hospital staff in a location that better serves the public. This will be done by relocating these services from the main office campus to a more accessible location. The project is in harmony with the appropriate and orderly development of the area.

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

The Special Permit for an increase in the FAR will not hinder or discourage the appropriate development and use of adjacent land and buildings. Rather, the proposed streetscape and façade improvements may serve as a catalyst for further renovation or future development along the E. Post Road corridor.

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

The Special Permit for an increase to the building's FAR will not have any impacts related to noise, traffic, fumes, or vibration on surrounding development. The increase in FAR will be made by enclosing the internal two-story atrium; thus the changes will not be visible from the street or any other properties.

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

The parking area is located within the structure and will not be visible from the street or any residential uses.

Conformance with Post Road / South Lexington Avenue Urban Renewal Project Expanded, Project No. WPUR -12E.

The project site is within the section of East Post Road corridor identified in 2011 as appropriate for coordinated planning and urban renewal efforts and designated as the Post Road / South Lexington Avenue Urban Renewal Project Expanded, Project No. WPUR -12E. While an Urban Renewal Plan has not been finalized for this project, the reuse and renovation of the existing office building for "professional office" uses supporting the WPHC is consistent with objectives of proper development in conformance with the recommendations of the Comprehensive Plan.

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

The continued use of the existing office facility will not generate any significant changes in air quality, ground or surface water quality, traffic or noise levels, solid waste production levels

All construction work will be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc. The Construction Management Plan, to be approved by the City Departments, will include strict controls on all aspects of the construction.

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

There are no naturally landscaped conditions on the project site. With the exception of two small planters along Longview Avenue, the entire project site is occupied by the existing building and a driveway.

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

The Proposed Action involves the interior renovation and continued usage of the existing office building, constructed in 1989 for that purpose.

The Percy Granger Home and Studio Historic Site, a National Register Building, is located within the nearby neighborhood, 200 feet distant and around the block at 7 Cromwell Place. This site is situated in a historically changing commercial-downtown area. The existing office building, to be renovated with this project, is not generally visible from the Percy Granger Home and is screened from that view by the 2-story office building at 4 Cromwell Place and the 9-story, Longview Cromwell Municipal Parking Garage across the street at 11 Longview Avenue. The Granger Home also abuts a 20-car parking lot and 4-story office building at 101 East Post Road. As such, this renovation project will not affect the existing character or setting of the historic site.

- (e) No major change in type or quantity of energy used will result from the Proposed Action.

- (f) No hazard to health or human safety will be created.

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

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

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

Respectfully submitted,

Rod Johnson
Environmental Officer

Mrs. Hunt-Robinson moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING SITE PLAN AMENDMENT AND SPECIAL PERMIT APPROVALS FOR A PROFESSIONAL OFFICE USE AT 79 EAST POST ROAD ON BEHALF OF THE WHITE PLAINS HOSPITAL MEDICAL CENTER

WHEREAS, the application submitted on behalf of White Plains Hospital Center ("WPHC" or "Applicant") for an Amended Site Plan and Special Permit Approval to increase the overall building Floor Area Ratio (FAR) of the office building at 79 East Post Road ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review ("SEQR") regulations; and

WHEREAS, the Premises was originally developed as a "medical office" building with site plan approval granted February 8, 1988. The parking required for the "medical office" use was 53 parking spaces: 28 parking spaces on the Premises (15 spaces in the Cellar; and 13 spaces in the upper parking level); with an additional 25 spaces provided by fee-in-lieu of parking); and

WHEREAS, the Applicant, White Plains Hospital, has acquired the property and is proposing to completely renovate the existing four (4) story (approximately 16,000 sq. ft.) office building with the intent to relocate some of the existing "professional offices" from the Hospital's main campus to the renovated building; and

WHEREAS, the amended site plan will (1) relocate the existing entrance and create a new lobby area that is ADA accessible, (2) close one of two existing driveways and curb-cut leading to the former upper level parking (thereby removing 13 parking spaces on that level) (3) enclose the stairs at the existing entrance, (4) close an internal two-story atrium (floors 2 and 3), (5) provide an additional elevator, and (6) modernize and modify the building's façade and window openings; and

WHEREAS, the application submitted on behalf of White Plains Hospital Center involves an amended Site Plan and Special Permit Approval for the installation of a new "professional office" use that is specifically limited to only the premises at 79 East Post Road (SBL: 130.27-4-1). This application does not represent "medical office" or "hospital" uses and does not involve or require any amendments to the Special Permit granted to the WPHC for the "hospital" use at the main campus located on the opposite side of Longview Avenue and generally known as 41 East Post Road (SBL: (SBL: 130.27-7-3.111); and

WHEREAS, the Applicant intends to renovate the existing four-story (approximately 16,000 sq. ft.) brick office building located at 79 E. Post Road and to relocate professional offices from the Hospital's Main Campus to the renovated building; and

WHEREAS, the Proposed Action involves the following approval actions by the Common Council:

1. Approval of a special permit pursuant to Section 5.3 Footnote (i) of Section 5.3 of the Zoning Ordinance which permits an increase of Floor Area Ratio (FAR) in the B-3 District from 2.0 by 0.5 to 2.5, upon issuance of a special permit by the Common Council.

The proposed enclosure of both the internal atrium and the current entrance stairs will increase the gross floor area of the building from 15,652 to 17,910 sq. ft., thus increasing the building's FAR from 2.0 to 2.3.

2. Approval of an amendment to the site plan to renovate the existing four-story (approximately 16,000 sq. ft.) brick office building located at 79 E. Post Road and to relocate professional offices from the Hospital's Main Campus to the renovated building.

- Change the permitted use from the former "medical office" use approved in 1988 to the proposed "professional office" use which is allowed in the B-3 zone as a Permitted Principal Use.
- Change the designated use of the former "upper parking level" on the 1988 Site Plan deleting 15 parking spaces and designated the newly labeled "Ground Level floor" for use as "storage of sidewalk snow plow and other equipment."
- Change the required parking from the 53 parking spaces (28 on site and 25 fee-in-lieu spaces) required for the former "medical office" use to 36 parking spaces required for the proposed "professional offices" use. This required parking is provided by 14 parking spaces currently located on the lower level and the remaining 22 parking spaces have been provided via a previously paid "Fee-in-Lieu of parking" for parking for 25 spaces (with 3 extra Fee-in-Lieu spaces); and

WHEREAS, the Applicant has submitted the following documents in support of the Proposed Action ("Application Materials"):

- A. A cover letter prepared by William Null, Cuddy & Feder, LLP, dated November 11, 2017.
- B. A letter prepared by William Null, Cuddy & Feder, LLP, dated December 1, 2017, transmitting a revised Short Environmental Assessment Form, dated November 17, 2017 (same date), revised Item 12.a to add nearby Percy Granger Home Historic Site.
- C. A Short Form Building Permit Application, dated November 17, 2017.
- D. A revised Short Environmental Assessment Form, dated November 17, 2017 (same date), revised Item 12.a to add nearby Percy Granger Home Historic Site.

E. Boundary & Topographic Survey, entitled "White Plains Hospital Medical Center, 79 East Post Road (NYSR 22), Lot 1, Block 4, City of White Plains, Westchester County, State of New York" (V-001.02), last revised 10-27-2017, prepared by Control Point Associates Inc. PC.

F. Site Plan drawings generally titled "White Plains Hospital 79 East Post Road Renovation," prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C. ("McClaren"), or Array Architects P.C. ("Array"), numbered, titled, and dated as follows:

| <u>No.</u> | <u>Title</u> | <u>Prepared by</u> | <u>Dated</u> |
|------------|-------------------------------|---------------------|--------------------|
| Cover | Cover sheet/ Drawing Schedule | McLaren Engineering | 10/27/2017 |
| A-001 | Zoning Plan | McLaren Engineering | 11/17/2017 |
| A-100 | Floor Plans | Array Architects | 11/17/2017 |
| A-101 | Floor Plans | Array Architects | 11/17/2017 |
| A-201 | Building Elevations | Array Architects | 11/17/2017 |
| C-101 | Site & Grading Plan | McLaren Engineering | 11/17/2017 |
| C-501 | Details | McLaren Engineering | 11/17/2017; and |

The Environmental Officer recommends that the following conditions recommended by the various departments, boards and commissions should be adopted as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (herein after referred to as the "Conditions"):

1. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
2. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any. The Plan shall include strict controls on all aspects of the construction. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
3. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.
4. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to designate the Ground Level floor area, formerly occupied by 15 parking spaces, for use as "storage of sidewalk snow plow and other equipment." This revised drawing shall be submitted to the Building Department for approval with the Building Permit Application.

5. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to show the one loading space in the rear driveway area as shown on the site plans approved on February 8, 1988; and

The Environmental Officer recommends that the following conditions recommended by the various departments, boards and commissions should be adopted as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (herein after referred to as the "Conditions"):

1. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
2. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any. The Plan shall include strict controls on all aspects of the construction. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
3. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.
4. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to designate the Ground Level floor area, formerly occupied by 15 parking spaces, for use as "storage of sidewalk snow plow and other equipment." This revised drawing shall be submitted to the Building Department for approval with the Building Permit Application.
5. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to show the one loading space in the rear driveway area as shown on the site plans approved on February 8, 1988; and

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

WHEREAS, the Common Council has considered the Proposed Action; 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 designates itself 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 determines that the Proposed Action is an Unlisted Action under SEQR regulations; and be it further

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

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

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains Comprehensive Plan. It is located within the City's "Core Area"; defined as "the retail, governmental, office, and health service and transportation center of the City". The Comprehensive Plan envisions a vibrant, mixed use Core Area with easily accessible, well-designed and well-lit streets and sidewalks and land uses that complement one another. Renovation and reuse of vacant buildings will enhance the attractiveness of the Core Area. The Plan views the White Plains Hospital as a major health services institution; the hospital serves a regional population and draws visitors to the City.

The vision for the Post Road corridor is an attractive mixed use gateway to the City; with the White Plains Hospital continuing to be an anchor institution of the corridor. Continued improvements to the White Plains Hospital Center are encouraged by the Plan.

The proposed project is consistent with the vision of both the Core Area and the Post Road corridor. The project enhances the public's accessibility to professional services offered by White Plains Hospital, maintaining the hospital as one of the City's major anchor institutions. The project will also make improvements to the structure's façade and streetscape improvements along E. Post Road; one of the City's "gateway corridors".

Conformance to the Zoning Ordinance:

The application submitted on behalf of White Plains Hospital Center involves an amended Site Plan and Special Permit Approval for the installation of a new "professional office" use that is specifically limited to only the premises at 79 East Post Road (SBL: 130.27-4-1). This application does not represent "medical office" or "hospital" uses and does not involve or require any amendments to the Special Permit granted to the WPHC for the "hospital" use at the main campus located on the opposite side of Longview Avenue and generally known as 41 East Post Road (SBL: (SBL: 130.27- 7-3.111).

The Premises was originally developed as a "medical office" building with site plan approval granted February 8, 1988 ("1988 Approval"). The parking required for the "medical office" use was 53 parking spaces: 28 parking spaces on the Premises (15 spaces in the Cellar; and 13 spaces in the upper parking level); with an additional 25 spaces provided by fee-in-lieu of parking).

The 1988 Approval resolution, pursuant to Section 4.4.19.2 of the Zoning Ordinance, determined that the adjoining land uses satisfy the same purpose as the otherwise required ten (10) foot buffer screening area, and, accord-

ingly, waives said requirement. Since that approval the adjacent site has been developed with the 9-story, Longview Cromwell Municipal Parking Garage.

The proposed "professional office" uses are permitted as of right in the B-3 District as a Permitted Principal Use.

As previously noted, the Premises will be occupied by professional offices relocated from the Hospital's Main Campus. Enclosure of both the internal atrium and the current entrance stairs increases the gross floor area of the building from 15,652 to 17,910 square feet. Accordingly, the increase of 2,258 square feet prompts this request to modify the permitted FAR, pursuant to Footnote (i) of Section 5.3, which permits the Common Council on issuance of a Special Permit to increase non-residential FAR by up to 0.5 on properties situated in the Central Parking Area. The application requests a Special Permit allowing the FAR to increase to 2.31 because, among other reasons, the increased FAR does not otherwise expand the footprint of the building.

| ZONING REQUIREMENT IN B-3 DISTRICT | REQUIRED/ PERMITTED | EXISTING | PROPOSED |
|---|----------------------------|-----------------|-----------------|
| Area of Lot (sf) | - | 7,839 | 7,839 |
| Building Footprint (sf) | - | 5,873 | 5,873 |
| Maximum Building Lot Coverage(%) | 80% | 75% | 75% |
| Gross Floor Area | - | 16,155 | 17,910 |
| Maximum Floor Area Ratio (FAR) (2) | 2.0+0.5 = 2.5 | 2.0 | 2.3 |
| Max Height (stories) | 4 | 4+ Cellar | 4+ Cellar |
| Max Height (ft) | 50 | <50 | <50 |
| Lot Dimensions | | | |
| Frontage (ft) (Longview Ave) | - | 63.39 | 63.39 |
| Depth of Lot (ft) (East Post Rd) | - | 132.72 | 132.72 |
| Yard Dimensions | | | |
| Front (along Longview Avenue) | 5 | 5.3 | 5.3 |
| One Side | - | 0 | 0 |
| One Side | - | 0 | 0 |
| Rear (driveway along eastern property line) | 15 | 14.9 | 14.9 |

Building Area Table

| | Area (GSF) |
|--------------|------------|
| Ground Level | 1,515 |
| First Floor | 5,523 |

| | |
|--------------|---------------|
| Second Floor | 3,132 |
| Second Floor | 2,315 |
| Third Floor | 5,425 |
| Total | 17,910 |

Required Parking

The Premises was developed as a medical office building and issued Certificate of Occupancy No. 8370 in 1997. As shown on the Certificate of Occupancy, it provided 53 parking spaces: 28 parking spaces on the Premises (15 spaces in the Cellar; and 13 spaces in the upper parking level); with an additional 25 spaces provided by fee-in-lieu of parking.

Pursuant to the Zoning Ordinance, parking for the "professional offices" in this building requires 2 spaces per 1,000 square feet of gross floor area, so the 17,910 square feet of gross floor area will require 36 parking spaces. The requisite parking has been provided, despite the closure of the existing driveway to the upper level parking removing 13 parking spaces. The amended site plan maintains 14 existing parking spaces on the lower level of the building while the balance of the required parking has been met via a previous "Fee-in-Lieu" payment for 25 spaces.

| | Area (GSF) | Parking Required per 1,000SF (1) | Parking Spaces |
|--|------------|----------------------------------|----------------|
| Parking Required | | | |
| Professional Office | 17,910 | 2 | 36 |
| Parking Provided | | | |
| Lower level Parking | | | 14 |
| "Payment in lieu of" parking spaces from prior | | | 25 |
| Total Parking Provided | | | 39 |

Required Loading Zone

By resolution dated October 14, 1987, the Zoning Board of Appeals granted variances to the applicant in relation to loading dock dimensions. Site Plan Drawing No. A-100, dated 11/17/2017, shall be revised to show the one loading space in the rear driveway area as shown on the site plans approved on February 8, 1988.

Conformance with Zoning Ordinance Section 6.5: General Standards for Special Permit Uses

Site Plan Standards

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As previously identified, the project is consistent with recommendations of the City's Comprehensive Plan.

