

**THE CITY OF WHITE PLAINS**  
**Official Proceedings**  
**of the Common Council**

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Vol. 104

City of White Plains, N.Y., June 4, 2018

No. 14

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THE CITY OF WHITE PLAINS

OFFICERS

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

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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, June 4, 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, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin. Absent: Mrs. Hunt-Robinson.

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Council President Martin moved to add to the evenings agenda Items 1a, 1b, and 1c, a Communication, Legislation and Resolution in relation to Local Law Introductory No. 2 of 2018, regarding Hotel Occupancy Tax, and offered the consent agenda of Items 4 - 7 and 10 through 56, moved to offer only the Local Law, moved adoption of the ordinances, moved adoption of the resolutions, moved to file and spread all communications and refer those that are necessary to the appropriate City Departments, Boards and Commissions, approve any appointments and file any attachments.

Councilman Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin, and the Mayor- 6 - 0. Absent: Mrs. Hunt-Robinson

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Communication from Corporation Counsel.

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 AND MEMBERS OF THE COMMON COUNCIL  
OF THE CITY OF WHITE PLAINS

On July 11, 2009, then Governor David Paterson signed into law, Chapter 95 of the Laws of 2009, amending the Tax Law, by adding a new Section 1202-aa. That State law authorizes the City of White Plains to impose a tax of up to three percent (3%) of the per diem rental rate, subject to certain exceptions, upon persons occupying any room for hire in any hotel within the City of White Plains for the period expiring December 31, 2012. Section 1202-aa of the Tax Law explicitly provides that a local law must be adopted by the Common Council in order to impose such a hotel occupancy tax.

Subsequently, on September 8, 2009, the Common Council adopted a local law, Local Law No. 2 for 2009, amending Chapter 2-4 of the Municipal Code, entitled "Taxation and Financial Affairs," by adding a new Division 7 to Article III "Taxation" of that Chapter, entitled "Room Occupancy Tax." The law sets forth those establishments which are included within the definition of "hotel" for the purposes of the tax and those organizations which are exempt from the hotel occupancy tax as required by the State enabling legislation. The local law also contains provisions and procedures governing, such matters, as *inter alia*, registration requirements for hotel operators, the administration and collection of the occupancy tax by the Commissioner of Finance, record keeping requirements, the payment and determination of taxes, refunds, and proceedings to recover the tax. In accordance with Chapter 95 of the Laws of 2009, the local law expired December 31, 2012.

On August 1, 2012, Governor Andrew Cuomo signed into law Chapter 355 of the Laws of 2012, extending the authority of the City of White Plains to impose a hotel occupancy tax for an additional three years, until December 31, 2015. Pursuant to Chapter 355 of the Laws of 2012, after conducting a public hearing, the Common Council adopted a local law on October 1, 2012 extending the City's authority to impose a room occupancy tax under Chapter 2-4, Article III, Division 7 of the White Plains Municipal Code until December 31, 2015.

On May 27, 2015, Governor Andrew Cuomo signed into law Chapter 18 of the Laws of 2015, extending the authority of the City of White Plains to impose a hotel occupancy tax for an additional three years, until December 31, 2018. Pursuant to Chapter 18 of the Laws of 2015, after conducting a public hearing,

the Common Council adopted a local law on June 29, 2015, extending the City's authority to impose a room occupancy tax under Chapter 2-4, Article III, Division 7 of the White Plains Municipal Code until December 31, 2018.

On June 1, 2018, Governor Andrew Cuomo signed into law Chapter 66 of the Laws of 2018, extending the authority of the City of White Plains to impose a hotel occupancy tax for an additional three years, until December 31, 2021. Pursuant to Chapter 66 of the Laws of 2018, attached for your consideration is a local law extending the City's authority to impose a room occupancy tax under Chapter 2-4, Article III, Division 7 of the White Plains Municipal Code until December 31, 2021.

Local laws require a public hearing before adoption. Accordingly, submitted for your consideration is a resolution scheduling a public hearing on this proposed local law for the July 2, 2018 meeting of the Common Council.

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John G. Callahan  
Corporation Counsel

Dated: June 4, 2018

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Mr. Martin offered only a Local Law entitled, "Local Law Introductory No. 2 of 2018. A Local Law extending until December 31, 2021, in accordance with Chapter 66 of the Laws of 2018, the imposition of a room occupancy tax originally authorized by Chapter 95 of the Laws of 2009, Section 1202-aa of the Tax Law, and established by Local Law No. 2 of 2009, and amended by Local Law No. 2 of 2012 and Local Law No. 2 of 2015, and codified in Chapter 2-4, Article III, Division 7 of the Municipal Code of the City of White Plains."

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Mr. Martin moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR JULY 2 2018 IN RELATION TO INTRODUCTORY LOCAL LAW NO. 2 FOR 2018, ENTITLED, "A LOCAL LAW EXTENDING UNTIL DECEMBER 31, 2021, IN ACCORDANCE WITH CHAPTER 66 OF THE LAWS OF 2018, THE IMPOSITION OF A ROOM OCCUPANCY TAX ORIGINALLY AUTHORIZED BY CHAPTER 95 OF THE LAWS OF 2009, SECTION 1202-aa OF THE TAX LAW, AND ESTABLISHED BY LOCAL LAW NO. 2 FOR 2009, AND AMENDED BY LOCAL LAW NO. 2 FOR 2012 AND LOCAL LAW NO. 2 OF 2015 AND CODIFIED IN CHAPTER 2-4, ARTICLE III, DIVISION 7 OF THE MUNICIPAL CODE OF THE CITY OF WHITE PLAINS."

RESOLVED, that a public hearing will be held on July 2, 2018 at 7:30 p.m., before the Common Council in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York in relation to Introductory Local Law No. 2 for 2018, extending until December 31, 2021, in accordance

with Chapter 66 of the Laws of 2018, the imposition of a room occupancy tax, originally authorized by Chapter 95 of the Laws of 2009, Section 1202-aa of the Tax Law, and established by Local Law No. 2 for 2009, and amended by Local Law No. 2 for 2012, and Local Law No. 2 for 2015 and codified in Chapter 2-4, Article III, Division 7 of the Municipal Code of the City of White Plains; and be it further

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

Mr. Brasch seconded the motion.

Carried.

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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. Kirkpatrick seconded the motion.

Carried.

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

Mr. Martin moved that the hearings be adjourned to July 2, 2018.

Mr. Brasch seconded the motion.

Carried.

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The Mayor announced a public hearing in relation to the application submitted on behalf of Trinity Financial, Inc., and White Plains Housing Authority for site plan and special permit approval to construct a new multi-family residential building with associated parking on a portion of 223-225 Rev. Dr. Martin Luther King Jr. Boulevard, fronting on and known as 135 South Lexington Avenue.

Mr. Brasch 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.

Mr. Brasch moved that the hearing be adjourned to July 2, 2018.

Mr. Kirkpatrick seconded the motion.

Carried.

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The Mayor announced two public hearings one in relation to in relation to the petition submitted on behalf of WP Development NB, LLC, for proposed amendments to the Zoning Ordinance of the City of White Plains regarding the creation of a Planned Residential Development District and amending the Zoning Map to place the property of WP Development NB, LLC, located at 52 North Broadway, within the Planned Residential Development District, and the second in relation to the Draft Environmental Impact State of April 2018, regarding the petition to amend the Zoning Ordinance to create a new "Planned Residential Development" District affecting real property known as 52 North Broadway, on behalf of WP Development NB, LLC.

Mr. Kirkpatrick moved that the hearings be opened concurrently.

Mr. Martin seconded the motion.

Carried.

The Mayor granted the privilege of the floor to: William Null, attorney for the applicant; Clifford Davis, attorney for residents at 10 Stewart Place; Vito Fragala, President, North Broadway Citizens Association; Barbara Allen, 10 Stewart Place; Judy Cohen, 10 Stewart Place; Noreen Gallagher, 10 Stewart Place; Guy Fairstein, President, Heritage Condominiums; Ellen Laser, 10 Stewart Place; Dr. Eileen Stockel, 10 Stewart Place; Vera Monago, 21 Lake Street; John McLean, 15 Stewart Place; Paula Piekos, Reynal Road; Bob Stackpole, 21 Lake Street; Vince Farandino, Planning consultant representing 10 Stewart Place residents; Steve Mapia, Traffic Consultant, representing 10 Stewart Place residents.

Mr. Martin moved that the hearing be adjourned to July 2, 2018.

Mr. Brasch seconded the motion.

Carried.

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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:

TVC Albany Inc. D/b/a First Light("TVC") is seeking approval by the Common Council, as required by the existing franchise agreement between the City of White Plains and TVC Albany Inc., (previously acquired by OHCP Northeastern Fiber Buyer Holdco, LP) of a change in control of that entity to

Flight Group Holdings LP, through a stock purchase agreement. This transaction was the subject of a joint petition by TVC, OHCP Northeastern Fiber Buyer Holdco, LP and Flight Group Holdings LP to the New York State Public Service Commission, filed on March 19, 2018, which approval is pending and anticipated to be granted on June 18, 2018 by operation of law. OHCP Northeastern Fiber Buyer, Inc. ("OHCP") which presently guarantees the franchise agreement will continue in existence and continue to be the guarantor of the franchise agreement.

Submitted for your consideration is an ordinance which grants the approval sought by TVC Albany Inc. d/b/a First Light related to this change of control and authorizes the Mayor to execute any necessary agreements to memorialize this approval upon appropriate conditions including approval of the change in control by the New State Public Service Commission.

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John G. Callahan  
Corporation Counsel

Dated: May 30, 2018

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Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE CHANGE OF CONTROL OF TVC ALBANY INC. D/B/A FIRST LIGHT. PURSUANT TO A STOCK PURCHASE AGREEMENT TO FLIGHT BIDCO INC. PURSUANT TO THE EXISTING FRANCHISE AGREEMENT BETWEEN THE CITY OF WHITE PLAINS AND TVC ALBANY INC. D/B/A FIRST LIGHT.

WHEREAS, the City has the authority to grant franchises and licenses for the use and occupancy of the Streets (as defined in the agreements referred to herein) including the space along, upon, across, above, over and under the Streets; and

WHEREAS, the Common Council of the City of White Plains adopted an ordinance entitled "An ordinance by the Common Council of the City of White Plains to provide for the granting of one or more non-exclusive franchises and revocable licenses for telecommunications services within the municipal boundaries of the City of White Plains and to provide for the process under which said granting of franchises and revocable licenses shall take place" enacted on December 1, 1997 in order to structure and implement a fair and orderly process for the grant and renewal of franchises and other authorizations to occupy and use the Streets to construct, operate and maintain a telecommunications system in the City, including the negotiation of terms and conditions consistent with the applicable law, including the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "1996 Act"); and

WHEREAS, the City entered into a fiber optic cable license agreement dated August 5, 2015 ("the Franchise Agreement") with TVC Albany Inc. d/b/a First Light ("TVC"); and

WHEREAS, the Franchise Agreement provided that no change in control of TVC or transfer of any of the Franchise Agreement shall occur after the effective date of the Franchise Agreement, without the prior written consent of the City and that this restriction and requirement would apply whenever any change is proposed of twenty percent (20%) or more of the ownership or control of TVC, the applicable Franchise or any person holding control of TVC or said franchise; and

WHEREAS, OHCP Northeastern Fiber Buyer, Inc. ("OHCP") acquired equity ownership of TVC; and

WHEREAS, TVC and OHCP submitted an application to the New York State Public Service Commission ("NYSPSC") for approval of the change of control of Fiber under the aforementioned corporate reorganization, dated March 29, 2016 (Case No. 16-00693), which application for approval of said transfer of control was approved by operation of law on June 28, 2016; and

WHEREAS, TVC requested that the City consent to the change in control of TVC to OHCP pursuant to the securities purchase agreement; and

WHEREAS, OHCP agreed to become a guarantor of the Franchise Agreement; and

WHEREAS, the City reviewed the materials submitted by TVC and OHCP and approved transfer of control of TVC as acceptable since OHCP had agreed to become the guarantor of the Franchise Agreement by ordinance adopted July 5, 2016, and

WHEREAS, Flight Bidco Inc. ("FB") is acquiring equity ownership of TVC; and

WHEREAS, Flight Group Holdings LP, the parent of FB, is purchasing the stock of OHCP Northeastern Fiber Buyer Holdco, L.P., the parent of OHCP; and

WHEREAS, FB is acquiring full ownership of OHCP through a stock purchase agreement and after the purchase the remaining entity will be OHCP; and