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

A Short Environmental Assessment Form dated November 17, 2017 was submitted wherein the Applicant stated that the proposed action will not result in a substantial increase in traffic above present levels. As confirmed by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The site plan contains two existing vehicular entrances; one off of Longview Avenue and the other off of E. Post Road. Both entrances access the same parking level despite a change in grade. The Longview Avenue entrance is accessible via both right and left-turn. The existing driveway off of E. Post Road will remain operable with access to the parking level available via a garage door. The main pedestrian entrance/lobby is accessible from E. Post Road. Access to the lobby from the parking level is available via internal stairway and elevator.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site is adequate as confirmed by the City's Deputy Commissioner of Parking.

7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The amended site plan maintains 14 existing parking spaces on the lower level of the building while the balance of the required parking has been met via a previous "Fee-in-Lieu" payment for 25 spaces.

7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

All curb cuts in the amended site plan are existing and the project does not propose any new cuts be made. Additional curb and sidewalk will be placed along the E. Post Road frontage nearest the existing driveway. Pedestrian access from the parking level to the lobby is provided via stairwell and elevator.

- 7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

One loading space is required for professional offices, pursuant to Section 8 of the Zoning Ordinance. Site Plan Drawing No. A-100, dated 11/17/2017, must be revised to show the one loading space in the rear driveway area as shown on the site plan approved on February 8, 1988. Note that the Zoning Board of Appeals granted variances to the applicant in relation to loading dock dimensions and delivery truck turn radius requirements on October 14, 1987.

- 7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

A concrete sidewalk will exist around the entire site. Two pedestrian curb cuts with crosswalks are provided, one on Longview Avenue and one on E. Post Road. A crosswalk leads from the project site to the intersection of E. Post Road and Longview Avenue. Existing curb cuts will be reduced along E. Post Road near the existing driveway, and improvements will be made to the adjacent sidewalk.

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

Appropriate provisions for the physically disabled are provided within the parking structure adjacent to the lobby as confirmed by the City's Deputy Commissioner of Parking.

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

The site's parking area is completely contained on the lower level of the building and is not visible from the street or adjacent properties. Improvements to the streetscape, including the replacement of trees and planters has been provided around the entire site.

- 7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

- 7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

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

The Applicant has proposed an amended site plan for the renovation of the building located at 79 E. Post Road. The proposed renovations

include modernization of the building's façade and window openings, these changes will be made in line with the character of neighboring hospital buildings. Streetscape improvements were also proposed, these updates to the appearance of the E. Post Road corridor will have positive impacts on all adjacent properties.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

There are no natural features, wetlands or unique wildlife habitat on the site. However, NYS DEC records indicate the presence of a peregrine falcon within 0.5 miles of the site; the proposed project will have no adverse impacts to the species or their habitat.

- 7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

A total of three (3), existing City of White Plains downtown street lights are located on the E. Post Road frontage of the site. No additional lights have been proposed on site. All exterior lighting is in conformance to the requirements of Section 4.4.20 of the Zoning Ordinance.

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

Renovations at 79 E. Post Road will not create any additional noise, thus having no adverse impacts on the surrounding neighborhood.

- 7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

No changes are proposed to the existing building storm drainage system, or the rate of runoff generated by the site.

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

No solar energy systems have been proposed.

- 7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed renovations will substantially improve the aesthetics of the structure and streetscape improvements have also been proposed. This project will greatly enhance the character of the E. Post Road corridor and will have a positive impact on adjacent properties.

Special Permit Standards

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

The Applicant requests a Special Permit to increase the Floor to Area Ratio (FAR) of the building from 2.0 to 2.3, pursuant to Section 5.3, footnote "i" of the Zoning Ordinance. The site is located in the B-3 Zoning District, which is described as an intermediate business zone. The zone is intended to serve as a general retail district containing a wide variety of retail, office and service business "uses"; the majority of "uses" in the district are of a service character. The proposed modifications to the structure located at 79 E. Post Road will allow the building to be used as professional offices for White Plains Hospital staff in a location that better serves the public. This will be done by relocating these services from the main office campus to a more accessible location. The project is in harmony with the appropriate and orderly development of the area.

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

The Special Permit for an increase in the FAR will not hinder or discourage the appropriate development and use of adjacent land and buildings. Rather, the proposed streetscape and façade improvements may serve as a catalyst for further renovation or future development along the E. Post Road corridor.

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

The Special Permit for an increase to the building's FAR will not have any impacts related to noise, traffic, fumes, or vibration on surrounding development. The increase in FAR will be made by enclosing the internal two-story atrium; thus the changes will not be visible from the street or any other properties.

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

The parking area is located within the structure and will not be visible from the street or any residential uses.

Conformance with Post Road / South Lexington Avenue Urban Renewal Project Expanded, Project No. WPUR -12E.

The project site is within the section of East Post Road corridor identified in 2011 as appropriate for coordinated planning and urban renewal efforts and designated as the Post Road / South Lexington Avenue Urban Renewal Project Expanded, Project No. WPUR -12E. While an Urban Renewal Plan has not been finalized for this project, the reuse and renovation of the existing office building for "professional office" uses supporting the WPHC is consistent with objectives of proper development in conformance with the recommendations of the Comprehensive Plan.

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

The continued use of the existing office facility will not generate any significant changes in air quality, ground or surface water quality, traffic or noise levels, solid waste production levels.

All construction work will be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.. The Construction Management Plan, to be approved by the City Departments, will include strict controls on all aspects of the construction.

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

There are no naturally landscaped conditions on the project site. With the exception of two small planters along Longview Avenue, the entire project site is occupied by the existing building and a driveway.

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

The Proposed Action involves the interior renovation and continued usage of the existing office building, constructed in 1989 for that purpose.

The Percy Granger Home and Studio Historic Site, a National Register Building, is located within the nearby neighborhood, 200 feet distant and around the block at 7 Cromwell Place. This site is situated in a historically changing commercial-downtown area. The existing office building, to be renovated with this project, is not generally visible from the Percy Granger Home and is screened from that view by the 2-story office building at 4 Cromwell Place and the 9-story, Longview Cromwell Municipal Parking Garage across the street at 11 Longview Avenue. The Granger Home also abuts a 20-car parking lot and 4-story office building at 101 East Post Road. As such, this renovation project will not affect the existing character or setting of the historic site.

(e) No major change in type or quantity of energy used will result from the Proposed Action.

(f) No hazard to health or human safety will be created.

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

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

(h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

(i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

(j) The Proposed Action does not represent change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

(k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected; and be it further

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

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

Mr. Kirkpatrick seconded the motion.

Carried.

Mrs. Hunt-Robinson moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF WHITE PLAINS HOSPITAL SEEKING AMENDED SITE PLAN AND SPECIAL PERMIT APPROVAL TO RENOVATE PROPERTY KNOWN AS 79 EAST POST ROAD.

WHEREAS, by letter, dated November 21, 2017, William S. Null, Esq., of Cuddy & Feder, LLP, on behalf of White Plains Hospital (the "Applicant"), submitted an application for Amended Site Plan and Special Permit Approval to

renovate the existing four-story brick office building located at 79 East Post Road (the "Premises") in order to relocate professional offices from the Hospital's Main Campus; and

WHEREAS, the Premises located at 79 East Post Road is located in the B-3 (Intermediate Business) Zoning District, which is within the Central Parking Area ("CPA") and is known and designated on the Official Tax Assessment Map of the City of White Plains as Section 130.27, Block 4, Lot 1; and

WHEREAS, the Applicant is proposing to relocate the existing entrance and create a new lobby area that is ADA accessible; close an existing driveway and curb-cut leading to the former upper parking level; enclose the stairs at the existing entrance; close an internal two-story atrium; install an additional elevator; and modernize and modify the building's existing facade and windows; and

WHEREAS, the proposed enclosure of the internal atrium and current entrance stairs will increase the gross floor area of the building by approximately 2,200 square feet from 15,652 square feet to 17,910 square feet thereby increasing the Floor Area Ratio (FAR) from 2.0 to 2.3; and

WHEREAS, the Zoning Ordinance permits an increase in FAR in the B-3 District by up to 0.5 percent upon issuance of a special permit by the Common Council; and

WHEREAS, the proposed "business or professional office" use requires 36 parking spaces be provided onsite; and

WHEREAS, the Zoning Ordinance provides that the Common Council is the approving agency where parking requirement for the proposed "use" is 25 spaces or more in the CPA; and

WHEREAS, the Applicant submitted an application consisting of the following:

- A cover letter prepared by William Null, Cuddy & Feder, LLP, dated November 11, 2017;
- A letter prepared by William Null, Cuddy & Feder, LLP, dated December 1, 2017, transmitting a revised Short Environmental Assessment Form, dated November 17, 2017 (same date), revised Item 12.a to add nearby Percy Granger Home Historic Site;
- A Short Form Building Permit Application, dated November 17, 2017;
- A revised Short Environmental Assessment Form, dated November 17, 2017 (same date), revised Item 12.a to add nearby Percy Granger Home Historic Site;
- Boundary & Topographic Survey, entitled "White Plains Hospital Medical Center, 79 East Post Road (NYSR 22), Lot 1, Block 4, City of White Plains, Westchester County, State of New York" (V-001.02), last revised 10-27-2017, prepared by Control Point Associates Inc., PC.;

- Site Plan drawings generally titled "White Plains Hospital 79 East Post Road Renovation," prepared by Posed Architects, LLC, and McLaren Engineering Group, P.C. ("McClaren"), or Array Architects P.C. ("Array"), numbered, titled, and dated as follows:

| <u>No.</u> | <u>Title</u> | <u>Prepared by</u> | <u>Dated</u> |
|------------|-------------------------------|---------------------|--------------|
| Cover | Cover sheet/ Drawing Schedule | McLaren Engineering | 10/27/2017 |
| A-001 | Zoning Plan | McLaren Engineering | 11/17/2017 |
| A-100 | Floor Plans | Array Architects | 11/17/2017 |
| A-101 | Floor Plans | Array Architects | 11/17/2017 |
| A-201 | Building Elevations | Array Architects | 11/17/2017 |
| C-101 | Site & Grading Plan | McLaren Engineering | 11/17/2017 |
| C-501 | Details | McLaren Engineering | 11/17/2017 |

WHEREAS, the Common Council, at the January 2, 2018 meeting, referred the Application for an amended Special Permit and Site Plan to all necessary City departments, officers, agencies, boards, and commissions and to the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at the January 2, 2018 meeting, adopted a resolution scheduling a public hearing on the amended Special Permit/Site Plan application for February 5, 2018; and

WHEREAS, the Common Council, at its February 5, 2018 meeting, opened the duly noticed public hearing on the Application, at which time representatives of the Applicant and the public were afforded the opportunity to speak for and against the Application, and then closed the public hearing; and

WHEREAS, the Common Council, at its February 5, 2018 meeting, received communications with respect to the Application from the Commissioner of Building dated January 23, 2018; Commissioner of Planning, dated January 23, 2018; Commissioner of Public Works, dated January 2, 2018; Commissioner of Public Safety, dated December 15, 2017; Commissioner of Parking, dated January 26, 2018 the Deputy Commissioner of Parking for Transportation Engineering, dated December 19, 2017; the Chair of the Planning Board, dated December 20, 2017; the Acting Chairman of the Traffic Commission, dated December 20, 2017; the Chair of the Design Review Board, dated December 19, 2017; the Environmental Officer, dated January 23, 2018; and the Westchester County Planning Board, dated December 18, 2017; and

WHEREAS, the Common Council has reviewed and considered the comments from the public, as well as from the various City departments, agencies, boards, commissions and officers, and the Westchester Planning Board, and has reviewed the instant Special Permit/Site Plan amendment application in light of

the 1997 Comprehensive Plan and the 2006 Comprehensive Plan Update adopted July 11, 2006, and standards set forth in the Zoning Ordinance, including, but not limited to, Sections, 6.5, 6.7.5, 7 and 8; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), the Common Council, at its meeting of February 5, 2018, adopted a resolution that declared the Common Council to be Lead Agency for the environmental review of the Application, determined the Proposed Action to be an Unlisted Action under SEQRA Regulations and found that the Proposed Action would not have a significant effect on the environment; and

WHEREAS, the Common Council has reviewed and considered comments from various City departments, boards, commissions, agencies, and officers and has reviewed and considered the amended site plan Application with respect to the standards set forth in Sections 6.5 and 7.5 of the Zoning Ordinance.

NOW, THEREFORE, be it

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

Consistency with the Comprehensive Plan

The 1997 Comprehensive Plan and the 2006 Plan Update, adopted July 11, 2006, (together "Comprehensive Plan") for the City's "Core Area," which is defined as "the retail, governmental, office, health service and transportation center of the City," envisions a vibrant, mixed use area with easily accessible, well-designed and well-lit streets and sidewalks and land uses that complement one another. Renovation and reuse of vacant buildings will enhance the attractiveness of the Core Area. The Comprehensive Plan views the White Plains Hospital as a major health services institution; the hospital serves a regional population and draws visitors to the City.

The vision for the Post Road corridor is an attractive mixed use gateway to the City; with the White Plains Hospital continuing to be an anchor institution of the corridor. Continued improvements to the White Plains Hospital Center are encouraged by the Plan.

The proposed project is consistent with the vision of both the Core Area and the Post Road corridor. The project enhances the public's accessibility to professional services offered by White Plains Hospital, maintaining the Hospital as one of the City's major anchor institutions. The project will also make improvements to the structure's facade and streetscape along East post Road; one of the City's "gateway corridors."

Section 6.5 of the Zoning Ordinance Standards

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

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

The Applicant requests a Special Permit to increase the Floor to Area Ratio (FAR) of the building from 2.0 to 2.3, pursuant to Section 5.3, footnote "i" of the Zoning Ordinance. The site is located in the B-3 Zoning District, which is described as an intermediate business zone. The zone is intended to serve as a general retail district containing a wide variety of retail, office and service business "uses"; the majority of "uses" in the district are of a service character. The proposed modifications to the structure located at 79 E. Post Road will allow the building to be used as professional offices for White Plains Hospital staff in a location that better serves the public. This will be done by relocating these services from the main office campus to a more accessible location. The project is in harmony with the appropriate and orderly development of the area.

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

The Special Permit for an increase in the FAR will not hinder or discourage the appropriate development and use of adjacent land and buildings. Rather, the proposed streetscape and façade improvements may serve as a catalyst for further renovation or future development along the E. Post Road corridor.

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

The Special Permit for an increase to the building's FAR will not have any impacts related to noise, traffic, fumes, or vibration on surrounding development. The increase in FAR will be made by enclosing the internal two-story atrium; thus the changes will not be visible from the street or any other properties.

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

The parking area is located within the structure and will not be visible from the street or any residential uses.

Section 7.5 of the Zoning Ordinance Standards

7.5.1 Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."

As previously identified, the project is consistent with recommendations of the City's Comprehensive Plan.

7.5.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the "site plan" shall be evaluated to determine conformity to this standard:

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

A Short Environmental Assessment Form dated November 17, 2017 was submitted wherein the Applicant stated that the proposed action will not result in a substantial increase in traffic above present levels. As confirmed by the City's Deputy Commissioner of Parking, the proposed site plan will not have an adverse impact on the existing street network.

7.5.2.2 The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

The site plan contains two existing vehicular entrances; one off of Longview Avenue and the other off of E. Post Road. Both entrances access the same parking level despite a change in grade. The Longview Avenue entrance is accessible via both right and left-turn. The existing driveway off of E. Post Road will remain operable with access to the parking level available via a garage door. The main pedestrian entrance/lobby is accessible from E. Post Road. Access to the lobby from the parking level is available via internal stairway and elevator.

7.5.2.3 The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the "street" for that distance necessary to allow safe entrance into the traffic stream.

Visibility into and out of the site is adequate as confirmed by the City's Deputy Commissioner of Parking.

7.5.2.4 The location, arrangement and adequacy of off-"street" "parking lots," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

The amended site plan maintains 14 existing parking spaces on the lower level of the building while the balance of the required parking has been met via a previous "Fee-in-Lieu" payment for 25 spaces.

7.5.2.5 Interconnection of "parking lots" via access drives within and between adjacent "parking lots," in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

All curb cuts in the amended site plan are existing and the project does not propose any new cuts be made. Additional curb and sidewalk will be placed along the E. Post Road frontage nearest the existing driveway. Pedestrian access from the parking level to the lobby is provided via stairwell and elevator.

7.5.2.6 The location, arrangement and adequacy of "loading spaces," which shall, at a minimum, meet the requirements of Section 8 of this Ordinance.

One loading space is required for professional offices, pursuant to Section 8 of the Zoning Ordinance. Site Plan Drawing No. A-100, dated 11/17/2017, must be revised to show the one loading space in the rear driveway area as shown on the site plan approved on February 8, 1988. Note that the Zoning Board of Appeals granted variances to the applicant in relation to loading dock dimensions and delivery truck turn radius requirements on October 14, 1987.

7.5.2.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining "street" and sidewalk system.

A concrete sidewalk will exist around the entire site. Two pedestrian curb cuts with crosswalks are provided, one on Longview Avenue and one on E. Post Road. A crosswalk leads from the project site to the intersection of E. Post Road and Longview Avenue. Existing curb cuts will be reduced along E. Post Road near the existing driveway, and improvements will be made to the adjacent sidewalk.

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

Appropriate provisions for the physically disabled are provided within the parking structure adjacent to the lobby as confirmed by the City's Deputy Commissioner of Parking.

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

The site's parking area is completely contained on the lower level of the building and is not visible from the street or adjacent properties. Improvements to the streetscape, including the replacement of trees and planters has been provided around the entire site.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

7.5.3 The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

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

The Applicant has proposed an amended site plan for the renovation of the building located at 79 E. Post Road. The proposed renovations include modernization of the building's façade and window openings, these changes will be made in

line with the character of neighboring hospital buildings. Streetscape improvements were also proposed, these updates to the appearance of the E. Post Road corridor will have positive impacts on all adjacent properties.

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

The City's construction management protocols must be adhered to the satisfaction of the Commissioner of Public Works.

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

There are no natural features, wetlands or unique wildlife habitat on the site. However, New York State Department of Environmental Conservation records indicate the presence of a peregrine falcon within 0.5 miles of the site; the proposed project will have no adverse impacts to the species or their habitat.

7.5.3.4 The conformity of exterior lighting to the requirements of Section 4.4.20 of this Ordinance.

A total of three (3), existing City of White Plains downtown street lights are located on the E. Post Road frontage of the site. No additional lights have been proposed on site. All exterior lighting is in conformance to the requirements of Section 4.4.20 of the Zoning Ordinance.

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

Renovations at 79 E. Post Road will not create any additional noise, thus having no adverse impacts on the surrounding neighborhood.

7.5.3.6 The provision of adequate storm and surface water drainage facilities so as to properly drain the site while minimizing downstream flooding.

No changes are proposed to the existing building storm drainage system, or the rate of runoff generated by the site.

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

No solar energy systems have been proposed.

7.5.4 A quality of "building" and overall site design which will enhance and protect the character and property values of the adjacent neighborhood.

The proposed renovations will substantially improve the aesthetics of the structure and streetscape improvements have also been proposed. This project will greatly enhance the character of the E. Post Road corridor and will have a positive impact on adjacent properties.

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 6.5 and 7.5 of the Zoning Ordinance have been satisfied and that the Amended Site Plan and Special Permit Application be and hereby is granted, subject to the following conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Building dated January 23, 2018, the Applicant shall submit a layout of the proposed use for the former parking area as part of the building permit application.
2. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 23, 2018, the Applicant shall:
 - a. Revise Site Plan Drawing No. A-100, dated November 17, 2017, to designate the Ground Level floor area, formerly occupied by 15 parking spaces, for use as "Storage of sidewalk snow plow and other equipment" as part of the Building Permit Application.
 - b. Revise Site Plan Drawing No. A-100, dated November 17, 2017, to show the one loading space in the rear driveway area as shown on the site plan approved February 8, 1988.
 - c. Maintain all landscaping in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
 - d. A Construction Management Plan must be submitted for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any. The Plan shall include strict controls on all aspects of the construction. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic and Planning as well as the Environmental Officer.
 - e. Attend a pre-construction meeting held with the contractor, Building Inspector, Environmental Officer and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.
3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 2, 2018, the Applicant shall:
 - a. Replace the trees proposed to be removed in the City right-of-way with new trees of a type and caliper to be determined by the Commissioner of Public Works, or his designee.
 - b. Label the size and material of all existing utility service lines, such as fire and domestic water services, sanitary sewer service, storm water service, gas service and electric service, running from the building to the main utility lines along Longview Avenue and /or East New York Post Road.
 - c. Ensure that during the demolition phase of the project, all removed materials, sediments and/or construction debris do not enter the City right-of-way. Construction and/or silt fencing may be required as

directed by the Department of Public Works to properly protect pedestrian and vehicular traffic and to prohibit any sediment from encroaching into the right-of-way and/or storm water system.

4. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking/City Transportation Engineer dated December 19, 2017, the Applicant shall:

- a. Clearly indicate that the old access driveway along East post Road is no longer open for traffic.
- b. Install a stop sign, stop line and short double yellow line at the parking lot driveway on Longview Avenue.
- c. Designate all parking space markings as white in color except for accessible spaces which must be outlined in blue.

Mr. Kirkpatrick seconded the motion.

Carried.

The Mayor announced a public hearing in relation to the application submitted on behalf of Saber White Plains LLC and Chauncey White Plains, LLC, for Special Permits to construct a mixed use development at 100-106 Westchester Avenue, 90-96 Westchester Avenue, 80 Westchester Avenue, and on certain lots on Franklin Avenue, White Plains, NY. (Urban Renewal Project).

Mr. Kirkpatrick moved that the hearing be opened.

Mrs. Lecuona seconded the motion.

Carried.

The Mayor declared the hearing opened and asked if anyone wished to be heard. The Mayor granted the privilege of the floor to Mark Weingarten, attorney for the applicant; Martin Berger; Sandra Harrison; Daniel Simon; John Botow.

Mr. Kirkpatrick moved that the hearing be adjourned to March 5, 2018.

Mrs. Lecuona seconded the motion.

Carried.

Communication from Corporation Counsel.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes.

Mr. Krolian seconded the motion.

Carried.

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 property located at 66 Hale Avenue, White Plains, NY.

The Law Department has reviewed the proposed settlement with our Assessor, who recommends it. 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: January 29, 2018
(For the Common Council Meeting of February 5, 2018)

Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the settlement of certain tax review proceedings."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

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 said years with no interest thereon:

Town Park Corp., Intercontinental Hotels Group Resources, Inc.
(2011-2015)
HPT ING-2 Properties Trust (2016-7)
66 Hale Avenue
SBL: 126.69-4-1

| <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> |
|-----------------|---------------------------|--------------------------------|---------------------------------|---|
|-----------------|---------------------------|--------------------------------|---------------------------------|---|

| | | | | |
|---------|--------------|--------------|---------------|----------------------------|
| 2011/12 | \$ 1,650,000 | \$ 1,125,000 | \$ 525,000 | \$ 92,457.75 |
| 2012/13 | \$ 1,650,000 | \$ 1,225,000 | \$ 425,000 | \$ 78,399.75 |
| 2013/14 | \$ 1,650,000 | \$ 1,275,000 | \$ 375,000 | \$ 71,902.50 |
| 2014/15 | \$ 1,650,000 | \$ 1,350,000 | \$ 300,000 | \$ 58,842.00 |
| 2015/16 | \$ 1,650,000 | \$ 1,365,000 | \$ 285,000 | \$ 57,210.90 |
| 2016/17 | \$ 1,650,000 | \$ 1,425,000 | \$ 225,000 | \$ 45,213.75 |
| 2017/18 | \$ 1,650,000 | \$ 1,425,000 | \$ 225,000 | \$ 46,208.25 |
| | | | Total: | <u>\$450,234.90</u> |

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

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

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

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

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

§4. This ordinance shall take effect immediately.

Mr. Krolian seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Corporation Counsel.

Mr. Krolian moved that it/they be filed and spread in full upon the minutes.

Mr. Martin seconded the motion.

Carried.

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

The City has been involved in the Upstate Water Users Coalition's litigation concerning the water rate charges for the City of White Plains since 1997.

Currently, there are water rate challenges pending for several fiscal years. The funding authorized in 2014 for the City's participation in the Coalition's prosecution of these actions has been expended.

Submitted for your consideration is legislation ratifying the City's continued participation in the consortium and authorizing the Corporation Counsel to retain the services of the law firm of Dichter Law LLC, at a rate approved at one-seventh of the law firm's charges to the consortium, in an amount not to exceed \$30,000. Funds are available from the Water Fund.

John G. Callahan
Corporation Counsel

Dated: January 31, 2018
(For the Common Council Meeting of February 5, 2018)

Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance ratifying the City of White Plains' continued participation in the consortium of municipal corporations and other entities, challenging the water rates set by New York City Water Board and authorizing the Corporation Counsel to enter into an amended agreement retaining the services of the law firm of Dichter Law, LLC, to assist the City of White Plains as a participant in the consortium in challenging the water rates proposed by the New York City Water Board."

Unanimous consent granted.

Mr. Krolian moved adoption of the following ordinance.

AN ORDINANCE RATIFYING THE CITY OF WHITE PLAINS' CONTINUED PARTICIPATION IN A CONSORTIUM OF MUNICIPAL CORPORATIONS AND OTHER ENTITIES CHALLENGING THE WATER RATES SET BY THE NEW YORK CITY WATER BOARD AND AUTHORIZING THE CORPORATION COUNSEL TO ENTER INTO AN AMENDED AGREEMENT RETAINING THE SERVICES OF THE LAW FIRM OF DICHTER LAW LLC, TO ASSIST THE CITY OF WHITE PLAINS AS A PARTICIPANT IN THE CONSORTIUM IN CHALLENGING THE WATER RATES PROPOSED BY THE NEW YORK CITY WATER BOARD.

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

Section 1. The Common Council of the City of White Plains hereby ratifies the City's continued participation in a consortium of municipal corporations and other entities challenging the water rates set by the New York City Water Board.

Section 2. The Corporation Counsel of the City of White Plains is hereby authorized to enter into an amended agreement retaining the services of the law firm of Dichter Law LLC, to assist the City of White Plains, as a participant in the consortium in challenging the water rates proposed by the New York City Water Board, at a rate apportioned at one-seventh of the law firm's charges to the consortium, in an amount not to exceed \$30,000.

Section 3. Funds are available for this purpose from the 2017/2018 Water Fund, and the Commissioner of Finance is hereby authorized and directed to disburse funds accordingly.

Section 4. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Corporation Counsel.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Brasch seconded the motion.

Carried.

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

In 2013, the City of White Plains and the Esplanade of White Plains Joint Venture Partnership entered into a License Agreement pursuant to which the Esplanade was granted use of at least 160 parking spaces on the top two floors of the Lyon Place Garage. The parking spaces serve as the required parking for the Esplanade's property adjoining the Garage. However, the adjoining property is presently unoccupied and therefore the Esplanade does not presently require the use of the parking spaces. White Plains Hospital Medical Center is in need of additional parking during construction at its garages and buildings. The Esplanade and the Hospital have agreed to enter into a Sublicense Agreement pursuant to which the Esplanade will permit the Hospital to use the Garage for parking for Hospital staff and personnel during the time that the Esplanade does not require the use of the parking spaces in the Garage. The City's License Agreement requires that the Esplanade obtain approval from the City to any sublicenses.

Attached, for your consideration, is an ordinance consenting to the Sublicense Agreement between the Esplanade and the Hospital.

John G. Callahan
Corporation Counsel

Dated: January 22, 2018
(for the Meeting of the Common Council on February 5, 2018)

Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance approving the Esplanade of White Plains Joint Venture Partnership entering into a sublicense agreement with White Plains Hospital Medical Center pursuant to which the Hospital will have the right to use and occupy the Esplanade's parking spaces at the City's Lyon Place Garage."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

ORDINANCE APPROVING THE ESPLANADE OF WHITE PLAINS JOINT VENTURE PARTNERSHIP ENTERING INTO A SUBLICENSE AGREEMENT WITH WHITE PLAINS HOSPITAL MEDICAL CENTER PURSUANT TO WHICH THE HOSPITAL WILL HAVE THE RIGHT TO USE AND OCCUPY THE ESPLANADE'S PARKING SPACES AT THE CITY'S LYON PLACE GARAGE

WHEREAS, the Esplanade of White Plains Joint Venture Partnership ("Esplanade") and the City of White Plains entered into a License Agreement dated as of March 26, 2013 (the "License Agreement") pursuant to which the City agreed to permit Esplanade to exclusively use at least 160 parking spaces on two contiguous levels of the City's new Lyon Place Garage (the "Garage"); and

WHEREAS, said parking spaces serve as the required parking for the Esplanade's property adjoining the Garage, however said adjoining property is presently unoccupied and therefore the Esplanade does not presently require the use of the parking spaces located at the Garage; and

WHEREAS, the Esplanade and the White Plains Hospital Medical Center (the "Hospital") have or will enter into a Sublicense Agreement and First Amendment to Sublicense Agreement (the "Sublicense Agreement") pursuant to which the Esplanade agrees to permit the Hospital to use the Garage for parking for Hospital staff and personnel during such time as the Esplanade does not require the use of the parking spaces; and

WHEREAS, pursuant to the License Agreement, the Esplanade must obtain the consent of the City to any sublicenses.

NOW THEREFORE

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

Section 1. The City hereby a consents to the Esplanade entering into a Sublicense Agreement with the Hospital to permit the Hospital to use the Garage for parking for Hospital staff and personnel during such time as the Esplanade does not require the use of the parking spaces.

Section 2. The aforementioned Sublicense 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.

Mr. Brasch seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from the Mayor.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

As you are aware, there is no present Deputy City Clerk. In order to ensure that the City Clerk's functions and duties are seamlessly carried out in the event of her temporary absence, I am requesting that you appoint Corporation Counsel John G. Callahan to serve as Acting City Clerk for any temporary absence.

Section 50 of the Charter of the City of White Plains provides such authority and explicitly states that in the case of the temporary absence of the City Clerk, if there be no Deputy City Clerk, the Common Council may appoint a City Clerk for the time being, who, on taking the required oath, shall possess the powers and perform the duties of the City Clerk during the continuation of such absence from Office. Mr. Callahan shall receive no additional salary and compensation for serving as City Clerk.

Submitted herewith for your consideration is an ordinance, in accordance with Section 50 of the White Plains Charter, authorizing such temporary appointment of a City Clerk.

Respectfully submitted,

Thomas M. Roach
Mayor

Dated: January 19, 2018

Mr. Brasch asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing, pursuant to Section 50 of the Charter of the City of White Plains, the appointment of Corporation Counsel and Chief of Staff John G. Callahan as Acting City Clerk in the temporary absence of the City Clerk."