WHEREAS, Flight Group Holdings LP is a holding company owned by various equity funds which own no other FCC or New York State regulated telecommunications companies, but have been involved in companies running European telecommunications companies, and intends to provide financial resources to TVC to enable TVC to remain competitive in the telecommunications industry; and

WHEREAS, day to day operations will continue to be managed by TVC; and

WHEREAS, TVC, OHCP Northeastern Fiber Buyer Holdco, L.P., the parent of OHCP, and Flight Group Holdings LP, the parent of FB, filed an application to the New York State Public Service Commission ("NYSPSC") dated March 13, 2018 (Case No. 18-C-0183) on March 19, 2018 for approval of the change of control of TVC under stock purchase agreement, which application for approval of said transfer of control is pending; and

WHEREAS, TVC has requested that the City consent to the change in control of TVC to Flight Group Holdings LP; and

WHEREAS, OHCP will remain the guarantor of the Franchise Agreement; and

WHEREAS, the City has reviewed the materials submitted by TVC, OHCP and Flight Group Holdings LP and has determined that the transfer of control of TVC would be acceptable since OHCP has agreed to remain the guarantor of the Franchise Agreement, and

WHEREAS, while the joint petition filed March 19, 2018 is presently pending before the NYSpsc, pursuant to New York State Public Service Law Section 100 the petition is deemed approved as of June 18, 2018 if the NYSpsc has not notified the petitioners in writing that the public interest requires the NYSpsc to review and give its public consent to the transaction; and

WHEREAS, the City has been advised that by the applicant that, as of May 30, 2018, they have received no such notice from the NYSpsc ; and

WHEREAS, TVC shall continued to operate the franchise in the streets and the City finds that they remain a reputable entity and of sound financial condition and technically competent to maintain the telecommunications equipment within the City's streets; now, therefore

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

Section 1. The change of control of TVC Albany Inc. d/b/a First Light pursuant to the Franchise Agreement between the City of White Plains and TVC Albany Inc. d/b/a First Light due to the proposed stock purchase agreement, which stock purchase approval is pending before the New York State Public Service Commission and which will result in Flight Group Holdings LP. obtaining control of TVC Albany Inc. d/b/a as First Light is hereby approved conditioned upon the approval of the stock purchase agreement by the New York State Public Service Commission.

§2. The Mayor is hereby authorized to execute any necessary instrument on behalf of the City to memorialize the aforesaid change of control approval under the Franchise Agreement in a form approved by the Corporation Counsel and the authorization and approval granted herein shall not be effective until the execution of any such agreement and said approval for the transaction shall be further conditioned upon the approval of the change of control by the New York State Public Service Commission.

§3. This ordinance shall take effect immediately.

Mr. Krolian seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor- 6 - 0. Absent: Mrs. Hunt-Robinson.

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Communication from Commissioner of Public Works.

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 Works has begun work on the replacement of the water main on Leith Place. As an improvement, we seek to eliminate the dead end of the water main on Leith Place by making a connection through the White Plains School District property to the existing water main on Ralph Avenue. This will improve the water quality in the area and eliminate the need for periodic flushing of the water main. The school district was contacted prior to the design and agreed to grant the City an easement to install the water main as described.

The city has requested a 10 foot wide easement through school property in order to complete the water main connection. This property is known as Section 130.20, Block 10, Lot 1 on the tax assessment maps and will allow the City to lay, construct, maintain, operate and replace as needed a municipal water main.

Therefore, we ask the Common Council to accept the easement from the School District for the water main and to authorize the Commissioner of Public Works to execute the water main easement agreement with the White Plains City School District.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: May 25, 2018

\_\_\_\_\_  
Mr. Krolian moved adoption of the following ordinance.

AN ORDINANCE ACCEPTING A TEN FOOT WIDE WATER MAIN EASEMENT TENDERED BY THE WHITE PLAINS CITY SCHOOL DISTRICT OVER A PORTION OF RALPH FIELD, ALSO A PART OF SECTION 130.20, BLOCK 10, LOT 1 ON THE TAX ASSESSMENT MAPS OF THE CITY OF WHITE PLAINS.

WHEREAS, the White Plains City School District("the Grantor") has tendered a ten foot wide water main easement agreement over a portion of their land known as Ralph Field, also a part of Section 130.20, Block 10, Lot 1 on the tax assessment maps of the City of White Plains, said easement granting the City of White Plains a ten foot wide water main easement running generally between Leith Place and Ralph Avenue("the easement area") over said portion of

Grantor's property which easement would grant the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a municipal water main within the easement;

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

Section 1. The City of White Plains hereby accepts the ten foot wide water main easement tendered by the White Plains City School District to the City of White Plains over the easement area granting the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a municipal water main.

§2. The Commissioner of Public Works is hereby authorized to execute the water main easement agreement being tendered to the City of White Plains by the White Plains City School District for the purpose of maintaining a municipal water main in a form to be approved by the Corporation Counsel.

§3. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor - 6 - 0. Absent: Mrs. Hunt-Robinson.

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Communication from Commissioner of Building.

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

Mr. Brasch seconded the motion.

Carried.

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

WP Development NB LLC ("Applicant") has filed an application to amend the zoning ordinance in support of a proposed mixed-use project at 52 North Broadway. Part of the application includes evaluating the environmental impacts the zoning amendment may have on neighboring properties.

In November of 2017, the Building Department recommended having an independent testing agency evaluate the contents of the soil located at the rear of the property that was placed on the site as part of the construction of a ballfield in 2007.

The owner of 52 North Broadway agreed to pay for this testing. For a variety of reasons retaining the consultant was delayed and the expiration date associated with accepting the funds from the owner has passed.

Submitted herewith, for your review and appropriate action, is a proposed revised ordinance authorizing the hiring of an independent consultant to perform environmental testing, at the Applicant's expense, at 52 North Broadway.

Respectfully submitted,

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

DATED: May 24, 2018

RELATED DOCUMENTS: A copy of the revised ordinance.

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Mr. Martin moved adoption of the following ordinance.

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE HIRING OF AN INDEPENDENT CONSULTANT TO PERFORM ENVIRONMENTAL TESTING AT PROPERTY KNOWN AS 52 NORTH BROADWAY TO BE USED IN RELATION TO THE PREPARATION AND CONSIDERATION OF AN APPLICATION FOR A ZONING AMENDMENT, AND REQUIRING THE APPLICANT TO PAY THE COSTS THEREOF BY FUNDING A TRUST ACCOUNT."

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

§ 1. Section 2 of the ordinance adopted by the Common Council on December 4, 2017 entitled, "An Ordinance of the Common Council of the City of White Plains Authorizing the Hiring of an Independent Consultant to Perform Environmental Testing at Property Known as 52 North Broadway to be Used in Relation to the Preparation and Consideration of an Application for a Zoning Amendment, and Requiring the Applicant to Pay the Costs Thereof by Funding a Trust Account," is amended to read as follows:

Section 2. Prior to [~~December 22, 2017~~] July 13, 2018, the Applicant shall pay to the City of White Plains the sum of \$100,000 which shall be placed in a non-interest bearing account. This account shall be treated as a trust account, with receipts and disbursements to be made only in connection with the purposes set forth herein.

§ 2. This ordinance shall take effect immediately.

Mr. Brasch seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor- 6 - 0. Absent: Mrs. Hunt-Robinson.

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Communication from Commissioner of Recreation and Parks.

Mr. Brasch 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: Off-Site Parking for City of White Plains Fourth of July Celebration

This year, the City's Independence Day Celebration is scheduled to take place on Tuesday July 3, 2018 with no rain date.

As has been the practice for many years, the City of White Plains Department of Recreation and Parks is desirous of utilizing the private parking lots located at 707/709 Westchester Avenue and 925/1025 Westchester Avenue to support the parking in connection with the annual Independence Day Celebration held at White Plains High School.

The owners of the property are willing to allow the City to use these parking lots from 5:30 p.m. through 10:30 p.m. as usual, with no cost to the City so long as the City indemnifies the owners for the use of their property.

Permission is thereby requested to authorize the Mayor to enter into a license agreement with the owners of said properties with an appropriate indemnification provision as required by the Corporation Counsel's office.

Respectfully submitted,

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Wayne D. Bass, Commissioner  
Department of Recreation and Parks

Date: June 4, 2018

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Mr. Brasch moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH 707/709 WESTCHESTER AVENUE OWNER SPE LLC AND 925/1025 WESTCHESTER AVENUE OWNER SPE LLC FOR USE OF THEIR PARKING LOTS IN CONNECTION WITH THE CITY OF WHITE PLAINS FIREWORKS DISPLAY.

WHEREAS, the City of White Plains would like to use the parking lots of 707/709 and 925/1025 Westchester Avenue for parking in connection with the annual fireworks display held at White Plains High School scheduled for July 3, 2018; and

WHEREAS, the owners of said properties, 707/709 Westchester Avenue Owner SPE LLC and 925/1025 Westchester Avenue Owner SPE LLC are willing to allow the use of their property from 5:30 PM to 10:00 PM on July 3, 2018 at no cost to the City of White Plains provided the City indemnifies said owners for the use of the property; and

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

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

Section 1. The Mayor is hereby authorized to execute a revocable license agreement with 707/709 Westchester Avenue Owner SPE LLC and 925/1025 Westchester Avenue Owner SPE LLC for use of their parking lots on July 3, 2018 for parking purposes in connection with the City of White Plains fireworks display for no monetary consideration but with an appropriate indemnification provision and upon such other terms and conditions as are in the best interest of the City in a form to be approved by the Corporation Counsel.

§2. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor- 6 - 0. Absent: Mrs. Hunt-Robinson.

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Communication from Director, Youth Bureau.

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

Mrs. Lecuona seconded the motion.

Carried.

May 15, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Board of Advisors of the Westchester Community Foundation has approved a one year grant of \$50,000 to the City of White Plains Youth Bureau from the Wallace Westchester Fund. This grant is to support the launch of the Social Justice for Youth program in the City of White Plains. The period for this grant will be June 1, 2018 to May 31, 2019. I am requesting that the Mayor be authorized to enter into a contract with the Westchester Community Foundation to receive these funds and it is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2017/18 Youth Development Fund as follows:

**Increase Estimated Revenue:**

WCF18 - 06275 Contributions \$50,000

**Increase Appropriations:**

WCF18 - 1.800	Part time Salaries	\$31,050
WCF18 - 2.001	FICA	\$2,375
WCF18 - 2.020	MTA PR Tax	\$106
WCF18 - 2.101	NYS Emp. Pension	\$1,004
WCF18 - 4.910	Grant Supplies/Materials	\$3,465
WCF18 - 4.940	Grant Contractual Services	\$12,000
	<b>Total</b>	<b><u>\$50,000</u></b>

Respectfully submitted,

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Frank Williams, Jr.  
Director

For: June 04, 2018 Common Council Meeting

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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 ENTER INTO A CONTRACT WITH THE WESTCHESTER COMMUNITY FOUNDATION TO RECEIVE A GRANT IN THE AMOUNT OF \$50,000 AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2017/18 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT.

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

Section 1. The Mayor, or his designee, is hereby authorized to enter into a contract with the Westchester Community Foundation, in order to receive a grant awarded to the City of White Plains (Youth Bureau) in the amount of \$50,000 to support the launch of the Social Justice for Youth Program in the City of White Plains. The contract period is June 1, 2018 through May 31, 2019. Said contract shall be in a form acceptable to the Corporation Counsel.

Section 2. The Mayor is further authorized to direct the Budget Director to amend the FY 2017/18 Youth Development Fund as follows:

**Increase Estimated Revenue:**

WCF18-06275 Contributions (WCF) \$50,000

**Increase Appropriations:**

WCF18-1.800	Part-time Salaries	\$31,050
WCF18-2.001	FICA	2,375
WCF18-2.020	MTA PR Tax	106
WCF18-2.101	NYS Emp. Pension	1,004
WCF18-4.910	Grant Supplies/Materials	3,465
WCF18-4.940	Grant Contractual Services	<u>12,000</u>
	<b>Total</b>	<b><u>\$50,000</u></b>

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

Section 4. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor - 6 - 0. Absent: Mrs. Hunt-Robinson.

Communication from Director, Youth Bureau.

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

Mr. Krolian seconded the motion.

Carried.

May 21, 2018

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

The City of White Plains Youth Bureau has collected \$6,550 from participants to offset the expenses for the 2018 Father Daughter and Mother Son Dances. We are requesting that the Mayor and Common Council accept the funds. It is also requested that the Mayor authorize the Budget Director to amend the Fiscal Year 2017/18 Youth Bureau General Fund as follows.