Unanimous consent granted.

Mr. Brasch moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING, PURSUANT TO SECTION 50 OF THE CHARTER OF THE CITY OF WHITE PLAINS, THE APPOINTMENT OF CORPORATION COUNSEL AND CHIEF OF STAFF JOHN G CALLAHAN AS ACTING CITY CLERK IN THE TEMPORARY ABSENCE OF THE CITY CLERK.

WHEREAS, Anne M. McPherson, City Clerk of the City of White Plains, may be temporarily absent from her position due to vacation plans; and

WHEREAS, there is no present Deputy City Clerk for the City of White Plains; and

WHEREAS, Section 50 of the Charter of the City of White Plains provides that in the case of the temporary absence of the City Clerk, if there be no Deputy City Clerk, the Common Council may appoint a City Clerk for the time being who, on taking the required oath, shall possess the powers and perform the duties of City Clerk during the continuance of such absence from Office; now, therefore,

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

Section 1. The Common Council of the City of White Plains hereby appoints Corporation Counsel and Chief of Staff John G. Callahan to serve as City Clerk in the temporary absence of City Clerk Anne M. McPherson, in accordance with Section 50 of the Charter of the City of White Plains.

Section 2. Corporation Counsel and Chief of Staff John G. Callahan shall receive no additional salary and compensation for said City Clerk Office.

Section 3. This ordinance shall take effect February 5, 2018 and shall expire at the close of business December 31, 2018.

Mrs. Hunt-Robinson seconded the motion.

Carried.

Communication from Chairman, Capital Projects Board.

Mrs. Hunt-Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended a project to rehabilitate the Public Safety

Building, Salley Port/Garage. This project includes the assessment of and subsequent repair of damage to the garage floor and decking, including the concrete replacement, structural repairs, waterproofing and related piping and drainage.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts as necessary and further to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project C5506, entitled Public Safety Building, Salley Port/Garage, and to establish the project budget as follows:

| | | |
|---------------------|------------------------------|------------------|
| <u>REVENUES</u> | | |
| C5506-08810 | Serial Bonds | <u>\$303,000</u> |
| <u>EXPENDITURES</u> | | |
| C5506-4.005 | Finance and Audit | \$ 3,000 |
| C5506-8.106 | Major Additions/Improvements | 300,000 |
| | | <u>\$303,000</u> |

Finally, it is requested that the sale of \$303,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Chairman

February 5, 2018

Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5506 entitled, "Public Safety Building, Salley Port/Garage."

Unanimous consent granted.

Mrs. Hunt-Robinson moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5506 ENTITLED, "PUBLIC SAFETY BUILDING, SALLEY PORT/GARAGE."

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

Section 1. The Capital Projects Board has recommended a project entitled "Public Safety Building, Salley Port/Garage." This project includes the assess-

ment of and subsequent repair of damage to the garage floor and decking, including the concrete replacement, structural repairs, waterproofing and related piping and drainage.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to complete this 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. C5506, entitled, "Public Safety Building, Salley Port/Garage," with a project budget as follows:

REVENUES:

| | | |
|-------------|--------------|------------------|
| C5506-08810 | Serial Bonds | <u>\$303,000</u> |
|-------------|--------------|------------------|

EXPENDITURES:

| | | |
|-------------|------------------------------|------------------|
| C5506-4.005 | Finance and Audit | \$ 3,000 |
| C5506-8.106 | Major Additions/Improvements | 300,000 |
| | | <u>\$303,000</u> |

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to sell \$303,000 of serial bonds to finance the project, to advance funds for this project from the General Fund as necessary, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated February 5, 2018, authorizing the issuance of \$303,000 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 and improvements to the Public Safety Building Garage."

Unanimous consent granted.

Mrs. Hunt-Robinson moved adoption of the following ordinance.

BOND ORDINANCE, DATED FEBRUARY 5, 2018, AUTHORIZING THE ISSUANCE OF \$303,000 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 AND IMPROVEMENTS TO THE PUBLIC SAFETY BUILDING GARAGE.

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 cost of the reconstruction and improvements to the public safety building garage, such buildings being of "Class A" construction as that term is defined in the Local Finance Law, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$303,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the "Project");

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$303,000, pursuant to the Local Finance Law, in order to finance the cost of the Project.

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$303,000, (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 paragraph a of Section 11.00 of the Local Finance Law (such buildings being of "Class A" construction as that term is defined in 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 to be issued herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or

providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Chairman, Capital Projects Board.

Mr. Kirkpatrick moved that it/they be filed and spread in full upon the minutes.

Mrs. Lecuona seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

Included in the FY 2017-18 Capital Improvement Program adopted by the Capital Projects Board is a project entitled "Off-Street Multi-Space Meter Replacement" at an estimated cost of \$202,000. The project is the responsibility of the Commissioner of Parking and includes the replacement of existing off-street multi-space meters. Submitted herewith is legislation with authorizes the Commissioner of Parking to enter into various purchase orders and contracts as required to complete the project.

The legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5505 entitled "Off-Street Multi-Space Meter Replacement," as follows:

| | | |
|---------------------|-------------------|------------------|
| <u>REVENUES</u> | | |
| C5505-08810 | Serial Bonds | <u>\$202,000</u> |
| <u>EXPENDITURES</u> | | |
| C5505-4.005 | Finance and Audit | \$ 2,000 |
| C5505-8.309 | Parking Meters | 200,000 |
| | | <u>\$202,000</u> |

Finally, it is requested that the sale of \$202,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Chairman

February 5, 2018

Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5505 entitled, "Off-Street Multi-Space Meter Replacement."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5505, ENTITLED "OFF-STREET MULTI-SPACE METER REPLACEMENT."

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

Section 1. Included in the FY 2017-18 Capital Improvement Program adopted by the Capital Projects Board is a project entitled, "Off-Street Multi-Space Meter Replacement," at an estimated cost of \$202,000. This project is the responsibility of the Commissioner of Parking and includes the replacement of all existing off-street multi-space meters.

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

Section 3. In order to provide necessary funding for this purpose, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5505 entitled "Off-Street Multi-Space Meter Replacement," as follows:

REVENUES:

| | | |
|-------------|--------------|------------------|
| C5505-08810 | Serial Bonds | <u>\$202,000</u> |
|-------------|--------------|------------------|

EXPENDITURES:

| | | |
|-------------|-------------------|------------------|
| C5505-4.005 | Finance and Audit | \$ 2,000 |
| C5505-8.309 | Parking Meters | 200,000 |
| | | <u>\$202,000</u> |

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$202,000 and to advance the funds for this project from the General Fund as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated February 5, 2018, authorizing the issuance of \$202,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the costs of the purchase and installation of parking meters."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

BOND ORDINANCE, DATED FEBRUARY 5, 2018 AUTHORIZING THE ISSUANCE OF \$202,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE PURCHASE AND INSTALLATION OF PARKING METERS

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 purchase and installation of parking meters, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$202,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the "Project");

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$202,000, pursuant to the Local Finance Law, in order to finance the costs of the Project.

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$202,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such

serial bonds, (d) the maturity of the obligations authorized herein will not 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 50 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is five (5) years. The serial bonds authorized herein shall have a maximum maturity of five (5) 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.

Mrs. Lecuona seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Chairman, Capital Projects Board.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes.

Mr. Krolian seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

As part of the continuing program of Capital Improvements, the Capital Projects Board has recommended the inclusion of rehabilitation work to the City's Municipal Building (City Hall). This project includes removal of asbestos insulation and steam piping along the south and east side of the basement level and related repairs and restoration of areas affected.

Submitted herewith for your deliberation is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to enter into various contracts as necessary and further to direct the Budget Director to amend the Capital Projects Fund by amending Capital Project C5457, entitled City Hall Rehabilitation — Steam Pipe, and to amend the project budget as follows:

REVENUES

| | | |
|-------------|--------------|------------------|
| C5457-08810 | Serial Bonds | <u>\$303,000</u> |
|-------------|--------------|------------------|

EXPENDITURES

| | | |
|-------------|------------------------------|-------------------------|
| C5457-4.005 | Finance and Audit | \$ 3,000 |
| C5457-8.106 | Major Additions/Improvements | <u>300,000</u> |
| | | <u><u>\$303,000</u></u> |

Finally, it is requested that the sale of \$303,000 in Serial Bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds, as necessary, from the General Fund pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Chairman

February 5, 2018

Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by amending Capital Project No. C4567 entitled, "City Hall Rehabilitation Steam Pipe."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY AMENDING CAPITAL PROJECT NO. C5457 ENTITLED, "CITY HALL REHABILITATION — STEAM PIPE."

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

Section 1. Included in the FY 2017-2018 Capital Projects Improvement Program adopted by the Capital Projects Board is a project entitled "City Hall

Rehabilitation — Steam Pipe." This project includes removal of asbestos insulation and steam piping along the south and east side of the basement level and related repairs and restoration of the impacted areas.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to complete this 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 amending Capital Project No. C5457, entitled, "City Hall Rehabilitation — Steam Pipe," with a project budget as follows:

REVENUES:

| | | |
|-------------|--------------|------------------|
| C5457-08810 | Serial Bonds | <u>\$303,000</u> |
|-------------|--------------|------------------|

EXPENDITURES:

| | | |
|-------------|------------------------------|------------------|
| C5457-4.005 | Finance and Audit | \$ 3,000 |
| C5457-8.106 | Major Additions/Improvements | 300,000 |
| | | <u>\$303,000</u> |

Section 4. The Mayor is hereby authorized to direct the Commissioner of Finance to sell \$303,000 of serial bonds to finance the project, to advance funds for this project from the General Fund, as necessary, pending the receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Krolian seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated February 5, 2018, authorizing the issuance of an additional \$303,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the reconstruction of Class "A" Buildings."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

BOND ORDINANCE, DATED FEBRUARY 5, 2018, AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$303,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE RECONSTRUCTION OF CLASS "A" BUILDINGS.

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of

Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of Class "A" buildings for municipal use, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project"), at a total estimated cost not to exceed \$303,000, all in accordance with the Local Finance Law; and

WHEREAS, on July 6, 2015, the Common Council of the City adopted a serial bond ordinance for estimated costs associated with the financing of the Project in the aggregate principal amount of \$303,000 (the "Prior Ordinance"); and

WHEREAS, the Common Council of the City now hereby determines that the maximum cost of the Project has increased by \$303,000 to \$606,000, and further determines to fund such additional cost through borrowing under the provisions of the Local Finance Law and authorizing \$303,000 serial bonds of the City hereunder which, together with borrowing authorized by the Prior Ordinance, substantially all of the proceeds of which have been spent, now authorizes financing of the estimated maximum cost of the Project in the aggregate principal amount of \$606,000.

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 \$303,000, pursuant to the Local Finance Law, in order to finance the reconstruction of Class "A" buildings for municipal use.

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 \$606,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, except borrowing authorized in the Prior Ordinance, (c) the Common Council of the City plans to finance such cost of the Project from (i) the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds and (ii) proceeds of serial bonds or bond anticipation notes issued in anticipation of the issuance of such serial bonds authorized in and pursuant to the Prior Ordinance, (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 paragraph a 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 issued herein upon the advice of bond counsel. Upon review of the environmental compliance record conducted in connection with the adoption by the Common Council of the Prior Ordinance, it is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit

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

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

Mr. Krolian seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Commissioner of Public Safety.

Mr. Krolian moved that it/they be filed and spread in full upon the minutes.

Mr. Martin seconded the motion.

Carried.

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The Department of Public Safety has received a donation of \$5,000 from the Fenway Charitable Foundation. These funds will be used to support our Police Department Canine Unit which is entering its sixth year of operation and have had many positive outcomes. Some activities performed by the Canine Unit include locating, through the canines' specialized abilities, those persons who have committed criminal acts against our community, detections of illegal narcotics, and detections for explosive material conducted during large events to ensure the safety of those in our community. The donation will also be used to purchase two desktop computers for the Fire Department which will be used to

enhance various record keeping functions, such as inspection records, safety alert documentation, and incident reporting. Lastly, the funds will also be used to enhance the Police Auxiliary Program.

It is respectfully requested that the Mayor be authorized to direct the Budget Director to amend the 2017-2018 General Fund and Public Safety Grant Fund Budget as follows:

Increase Revenues:

| | | |
|------------|---------------|----------------|
| BA30-06275 | Contributions | \$ 200 |
| B021-06275 | Contributions | 1,000 |
| | | <u>\$1,200</u> |

Increase Expenditures:

| | | |
|------------|--------------------|----------------|
| BA30-3.011 | Program Supplies | \$ 200 |
| B021-5.210 | Personal Computers | 1,000 |
| | | <u>\$1,200</u> |

Increase Revenues:

| | | |
|------------|---------------|----------------|
| DOGS-06275 | Contributions | <u>\$3,800</u> |
|------------|---------------|----------------|

Increase Expenditures:

| | | |
|------------|-------------------|----------------|
| DOGS-3.801 | K-9 Unit Supplies | <u>\$3,800</u> |
|------------|-------------------|----------------|

The Commissioner of Finance is hereby authorized to receive and disburse funds accordingly.

Sincerely,

David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: January 4, 2018
(For the 2/5/18 Common Council Meeting)

Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to accept, on behalf of the City of White Plains, a donation in the amount of \$5,000 to be used for expenditures related to the Police K-9 Unit, and computer equipment for the Fire Department."

Unanimous consent granted.

Mr. Krolian moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, A DONATION IN THE AMOUNT OF \$5,000 TO BE USED FOR EXPENDITURES RELATED TO THE POLICE K-9 UNIT AND COMPUTER EQUIPMENT FOR THE FIRE DEPARTMENT.

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

Section 1. The Mayor, or his designee, is hereby authorized to accept, on behalf of the City of White Plains (through the Department of Public Safety), a donation from the Fenway Charitable Fund in the amount of \$5,000 to be used to support the Police K-9 Unit, provide computer equipment to the Fire Department and enhance the Police Auxiliary Program.

Section 2. Upon the acceptance of the donation, the Mayor is authorized to direct the Budget Director to amend the 2017-2018 Public Safety Grant Fund as follows:

INCREASE REVENUES:

| | | |
|------------|---------------|----------------|
| BA30-06275 | Contributions | \$ 200 |
| B021-06275 | Contributions | 1,000 |
| | | <u>\$1,200</u> |

INCREASE EXPENDITURES:

| | | |
|------------|--------------------|----------------|
| BA30-3.011 | Program Supplies | \$ 200 |
| B021-5.210 | Personal Computers | 1,000 |
| | | <u>\$1,200</u> |

INCREASE REVENUES:

| | | |
|------------|---------------|----------------|
| DOGS-06275 | Contributions | <u>\$3,800</u> |
|------------|---------------|----------------|

INCREASE EXPENDITURES:

| | | |
|------------|-------------------|----------------|
| DOGS-3.801 | K-9 Unit Supplies | <u>\$3,800</u> |
|------------|-------------------|----------------|

Section 3. The Commissioner of Finance is hereby authorized to receive and distribute the funds accordingly.

Section 4. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Commissioner of Planning.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Brasch seconded the motion.

Carried.