**Increased Estimated Revenue:**

F013 - 06275	Contributions	<u>\$6,550</u>
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**Increase Appropriations:**

F013 - 3.011	Program Supplies	\$6,550
	<b>TOTAL</b>	<b><u>\$6,550</u></b>

Respectfully submitted,

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Frank Williams, Jr.  
Director Youth Bureau

For: June 04, 2018 Common Council Meeting

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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 ACCEPT ON BEHALF OF THE CITY OF WHITE PLAINS (THROUGH ITS YOUTH BUREAU), DONATIONS IN THE AMOUNT OF \$6,550 FROM PARTICIPANTS TO BE USED TO OFFSET THE EXPENSES FOR THE 2018 FATHER DAUGHTER DANCE AND MOTHER SON DANCE AND TO AMEND THE FISCAL YEAR 2017/18 YOUTH BUREAU GENERAL FUND TO REFLECT SAID DONATIONS.

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 its Youth Bureau), donations in the amount of \$6,550 from participants to be used to offset the expenses for the 2018 Father Daughter Dance and Mother Son Dance.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor is hereby authorized to direct the Budget Director to amend the Fiscal Year 2017/18 Youth Bureau General Fund as follows:

**Increase Estimated Revenue:**

F013-06275	Contributions	<u>\$6,550</u>
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**Increase Appropriations:**

F013-3.011	Program Supplies	<u>\$6,550</u>
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Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purposes.

Section. This ordinance shall take effect immediately.

Mr. Krolian seconded the motion.

Adopted by the following roll call vote: Mr. Brasch, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor- 6 - 0. Absent: Mrs. Hunt-Robinson.



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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 Law Department has reviewed the application submitted on behalf of White Plains Hospital ("Applicant"), for Special Permit approval in connection with the construction of a Modernization IV Project on the White Plains Hospital campus consisting of 1) a new Hospital Office Building (containing approximately 216,000 square feet of floor area) and 2) replacement of an existing loading dock with a new loading dock to be accessed from East Post Road allowing the creation of a landscaped area in the general location of the old loading dock driveway, situated in the O-R (Office - Residential) Zoning District.

A public hearing is required under the Zoning Ordinance prior to taking action since the application involves a Special Permit as well as the amendment of the Master Plan for White Plains Hospital to allow construction of a Modernization IV Project on the White Plains Hospital campus. Accordingly, a resolution scheduling a public hearing on the application and amended master plan for July 2, 2018, is submitted herewith for your consideration.

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John G. Callahan  
Corporation Counsel  
Dated: May 30, 2018

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Mr. Krolian moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE  
PLAINS SCHEDULING A PUBLIC HEARING FOR JULY 2, 2018 IN RELATION  
TO THE APPLICATION, SUBMITTED ON BEHALF OF WHITE PLAINS  
HOSPITAL, FOR AN AMENDED SPECIAL PERMIT AND AMENDED MASTER  
PLAN FOR A "HOSPITAL" TO ALLOW CONSTRUCTION OF A MODERNIZATION  
IV PROJECT ON THE WHITE PLAINS HOSPITAL CAMPUS IN THE O  
- R (OFFICE - RESIDENTIAL) ZONING DISTRICT

RESOLVED, that a public hearing in relation to the application, submitted on behalf of White Plains Hospital ("Applicant"), for an amended Special Permit and an amended Master Plan for a "Hospital" to allow construction of a Modernization IV Project on the White Plains Hospital campus consisting of 1) a new Hospital Office Building (containing approximately 216,000 square feet of floor area) and 2) replacement of an existing loading dock with a new loading dock to be accessed from East Post Road allowing the creation of a landscaped

area in the general location of the old loading dock driveway situated in the O-R (Office - Residential) Zoning District, will be held on July 2, 2018, at 7:30 p.m. before the Common Council of the City of White Plains in the Common Council Chamber, Municipal Office Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is directed to give notice of said public hearing and in accordance with Sections 6.4.2, 12.7 and 12.8 of the Zoning Ordinance of the City of White Plains; and be it further

RESOLVED, that the City Clerk is directed to forward a certified copy of this resolution to counsel for the Applicant; and be it further

RESOLVED, that the City Clerk is further directed to refer the instant application to the appropriate City departments, boards, commissions, agencies and officers and the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance.

Mr. Martin seconded the motion.

Carried 6 - 0.

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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

The Law Department has reviewed the application submitted on behalf of Via Garibaldi ("Applicant") for a Special Permit for "outdoor dining" associated with the restaurant on private property at One North Broadway.

Special permits require a public hearing to be held prior to taking action. Accordingly, a resolution scheduling a public hearing for July 2, 2018, is submitted for your consideration.

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John G. Callahan  
Corporation Counsel

Dated: May 31, 2018

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Communication from Commissioner of Building.

Mr. Brasch 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, Conservation Board, Westchester County Planning Board and Environmental Officer.

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

Submitted, herewith, for your review and consideration, pursuant to Section 6 & 6.7.8 of the White Plains Zoning Ordinance, is an application for a Special Permit for outdoor dining located at One North Broadway. The application is being made by Ms. Patricia Pardo on behalf of "Via Garibaldi", a new restaurant occupying the former "Gaucho Grille" tenant space. The proposed outdoor dining area is located at the front of the referenced location adjacent to the restaurant entrance.

These premises are situated within a CB-3 (Central Business- 3) Zoning District within which the proposed "Outdoor Dining Use" is a "Special Permit Use" subject to the requirements of Section 6.7.8 of the Zoning Ordinance. An outdoor seating plan has been submitted for the proposed use which indicates six (6) three person square tables.

It is understood by the applicant that the proposed outdoor seating represents a relocation of indoor seating and there is no permitted increase in the overall seating capacity of the restaurant.

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

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

Dated: May 21, 2018

Documents

Submitted: A letter prepared by Ms. Patricia Pardo received May 17, 2018; a letter from Ivy Realty dated May 11, 2018; a Short Building Permit Application dated May 17, 2018; a Short Environmental Assessment Form dated May 11, 2018; and an outdoor patio plan received May 17, 2018.

Honorable Mayor and members of the common council,

I am the owner of the Italian restaurant Via Garibaldi at 1 North Broadway, White Plains and I would like to request an Outdoor Dining Special Permit. Additionally we acknowledge that the outdoor dining will not increase our approved occupancy, but instead a relocation of our customers outdoors for seasonal dining

Sincerely,

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Patricia Pardo  
President of Via Garibaldi Inc.

May 11, 2018

TO: White Plains Building Department

FROM: Ivy Realty Services

RE: Via Garibaldi Use of Patio

Good Day,

We would like to verify that Via Garibaldi has the right, as per their lease, to the full use of the patio area outside of, and annexed to the interior space of their restaurant.

If you have any questions regarding this, please don't hesitate to contact me.

Very truly yours,

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Stephen Slotnick  
Assistant Property Manager  
Ivy Realty Services

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Mr. Brasch moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR JULY 2, 2018 IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF VIA GARIBALDI ("APPLICANT") FOR A SPECIAL PERMIT FOR OUTDOOR DINING ASSOCIATED WITH THE RESTAURANT ON PRIVATE PROPERTY LOCATED AT ONE NORTH BROADWAY.

RESOLVED, that a public hearing in relation to the application submitted on behalf of Via Garibaldi ("Applicant") for a Special Permit to allow Outdoor Dining located in the front of the restaurant on private property at One North Broadway adjacent to the restaurant entrance, will be held before the Common Council on July 2, 2018, at 7:30 p.m., in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York.

RESOLVED, that the Applicant is required to give notice of said public hearing pursuant to and in accordance with Sections 6.4.2, 12.2 and 12.7 of the Zoning Ordinance of the City of White Plains; and be it further

RESOLVED, that the City Clerk is hereby directed to forward a certified copy of this resolution to the Applicant.

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Communication from Corporation Counsel.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

The Law Department has reviewed the application submitted on behalf of McCant's Mini Cheesecake Cafe ("Applicant") for a Special Permit for "outdoor dining" associated with the restaurant on private property at 6 Martine Avenue.

Special permits require a public hearing to be held prior to taking action. Accordingly, a resolution scheduling a public hearing for July 2, 2018, is submitted for your consideration.

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John G. Callahan  
Corporation Counsel

Dated: May 31, 2018

Mr. Kirkpatrick seconded the motion.

Carried 6 - 0.

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Communication from Commissioner of Building.

Mr. Brasch 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.

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

Submitted, herewith, for your review and consideration, pursuant to Section 6 & 6.7.8 of the White Plains Zoning Ordinance, is an application for a Special

Permit for outdoor dining located at 6 Martine Avenue. The application is being made by Mr. Michael McCant on behalf of "McCant's Mini Cheesecake Cafe", a new café located at 6 Martine Avenue.

These premises are situated within a CB-4 (Central Business- 4) Zoning District within which the proposed "Outdoor Dining Use" is a "Special Permit Use" subject to the requirements of Section 6.7.8 of the Zoning Ordinance. An outdoor seating plan has been submitted for the proposed use which indicates two round tables that will each accommodate two persons.

It is understood by the applicant that the proposed outdoor seating represents a relocation of indoor seating and there is no permitted increase in the overall seating capacity of the restaurant.

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

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

Dated: May 23, 2018

Documents

Submitted: A letter prepared by Mr. Michael McCant dated May 4, 2018; a letter from FMG Inc (the building management company) dated May 4, 2018; a Short Building Permit Application dated April 30, 2018 and an outdoor seating plan received May 10, 2018.

05/04/18

Damon Amadio, PE  
White Plains Building Commissioner  
70 Church St., White Plains, NY 10601

Dear Building Commissioner,

My name is Michael McCants the Owner of McCants Mini Cheesecake Café LLC located at 6 Martine Ave. White Plains, NY 10606. I would like to apply for outside dining consisting of (2) 24" round folding tables and (4) folding chairs directly outside of my establishment against the side of the building. The table and chairs will be brought into the establishment every day at the close of business and brought back out at the opening of business. Business hours are 7 am to 8 pm Mon - Fri, 8 am to 4 pm Sat. and 9 am to 2 pm Sun.

Attached is the Property Survey and Co-op Board approval letter granting permission to have outdoor dining.

Thank you for your consideration in my application.

Sincerely,

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Michael McCants  
*Owner*  
McCants Mini Cheesecake Café LLC

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Mr. Brasch moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS SCHEDULING A PUBLIC HEARING FOR JULY 2, 2018 IN RELATION TO THE APPLICATION SUBMITTED ON BEHALF OF MCCANT'S MINI CHEESECAKE CAFÉ ("APPLICANT") FOR A SPECIAL PERMIT FOR OUTDOOR DINING ASSOCIATED WITH THE RESTAURANT ON PRIVATE PROPERTY LOCATED AT 6 MARTINE AVENUE.

RESOLVED, that a public hearing in relation to the application submitted on behalf of McCant's Mini Cheesecake Cafe ("Applicant") for a Special Permit to allow Outdoor Dining associated with the restaurant on private property located at 6 Martine Avenue, will be held before the Common Council on July 2, 2018, at 7:30 p.m., in the Common Council Chamber, Municipal Building, 255 Main Street, White Plains, New York; and be it further

RESOLVED, that the Applicant is required to give notice of said public hearing pursuant to and in accordance with Sections 6.4.2, 12.2 and 12.7 of the Zoning Ordinance of the City of White Plains; and be it further

RESOLVED, that the City Clerk is hereby directed to forward a certified copy of this resolution to the Applicant.

Mr. Kirkpatrick seconded the motion.

Carried 6 - 0.

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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, and Environmental Officer

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

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

Per referral by the Common Council on May 8, 2018, the Building Department has reviewed a site plan amendment associated with the White Plains City Center site.

The primary purpose of the amendment is a desire to modify the plaza area design. In general, this will include modifications to the entry drive to improve pedestrian safety, a new stage, a new linear fountain, new pedestrian seating, and two new food service kiosks.

In addition to the plaza modifications, the owner is requesting permission to install two new blade signs for the Target tenancy. One sign is proposed to be located on Main Street and the other on Mamaroneck Avenue.

This department has no objection to this amendment being granted.