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ORDINANCE AMENDING AN ORDINANCE AUTHORIZING A CONSULTANT AGREEMENT WITH WESTCHESTER RESIDENTIAL OPPORTUNITIES, INC. TO PROVIDE HOMEOWNER RETENTION AND ZOMBIE PREVENTION OUTREACH AND MARKETING ACTIVITIES FOR THE CITY OF WHITE PLAINS ZOMBIE AND VACANT PROPERTIES REMEDIATION AND PREVENTION INITIATIVE

Submitted, herewith, for your review and approval, is an ordinance amending an ordinance dated March 6, 2017, which authorized the Mayor or designee to enter into a consultant agreement with Westchester Residential Opportunities, Inc. ("Consultant") to provide homeowner retention and zombie prevention outreach and marketing activities for the City of White Plains Zombie and Vacant Properties Remediation and Prevention Initiative.

Attached for your consideration is an ordinance amending the prior ordinance for the fee for Westchester Residential Opportunities, Inc. from \$35,000 to \$40,000. The increased service fee is necessary due to additional printing for marketing and outreach materials. The term of the consultant agreement is unchanged.

The City of White Plains Zombie and Vacant Properties Remediation and Prevention Initiative is supported through a grant award received from the Local Initiatives Support Corporation (LISC), New York State Housing Stabilization Fund, to implement Housing Quality Improvement and Enforcement Programs, Zombie and Vacant Properties Remediation and Prevention Grant Program. Outreach, prevention and marketing activities are a required component of this grant award. The LISC grant award was formally accepted by the Common Council on November 7th, 2016. Grant funding will be used for this consultant agreement with Westchester Residential Opportunities, Inc.

Respectfully submitted,

Christopher Gomez
Commissioner of Planning

Dated: January 19, 2018

Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance amending an ordinance authorizing a consultant agreement with Westchester Residential Opportunities, Inc., to provide homeowner retention and zombie prevention outreach and marketing activities for the City of White Plains Zombie and Vacant Properties Remediation and Prevention Initiative."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

ORDINANCE AMENDING AN ORDINANCE AUTHORIZING A CONSULTANT AGREEMENT WITH WESTCHESTER RESIDENTIAL OPPORTUNITIES, INC. TO PROVIDE HOMEOWNER RETENTION AND ZOMBIE PREVENTION OUTREACH AND MARKETING ACTIVITIES FOR THE CITY OF WHITE PLAINS ZOMBIE AND VACANT PROPERTIES REMEDIATION AND PREVENTION INITIATIVE.

WHEREAS, on March 6, 2017, the Common Council enacted an ordinance which authorized the Mayor to enter into a consultant agreement with Westchester Residential Opportunities, Inc., to provide homeowner retention and zombie prevention outreach and marketing activities for the City of White Plains Zombie and Vacant Properties Remediation and Prevention Initiative; and

WHEREAS, it is necessary to increase the fee for Westchester Residential Opportunities, Inc., from \$35,000 to \$40,000 because of additional printing for marketing and outreach matters.

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

Section 1. Section 1 of an ordinance adopted by the Common Council on March 6, 2017 entitled, "AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONSULTING AGREEMENT WITH WESTCHESTER RESIDENTIAL OPPORTUNITIES, INC. ("CONSULTANT") FOR THE CITY OF WHITE PLAINS ZOMBIE AND VACANT PROPERTIES REMEDIATION AND PREVENTION INITIATIVE," is hereby amended to increase the fee for Westchester Residential Opportunities, Inc., from \$35,000 to \$40,000.

Section 2. This ordinance shall take effect immediately.

Mr. Brasch seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Commissioner of Planning.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS EDUCATION & TRAINING CENTER
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY
OF WHITE PLAINS AND THE FRIENDS OF THE WHITE PLAINS
YOUTH BUREAU (FWPYB)

The White Plains Education & Training Center (WPETC) and the Friends of the White Plains Youth Bureau (FWPYB) have been selected to receive \$200,000 in grant funding from JPMorgan Chase for 2018 to provide targeted workforce development for high-growth industry employers. JPMorgan Chase will not issue grant funds to a municipality, therefore the FWPYB, a not-for-profit corporation, has agreed to act as the City's fiscal sponsor and receive the aforementioned grant funds and transmit the funds to the City in exchange for a minor administrative fee.

Submitted for your approval is legislation authorizing the Mayor (or designee) to enter into a Memorandum of Understanding with the Friends of the White Plains Youth Bureau to accept the funding from JPMorgan Chase and serve as the fiscal sponsor on behalf of the WPETC.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated January 25, 2018

Mr. Brasch asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a Memorandum of Understanding with the Friends of the White Plains Youth Bureau, to serve as the fiscal sponsor on behalf of the City of White Plains (White Plains Education & Training Center), in order to accept grant funding in the amount of \$200,000 for the White Plains Education & Training Center, to provide workforce development for high growth industry employers, and receive said grant funds and transmit the funds to the City of White Plains in exchange for a five percent (5%) administrative fee."

Unanimous consent granted.

Mr. Brasch moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU, TO SERVE AS THE FISCAL SPONSOR ON BEHALF OF THE CITY OF WHITE PLAINS (WHITE PLAINS EDUCATION & TRAINING CENTER) IN ORDER TO ACCEPT GRANT FUNDING IN THE AMOUNT OF \$200,000 FOR THE WHITE PLAINS EDUCATION & TRAINING CENTER, TO PROVIDE WORKFORCE DEVELOPMENT FOR HIGH-GROWTH INDUSTRY EMPLOYERS, AND RECEIVE SAID GRANT FUNDS AND TRANSMIT THE FUNDS TO THE CITY OF WHITE PLAINS IN EXCHANGE FOR A \$5,000 ADMINISTRATIVE FEE.

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

Section 1. The City of White Plains, through its White Plains Education & Training Center (WPTEC), and the Friends of the White Plains Youth Bureau have been selected to receive \$200,000 in grant funding from JPMorgan Chase for 2018 to provide targeted workforce development for high-growth industry employers. JPMorgan Chase will not issue grant funds to a municipality, and therefore, the Friends of the White Plains Youth Bureau, has agreed to act as the fiscal sponsor of the City of White Plains, and receive the aforementioned grant funds in the amount of \$200,000 and transmit the funds to the City of White Plains in exchange for an administrative fee of \$5,000 of said grant funds.

Section 2. The Mayor or his designee is hereby authorized to enter into an a Memorandum of Understanding, on behalf of the City of White Plains (White Plains Education & Training Center), with the Friends of the White Plains Youth Bureau, to accept the \$200,000 in grant funding from JPMorgan Chase and serve as the fiscal sponsor on behalf of the City of White Plains (White Plains Education & Training Center), and receive the aforementioned grant funds and transmit the funds to the City of White Plains in exchange for a \$5,000 administrative fee. Said Memorandum of Understanding shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

Mrs. Hunt-Robinson seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mr. Martin and the Mayor - 6 - 1. Nay: Mrs. Lecuona.

Communication from Commissioner of Recreation and Parks.

Mrs. Hunt-Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

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

RE: Department of Recreation and Parks
Proposed Schedule of Fees Effective March 1, 2018

The recommended Proposed Schedule of Fees is attached to this communication for your review and approval. Departmental staff has carefully reviewed and evaluated each and every program fee and have recommended some changes which are both reasonable and appropriate. Additionally, the Recreation Advisory Committee has also reviewed these fees and recommends the Proposed Schedule of Fees to be submitted for approval.

I, therefore, respectfully request that the Common Council approve the attached Proposed Schedule of Fees for the Department of Recreation and Parks to take effect March 1, 2018.

Wayne Bass, Commissioner
Recreation and Parks

Date: February 5, 2018

Attachment

Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains establishing and approving a Schedule of User Fees for the White Plains Department of Recreation and Parks.

Unanimous consent granted.

Mrs. Hunt-Robinson moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ESTABLISHING AND APPROVING A SCHEDULE OF USER FEES FOR THE WHITE PLAINS DEPARTMENT OF RECREATION AND PARKS.

WHEREAS, the Commissioner of Recreation and Parks has recommended a revised schedule of User Fees for the various programs organized and operated by the Department of Recreation and Parks; and

WHEREAS, the total amount of User Fees estimated to be received by the Department of Recreation and Parks will be based on the proposed fee schedule filed with the City Clerk.

NOW, THEREFORE, the Common Council hereby ordains and enacts as follows:

Section 1. The Common Council hereby establishes and approves the Schedule of User Fees filed with the City Clerk, attached and made a part hereof, for the various programs organized and operated by the Department of Recreation and Parks.

Section 2. This ordinance shall take effect March 1, 2018.

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | |
|---|---------------------------------|-----------------------|-------------------------|-------------------------|----------------------|-------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | +/- |
| Field Permits (per hour) | | | | | | |
| <i>Delfino and Gillie</i> | | | | | | |
| Resident Adult | 2013/14 | \$ 100.00 | \$ 100.00 | \$ 110.00 | \$ 20,000.00 | \$ 1,200.00 |
| Non-Resident Adult | 2013/14 | \$ 200.00 | \$ 200.00 | \$ 220.00 | \$ 2,000.00 | \$ 600.00 |
| Youth | 2015/16 | \$ 50.00 | \$ 50.00 | \$ 50.00 | \$ 1,500.00 | |
| | | | | | | |
| | | | | | | |
| Secondary Fields (Gardella & Battle Hill) | | | | | | |
| Resident Adult | 2013/14 | \$ 65.00 | \$ 65.00 | \$ 70.00 | \$ 3,200.00 | \$ 275.00 |
| Non-Resident Adult | 2013/14 | \$ 120.00 | \$ 120.00 | \$ 125.00 | \$ 0.00 | |
| Youth | 2015/16 | \$ 40.00 | \$ 40.00 | \$ 40.00 | \$ 800.00 | |
| <i>All Fields</i> | | | | | | |
| Field Lights (per hour) | 2013/14 | \$ 65.00 | \$ 65.00 | \$ 65.00 | \$ 2,000.00 | |
| | | | | | | |
| | | | | | | |
| Platform Tennis/Pickleball | | | | | | |
| <i>Season Passes</i> | | | | | | |
| Youth/Senior Citizen | 2011/12 | \$ 75.00 | \$ 75.00 | \$ 80.00 | \$ 2,000 | \$ 125.00 |
| Resident Adult | 2011/12 | \$ 100.00 | \$ 100.00 | \$ 110.00 | \$ 330.00 | \$ 30.00 |
| Non-Resident | 2010/11 | \$ 200.00 | \$ 200.00 | \$ 200.00 | \$ 400.00 | |
| <i>Hourly Fees</i> | | | | | | |
| | 2017/18 | | \$ 25.00 | \$ 25.00 | \$ 150.00 | |

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | |
|--|---------------------------------|-----------------------|-------------------------|-------------------------|----------------------|--------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | +/- |
| <i>Tennis</i> | | | | | | |
| <i>Season Passes</i> | | | | | | |
| Youth | 2011/12 | \$ 55.00 | \$55.00 | \$60.00 | \$ 300.00 | -\$ 250.00 |
| Senior Citizen | 2017/18 | \$ 90.00 | \$100.00 | \$110.00 | \$ 16,500.00 | \$ 7,650.00 |
| Resident Adult | 2017/18 | \$ 120.00 | \$ 130.00 | \$ 135.00 | \$ 10,800.00 | -\$ 8,700.00 |
| Non-Resident Adult | 2015/16 | \$ 350.00 | \$ 350.00 | \$ 350.00 | \$ 2,100.00 | |
| <i>Daily Fee Paid per session</i> | | | | | | |
| Youth/Senior Citizen | 2015/16 | \$ 10.00 | \$10.00 | \$10.00 | \$ 3,000.00 | |
| Adult | 2015/16 | \$ 13.00 | \$ 13.00 | \$ 13.00 | \$ 3,200.00 | |
| Guest Coupons (5 plays) | 2015/16 | \$ 60.00 | \$ 60.00 | \$ 60.00 | \$ 2,100.00 | |
| <i>Instruction</i> | | | | | | |
| Youth | 2017 | \$ 90.00 | \$ 100.00 | \$ 100.00 | \$ 4,600.00 | |
| Adult | 2017 | \$ 125.00 | \$ 135.00 | \$ 135.00 | \$1,620.00 | |
| <i>Ice Skating</i> | | | | | | |
| <i>Session Entry Fees</i> | | | | | | |
| Youth | 2015/16 | \$ 8.00 | \$ 8.00 | \$ 8.00 | \$ 49,000.00 | |
| Senior Citizen | 2011/12' | \$ 5.00 | \$ 5.00 | \$ 5.00 | \$ 500.00 | |
| Adult | 2015/16 | \$ 10.00 | \$ 10.00 | \$ 10.00 | \$ 25,000.00 | |
| Group | 2015/16 | \$ 6.00 | \$ 6.00 | \$ 6.00 | \$ 3,800.00 | |
| Adult Coupons (10 entries) | 2015/16 | \$ 90.00 | \$ 90.00 | \$ 90.00 | \$1,800.00 | |

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | |
|--|---------------------------------|-----------------------|-------------------------|-------------------------|----------------------|---------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | +/- |
| Youth Coupons (10 entries) | 2015/16 | \$ 70.00 | \$ 70.00 | \$ 70.00 | \$ 1,400.00 | |
| Skate Rentals | 2012/13 | \$ 5.00 | \$ 5.00 | \$ 5.00 | \$ 25,000.00 | |
| Skate Sharpening | 2015/16 | \$ 10.00 | \$ 10.00 | \$ 10.00 | \$ 1,000.00 | |
| Party Room Rental (2 Hours) No Skating | 2012/13 | \$ 200.00 | \$ 200.00 | \$ 200.00 | \$ 1,000.00 | |
| | | | | | | |
| <i>Instruction</i> | | | | | | |
| Resident 6 Weeks | 2011/12 | \$ 135.00 | \$ 135.00 | \$ 120.00 | \$ 75,000.00 | \$ 19,515.00 |
| Non-Resident | | | \$ 200.00 | Abolish | \$ 0.00 | -\$ 10,000.00 |
| | | | | | | |
| <i>Advanced Figure Skating</i> | | | | | | |
| Resident | | | \$ 250.00 | Abolish | \$ 0.00 | -\$ 1,500.00 |
| Resident - Per week | 2015/16 | \$ 350.00 | \$ 350.00 | \$ 350.00 | \$ 3,500.00 | |
| Non-Resident | | | \$ 450.00 | Abolish | \$ 0.00 | -\$ 1,350.00 |
| Open Figure Skating | 2017/18 | \$ 20.00 | \$ 25.00 | \$ 25.00 | \$ 2,000.00 | |
| | | | | | | |
| <i>Hourly Rink Rentals</i> | | | | | | |
| Resident | 2017/18 | \$ 285.00 | \$ 300.00 | \$ 300.00 | \$ 28,000.00 | |
| Non-Resident | 2017/18 | \$ 325.00 | \$ 350.00 | \$ 350.00 | \$ 17,000.00 | |
| <i>Miscellaneous</i> | | | | | | |
| Locker Rental (per use) | 2012/13 | \$ 0.25 | \$ 0.25 | \$ 0.25 | \$ 100.00 | |
| Ebersole Food Concession | 2017/18 | | \$ 3,500.00 | \$ 3,500.00 | \$ 3,500.00 | |
| | | | | | | |
| <i>Summer Day Camp</i> | | | | | | |