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Damon A. Amadio, PE  
Commissioner of Building

Date: May 23, 2018

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May 16, 2018

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on May 14, 2018, reviewed an application for a Site Plan amendment associated with White Plains City Center on behalf of Kite Realty Group, The owner of City Center. The owner would like permission to modify the plaza area design. This will include, but may not be limited to, modifications to the entry drive to improve pedestrian safety, a new stage, a new linear foundation, new pedestrian seating, and two new food service kiosks. In addition to the plaza modifications, the owner is requesting permission to install two new blade signs for "Target" tenancy. One sign is proposed to be located on Main Street and the other on Mamaroneck Ave., White Plains, NY.

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

1. Final material selection to be submitted for review upon building permit application submittal.



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Norman DiChiara, Chairman  
Design Review Board

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TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CITY CENTER  
1-29 MAMARONECK AVENUE  
(SECTION 125.76, BLOCK 1, LOT 2)  
KITE REALTY GROUP  
APPLICATION FOR SITE PLAN AMENDMENT

On March 7, 2016, the Common Council granted site plan approval to Kite Realty Group (the "Applicant") for the redevelopment of the existing City Center shopping center to enhance its functionality and overall aesthetic appearance. The 4.4-acre (191,841 square feet) site is bounded on the easterly side by land containing the City Center Parking Garage, Cambria Suites Hotel and other retail/restaurant uses, on the westerly side by Mamaroneck Avenue (350 feet of frontage), on the southerly side by Martine Avenue (275 feet of frontage), and on the northerly side by Main Street (360 feet of frontage). The site is located in the UR-4 Urban Renewal Central Business District-4 Zoning District and is within the Main-Mamaroneck Phase I Urban Renewal District that was adopted by the Common Council in 1998.

Specifically, the March 7, 2016 site plan approval entailed:

- Implementation of a valet service via a newly constructed valet loading zone along the Mamaroneck Avenue frontage within the City right-of-way to benefit both patrons to the City Center and other downtown businesses;
- Re-glazing the lobby curtain wall and skybridge connecting the lobby space to the parking garage to direct more light into interior spaces;
- New glass and extruded aluminum marquee awnings above both the Mamaroneck Avenue and plaza entrances;
- Installation of escalators from the renovated Mamaroneck Avenue lobby space to the second floor to enhance pedestrian access to both the retail uses and parking structure, and add vitality to the street; and,
- A unified interior/exterior signage plan, including the use of digital signage to reduce visual clutter and achieve more modern branding.
- New and modernized signage pursuant to the approved Signage Package dated January 18, 2016, and new consistent canopy design to unify the aesthetic of the City Center site.

Since completing the above listed projects, Applicant has determined that several improvements can be made to the approved pedestrian plaza design to formalize circulation, better orient the stage, and increase usable public space in

the center of the plaza. As such, David S. Steinmetz, on behalf of the Applicant, submitted an application on May 1, 2018 to the White Plains Common Council for a site plan amendment specific to the pedestrian plaza and Main Street vehicular entrance/exit. Applicant also requests approval for additional building-mounted blade signage for Target.

The Planning Department has reviewed the application for site plan amendment and offers the following comments and recommendations for Common Council consideration:

#### **PLAZA AREA IMPROVEMENTS**

Applicant proposes to improve upon its original plans pertaining to vehicular circulation and the pedestrian plaza as follows:

- A reconfiguration of the roadway system to provide a more sweeping paved drop-off area radius and passing lane to prevent cueing into the garage. Vehicles will be able to drop off passengers in a newly created 20-foot wide drop-off area adjacent to the plaza while vehicles entering the garage can bypass the drop off area via a 14 foot wide thru-lane. A curbed, brick paved island approximately 15 feet by 30 feet will separate the drop-off area from the thru-lane to better define the two movements. The median separating the entrance and exit lanes into the center from Main Street has also been reduced by approximately 30 feet to accommodate the drop-off and thru-lane areas without compromising the two exit lanes.
- A trellis overhang will be placed above the drop-off area, as well as additional landscaping, three benches and nine LED light guide bollards to help prevent vehicular/pedestrian conflicts.
- The area of the plaza dedicated to seating has been expanded. The plaza itself will be constructed with Belgard Moduline pavers of varying sizes and decorative concrete borders. The current fountain configuration will be completely removed. In its place will be free-standing tables and chairs, counters with stools (on three sides of the plaza), and picnic tables at the back of the plaza. The four existing large square planters (11 x 11 feet) at the four corners of the plaza will remain, and be enhanced, as they serve to anchor the plaza and seating area.
- The proposed stage will be relocated from the westerly side of the Plaza to directly behind the drop-off area, or the northerly side of the plaza facing south. The stage will be elevated approximately three feet, and can be accessed via stairs on either side, as well as a handicap accessible ramp.
- A new, three-foot wide, sunken water feature will be located directly in front of the stage to provide a natural separation between the stage and the seating area. The water feature extends the length of the stage and is anchored on either end by two existing planters.
- A total of two new food kiosks will be added to the plaza, one on the northwesterly side of the plaza and one on the southeasterly side of the

plaza. As previously mentioned, ample seating has been provided in the form of standalone tables and chairs, picnic tables, and counters with stools.

- The dog park will be enlarged and moved further south, in between the drop-off area and garage entrance. This relocation serves three purposes: (1) allows for additional seating within the pedestrian plaza; (2) relocates the dog park area away the pedestrian seating area; and (3) acts as a barrier between the crosswalk and garage entrance, thereby forcing pedestrians to enter the garage at the easterly pedestrian entrance, rather than through the vehicular entrance. Currently, many pedestrians exiting or entering the garage traverse the vehicular entrance lane to access Main Street in a location that is obstructed from entering/exiting motorists creating an extremely dangerous situation that will be remedied by the relocation of the dog park.
- Three new light fixtures are proposed within the Plaza on the southerly, westerly and easterly sides. Additional planters are proposed throughout the plaza at strategic locations.

The Planning Department views the proposed redesign of the plaza as a clear improvement to what was previously approved for the space as it will serve to revitalize the site, formalize pedestrian connections and movement, improve traffic circulation, provide additional usable public open space where the fountains are currently sited, and enhance the site's overall visual appearance.

## **SIGNAGE**

Applicant also proposes to update the City Center Signage Package, dated January 15, 2015 and revised on January 18, 2016 in order to add a total of two additional blade signs for Target, one to the Mamaroneck Avenue frontage and one to the Main Street frontage. On Mamaroneck Avenue side, the sign is proposed to be located just above the pedestrian entrance near the three existing blade signs for Shop Rite, Toys R Us, and Showcase Cinema De Lux. On Main Street, it will be located next to the Toys R Us, Showcase Cinema De Lux, and Nordstrom Rack signs. The Planning Department has no objection to the addition of two blade signs for Target to increase visibility of this key anchor tenant.

Based on the foregoing analysis and review of the submitted application, the Planning Department recommends that the Common Council grant the requested site plan amendment subject to the following conditions:

1. A portion of the plaza area is subject to a Pedestrian Plaza Easement, contained in the Easement At-Grade-Agreement, between LC White Plains, LLC, and the City of White Plains, dated April 24, 2002, and recorded in the Westchester County Clerk's Office, Division of Land Records as Control No. 421780275, on July 11, 2002. The Pedestrian Plaza Easement is for the "purpose of usage of the general public

including without limitations for pedestrian travel between Main Street and Martine Avenue and use by the City of White Plains and general public as a public plaza pursuant to the site plan.

An unobstructed pedestrian walkway shall be maintained along the western side the of plaza to maintain a direct line of pedestrian travel between Main Street and Martine Avenue. The applicant shall submit plan drawings to demonstrate an unobstructed pedestrian walkway for approval by the Commissioners of Building, Public Works, Planning and the Corporation Counsel prior to the issuance of a Building Permit.

All seating within the central seating areas at the center of the plaza area, approximately 60 ft. by 60 ft. in dimension, delineated by the four existing planters, shall be available for usage of the general public.

2. All landscaping in the proposed Plaza and dog walking area 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.
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. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

Respectfully submitted,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: May 18, 2018

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May 23, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: KITE REALTY GROUP - CITY CENTER - SITE PLAN AMENDMENT FOR PLAZA

At its May 15, 2018 meeting, the Planning Board considered the application by Kite Realty Group regarding its proposed renovation of the City Center pedestrian plaza at City Place. The proposed changes to the plan that was approved by the Common Council in 2016 involve changes to the driveway access to the City Center Garage to improve sight distances and pedestrian safety, creation of a dog walk area, replacement of the existing fountain with a different water feature, relocated stage for entertainment, movable tables and chairs, landscaping updates, and two small kiosks.

The Planning Board recommends approval of the application as proposed, finding that it will create a more inviting space and provide greater pedestrian safety.

Planning Board members voting in favor of a motion to send a letter to the Common Council recommending approval of the site plan amendment: J. Ioris, A. Cabrera, J. Durante, L. Gruenfeld, and S. Russell (5); Opposed: None (0); Absent: L. Oliva and J. Westlund, (2).

Respectfully submitted,

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John Ioris, Chairman  
White Plains Planning Board

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

Kite Realty Group  
City Center-Pedestrian Plaza

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David E. Chong  
Commissioner of Public Safety

Dated: 5/18/18

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

In response to the Building Department referral received May 8<sup>th</sup>, 2018, the Department of Public Works has reviewed materials submitted by Zarin & Steinmetz, on behalf of Kite Realty Group, applicant and owner, requesting Site Plan Amendment Approval for the proposed improvements at the City Center site at 1-29 Mamaroneck Avenue, SBL: 125.76-1-2. Included with submittals are Architectural renderings, dated 4/30/18, prepared by ADW Architects; Civil Engineering drawing set, and Blade Sign rendering, both dated 5/1/18, as prepared by John Meyer Consulting, Inc. Also included is a copy of completed Department of Building application, dated 5/2/18 submitted by Tony Halsey, Project Manager; a copy of completed Short Environmental Assessment forms, dated 5/1/18, as filed by Anthony P. Nester of JMC on behalf of the applicant; and Cover Letter from Zarin & Steinmetz, dated 5/1/18.

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

1. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work. Contact DPW Code Enforcement (914-422-1208).
2. Prior to the issuance of a Building Department permit, the applicant shall provide the Department of Public Works (DPW) a copy of certified property survey, signed and sealed by a NYS licensed surveyor. Future submittals of site plans will be required to show property lines, including right-of-way (ROW) where applicable.
3. As part of the proposed site improvements, the applicant will be required to clean, repair, and or replace all existing stormwater drain inlets (including trench drains) within the work site, to ensure their optimal operational conditions.
4. Approved backflow prevention device(s) will be required at the connection of the proposed new water service extension to the existing building service, and at each of the proposed kiosks, in order to prevent cross-contamination between the irrigation and domestic water. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Health Department. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements.

5. Each of the proposed kiosks will require a sanitary sewer service connection. Show their proposed location at kiosks and the connection point at the existing sewer main, or service line. Label plans accordingly including invert elevations and proposed pipe materials.
6. The proposed "K9Grass" area will require additional design details ensuring that animal waste will not discharge via overland or thru piping to the stormwater system. A roof and/or drainage (to sanitary sewer system) for the area may be required. The product specified typically requires a sub-base with good percolation properties; however the area shown on the plans for its installation may be above the existing parking structure.
7. The stormwater system alterations 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 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 of any work, as an administrative fee.
8. All construction under the jurisdiction of the Department of Public Works must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.
9. 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, noise and dust control, hours of operation, parking, staging of vehicles and materials, site access, etc.

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,

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Richard G. Hope  
Commissioner of Public Works

Dated: June 4, 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 site plan amendment application for the City Center (Kite Realty Group) which was referred by the Common Council on May 7, 2018 and recommends that the existing parking regulations for the arc portion of the driveway (south of the loading dock on City Place) be maintained as it exists which is "No Standing Any Time".

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

Dated: May 18, 2018  
(for the June 4, 2018 Common Council Meeting)

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

The Transportation Commission, at its meeting held on May 16, 2018, reviewed a request from Kite Realty Group for The City Center, for a site plan amendment as referred by the Common Council on May 7, 2018.

The Transportation Commission had the following comments:

1. The proposed "10 minute drop off area" in the circular turn around should be revised to a "No Standing Any Time" zone.
2. The pedestrian path to/from the garage is in proximity to the dog park. Concern was expressed about pedestrians walking into the roadway to avoid the dogs in the dog park. It was suggested that this be reviewed.

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Thomas J. Soyk, PE, PTOE  
Acting Chairman

Dated: May 18, 2018  
(for the June 4, 2018 Common Council Meeting)



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

Re: Kite Realty Group/City Center  
Application for Site Plan Amendment

The Department of Parking has received and reviewed the above-noted application for site plan amendment associated with White Plains City Center.

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

Respectfully submitted,

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John P. Larson, Commissioner  
CWP - Department of Parking

Date: May 23, 2018

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May 18, 2018

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

Subject: Referral File No. WHP 18-009 — City Center Plaza Renovation; Site Plan Amendment

Dear Ms. McPherson:

The Westchester County Planning Board has received a site plan (dated May 1, 2018), architectural renderings and related materials for the above referenced application to renovate the existing City Center Plaza. As proposed, the central fountain in the plaza would be removed, and the space would be reconfigured to include seating, landscaping, a stage, a water feature and a dog valet area. In addition, a new sheltered vehicular pick-up/drop-off area would be constructed into the new plaza and new building signage is also proposed.

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. We have also considered the County Planning Board's earlier comments with respect to establishing the original plaza as part of this review. Those letters were sent to the City on April 10, 2000 and July 30, 2001.

The package of approvals required for the initial City Center application involved an Official Map amendment to remove E.J. Conroy Drive as a public street and to give the space over to the development with the condition that a public plaza be provided. Our previous review letters discussed in detail how the proposed removal of this public street would have negative impacts on both transit and pedestrian circulation. It was noted at the time that the provision of this public plaza was intended to provide a partial remedy for the loss of this street, since it would at least allow pedestrians to continue having access between Main Street and Martine Avenue in this same general location after a new super-block was created by the development.

The proposed changes to the City Center public plaza, if constructed, would continue the trend towards more privatization - and less public access - of a space that was once fully within the public domain. While the applicant states a desire "to activate the space for the City's residents", we point out that such a desire should be balanced with the current and historical function of this space as a public access way between Martine Avenue and Main Street and as an entry way to the stores and parking associated with City Center. We base our assessment on the following:

**1. Visual and physical barriers.** The proposed site plan would replace an open and unconstricted area of pedestrian flow with a seating and table area and an outdoor stage. While pedestrians could walk freely between the chairs and tables, the stage would block much of the current access at the north end of the plaza, particularly since the proposed water feature would serve as a "moat" keeping pedestrians away from the stage. The stage would also be "bookended" by two large planters, forming a barrier of 65.5 linear feet. Behind the stage, a pick-up/drop-off shelter (with rooftop signage) would be constructed which would create a visual barrier in a space where Main Street is currently visible from Martine Avenue, and vice-versa. These visual and physical obstructions will serve as a substantial deterrent for pedestrian circulation in this public area.

**2. Constrained pedestrian flow.** The creation of a 65.5-foot long barrier imposed by the stage, water feature and planters will mean that pedestrians walking between Main Street and the plaza will only have two narrow passageways to use for this access. The eastern access would be less than ten feet wide due to the construction of a new kiosk which will constrict this space. The western access would only be slightly wider, but it would have a dog valet and "K-9 turf area" at its northern end, which has the potential to cause conflicts between people and dogs. We believe that constricting the entry/exit points in this manner will make them too narrow and congested for the pedestrian traffic this plaza currently experiences.

**3. Public space given over to concessions.** The site plan shows a sizeable amount of public plaza space to be given over to new restaurant uses, with counters and railings extending into portions of the plaza which are currently open and unconstrained. This will mean less space for the public to utilize, unless they are paying for a meal or a drink at these concessions. It is also not clear if the proposed chairs and tables in the center of the plaza are intended for anyone to use, or if they will only be for customers of certain businesses to sit at.

If the latter, it will serve as a dramatic reclamation of public space in favor of the applicant, who was originally given this space through the removal of a public street.

**4. Wooden benches attached to planters.** The large planters are one of the main features of the current plaza which will remain in the proposed site plan. These planters are currently used as informal seating areas by a substantial number of people. The site plans show curved wooden benches to be constructed along the sides of each planter which will have the effect of 1) reducing the number of seats along the face of each planter, and 2) further narrowing the passageway around each planter, which will exacerbate our concern about the access points being insufficiently wide.

For the reasons stated above we recommend against approving this proposal as shown. We encourage the City to work with the applicant to look for ways to improve this plaza that will both enhance the City Center development and maintain the same level of access and circulation that the public was promised when E.J. Conroy Drive was removed from the City Map and given to the developer.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING  
BOARD

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Norma V. Drummond  
Acting Commissioner

NVD/LH

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May 29, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CITY CENTER - KITE REALTY GROUP  
1-29 MAMARONECK AVENUE  
SITE PLAN AMENDMENT

The proposed amendment to the previously approved site plan for the White Plains City Center regarding various improvement such as upgrading the pedestrian plaza, reconfiguration of the roadway system and exterior signage on behalf of Kite Realty Group ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review regulations ("SEQR").

The Proposed Action involves the following changes to the White Plains City Center retail facility:

- The project involves renovating the existing City Center pedestrian plaza area, off of City Place, to include new pavers, an enlarged seating area

(including benches, standalone tables and chairs, picnic tables, and counters with stools), landscaping, a relocated stage, a new water feature and dog valet area.

- Improvements for pedestrians in the side walk area adjacent to the current vehicular drop-off lane including seating, a canopy, landscaping, and nine LED light guide bollards to help prevent vehicular/pedestrian conflicts.
- Installation of two new food kiosks in the plaza area, one on the northwesterly side of the plaza and one on the southeasterly side of the plaza.
- Traffic Improvements
  - A reconfiguration of the roadway system that includes cutting back median island separating the Main Street entrance and exit lanes by approximately 30 feet to accommodate separate drop-off and thru- lane areas without compromising the two exit lanes.
  - Re-striping the roadway to the garage entrance / exist traffic lane, the passenger drop-off lane and the pedestrian crosswalk.
- New signage in the canopy drop-off area, relocation of the existing sign for the White Plains Performing Arts Center and two blade signs for Target, one on Main Street and one on Mamaroneck Avenue

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

1. Approval of a Site Plan amendment pursuant to Section 7.5 of the Zoning Ordinance.
2. Approval of an amendment to the signage plan for the White Plains City Center dated January 15, 2015 and revised on January 18, 2016 by the Common Council. As specified in the original site plan approval for the City Center development, the Common Council is the designated approval agency for the project signage.

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

1. Cover letter prepared by Mr. David Steinmetz dated May 1, 2018.
2. A Short Form Building Application dated May 1 ,2018;
3. A Short Environmental Assessment Form dated May 1, 2018;
4. Drawings Nos. C-000, C-010, C-020, C-100, C-110, C-200, C-300, C-400, C-900, C-901, C-902 and L-100, dated May 1, 2018, prepared by JMC Consulting.
5. TARGET Blade Sign Photo Simulation, prepared by JMC Consulting, dated May 1, 2018
  - Figure PS-1. Main Street.
  - Figure PS-2. Main Street.
  - Figure PS-3. Mamaroneck Avenue.

6. Drawing Nos P-1 to P-5, entitled "Concept Imagery," prepared by ADW Architects, dated April 30, 2018.

The City Center is a multi-use project consisting primarily of: (1) rental housing; (2) a four level retail shopping center; (3) condominium housing; (4) the City Center Municipal Parking Garage ("City Center Garage"); (5) an air rights building above a portion of the City Center Garage, including a health club; (6) additional rental housing units; (7) an access road, City Place, running from Main Street into the City Center Garage; (8) below grade parking for the residential units; (9) the White Plains Performing Arts Center; and (10) a public plaza and public access easement running from Main Street to Martine Avenue.

The site plan for the White Plains City Center was approved by the Common Council on September 20, 2001.

The Common Council has adopted a series of amendments pertaining to the City Center site plan, including, on November 20, 2001; December 3, 2001; February 7, 2002; September 3, 2002; May 5, 2003; July 17, 2003; August 4, 2003; March 7, 2016 and June 6, 2016.

Based on comments offered by the various City Departments, Boards, and Commissions, the Environmental Officer recommends that the following conditions be included as part of the Proposed Action:

- A. Conditions pursuant to correspondence from the Commissioner of Planning, dated May 18, 2018:
1. All landscaping in the proposed Plaza and dog walking area 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 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.
  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 portion of the plaza area is subject to a Pedestrian Plaza Easement, contained in the Easement At-Grade-Agreement, between LC White Plains, LLC, and the City of White Plains, dated April 24, 2002, and recorded in the Westchester County Clerk's Office, Division of Land Records as Control No. 421780275, on July 11, 2002. The Pedestrian Plaza Easement is for the "purpose of usage of the general public including without limitations for pedestrian travel between Main Street and Martine Avenue and use by the City of White Plains and general public as a public plaza pursuant to the site plan.

An unobstructed pedestrian walkway shall be maintained along the western side the of plaza to maintain a direct line of pedestrian travel between Main Street and Martine Avenue. The applicant shall submit plan drawings to demonstrate an unobstructed pedestrian walkway for approval by the Commissioners of Building, Public Works, Planning and the Corporation Counsel prior to the issuance of a Building Permit.

All seating within the central seating area at the center of the plaza area, approximately 60 ft. by 60 ft. in dimension, delineated by the four existing planters, shall be available for usage of the general public.

B. Conditions pursuant to correspondence from the Commissioner of Public Works, dated June 4, 2018:

1. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work. Contact DPW Code Enforcement (914-422-1208).
2. Prior to the issuance of a Building Department permit, the applicant shall provide the Department of Public Works (DPW) a copy of certified property survey, signed and sealed by a NYS licensed surveyor. Future submittals of site plans will be required to show property lines, including right-of-way (ROW) where applicable.
3. As part of the proposed site improvements, the applicant will be required to clean, repair, and or replace all existing stormwater drain inlets (including trench drains) within the work site, to ensure their optimal operational conditions.
4. Approved backflow prevention device(s) will be required at the connection of the proposed new water service extension to the existing

building service, and at each of the proposed kiosks, in order to prevent cross-contamination between the irrigation and domestic water. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Health Department. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements. "Each of the proposed kiosks will require a sanitary sewer service connection. Show their proposed location at kiosks and the connection point at the existing sewer main, or service line. Label plans accordingly including invert elevations and proposed pipe materials.

5. The proposed "K9Grass" area will require additional design details ensuring that animal waste will not discharge via overland or thru piping to the stormwater system. A roof and/or drainage (to sanitary sewer system) for the area may be required. The product specified typically requires a sub-base with good percolation properties; however the area shown on the plans for its installation may be above the existing parking structure.
  6. The stormwater system alterations 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 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 of any work, as an administrative fee.
  7. All construction under the jurisdiction of the Department of Public Works must be in conformance 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, noise and dust control, hours of operation, parking, staging of vehicles and materials, site access, etc.
- C. Conditions pursuant to correspondence from the Transportation Commission dated May 18, 2018.
1. The proposed "10 minute drop off area" in the circular turn around should be revised to a "No Standing Any Time" zone.

D. Conditions pursuant to correspondence from the Deputy Parking Commissioner, City Transportation Engineer, dated May 18, 2018:

1. The existing parking regulations for the arc portion of the driveway (south of the loading dock on City Place) be maintained as it exists which is "No Standing Any Time".

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

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

The project is consistent with the strategies established in the City of White Plains Comprehensive Plan. It is located within the City's Core Area — defined as "a place to live, work, shop and spend quality leisure time." The Comprehensive Plan envisions a vibrant, mixed use Core Area with its three unique sub-areas linked through pedestrian, streetscape, transit and signage improvements and land uses that complement one another. The Plan highlights the need for safe and efficient pedestrian movement in the central business district and identifies pedestrian traffic as a critical planning element in both the review and approval of new development and rehabilitation of existing structures.

The proposed project is consistent with the Plan recommendations in providing improvements to enhance pedestrian access to the site and provide safe and attractive pedestrian plaza area in the Core Area. Further, the improved vehicular circulation patterns for plaza drop-off will maximize the efficiency of the existing street network.

In regard to the land use regulations for the UR-4 Zoning District, the proposed amendments to the approved site plan do not represent a significant change to the approved land uses, floor area, building bulk dimensions, site layout or circulation.

Similarly, the City Center project, with the proposed amendments to the approved site plan, continues to conform to the standards for site plan approval in Section 7.5 of the Zoning Ordinance.