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | |
|--|---------------------------------|-----------------------|-------------------------|-------------------------|----------------------|--------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | +/- |
| Half Day Camp Panawok | 2017/18 | | \$ 120.00 | Abolish | \$ 0.00 | -\$ 4,200.00 |
| Camp Q and Camp P Weekly | 2017/18 | \$180.00 | \$ 190.00 | \$ 200.00 | \$98,125.00 | \$ 10,000.00 |
| Camp Q and Camp P (6 weeks) | 2017/18 | \$925.00 | \$ 975.00 | \$ 1,000.00 | \$ 171,900.00 | \$ 10,000.00 |
| Teen Camp (2 weeks) | 2017/18 | \$ 395.00 | \$ 410.00 | \$ 450.00 | \$ 60,500.00 | \$ 4,400.00 |
| Teen Camp (6 weeks) | 2017/18 | \$1,120.00 | \$1,180.00 | \$ 1,225.00 | \$ 55,000.00 | \$ 3,600.00 |
| Early Morning Weekly | 2013/14' | \$ 30.00 | \$ 30.00 | \$ 30.00 | \$ 2,700.00 | |
| xtended Day to 5:30 Weekly | 2017/18 | \$ 68.00 | \$ 75.00 | \$ 75.00 | \$ 23,490.00 | |
| Pools | | | | | | |
| Passes | | | | | | |
| Youth | NEW | | | \$ 15.00 | \$ 3,750.00 | \$ 3,750.00 |
| Adult | NEW | | | \$ 25.00 | \$ 3,750.00 | \$ 3,750.00 |
| Senior | NEW | | | \$ 15.00 | \$ 375.00 | \$ 375.00 |
| Guest Pass | 2017/18 | \$ 5.00 | \$ 6.00 | \$ 6.00 | \$ 4,200.00 | |
| Swimming Instruction | | | | | | |
| Youth - Indoor | 2017/18 | \$96.00 | \$100.00 | \$100.00 | \$25,000.00 | |
| Youth - Outdoor | 2016/2017 | \$36.00 | \$36.00 | \$36.00 | \$ 1,800.00 | |
| Swim Team Prep | 2017/18 | | \$ 125.00 | \$ 125.00 | \$ 3,000.00 | |
| Youth Sports | | | | | | |
| Summer Youth Basketball | 2015/16 | \$ 25.00 | \$ 25.00 | \$25.00 | \$ 5,000.00 | |
| Summer HS Basketball Individual Fee | 2011/12 | \$ 25.00 | \$ 25.00 | \$ 25.00 | \$ 2,000.00 | |
| Resident 6 Weeks Soccer | 2016/2017 | \$75.00 | \$75.00 | \$80.00 | \$ 75,000.00 | \$ 2,000.00 |

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | |
|--|---------------------------|--------------------|----------------------|----------------------|-------------------|-------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | +/- |
| Resident 8 Weeks Basketball | 2016/2017 | \$85.00 | \$85.00 | \$85.00 | \$ 23,000.00 | \$ 6,000.00 |
| Travel Basketball | 2016/2017 | \$275.00 | \$275.00 | \$300.00 | \$ 16,440.00 | \$ 2,440.00 |
| Youth Sports Camps | | | | | | |
| Resident 1/2 Day Program | 2015/16 | \$ 100.00 | \$100.00 | \$110.00 | \$ 5,000.00 | |
| Resident Full Day Program | 2013/14' | \$ 200.00 | \$ 200.00 | \$ 200.00 | \$ 6,000.00 | |
| Partner Programs | 2015/16 | 25% Fee | 25% Fee | 25% Fee | \$25,000.00 | |
| Basketball (per team) Winter | | | | | | |
| Men's | 2015/16 | \$ 950.00 | \$ 950.00 | \$1,000.00 | \$ 16,000.00 | \$ 6,500.00 |
| Open Gym Play | 2017/18 | \$75.00 | \$75.00 | \$75.00 | \$3,750.00 | |
| Men's Summer | 2017/18 | \$ 825.00 | \$ 750.00 | \$ 750.00 | \$7,500.00 | |
| Women's Play | 2017/18 | \$75.00 | ABOLISH | ABOLISH | \$0 | |
| Hockey (per person) | | | | | | |
| Tournament Bound | New | Additional Fee | | \$ 125.00 | \$ 7,500.00 | \$ 7,500.00 |
| Resident | 2017/18 | \$900.00 | \$950.00 | \$950.00 | \$ 52,250.00 | |
| Non-Resident | 2017/18 | \$1,775.00 | \$ 1,825.00 | \$ 1,825.00 | \$ 73,000.00 | |
| Mini/Mites | 2017/18 | \$ 800.00 | \$850.00 | \$850.00 | \$34,000.00 | |
| Tryouts | 2011/12 | \$ 75.00 | \$ 75.00 | \$ 85.00 | \$ 10,000.00 | \$ 6,000.00 |
| Midgets | 2017/18 | \$ 650.00 | \$ 675.00 | \$ 675.00 | \$ 20,250.00 | |
| Hockey Clinics/Session | 2015/16 | \$ 20.00 | \$ 20.00 | \$ 20.00 | | |

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | |
|--|---------------------------------|-----------------------|-------------------------|-------------------------|----------------------|---------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | +/- |
| Learn to Play 6 Weeks | 2015/16 | \$ 275.00 | \$ 275.00 | \$ 275.00 | \$ 5,000.00 | -\$ 6,000.00 |
| Open Adult Hockey | 2015/16 | \$ 10.00 | \$ 10.00 | \$ 10.00 | \$ 2,500.00 | |
| Softball (per team) | | | | | | |
| Men's | | | | | | |
| Resident | 2017/18 | \$ 1,200.00 | \$ 1,250.00 | \$ 1,300.00 | \$ 52,000.00 | \$ 9,500.00 |
| Non-Resident | 2016/2017 | \$ 1,900.00 | \$ 1,900.00 | \$ 1,900.00 | \$ 0.00 | -\$ 11,400.00 |
| Women's | 2017/18 | \$ 1,000.00 | \$ 1,100.00 | \$ 1,100.00 | \$ 0.00 | -\$ 6,600.00 |
| Co-Ed | | | | | | |
| Resident | 2014/15 | \$ 1,450.00 | \$ 1,450.00 | \$ 1,400.00 | \$ 33,600.00 | -\$ 1,200.00 |
| Non-Resident | 2011/12 | \$ 1,900.00 | \$ 1,900.00 | \$ 1,900.00 | \$ 0.00 | |
| Fall Softball | 2017/18 | \$ 800.00 | \$ 825.00 | \$ 825.00 | \$ 13,200.00 | |
| Special Interest Program (per 45 minute session) | | | | | | |
| Resident Youth | 2011/12 | \$ 8.00 | \$ 8.00 | \$ 8.00 | \$ 30,000.00 | |
| Resident Adult | 2011/12 | \$ 13.00 | \$ 13.00 | \$ 13.00 | \$ 4,000.00 | |
| Recreation ID Cards | | | | | | |
| Youth - New Issue | 2017/18 | \$ 7.00 | \$ 8.00 | \$ 8.00 | \$ 5,000.00 | |
| Adult - New Issue | 2017/18 | \$ 11.00 | \$ 12.00 | \$ 12.00 | \$ 5,425.00 | |
| Senior Citizen - New Issue (Lifetime) | 2017/18 | \$ 10.00 | \$ 11.00 | \$ 11.00 | \$ 396.00 | |
| Youth - Annual Renewal | 2017/18 | \$ 6.00 | \$ 7.00 | \$ 7.00 | \$ 5,440.00 | |

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | | |
|--|---------------------------------|-----------------------|-------------------------|-------------------------|----------------------|--|--------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | | +/- |
| Adult - Annual Renewal | 2017/18 | \$ 9.00 | \$ 10.00 | \$ 10.00 | \$ 7,250.00 | | |
| Miscellaneous | | | | | | | |
| Teen Program | 2016/17 | \$10.00 | \$ 10.00 | \$ 10.00 | \$ 8,400.00 | | |
| Pre-School | 2017/18 | \$ 95.00 | \$ 100.00 | \$ 100.00 | \$ 27,000.00 | | |
| Gymnastics 6 Sessions | 2014/15 | \$ 95.00 | \$ 95.00 | \$ 95.00 | \$ 0.00 | | -\$ 2,700.00 |
| Recreation Room Rental (per hour) | 2010/11 | \$ 75.00 | \$ 75.00 | \$ 75.00 | \$ 1,500.00 | | |
| Community Center Room Rental (3 hrs min) | 2017/18 | | \$ 100.00 | \$ 100.00 | \$ 900.00 | | |
| Community Gardens Fees | 2016/17 | \$ 45.00 | \$ 45.00 | \$ 50.00 | \$ 3,500.00 | | \$ 350.00 |
| Out of Season Ebersole Park | 2016/17 | \$ 125.00 | \$ 75.00 | \$ 75.00 | \$ 2,500.00 | | |
| Not for Profit Facility | | | | | | | |
| Field Rental Per Event 4 Hours Max | 2012/13 | \$ 100.00 | \$ 100.00 | \$ 100.00 | \$ 600.00 | | |
| Campout | 2017/18 | \$ 50.00 | \$ 60.00 | \$ 60.00 | \$ 3,000.00 | | |
| Dance Classes 12 Sessions | 2017/18 | \$ 135.00 | \$ 145.00 | \$ 145.00 | \$ 16,200.00 | | |
| Tennis Concession | 2016/17 | \$ 10,200.00 | \$ 10,200.00 | \$ 10,937.00 | \$ 131,244.00 | | \$ 8,844.00 |
| Dog Park Annual | | | | | | | |
| Resident (Per Dog) | New | | | \$ 25.00 | \$ 1,250.00 | | \$ 1,250.00 |
| Non Resident (Per Dog) | New | | | \$ 50.00 | \$ 1,250.00 | | \$ 1,250.00 |
| Special Needs Programs | | | | | | | |
| Special Needs 8 Weeks | 2016/17 | \$ 25.00 | \$ 35.00 | \$ 35.00 | \$ 7,500.00 | | |
| Friday Night Out (3 Sessions) | 2017/18 | \$ 25.00 | \$ 30.00 | \$ 30.00 | \$ 1,500.00 | | |

| WHITE PLAINS RECREATION AND PARKS PROPOSED FEE SCHEDULE EFFECTIVE 03/01/2018-19 | | | | | | |
|--|---------------------------------|-----------------------|-------------------------|-------------------------|----------------------|-------------|
| | Date Fee Was Last Amended | Prior Year 2016/17 | Current Year 2017-18 | Proposed Fee 2018/19 | Projected Revenue | +/- |
| Senior Citizen Programs | | | | | | |
| Transportation Contribution | 2015/16 | \$ 1.00 | \$ 1.00 | \$ 1.00 | \$ 7,500.00 | |
| Nutrition Contribution | 2015/16 | \$ 3.00 | \$ 3.00 | \$ 3.00 | \$ 20,000.00 | |
| 6 Week Programs | | | | | | |
| Resident | 2017/18 | \$ 25.00 | \$ 27.00 | \$ 27.00 | \$ 5,451.00 | |
| Non-Resident | 2017/18 | \$ 45.00 | \$ 50.00 | \$ 50.00 | \$ 300.00 | |
| 8 Week Programs | | | | | | |
| Resident | 2017/18 | \$ 30.00 | \$ 33.00 | \$ 33.00 | \$ 4,500.00 | |
| Non-Resident | 2017/18 | \$ 55.00 | \$ 60.00 | \$ 60.00 | \$ 600.00 | |
| Seasonal Resident Program Fee | 2015/16 | \$ 5.00 | \$ 5.00 | \$ 5.00 | \$ 1,125.00 | |
| Seasonal Non-Resident Program Fee | 2015/16 | \$ 55.00 | \$ 55.00 | \$ 55.00 | \$ 1,980.00 | |
| TOTAL PROJECTED REVENUE | | | | | \$1,561,091.00 | \$63,004.00 |

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Deputy Commissioner of Parking.

Mr. Kirkpatrick moved that it/they be filed and spread in full upon the minutes.

Mrs. Lecuona seconded the motion.

Carried.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

The New York State Department of Transportation has an active project to improve bus transit operations along the Route 119 Corridor between Tarrytown and White Plains. A part of this project involves the installation of equipment on buses and at traffic signal locations to allow for buses to be given priority treatment at signals. The feature is known as Transit Signal Priority (TSP) and is currently in use in many other locations around the country, including Central Avenue in White Plains.

Submitted herein is legislation which would authorize the Mayor to direct the Deputy Commissioner of Parking to enter into a contract to allow for the installation and maintenance of the TSP equipment at traffic signals along Route 119 in White Plains. The City will receive new traffic controller and communications equipment as part of this agreement, at no additional costs.

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

Dated: January 23, 2018
(for the February 5, 2018 Common Council Meeting)

Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute an agreement with the New York State Department of Transportation, to allow for the installation and maintenance of Transit Signal Priority (TSP) equipment on buses and at traffic signals, primarily along Rout 119, and other locations on White Plains to enable buses to be given priority treatment at signals."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION, TO ALLOW FOR THE INSTALLATION AND MAINTENANCE OF TRANSIT SIGNAL PRIORITY (TSP) EQUIPMENT ON BUSES AND AT TRAFFIC SIGNALS, PRIMARILY ALONG ROUTE 119 AND OTHER LOCATIONS IN WHITE PLAINS TO ENABLE BUSES TO BE GIVEN PRIORITY TREATMENT AT SIGNALS.

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

Section 1. The Common Council of the City of White Plains hereby authorizes the Mayor or his designee to execute an agreement with the New York State Department of Transportation, to allow for the installation and maintenance of transit signal priority (TSP) equipment on buses and at traffic signals along Route 119 and other locations in White Plains to enable buses to be given priority treatment at signals.

Section 2. The aforementioned agreement shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Deputy Commissioner of Parking.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes.

Mr. Krolian seconded the motion.

Carried.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Traffic Technology Services, Inc. (TTS) is a developing technology company involved in improving transportation for end users. TTS utilizes real time traffic signal data to provide information to users of the roadway system. The City of White Plains would provide the necessary data through a standard interface which is already in use at various other cities across the country that have similar signal systems to White Plains. The City benefits by receiving inventories, performance metrics and formatted data products.

Submitted herein is legislation which would authorize the Mayor to direct the Deputy Commissioner of Parking to enter into a contract to allow for TTS to work with Trancore (the company that installed and currently maintains the White Plains Signal System) to obtain non-confidential real time traffic data from the White Plains System. There is no cost to the City for this service.

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

Dated: January 23, 2018
(for the February 5, 2018 Common Council Meeting)

Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to execute an agreement with Traffic Technology Services, Inc., to allow for the sharing of real time traffic data from traffic signals."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH TRAFFIC TECHNOLOGY SERVICES, INC., TO ALLOW FOR THE SHARING OF REAL TIME TRAFFIC DATA FROM TRAFFIC SIGNALS.

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

Section 1. The Common Council of the City of White Plains hereby authorizes the Mayor or his designee to execute an agreement with Traffic Technology Services, Inc., to allow for the sharing of real time traffic data from traffic signals in White Plains.

Section 2. The aforementioned agreement shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

Mr. Krolian seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Deputy Commissioner of Parking.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

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

Numerous City departments have been preparing for the implementation of red light photo violation monitoring devices at up to twelve (12) intersections in the City, as previously authorized by New York State Legislation. Several companies have been interviewed and evaluated and a variety of crash review and traffic volume studies have been conducted. It is now recommended that the project implementation begin. This is to be a demonstration project that would have to be authorized for an extension, if it were to be maintained beyond the original five (5) year approval.

It is requested that the Mayor be authorized to enter into the necessary contract in a form approved by the Corporation Counsel with American Traffic Solutions, Inc., and to direct the Budget Director to amend the Fiscal Year 2017-18 General Fund Budget by increasing revenues and expenditures as follows:

REVENUES

| | | |
|------------|-----------------|-----------------|
| P500-05504 | Red Light Fines | <u>\$50,000</u> |
|------------|-----------------|-----------------|

EXPENDITURES

| | | |
|------------|---------------------------|-----------------|
| P500-4.051 | Red Light Camera Contract | <u>\$50,000</u> |
|------------|---------------------------|-----------------|

It is anticipated that this project will demonstrate how automated enforcement can be an effective tool in reducing serious injury related accidents at targeted intersections as well as at all City signalized intersections by calming aggressive driving behavior.

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

Dated: January 31, 2018

Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the implementation of a demonstration program to impose monetary liabilities on owners of motor vehicles for an operator's failure to comply with traffic control indicators, including the installation and operation of traffic control signal photo violation monitoring devices, establishing penalties for violations enforced with Traffic control signal photo monitoring devices, and authorizing the Mayor to enter into a contract with American Traffic Solutions, Inc., to establish, maintain and assist in the operation of the photo violation monitoring system demonstration project.

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE IMPLEMENTATION OF A DEMONSTRATION PROGRAM TO IMPOSE MONETARY LIABILITIES ON OWNERS OF MOTOR VEHICLES FOR AN OPERATOR'S FAILURE TO COMPLY WITH TRAFFIC-CONTROL INDICATORS, INCLUDING THE INSTALLATION AND OPERATION OF TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION MONITORING-DEVICES, ESTABLISHING PENALTIES FOR VIOLATIONS ENFORCED WITH TRAFFIC-CONTROL SIGNAL PHOTO MONITORING DEVICES, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH AMERICAN TRAFFIC SOLUTIONS, INC., TO ESTABLISH, MAINTAIN AND ASSIST IN THE OPERATION OF THE PHOTO VIOLATION MONITORING SYSTEM DEMONSTRATION PROJECT.

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

Section 1. The Common Council of the City of White Plains hereby authorizes the implementation of a demonstration program to impose monetary liabilities on owners of motor vehicles for the operator's failure to comply with traffic-control indicators enforced by a traffic signal photo violation monitoring system installed at no more than 12 intersections at any one time, as authorized by Section 1111-e of the Vehicle and Traffic Law.

Section 2. Schedule of Penalties.

As authorized by Subdivision (e) of Section 1111-e of the Vehicle and Traffic Law, an owner of a vehicle liable for a violation of Subdivision (d) of Section 1111 of the Vehicle and Traffic Law pursuant to this section shall be liable for monetary penalties in accordance with the following schedule of penalties.

- a. An owner of a vehicle liable for a violation of Subsection (d) of Section 1111 of the Vehicle and Traffic Law shall be liable for a monetary penalty of \$50 for each violation.
- b. An owner of a vehicle shall be liable for an additional penalty of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period.

Section 3. The Mayor is hereby authorized to enter into a contract with American Traffic Solutions, Inc., to assist in the establishment, installation, maintenance and operation of the traffic-control signal photo violation monitoring system demonstration project for a fee of \$3,750 per camera per month plus additional incidental expenses. Said contract to be in a form approved by the Corporation Counsel.

Section 4. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year 2017-2018 General Fund Budget, by increasing revenues and expenditures as follows:

REVENUES:

| | | |
|------------|-----------------|-----------------|
| P500-05504 | Red Light Fines | <u>\$50,000</u> |
|------------|-----------------|-----------------|

EXPENDITURES:

P500-4.051 Red Light Camera Contract \$50,000

Section 5. Sections 1, 3 and 4 of this ordinance shall take effect immediately. Section 2 shall take effect March 1, 2018.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mr. Martin and the Mayor - 6 - 1. Nay: Mrs. Lecuona.

Communication from Deputy Commissioner of Parking.

Mr. Martin moved that it/they be filed and spread in full upon the minutes.

Mr. Brasch seconded the motion.

Carried.

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.) Create a "Left Turns Prohibited" from Chatterton Parkway to Battle Avenue as described in Section 311 Subdivision 45.
- 2.) Create a "Stop Intersections" New York Avenue South at its intersection with Winslow Road as described in Section 303-a, Subdivision 207.

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: January 19, 2018
(for the February 5, 2018 Common Council Meeting)

Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance amending the Traffic Ordinance of the City of White Plains in relation to creating "Stop Intersections" on New York Avenue South at its intersection with Winslow Road, and creating "Left Turns Prohibited" from Chatterton Parkway onto Battle Avenue."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING "STOP INTERSECTIONS" ON NEW YORK AVENUE SOUTH AT ITS INTERSECTION WITH WINSLOW ROAD, AND CREATING "LEFT TURNS PROHIBITED" FROM CHATTERTON PARKWAY ONTO BATTLE AVENUE.

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

Stop Intersections

Section 1. Article III, Section 303-a 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 5th day of December 2016, is hereby amended by adding a new Subdivision 205 to read as follows:

207. NEW YORK AVENUE SOUTH AND WINSLOW ROAD:

Stop sign on New York Avenue south facing southbound traffic.

Left Turn Prohibited

Section 2. Article III, Section 311 of said ordinance, as last amended on the 4th day of February 2013, is hereby amended by adding a new subdivision 45 to read as follows:

45. From Chatterton Parkway onto Battle Avenue.

Section 3. This ordinance shall take effect immediately.

Mr. Brasch seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

Communication from Commissioner of Planning.

Mr. Brasch moved that it/they be filed and spread in full upon the minutes.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Subject: NYS Affordable Home Ownership Projects Program Grant Application

The City of White Plains is seeking authorization to submit a grant proposal under the 2016-17 Affordable Home Ownership Development Program, Home Improvement Projects Request for Proposals issued by the New York State

Homes and Community Renewal, New York State Affordable Housing Corporation, Office of Community Renewal for a project entitled, "City of White Plains Affordable Home Improvement Program," to be located in the City of White Plains.

The grant application seeks funding to support housing rehabilitation funds for moderate income households in the City of White Plains.

Attached for your consideration is a resolution approving and endorsing the City of White Plains' grant application and authorizing the Mayor to submit such application on behalf of the City.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 2, 2018

Mr. Brasch moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING AND DIRECTING THE FILING OF AN APPLICATION FOR FUNDS FROM THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL, NEW YORK STATE AFFORDABLE HOUSING CORPORATION, OFFICE OF COMMUNITY RENEWAL, AND UPON APPROVAL OF SAID GRANT APPLICATION REQUEST, AUTHORIZATION TO ENTER INTO AND EXECUTE A PROJECT AGREEMENT WITH THE STATE FOR SUCH FINANCIAL ASSISTANCE TO THE CITY OF WHITE PLAINS FOR THE PROJECT, "CITY OF WHITE PLAINS AFFORDABLE HOME IMPROVEMENT PROGRAM," TO BE LOCATED IN THE CITY OF WHITE PLAINS.

WHEREAS, the City of White Plains is applying for funds from the New York State Homes and Community Renewal, New York State Affordable Housing Corporation, Office of Community Renewal, and upon approval of said request, authorization to enter into and execute a project agreement with the State for such financial assistance to the City of White Plains for the project, "City of White Plains Affordable Home Improvement Program," to be located in the City of White Plains; and

WHEREAS, the grant application seeks funding to support housing rehabilitation funds for moderate income households in the City of White Plains; and

WHEREAS, the grant application requires the municipality to obtain the approval/endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, be it

RESOLVED, that the Common Council of the City of White Plains does approve and endorse the application for a grant under the 2016-17 Affordable Home Ownership Development Program, Home Improvement Projects Request for Proposals issued by the New York State Homes and Community Renewal, New York State Affordable Housing Corporation, Office of Community Renewal for a project entitled, "City of White Plains Affordable Home Improvement Program," to be located in the City of White Plains and for permission to enter into and execute an agreement; and be it further

RESOLVED, that the Mayor is hereby authorized to submit said application on behalf of the City of White Plains.

Mrs. Hunt-Robinson seconded the motion.

Carried.

Communication from the Mayor.

Mrs. Hunt-Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

Attached for your consideration is a resolution authorizing the certification of a Home Rule request for the City of White Plains seeking the enactment of New York State legislation to amend the Tax Law to allow the City of White Plains to extend the City's hotel/motel occupancy tax in an amount not to exceed three percent (3%) of the per diem rental rate, for the period expiring December 31, 2021. It is estimated that if the State authorization is granted, the City of White Plains anticipates that this will realize revenues of approximately \$1,000,000 as a result of the extension of this tax.

Respectfully submitted,

Thomas M. Roach
Mayor

Dated: January 29, 2018

Mrs. Hunt-Robinson moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CERTIFICATION OF A HOME RULE REQUEST SEEKING ENACTMENT OF STATE LEGISLATION AMENDING SECTION 1202-AA OF THE TAX LAW TO EXTEND THE SUNSET PROVISION IN RELATION TO AUTHORIZING THE CITY OF WHITE PLAINS TO IMPOSE AN OCCUPANCY TAX (ASSEMBLY BILL NO. A9534) (SENATE BILL NO. S7417).

WHEREAS, since 1975, several counties and cities outside of New York City have obtained state laws authorizing these entities to enact hotel or motel taxes in the respective communities; and

WHEREAS, local governmental entities are tasked constantly to seek alternate sources of revenue without further burdening local residential property owners; and

WHEREAS, the subject legislation is a necessary non-property tax revenue that can be utilized to support City of White Plains expenses, including offsetting impacts of rising health care costs and other expenses not fully discretionary; and

WHEREAS, the Common Council of the City of White Plains passed a resolution in 2009, requesting the introduction of an amendment to the Tax Law to authorize the City of White Plains to impose a daily occupancy tax of an amount not to exceed three percent (3%) on hotels, motels, or similar places in the City, subject to certain exceptions; and

WHEREAS, the requested legislation for the occupancy tax for the City of White Plains was enacted as Chapter 95 of the Laws of 2009, and codified as Section 1202-aa of the Tax Law; and

WHEREAS, Chapter 95 of the Laws of 2009, contained a sunset provision whereby the ability of the City of White Plains to impose the occupancy tax on any hotel, motel, or similar place in the City in an amount not to exceed three percent (3%) would expire on December 31, 2012; and

WHEREAS, the Common Council of the City of White Plains passed a resolution in 2012, requesting the introduction of an amendment to the Tax Law to authorize the City of White Plains to continue to impose a daily occupancy tax of an amount not to exceed three percent (3%) on hotels, motels, or similar places in the City, subject to certain exceptions, until December 31, 2015; and

WHEREAS, Chapter 355 of the Laws of 2012, extended the authorization of the City of White Plains to impose the occupancy tax on any hotel, motel, or similar place in the City in an amount not to exceed three percent (3%) until December 31, 2015; and

WHEREAS, the Common Council of the City of White Plains passed a resolution in 2015, requesting the introduction of an amendment to the Tax Law to authorize the City of White Plains to continue to impose a daily occupancy tax of an amount not to exceed three percent (3%) on hotels, motels, or similar places in the City, subject to certain exceptions, until December 31, 2018; and

WHEREAS, Chapter 18 of the Laws of 2015, extended the authorization of the City of White Plains to impose the occupancy tax on any hotel, motel, or similar place in the City in an amount not to exceed three percent (3%) until December 31, 2018; and

WHEREAS, the City of White Plains received \$1,156,220 in revenue from this tax in the fiscal year ending June 30, 2017, and anticipates similar revenues for the fiscal years ending June 30, 2018 and 2019, respectively; and

WHEREAS, legislation to extend the sunset provision from December 31, 2018 to December 31, 2021, was introduced on January 19, 2018 in the New York State Assembly (Assembly Bill No. A9534) and in the New York State Senate on January 17, 2018 (Senate Bill No. S7417); and

WHEREAS, it is necessary that the City of White Plains pass a Home Rule Request authorizing and instructing the New York State Assembly and the New York State Senate to proceed forward with enactment and adoption of such legislation.

NOW, THEREFORE, the Common Council of the City of White Plains does hereby enact the following Resolution:

RESOLVED, that the City of White Plains requests the enactment of legislation set forth in Assembly Bill No. A9534 and entitled, "AN ACT to amend the tax law, in relation to authorizing the city of White Plains to impose an occupancy tax;" and be it further

RESOLVED, that the City of White Plains requests the enactment of legislation by the Senate as set forth in Senate Bill No. S7417 and entitled, "AN ACT to amend the tax law, in relation to authorizing the city of White Plains to impose an occupancy tax;" and be it further

RESOLVED, that there be inserted in such request a statement reading substantially as follows:

The local government does not have the power to enact such legislation by local law, and be it further

RESOLVED, that the City Clerk be and hereby is authorized to certify that the Common Council on the 5th of February, 2018, approved the foregoing request by at least a two-thirds vote of the total membership of the Common Council.

Mr. Kirkpatrick seconded the motion.

Carried.

Communication from Commissioner of Building.

Mr. Kirkpatrick moved that it/they be filed and spread in full upon the minutes, and referred to Law, Building Department, Design Review Board,

Planning Department, Planning Board, Public Safety, Public Works, Traffic Division, Transportation Commission, Parking Department, Westchester County Planning Board and Environmental Officer.

Mrs. Lecuona seconded the motion.

Carried.

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

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

A letter petition, dated December 21, 2017 prepared by Cuddy and Feder LLP on behalf of Maple and Broadway Holdings, LLC has been submitted for a one (1) year extension to a Common Council Resolution originally approved on February 1, 2016.

It is anticipated that the project will not be far enough along to be considered "substantially constructed" prior to the February 1, 2018 expiration.

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

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

Respectfully Submitted,

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

Dated: January 23, 2018
(for February 5, 2018, Common Council Meeting)

Documents Submitted: Letter prepared by Mr. Neil Alexander dated December 21, 2017; A Short Form Building Permit Application dated December 21, 2018 and a Short Environmental Assessment Form dated December 21, 2018.

December 21, 2017

By Hand

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

Re Maple and Broadway Holdings LLC

Application for Further Extension of Site Plan & Special Permit Approvals
Premises: 60 South Broadway, City of White Plains
Tax Identification: Section 125.84, Block 3, Lot 1

Dear Mayor Roach and Members of the Common Council:

This letter is respectfully submitted on behalf of LMC/Lennar Multifamily Communities through its business affiliate Maple and Broadway Holdings LLC ("LMC") as the current owner of the parcel of real property located at 60 South Broadway in the City (the Premises).

In particular, LMC seeks a further extension by one year of the previously granted and extended Site Plan and Special Permit Approvals relative to the razing and redeveloping of the Premises for a mixture of multifamily residential units and retail uses.

Procedural Background

The Common Council, after adopting Environmental Findings, granted Site Plan Approval and six Special Permits for Outdoor Dining on February 1, 2016.

The Common Council also approved an extension of one year to February 1, 2018 for these approvals on November 7, 2016.

The City of White Plains Zoning Ordinance (Zoning Ordinance) provides relative to Special Permits and Site Plan Approvals in Sections 6.6.1 and 7.6, respectively, that these permits shall expire if substantial construction has not been completed within 1 year from the date of issuance.

Although LMC acquired the Premises from Urstadt Biddle Properties, Inc. on March 1, 2017, by Deed recorded in Westchester County Land Records as Document Control Number 570533209, and the City Building Department issued Demolition Permit #2016-0493BLDG in furtherance of the razing and redeveloping of the Premises on April 6, 2017, substantial construction has not been completed yet.

Nonetheless, LMC remains committed to moving this project forward, and looks forward to making significant progress during 2018.