The proposed site plan amendment is subject to the Pedestrian Plaza Easement contained in the Easement At-Grade-Agreement, between LC White Plains, LLC, and the City of White Plains, dated April 24, 2002, and recorded in the Westchester County Clerk's Office, Division of Land Records as Control No. 421780275, on July 11, 2002. This easement is for the "purpose of usage of the general public including without limitations for pedestrian travel between Main Street and Martine Avenue and use by the City of White Plains and general public as a public plaza pursuant to the site plan." The proposed site plan amendments and improvements to the plaza area conform to the Public Plaza Easement regarding pedestrian travel



between Main Street and Martine Avenue and use as a public plaza. The proposed changes to the site plan continue to provide access for pedestrian travel between Main Street and Martine Avenue.

The addition of two small retail kiosks (approximately 9 ft. by 18 ft.) with tables and chairs located throughout the plaza is intended to encourage the use of the plaza as a public pedestrian space. This is similar to the outdoor dining area for the Via Veneto 26 restaurant currently located within the plaza, immediately adjacent to the proposed plaza improvements. The City has also promoted the use of another outdoor, public plaza area with installation of the Starbucks Kiosk in Renaissance Park at the nearby intersection of Main Street and Mamaroneck Avenue.

The site is located in the Main-Mamaroneck Phase 1 Urban Renewal Project (Project No. WPUR-13). On February 24, 2016, the White Plains Urban Renewal Agency adopted RESOLUTION 02-2016, approving various changes to the exterior of the City Center Project that included upgrading the pedestrian plaza and courtyard on the east side of City Center with a new fountain, additional plantings, seating, lighting. The proposed changes to the design of the pedestrian plaza do not constitute a substantial change to the overall character of the approved City Center Project.

- (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 Action does not represent a significant change to the design or operation of the established City Center retail facility or municipal parking garage.

A Construction Management Plan will be required for the development of the Proposed Project in order to avoid any potential construction related impacts.

The existing entrance/exit into the parking garage from Main Street remains unchanged. Cars will continue to enter into the City Center from Main Street via the single lane right-turn or through movement from E.J. Conroy Drive. Cars exiting the City Center onto Main Street will continue to have two-lanes — a thru lane to E. J. Conroy Drive and right-turn only to Main Street.

The proposed changes to the site plan continue to provide access for pedestrian travel between Main Street and Martine Avenue.

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

The City Center is located at the crossroads of the City's downtown and contains many anchor tenants including Target, Shop Rite, Barnes and Noble, White Plains Performing Arts Center, and a 15-theater cinema that

draw patrons from both the City and the region. Due to its prominent downtown location and retail mix, the development attracts pedestrian and vehicular traffic at nearly all times of day.

The proposed upgrades to the City Center are intended to improve traffic circulation and pedestrian safety.

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

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

The traffic Improvements which include reconfiguration of traffic lanes and re-striping of the pedestrian crosswalk will serve to improve both vehicular and pedestrian safety.

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

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mr. Kirkpatrick moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-0101 ET. SEQ. (SEQR), REGARDING AN AMENDMENT TO THE PREVIOUSLY AMENDED SITE PLAN FOR THE PROJECT KNOWN AS THE CITY CENTER AT 1-29 MAMARONECK AVENUE ON BEHALF OF KITE REALTY GROUP.

WHEREAS, the proposed amendment to the previously approved site plan for the White Plains City Center regarding various improvement such as upgrading the pedestrian plaza, reconfiguration of the roadway system and exterior signage on behalf of Kite Realty Group ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review regulations ("SEQR"); and

WHEREAS, the Proposed Action involves the following changes to the White Plains City Center retail facility:

- The project involves renovating the existing City Center pedestrian plaza area, off of City Place, to include new pavers, an enlarged seating area (including benches, standalone tables and chairs, picnic tables, and counters with stools), landscaping, a relocated stage, a new water feature and dog valet area.
- Improvements for pedestrians in the side walk area adjacent to the current vehicular drop-off lane including seating, a canopy, landscaping, and nine LED light guide bollards to help prevent vehicular/pedestrian conflicts.
- Installation of two new food kiosks in the plaza area, one on the northwesterly side of the plaza and one on the southeasterly side of the plaza.
- Traffic Improvements
  - A reconfiguration of the roadway system that includes cutting back median island separating the Main Street entrance and exit lanes by approximately 30 feet to accommodate separate drop-off and thru- lane areas without compromising the two exit lanes.
  - Re-stripping the roadway to the garage entrance / exist traffic lane, the passenger drop-off lane and the pedestrian crosswalk.
- New signage in the canopy drop-off area, relocation of the existing sign for the White Plains Performing Arts Center and two blade signs for Target, one on Main Street and one on Mamaroneck Avenue; and

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

1. Approval of a Site Plan amendment pursuant to Section 7.5 of the Zoning Ordinance.
2. Approval of an amendment to the signage plan for the White Plains City Center dated January 15, 2015 and revised on January 18, 2016 by the

Common Council. As specified in the original site plan approval for the City Center development, the Common Council is the designated approval agency for the project signage.

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

1. Cover letter prepared by Mr. David Steinmetz dated May 1, 2018.
2. A Short Form Building Application dated May 1, 2018;
3. A Short Environmental Assessment Form dated May 1, 2018;
4. Drawings Nos. C-000, C-010, C-020, C-100, C-110, C-200, C-300, C-400, C-900, C-901, C-902 and L-100, dated May 1, 2018, prepared by JMC Consulting.
5. TARGET Blade Sign Photo Simulation, prepared by JMC Consulting, dated May 1, 2018  
Figure PS-1. Main Street.  
Figure PS-2. Main Street.  
Figure PS-3. Mamaroneck Avenue.
6. Drawing Nos P-1 to P-5, entitled "Concept Imagery," prepared by ADW Architects, dated April 30, 2018; and

WHEREAS, the City Center is a multi-use project consisting primarily of: (1) rental housing; (2) a four level retail shopping center; (3) condominium housing; (4) the City Center Municipal Parking Garage ("City Center Garage"); (5) an air rights building above a portion of the City Center Garage, including a health club; (6) additional rental housing units; (7) an access road, City Place, running from Main Street into the City Center Garage; (8) below grade parking for the residential units; (9) the White Plains Performing Arts Center; and (10) a public plaza and public access easement running from Main Street to Martine Avenue; and

WHEREAS, the site plan for the White Plains City Center was approved by the Common Council on September 20, 2001; and

WHEREAS, the Common Council has adopted a series of amendments pertaining to the City Center site plan, including, on November 20, 2001; December 3, 2001; February 7, 2002; September 3, 2002; May 5, 2003; July 17, 2003; August 4, 2003; March 7, 2016 and June 6, 2016; and

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

WHEREAS, based on comments offered by the various City Departments, Boards, and Commissions, the Environmental Officer has recommended that the following conditions be included as part of the Proposed Action:

- A. Conditions pursuant to correspondence from the Commissioner of Planning, dated May 18, 2018:
1. All landscaping in the proposed Plaza and dog walking area 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 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.
  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 portion of the plaza area is subject to a Pedestrian Plaza Easement, contained in the Easement At-Grade-Agreement, between LC White Plains, LLC, and the City of White Plains, dated April 24, 2002, and recorded in the Westchester County Clerk's Office, Division of Land Records as Control No. 421780275, on July 11, 2002. The Pedestrian Plaza Easement is for the "purpose of usage of the general public including without limitations for pedestrian travel between Main Street and Martine Avenue and use by the City of White Plains and general public as a public plaza pursuant to the site plan.

An unobstructed pedestrian walkway shall be maintained along the western side of the plaza to maintain a direct line of pedestrian travel between Main Street and Martine Avenue. The applicant shall submit plan drawings to

demonstrate an unobstructed pedestrian walkway for approval by the Commissioners of Building, Public Works, Planning and the Corporation Counsel prior to the issuance of a Building Permit.

All seating within the central seating areas at the center of the plaza area, approximately 60 ft. by 60 ft. in dimension, delineated by the four existing planters, shall be available for usage of the general public.

- B. Conditions pursuant to correspondence from the Commissioner of Public Works, dated June 4, 2018:
1. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work. Contact DPW Code Enforcement (914-422-1208).
  2. Prior to the issuance of a Building Department permit, the applicant shall provide the Department of Public Works (DPW) a copy of certified property survey, signed and sealed by a NYS licensed surveyor. Future submittals of site plans will be required to show property lines, including right-of-way (ROW) where applicable.
  3. As part of the proposed site improvements, the applicant will be required to clean, repair, and or replace all existing stormwater drain inlets (including trench drains) within the work site, to ensure their optimal operational conditions.
  4. Approved backflow prevention device(s) will be required at the connection of the proposed new water service extension to the existing building service, and at each of the proposed kiosks, in order to prevent cross-contamination between the irrigation and domestic water. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Health Department. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements. "Each of the proposed kiosks will require a sanitary sewer service connection. Show their proposed location at kiosks and the connection point at the existing sewer main, or service line. Label plans accordingly including invert elevations and proposed pipe materials.
  5. The proposed "K9Grass" area will require additional design details ensuring that animal waste will not discharge via overland or thru piping to the stormwater system. A roof and/or drainage (to sanitary sewer system) for the area may be required. The product specified typically requires a sub-base with good percolation properties; however the area shown on the plans for its installation may be above the existing parking structure.
  6. The stormwater system alterations 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 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 of any work, as an administrative fee.

7. All construction under the jurisdiction of the Department of Public Works must be in conformance 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, noise and dust control, hours of operation, parking, staging of vehicles and materials, site access, etc.
- C. Conditions pursuant to correspondence from the Transportation Commission dated May 18, 2018.
  1. The proposed "10 minute drop off area" in the circular turn around should be revised to a "No Standing Any Time" zone.
- D. Conditions pursuant to correspondence from the Deputy Parking Commissioner, City Transportation Engineer, dated May 18, 2018:
  1. The existing parking regulations for the arc portion of the driveway (south of the loading dock on City Place) be maintained as it exists which is "No Standing Any Time"; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby determines that the Proposed Action is an Unlisted Action under SEOR 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: ed.

The project is consistent with the strategies established in the City of White Plains Comprehensive Plan. It is located within the City's Core Area — defined as "a place to live, work, shop and spend quality leisure time." The Comprehensive Plan envisions a vibrant, mixed use Core Area with its three unique sub-areas linked through pedestrian, streetscape, transit and signage improvements and land uses that complement one another. The Plan highlights the need for safe and efficient pedestrian movement in the central business district and identifies pedestrian traffic as a critical planning element in both the review and approval of new development and rehabilitation of existing structures.

The proposed project is consistent with the Plan recommendations in providing improvements to enhance pedestrian access to the site and provide safe and attractive pedestrian plaza area in the Core Area. Further, the improved vehicular circulation patterns for plaza drop-off will maximize the efficiency of the existing street network.

In regard to the land use regulations for the UR-4 Zoning District, the proposed amendments to the approved site plan do not represent a significant change to the approved land uses, floor area, building bulk dimensions, site layout or circulation.

Similarly, the City Center project, with the proposed amendments to the approved site plan, continues to conform to the standards for site plan approval in Section 7.5 of the Zoning Ordinance.

The proposed site plan amendment is subject to the Pedestrian Plaza Easement contained in the Easement At-Grade-Agreement, between LC White Plains, LLC, and the City of White Plains, dated April 24, 2002, and recorded in the Westchester County Clerk's Office, Division of Land Records as Control No. 421780275, on July 11, 2002. This easement is for the "purpose of usage of the general public including without limitations for pedestrian travel between Main Street and Martine Avenue and use by the City of White Plains and general public as a public plaza pursuant to the site plan." The proposed site plan amendments and improvements to the plaza area conform to the Public Plaza Easement regarding pedestrian travel between Main Street and Martine Avenue and use as a public plaza. The proposed changes to the site plan continue to provide access for pedestrian travel between Main Street and Martine Avenue.



The addition of two small retail kiosks (approximately 9 ft. by 18 ft.) with tables and chairs located throughout the plaza is intended to encourage the use of the plaza as a public pedestrian space. This is similar to the outdoor dining area for the Via Veneto 26 restaurant currently located within the plaza, immediately adjacent to the proposed plaza improvements. The City has also promoted the use of another outdoor, public plaza area with installation of the Starbucks Kiosk in Renaissance Park at the nearby intersection of Main Street and Mamaroneck Avenue.

The site is located in the Main-Mamaroneck Phase 1 Urban Renewal Project (Project No. WPUR-13). On February 24, 2016, the White Plains Urban Renewal Agency adopted RESOLUTION 02-2016, approving various changes to the exterior of the City Center Project that included upgrading the pedestrian plaza and courtyard on the east side of City Center with a new fountain, additional plantings, seating, lighting. The proposed changes to the design of the pedestrian plaza do not constitute a substantial change to the overall character of the approved City Center Project.

- (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 Action does not represent a significant change to the design or operation of the established City Center retail facility or municipal parking garage.

A Construction Management Plan will be required for the development of the Proposed Project in order to avoid any potential construction related impacts.

The existing entrance/exit into the parking garage from Main Street remains unchanged. Cars will continue to enter into the City Center from Main Street via the single lane right-turn or through movement from E.J. Conroy Drive. Cars exiting the City Center onto Main Street will continue to have two-lanes — a thru lane to E. J. Conroy Drive and right-turn only to Main Street.

The proposed changes to the site plan continue to provide access for pedestrian travel between Main Street and Martine Avenue.

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

The City Center is located at the crossroads of the City's downtown and contains many anchor tenants including Target, Shop Rite, Barnes and Noble, White Plains Performing Arts Center, and a 15-theater cinema that draw patrons from both the City and the region. Due to its prominent downtown location and retail mix, the development attracts pedestrian and vehicular traffic at nearly all times of day.

The proposed upgrades to the City Center are intended to improve traffic circulation and pedestrian safety.

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

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

The traffic Improvements which include reconfiguration of traffic lanes and re-striping of the pedestrian crosswalk will serve to improve both vehicular and pedestrian safety.

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

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

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

Mrs. Lecuona seconded the motion.

Carried 6 - 0.

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Mr. Kirkpatrick moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF THE KITE REALTY GROUP ("APPLICANT"), OWNER OF PROPERTY LOCATED AT 1-29 MAMARONECK AVENUE, KNOWN AS THE CITY CENTER SHOPPING CENTER (SECTION 125.76, BLOCK 1, LOT 2) FOR AN AMENDMENT TO ITS EXISTING AMENDED SITE PLAN TO (1) RECONFIGURE AND RESTRIPE THE EXISTING ROADWAY SYSTEM IN THE VICINITY OF THE PLAZA DROP-OFF LANE; (2) ADD IMPROVEMENTS FOR PEDESTRIANS ADJACENT TO THE CURRENT PLAZA DROP-OFF LANE; (3) RENOVATE THE PUBLIC PLAZA AREA TO PROVIDE PUBLIC SEATING, NEW PAVERS, LANDSCAPING, A RELOCATED STAGE AREA, A NEW WATER FEATURE, DOG PARK AND TWO ( 2) KIOSKS AND (4) APPROVE NEW SIGNAGE IN THE CANOPY DROP-OFF AREA INCLUDING RELOCATION OF THE WHITE PLAINS PERFORMING ARTS CENTER SIGN AND ADDING TWO BLADE SIGNS ON THE CITY CENTER SHOPPING CENTER EXTERIOR.

WHEREAS, at a Special Meeting held on September 20, 2001, the Common Council of the City of White Plains unanimously adopted a ninety-four (94) page resolution in relation to a project known as the "City Center," entitled, "Resolution of the Common Council of the City of White Plains Granting a One Year Extension of a Previously Approved Site Plan and Approving the Application Submitted on Behalf of LC White Plains, LLC to Amend the Aforementioned Previously Approved Site Plan [Regarding the Redevelopment of Parcels 34, 35, 36, 37, 38 and Portions of Parcels 39 and 50, in the Phase I Main-Mamaroneck Urban Renewal Project, Project No. WPUR-13, [Including the Construction of a Retail and Entertainment Complex and the Construction of a New, Expanded and Reconfigured Parking Garage to Replace the Existing Main-Martine Garage (Section 125.76, Block 1, Lots 1, 2.1, 3, 5, 9)] by Eliminating Parcel 39 and Including the Additional Redevelopment of Parcels 40, 41 and 42, to Construct a Revised Retail and Entertainment Complex of Approximately 600,000 Square Feet, Approximately 600 Predominately One (1) and Two (2) Bedroom Dwelling Units in Three (3) Buildings, Two (2) of Which Shall Be Approximately 340 Feet High, (Exclusive of Final Exterior Materials and Design), and Containing Approximately 17,000 Square Feet of Ground and First Floor Retail/Restaurant Uses, the Residential Dwelling to Be Served by New, Private On-Site Parking Structures Having a Total of Approximately 780 Parking Spaces and for a Special Permit to Allow an Increase in Maximum Building Height for Two (2) Residential Buildings for Up to Approximately 340 Feet in Accordance with Section 5.5.3.2 of the Zoning Ordinance of the City of White Plains;" and

WHEREAS, the Common Council adopted a series of amendments pertaining to the City Center Site Plan, including, on November 20, 2001; December 3, 2001; February 7, 2002; September 3, 2002; May 5, 2003; July 17, 2003; and August 4, 2003; and

WHEREAS, the "City Center" is a multi-use project consisting primarily of: (1) rental housing; (2) a four level retail shopping center; (3) condominium housing; (4) the City Center Municipal Parking Garage ("City Center Garage"); (5) an air rights building above a portion of the City Center Garage, including a health club and additional affordable rental housing units; (6) an access road,

City Place, running from Main Street into the City Center Garage; (7) below grade parking for the residential units; and (8) a public plaza and public access easement running from Main Street to Martine Avenue; and

WHEREAS, the existing City Center shopping center component is located at 1-29 Mamaroneck Avenue and is known and designated on the Tax Assessment Map of the City of White Plains as Section 125.76, Lot 1, Block 2; and

WHEREAS, the 4.4 acre (191,841 square feet) site is bounded on the easterly side by land containing the City Center Parking Garage, Cambria Suites Hotel and other retail/restaurant uses, on the westerly side by Mamaroneck Avenue (350 feet of frontage), on the southerly side by Martine Avenue (275 feet of frontage), and on the northerly side by Main Street (360 feet of frontage); and

WHEREAS, the property is located in the UR-4 Urban Renewal Central Business District-4 Zoning District ("UR-4 Zoning District") and is part of the Main-Mamaroneck Phase I Urban Renewal District that was adopted by the Common Council in 1998, and the Central Parking Area (CPA); and

WHEREAS, at a meeting held on March 7, 2016, the Common Council of the City of White Plains adopted a resolution approving the application submitted on behalf of Kite Realty Group ("Applicant"), owner of property located at 1-29 Mamaroneck Avenue, known as the White Plains City Center Shopping Center ("City Center") regarding a site plan amendment to (1) upgrade the pedestrian plaza on the east side of the City Center with a new fountain, additional planting, seating, lighting and a stage; (2) implement a valet service along Mamaroneck Avenue in conjunction with pavement, curbing and sidewalk modifications; (3) modify the Mamaroneck Avenue entrance to the City Center by installing escalators from a renovated and redesigned lobby area up to the second floor; and (4) revise and update certain exterior signage on the City Center; and

WHEREAS, at a meeting held on June 6, 2016, the Common Council of the City of White Plains adopted a resolution approving the application submitted on behalf of Applicant, approving the marque awning and associated signage; and

WHEREAS, the Common Council of the City of White Plains, at a meeting held on May 7, 2018, received a communication from the Commissioner of Building dated May 3, 2018 forwarding an application, submitted by David S. Steinmetz, Esq., of the law firm of Zarin & Steinmetz, on behalf of the Kite Realty Group ("Applicant"), owner of the City Center, for an amendment to an approved existing amended site plan ("Application"), in accordance with Section 7 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") to (1) reconfigure and restripe the existing roadway system in the vicinity of the Plaza Drop-off Lane; (2) add improvements for pedestrians adjacent to the current Plaza Drop-off Lane; (3) renovate the Public Plaza Area to provide public seating, new pavers, landscaping, a relocated stage area, a new water feature, dog park and two kiosks and (4) approve new signage in the Canopy Drop-off Area including relocation of the White Plains Performing Arts Center sign and adding two blade signs on the City Center Shopping Center exterior; and

WHEREAS, the Application included the following documents:

A. A cover letter dated May 1, 2018, from David S. Steinmetz, Esq., of the law firm of Zarin & Steinmetz, on behalf of the Applicant Kite Realty Group, transmitting the aforementioned Application; and

B. A short form Building application dated May 1, 2018; and

C. A short Environmental Assessment form dated May 1, 2018; and

D. Drawings Nos. C-000, C-010, C-020, C-100, C-200, C-300, C-400, C-900, C-901, C-902 and L-100, dated May 1, 2018, prepared by JMC Consulting; and

E. TARGET Blade Sign Photo Simulation," prepared by JMC Consulting., dated May 1, 2018

Figure PS-1 Main Street

Figure PS-2 Main Street

Figure PS-3 Mamaroneck Avenue; and

F. Drawing Nos. P-1 to P-5, entitled "Concept Imagery" prepared by ADW Architects, dated April 30, 2018; and

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

WHEREAS, at a Special Meeting of the Common Council held on April 30, 2018, representatives of the Applicant made a presentation in relation to the proposed Application; and

WHEREAS, in connection with the Application, the Common Council, at a meeting held on June 4, 2018, received a communication from the Commissioner of Building, dated May 23, 2018; the Commissioner of Planning dated May 18, 2018; the Commissioner of Public Works dated June 4, 2018; the Commissioner of Public Safety, dated May 18, 2018; the Commissioner of Parking, dated May 23, 2018; the Deputy Commissioner of Parking for Transportation Engineering, dated May 18, 2018; the Chair of the Planning Board, dated May 23, 2018; the Executive Director of the White Plains Urban Renewal Agency, dated February 25, 2016; the Chair of the Design Review Board, dated May 16, 2018; the Acting Chair to the Transportation Commission, dated May 18, 2018; the Environmental Officer, dated March 1, 2016; and the Westchester County Planning Board, dated May 18, 2018; and

WHEREAS, in connection with the Application for an amendment to the Site Plan, the Common Council, at its June 4, 2018 meeting, declared itself Lead Agency for the environmental review of the project pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), classified this proposal as an Unlisted Action and undertook an environmental review of the proposed action pursuant to SEQRA, adopted environmental findings, including a negative declaration; and

WHEREAS, the Common Council has reviewed and considered comments from various City departments, boards, commissions, agencies and officers, and has reviewed and considered the amendment to the Site Plan Application with respect to the applicable 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 proposed Application for an amended site plan is in full compliance with the use and dimensional requirements of the UR-4 Zoning District and is consistent with the Zoning Ordinance and the 1997 Comprehensive Plan and its amendments thereto adopted by the Common Council on July 11, 2006, and with the Phase I Main-Mamaroneck Urban Renewal Plan.

2. The Application is consistent with the strategies established in the 1997 Comprehensive Plan and 2006 Plan Update. It is located within the City's Core Area - defined as "a place to live, work, shop and spend quality leisure time." The Comprehensive Plan envisions a vibrant, mixed use Core Area with its three unique sub-areas linked through pedestrian, streetscape, transit and signage improvements and land uses that complement one another. The Plan highlights the need for safe and efficient pedestrian movement in the central business district and identifies pedestrian traffic as a critical planning element in both the review and approval of new development and rehabilitation of existing structures.

3. The Application is consistent with the Comprehensive Plan recommendations in providing clear improvements to enhance pedestrian access to the site and provide safe and an attractive pedestrian plaza area in the Core Area. Further, the improved vehicular circulation patterns for plaza drop-off will maximize the efficiency of the existing street network.

4. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, and the reports of the Deputy Commissioner of Parking for Transportation Engineering and the Transportation Commission, 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.

5. Specifically, in accordance with Section 7.5.2.1 of the Zoning Ordinance, the proposed physical circulation improvements, such as reconfiguring the drop off area adjacent to the plaza and the relocation of the pedestrian crosswalk have been designed to improve existing traffic conditions.

6. Specifically, in accordance with Section 7.5.2.2 of the Zoning Ordinance, the existing entrance/exit into the Parking Garage from Main Street remains unchanged. Cars will continue to enter into the City Center from Main Street via the single lane right-turn or through movement from E.J. Conroy Drive. Cars exiting the City Center onto Main Street will continue to have two lanes - a thru lane to E.J. Conroy Drive and right-turn only to Main Street. The roadway system will be reconfigured with a more sweeping paved drop-off area radius and passing lane to prevent queuing into the Parking Garage. Vehicles

will be able to drop off passengers in a newly created 20-foot wide drop off area adjacent to the plaza while vehicles entering the Parking Garage can bypass the drop off area via a 14 foot wide thru-lane. A curbed, brick paved island approximately 15 feet by 30 feet will separate the drop off area from the thru-lane to better define the two movements. The median separating the entrance and exit lanes into the center from Main Street has also been reduced by approximately 30 feet to accommodate the drop off and thru-lane areas without compromising the two exit lanes.