Accordingly, LMC respectfully requests that the Common Council grant a further extension by one year to February 1, 2019 of the previously granted and extended Site Plan and Special Permit Approvals relative to the razing and redeveloping of the Premises for a mixture of multifamily residential units and retail uses.

Materials Submitted in Support of This Application

Please find enclosed with this letter 23 sets of the following materials in furtherance of this Application for Further Extension of Site Plan & Special Permit Approvals pursuant to Sections 6.6.1 and 7.6 of the City of White Plains Zoning Ordinance:

Exhibit A: City of White Plains Building Permit Short Form.

Exhibit B: SEQRA Short Environmental Assessment Form.

LMC also respectfully requests that the City advise as to the application fees for this requested further extension of the Site Plan and Special Permit Approvals.

Conclusion

Based on the above, LMC respectfully requests a further extension by one year to February 1, 2019 of the previously granted and extended Site Plan and Special Permit Approvals. LMC looks forward to appearing before the Common Council and respectfully requests placement on the January 2018 agenda relative to this application for the Premises. Should the Common Council or City Staff have any questions or comments in the interim, please feel free to contact me. Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,

Neil J. Alexander

NJA/de

cc: John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff
Mr. Christopher Gomez, Commissioner of Planning
Mr. Damon Amadio, Commissioner of Building
Doreen Rich, Esq., Senior Assistant Corporation Counsel
Greg Belew, City President, LMC/Lennar Multifamily Communities
Charles D. Epstein, Vice President, LMC/Lennar Multifamily Communities
William S. Null, Esq. and Eon Nichols, Esq., Cuddy & Feder LLP

Communication from Commissioner of Building.

Mr. Kirkpatrick moved that it/they be filed and spread in full upon the minutes, and referred to Law, Building Department, Design Review Board, Planning Department, Planning Board, Public Safety, Public Works, Traffic Division, Transportation Commission, Parking Department, Westchester County Planning Board and Environmental Officer.

Mrs. Lecuona seconded the motion.

Carried.

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 7.4.1 of the White Plains Zoning Ordinance, is an application for Site Plan Approval dated January 25, 2018, submitted by Cuddy + Feder LLP on behalf of Chester WP, LLC. The Applicant proposes the development of a two (2)

story, approximately 10,000 square foot professional office building on a parcel designated on the City of White Plains Tax Map as Section 125.83, Block 5, Lots 4 and 5. The property is also known as 6-8 Chester Avenue.

Zoning required parking is proposed to be accommodated by thirty- three (33) off-street parking spaces.

The proposed site constitutes 13,000 square feet of land situated on Chester Avenue between Maple Avenue and East Post Road and is located in the O-R Zoning District.

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

- 1.) Site Plan Approval - Entire Project (Section 7).
- 2.) SEQRA Approval - Lead Agency.

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

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

Dated: January 25, 2018
(for February 5, 2018 Common Council Meeting)

Documents Submitted: Cover letter as prepared by William S. Null, Esq. of Cuddy + Feder LLP, dated January 25, 2018; A Short Form Building Permit Application dated January 25, 2018 ; a Short Environmental Assessment Form dated January 24, 2018; architectural concept drawings dated November 2, 2018 as prepared by Pablo De Miguel Architects; site drawings C-1 thru C-14 dated January 15, 2018 as prepared by Stonefield engineering & design and a Traffic Impact Letter/Report dated January 15, 2018 as prepared by Stonefield engineering & design.

01/25/2018

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: Chester WP, LLC
Application for Site Plan Approval
Premises: 6 & 8 Chester Avenue, White Plains, New York

Dear Mayor Roach and Members of the Common Council:

On behalf of Chester WP, LLC (the "Applicant"), the owner of the Premises, we respectfully submit the enclosed documents in connection with your review

at the January 29, 2018 Work Session of a conceptual Site Plan for a medical professional building that would replace the existing two (2) buildings currently occupying this property.

The Premises comprise two "lots" aggregating 13,000 square feet classified in the O-R District pursuant to the Zoning Ordinance of the City of White Plains. The proposed building is designed as approximately 10,000 square feet of "professional offices" for physicians, together with 33 parking spaces, partially situated beneath the building. As set forth in the "Table of Land Use and Zoning", the conceptual plans fully conform to the requirements of the Zoning Ordinance.

The redevelopment of these Premises with a new medical office building would constitute an improvement to the Post Road corridor upgrading Chester Avenue.¹

Accordingly, enclosed for distribution at the Work Session scheduled for Monday, January 29, 2018 are ten (10) sets of the following documents:

1. Plans prepared by Stonefield Engineering & Design, entitled "Chester WP, LLC, Proposed Medical Office, Section 125.83, Block 5, Lots 4 & 5, 6 & 8 Chester Avenue, City of White Plains, Westchester County, New York", dated January 15, 2018, consisting of the following sheets:
 - a. C-1 "Cover Sheet"
 - b. C-2 "Existing Conditions Plan"
 - c. C-3 "Demolition Plan"
 - d. C-4 "Site Plan"
 - e. C-5 "Grading & Drainage Plan"
 - f. C-6 "Utility Plan"
 - g. C-7 "Lighting Plan"
 - h. C-8 "Soil, Erosion & Sediment Control Plan"
 - i. C-9 "Landscaping Plan"
 - j. C-10 "Landscaping Details"
 - k. C-11 "Construction Details"
 - l. C-12 "Construction Details"
 - m. C-13 "Construction Details"
 - n. C-14 "Construction Details"
2. Plans prepared by Pablo De Miguel Architects, entitled "Concept Design V.3, Proposed Office Building, Section 125.83, Block 5, Lots 4 & 5", dated November 2, 2017 (unless otherwise noted) consisting of the following sheets:
 - a. Cover Sheet

¹ It is contemplated that Westchester County Industrial Development Agency also may be involved with this development.

- b. Site Location
 - c. Proposed Massing; and Table of Land Use and Zoning
 - d. Proposed Ground Floor Plan
 - e. Proposed Section
 - f. Untitled (Aerial with Rendering of Building inserted)
 - g. Material Palette
 - h. Precedent Images
 - i. Untitled (Rendering of Building Elevation)
 - j. Proposed 2nd Floor Plan
 - k. Proposed 3rd Floor Plan
 - l. Code Compliance Summary
 - m. Proposed Roof Floor Plan
 - n. Untitled (Rendering of Building Elevation)
 - o. Building Code Review
 - p. Building Code Comparison — General Guidelines
 - q. Untitled (Continuation of Building Code Comparison — General Guidelines)
 - r. Untitled (Continuation of Building Code Comparison — General Guidelines)
 - s. Untitled (Continuation of Building Code Comparison — General Guidelines)
 - t. Untitled (Rendering of Building looking west on Chester Avenue)
3. A January 15, 2018 letter addressed to Thomas J. Soyk, P.E., PTOE, Deputy Commissioner of Parking, constituting a "Traffic Impact Letter Report" prepared by Stonefield Engineering & Design
 4. A Short Building Permit Application form
 5. A Short Environmental Assessment Form in accordance with the New York State Environmental Quality Review Act ("SEQRA")
 6. A check payable to the "City of White Plains" in the amount of \$1,000 for filing the Site Plan Application in accordance with Section 11 of the Zoning Ordinance.

We look forward to attending the January 29th Work Session to present this proposal and thank you for your consideration.

Respectfully submitted,

William S. Null

WSN:yp

Enclosures

Cc: (w/o enclosures): John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Messrs. Sam Dickinson and Matthew Tritt; Anthony Morando, Esq.; Messrs. Joshua H. Kline and Frank Filicetto; and Mr. Pablo De Miguel

Communication from the Chairman, Capital Projects Board.

Mr. Krolian moved that it/they be filed and spread in full upon the minutes, and the attachment filed.

Mr. Martin seconded the motion.

Carried.

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

Submitted herewith is the Capital Improvement Program Status Report for the six months ended December 31, 2017.

Eileen M. Bradley
Chief Deputy Budget Director

Dated: January 12, 2018
(For the Common Council meeting of February 5, 2018)

Communication from the Commissioner of Finance.

Mr. Krolian moved that it/they be filed and spread in full upon the minutes, and the attachment filed.

Mr. Martin seconded the motion.

Carried.

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

Submitted herewith is the unaudited interim financial report for the six months ended December 31, 2017.

Sergio Sensi
Commissioner of Finance

Dated: January 23, 2018
(For the Common Council meeting of February 5, 2018)

Communication from the Chairman, Capital Projects Board.

Mr. Krolian moved that it/they be filed and spread in full upon the minutes, and the attachment filed.

Mr. Martin seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to submit the City's Capital Improvement Program for Fiscal Year 2018-2024 and the succeeding five years as approved by the Capital Projects Board.

The Capital Improvement Program is a planning document that sets forth the City's capital fiscal plan to ensure that municipal infrastructure and facilities serve the needs of the people and are adequate, appropriate and maintained in good condition. The Capital Improvement Program is not an adopted capital budget for the City, but by Charter, this planning document is used by the Budget Director and the Mayor and Common Council in developing the City's operating budget. Each capital project to be undertaken by the City must be approved individually and have a budget established by the Common Council before work begins.

The Capital Improvement Program for fiscal year 2018-2019 recommends total expenditures of \$41 million to fund various capital projects and rolling stock purchases. Of this \$41 million, \$37.1 million is being recommended for capital improvements; \$3.5 million for the purchase of rolling stock; and \$0.4 million for debt issuance costs.

I extend my sincere thanks to the members of the Capital Projects Board for their efforts in developing the new plan which sets forth the future capital initiatives recommended for the City.

Respectfully submitted,

Thomas M. Roach, Chairman

February 5, 2018

Communication from the Commissioner of Building.

Mr. Krolian moved that it/they be filed and spread in full upon the minutes, and the attachment filed.

Mr. Martin seconded the motion.

Carried.

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a Minor Amendment dated January 16, 2018 associated with One North Lexington Avenue. The application is being submitted by Cuddy and Feder LLP on behalf of the applicant, Alaska Permanent Fund, the building owner. The applicant is proposing a modification to the building lobby and main entrance. The project scope will include replacing the existing glass "Space Frame" enclosure with a new glass and stone entrance with a glass canopy.

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

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

Please be advised that the proposed minor amendment indicates no increase to the mandatory off-street parking or loading requirement. No increase in "use" and no new "use" is established. With respect to the proposed project as a whole, it can be concluded that there is no significant alteration of the essential characteristics of the design, layout or arrangement of "buildings," parking, circulation, landscaping, or relationship of the project to the "street," adjacent properties and the area in general.

If the Common Council does not object to this application being considered a Minor Amendment, within the next thirty (30) days or at their next occurring meeting, the Commissioner of Building shall facilitate appropriate review and approval of such Minor Amendment.

Respectfully Submitted,

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

DATED: January 23, 2018
(For the February 5, 2018 Common Council Meeting)

DOCUMENTS SUBMITTED: Cover letter dated January 16, 2018 as prepared by Cuddy and Feder LLP; a Short Form Building Application dated January 19, 2018; a Short Environmental Assessment Form dated January 16, 2018 and drawings prepared by CPG Architects received January 17, 2018.

01/16/2018

BY HAND

Mr. Damon Amadio, Building Commissioner
City of White Plains
70 Church Street
White Plains, New York 10601

RE: Gateway One, One North Lexington Avenue (the "Premises")
Minor Site Plan Amendment for Lobby Modifications

Dear Commissioner Amadio:

On behalf of Alaska Permanent Fund, the owner of these Premises, and Sentinel Real Estate Corporation, the managing agent thereof, we respectfully submit plans and photographs of existing conditions regarding a proposed Minor Site Plan Amendment involving modification of entrance and lobby area for the office building known as "Gateway" resulting in, among other things, a reduction in the floor area of the building.

In connection with this Application, we respectfully enclose plans showing existing conditions, proposed modifications and photographs of the existing entrance area. The modification to the building will remove the glass entry enclosure and replace it with a modified glass and stone entrance, including a glass canopy. These modifications will enable a change in the layout of the lobby to improve the arrival experience. We respectfully submit that the changes proposed are minor and comply with the provisions governing Minor Site Plan Amendments, as set forth in the Zoning Ordinance, as there is no increase in the size of the building over that previously approved (and it is being somewhat reduced), nor is there any change in use proposed. Further, the character and design of the building remains consistent with that initially approved.

The modification to the entrance is proposed to upgrade the building to a more contemporary appearance. In addition, the improvements will cause the lobby to be more welcoming by removing the escalators and opening up the interior space. Two options for the exterior finish are shown in the renderings included herein, which we understand will be referred to the Design Review Board. There has not yet been a decision regarding which option will be selected, but both achieve the goal of removing the all-glass façade and updating the architectural vocabulary of the building.

In connection with this Application, we respectfully enclose the following documents:

1. A Building Permit Short Form;
2. A Short Environmental Assessment Form in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively "SEQRA");

3. Plans prepared by CPG Architects, entitled "Gateway One, 1 North Lexington Ave., White Plains, NY 10601", Exterior Addition + Ground Floor Alterations", consisting of the following sheets, dated December 1, 2017:
 - a. (A-1.4) Ground Floor Demolition Plan;
 - b. (A-2.0) Partition Plan;
 - c. (A-3.01) New Building Entry Canopy Elevations Plan and Sections;
4. Plans prepared by Redniss & Mead Professional Engineers and Land Surveyors, P.C., as follows:
 - a. (PSLTS) Survey, dated October 27, 2017, entitled "Property and Limited Topographic Survey depicting 1 North Lexington Avenue, White Plains, New York prepared for Sentinel Real Estate Corp."; and
 - b. (SE-I) "Site Development Plan depicting 1 North Lexington Avenue, White Plains, New York prepared for Sentinel Real Estate Corp.", dated October 31, 2017; and
5. A booklet of drawings prepared by CPG Architects entitled, "Sentinel, New Front Entry, Common Council Meeting, City of White Plains", dated February 5, 2018, consisting of the following images:
 - a. Photograph entitled, "Existing Conditions — View from North Lexington Avenue";
 - b. Photograph entitled, "Existing Conditions — View from Corner of Hamilton and North Lexington Avenues";
 - c. Photograph entitled, "Existing Conditions — View from Corner of Main Street and North Lexington Avenue";
 - d. Photograph entitled, "Existing Plaza Conditions";
 - e. Photograph entitled, "View from Main Street and Interior of Existing Entry";
 - f. Photograph entitled, "Proposed Curtain Wall — Inspirational Images";
 - g. First rendering entitled, "Front Entry Option A — Glass Corners";
 - h. Second rendering entitled, "Front Entry Option A — Glass Corners";
 - i. Third rendering entitled, "Front Entry Option A — Glass Corners";
 - j. First rendering entitled, "Front Entry Option B — Stone Portal";
 - k. Second rendering entitled, "Front Entry Option B — Stone Portal"; and
 - l. Third rendering entitled, "Front Entry Option B — Stone Portal".

Lastly, we enclose a check for \$250, as the Application Fee.

We respectfully request that this Application for a Minor Site Plan Amendment be forwarded to the Common Council as required by the Zoning Ordinance.

Thank you for your courtesy and attention to this matter.

Respectfully yours,

William S. Null

Enclosures

WSN:yp

cc: (By Hand): John G. Callahan, Esq., Chief of Staff and Corporation Counsel
(Via Email): Mr. Martin Cawley; and Messrs. Jim Sackett & Paul Johnson

On motion of Councilman Martin, seconded and duly carried, the Common Council adjourned the meeting.

Anne M. McPherson, CMC

City Clerk