7. The dog park has been enlarged and moved further south to allow for more plaza seating, increase separation between the dog park and the seating and to provide a barrier to encourage pedestrians to use the garage entrance and not walk in the traffic lane to enter the garage.

8. Specifically, in accordance with Section 7.5.2.3 of the Zoning Ordinance, visibility into and out of the site has not changed.

9. Specifically, in accordance with Section 7.5.2.4 of the Zoning Ordinance, off-street parking remains unchanged from the approved Site Plan.

10. Specifically, in accordance with Section 7.5.2.5, there are no new curb cuts proposed, and the interconnection of parking lots remains unchanged.

11. Specifically, in accordance with Section 7.5.2.6 of the Zoning Ordinance, the location and arrangement of loading spaces remain unchanged and continues to meet the requirements of Section 8 of the Zoning Ordinance.

12. The plaza area is subject to provisions of the Easement-At-Grade Agreement among LC White Plains, LLC, the City of White Plains and the White Plains Urban Renewal Agency, dated April 24, 2002, and recorded in the Westchester County Clerk's Office on July 11, 2002 at Control #421780275. Said documents created a Pedestrian Plaza easement between LC White Plains, LLC and the City of White Plains granting a non-exclusive easement for usage by the general public including, but not limited to travel between Main Street and Martine Avenue, and for use by the City and general public as a public plaza. The proposed site plan amendments do not violate the provisions of the easement.

13. Specifically, in accordance with Section 7.5.2. 7 of the Zoning Ordinance, pedestrian access into and through the public plaza will be ameliorated and public seating will be enhanced, enlarged and improved.

14. Specifically, in accordance with Section 7.5.2.8 of the Zoning Ordinance, an ADA (Americans with Disabilities Act) compliant ramp with access to the proposed stage is proposed for the plaza area.

15. Specifically, in accordance with Section 7.5.2.9 of the Zoning Ordinance, appropriate landscaping is proposed for the plaza area and minor sign changes consistent with the existing signage is proposed for the Main Street and Mamaroneck Avenue frontages

16. Specifically, in accordance with Section 7.5.2.10 of the Zoning Ordinance, the fire lanes and emergency zones remain unchanged by the Application.

17. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, in accordance with Section 7.5.3 of the Zoning Ordinance, the Application provides for the protection of environmental quality and the preservation and enhancement of property values in the neighboring area through the improvements to the landscaping of the City Center plaza and courtyard..

18. The proposed changes to the Plaza Area will all be in harmony with the surrounding development.

19. Specifically, in accordance with Section 7.5.3.2 of the Zoning Ordinance, the City's Construction Management Protocols must be adhered to the satisfaction of the Commissioner of Public Works.

20. Specifically, in accordance with Section 7.5.3.3 of the Zoning Ordinance, the site is completely built-out. Therefore, there are no natural features, wetlands or unique wildlife habitat on the site.

21. Specifically, in accordance with Section 7.5.3.4 of the Zoning Ordinance, the minimal new lighting proposed will be in character with the existing lighting in the plaza area.

22. Specifically, in accordance with Section 7.5.3.5 of the Zoning Ordinance, the project will continue to conform to City noise protocols.

23. Specifically, in accordance with Section 7.5.3.6 of the Zoning Ordinance, drainage facilities for the improvements will be provided, pursuant to the recommendations of the Department of Public Works.

24. Subject to the Applicant's compliance with the conditions set forth in this approval resolution herein, in accordance with Section 7.5.4 of the Zoning Ordinance, the modifications to the signage on the City Center retail component and the overall improvements to the City Center plaza and courtyard enhance and protect the overall character of the adjacent neighborhood.

25. The proposed upgrades to the City Center are intended to modernize and revitalize the site, ameliorate pedestrian connections and movement, improve traffic circulation, and enhance the overall visual appearance of the site. The overall intent is to create a more vibrant and pedestrian friendly experience in the public plaza area of the site; and now, therefore, be it

RESOLVED, that the Signage package submitted herein partially supersedes and supplements the City Center Signage plans previously approved by the Common Council; and be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the applicable standards of Section 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 May 18, 2018, all landscaping in the proposed plaza and the dog walking area 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 next growing season; and

2. As per the recommendation set forth in the communications of the Commissioner of Planning dated May 18, 2018 and the Commissioner of Public Works dated June 4, 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. Said 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:

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

3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 4, 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

4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 4, 2018, prior to the issuance of a building permit, the Applicant must provide the Department of Public Works with a copy of a certified property survey, signed and sealed by a New York State licensed surveyor. Future submittals of site plans will be required to show property lines, including the right-of-way where applicable; and

5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated June 4, 2018, the Applicant, as part of the site improvements is required to clean repair and/or replace all existing stormwater drain inlets (including trench drains) within the work site, to ensure their optimal operational conditions; and

6. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated February 8, 2018, the Applicant must install backflow prevention devices at the connection of the proposed new water service extension to the existing building service and at each of the kiosks, in order to prevent cross contamination between the irrigation and domestic water service. The application for the backflow device installation must be prepared by a licensed New York State Professional Engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Department of Health. The floor drain for any room containing a backflow prevention device must be adequate to comply with White Plains Department of Public Works and Westchester County Department of Health requirements. Each of the kiosks will require a sanitary sewer service

connection and the Applicant must submit plans showing the proposed location at kiosks and the connection points at the existing sewer main or service line including the invert elevations and proposed pipe materials; and

7. As per the recommendation set forth in the communication of the Commissioner of Public Works, dated June 4, 2018, the Applicant must submit additional design details regarding the proposed "K9 Grass" area to ensure that animal waste will not discharge via oveland or thru piping to the stormwater system. A roof and/or drainage to the stormwater system may be required since the product specified typically requires a good sub-base with good percolation properties and the dog park may be located over the underground parking structure; and

8. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated June 4 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

9. As per the recommendations set forth in the communication of Commissioner of Public Works, dated June 4, 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

10. As per the recommendation set forth in the communication of the Acting Chair to the Transportation Commission, dated May 18, 2018, the proposed "10 minute drop off area" should be revised to a "No Standing Any Time" zone; and

11. As per the recommendation set forth in the communication of the Deputy Parking Commissioner, City Transportation Engineer, dated May 18, 2018, the existing parking regulation for the arc portion of the driveway, south of the loading dock on City Place, be maintained as it exists which is "No Standing Any Time;" and

12. As per the recommendation set forth in the communication of the Commissioner of Planning, dated May 18, 2018, an unobstructed pedestrian walkway shall be maintained along the western side the of plaza to maintain a direct line of pedestrian travel between Main Street and Martine Avenue, since

a portion of the Plaza Area is in the Pedestrian Plaza easement between LC White Plains, LLC and the City of White Plains contained in the Easement-At-Grade Agreement among LC White Plains, LLC, the City of White Plains and the White Plains Urban Renewal Agency, dated April 24, 2002, and recorded in the Westchester County Clerk's Office on July 11, 2002 at Control #421780275. The Pedestrian Plaza easement between LC White Plains, LLC and the City of White Plains granted a non-exclusive easement for usage by the general public including, but not limited to travel between Main Street and Martine Avenue, and for use by the City and general public as a public plaza. The applicant shall submit plan drawings to demonstrate an unobstructed pedestrian walkway for approval by the Commissioners of Building, Public Works, Planning and the Corporation Counsel prior to the issuance of a Building Permit. In addition, all seating within the central seating areas of the Plaza Area, approximately 60 ft. by 60 ft. in dimension, delineated by the four existing planters, shall be available for usage of the general public.

Mrs. Lecuona seconded the motion.

Carried 6 - 0.

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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, and Environmental Officer

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

Mr. Krolian seconded the motion.

Carried.

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

Per referral by the Common Council on May 8, 2018 the Department of Building has reviewed a petition dated March 23, 2018 submitted by Cuddy and Feder LLP on behalf of the applicant, New York Life Insurance Company (New York Life). New York Life is requesting an extension to the site plan amendment associated with the installation of three (3) new identification signs at 44 South Broadway.

This department has no objection to this extension being granted.

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

DATED: May 22, 2018

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May 16, 2018

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on May 14, 2018, reviewed a request by New York Life Insurance Company (the "Applicant") for an extension of the amended Site Plan approval for the installation of signs at their 44 So Broadway location. The approval consisted of installing two (2) wall signs on the parapet of the building and one (1) ground sign facing So Broadway, located at 44 South Broadway, White Plains, NY.

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

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Norman DiChiara, Chairman  
Design Review Board

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TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON  
COUNCIL

SUBJECT: NEW YORK LIFE INSURANCE COMPANY  
44 SOUTH BROADWAY  
(SECTION 125, BLOCK 66, LOT 4-1.1)  
APPLICATION FOR AN EXTENSION TO AMENDED SITE PLAN  
APPROVAL FOR THE INSTALLATION OF THREE NEW  
IDENTIFICATION SIGNS

By letter dated March 23, 2018, William S. Null, on behalf of New York Life Insurance Company (the "Applicant"), submitted a request for a one-year extension of site plan approval granted by the Common Council on May 1, 2017 for the installation of two signs on the parapet of the building at 44 South Broadway and one ground or monument sign facing North Broadway. All three signs use the logo and identification of "New York Life" providing signage for New York Life Insurance Company, the major tenant of the building. The City of White Plains Sign Ordinance, Section 9-10-44 (e), permits one (1) sign for each building location or premise, per public street frontage. Common Council approval is required when the mounting height of a wall sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building.

Specifically, Applicant seeks to mount the following three identification signs:

1. A 14 foot by 14 foot illuminated sign mounted to the building parapet facing the South Broadway frontage of the building (western elevation) depicting the New York Life logo approximately 240 feet above grade.
2. A 14 foot by 14 foot illuminated sign mounted to the building parapet facing the Hale Avenue frontage (eastern elevation) depicting the New York Life logo approximately 240 feet above grade.
3. A six (6) foot by 22 inch monument sign with the New York Life logo at the southeast corner of the premises at the South Broadway entrance to the parking garage.

Since there have been no changes to the application since its original approval on May 1, 2017, the Planning Department has no objection to granting a one-year extension of the Amended Site Plan Approval to May 1, 2019.

Sincerely,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: May 17, 2018

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

New York Life Insurance  
Site Plan Extension  
44 South Broadway

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David E. Chong  
Commissioner of Public Safety

Dated: 5/18/18



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

In response to a Building Department referral received May 8, 2018, the Department of Public Works has reviewed the request submitted by Cuddy & Feder, LLP, on behalf of New York Life Insurance Company (applicant) requesting a one (1) year extension of the original site plan approval, previously granted by the Common Council on May 1, 2017, for the proposed installation of signs at their 44 South Broadway location.

Included in this submission for the plan approval extension is a letter addressed to the Common Council from Cuddy & Feder, LLP, dated March 23, 2018, requesting the extension; a copy of a Department of Building's 'Building Short Form 08/14'; pages 1 thru 4 (of 4), notarized on 3/22/18; a copy of a 'Short Environmental Assessment Form Part 1 - Project Information' form, pages 1 thru 3 (of 3), dated 3/23/18; a copy of an 'EAF Mapper Summary Report' sheet, dated March 22, 2018, and a copy of the original Common Council site plan approval, dated May 1, 2017.

We have no objection to the conditioned one (1) year extension approval provided the comments of the original site plan approval are addressed to the sole satisfaction of the Commissioner of Public Works prior to the issuance of a Building Department permit.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: June 4, 2018

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

The Department of Parking/Traffic Division has reviewed the request for a site plan amendment approval extension for the installation of three signs at 44 South Broadway which was referred by the Common Council on May 7, 2018.

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

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

Dated: May 18, 2018  
(for the June 4, 2018 Common Council Meeting)

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

The Transportation Commission, at its meeting held on May 16, 2018, reviewed a request for a one year extension to the site plan approval from Forty-four South Broadway, (Westchester One), as referred by the Common Council on May 7, 2018.

The Transportation Commission had no objections.

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Thomas Soyk, PE, PTOE  
Acting Chairman

Dated: May 18, 2018  
(for the June 4, 2018 Common Council Meeting)

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

Re: New York Life Insurance Company 44 South Broadway  
Extension of the Amended Site Plan Approval

The Department of Parking has received and reviewed the above-noted extension for the amended Site Plan Approval.

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

Respectfully submitted,

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John P. Larson, Commissioner  
CWP - Department of Parking

Date: May 23, 2018

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

County Ref. No. **WHP N18-001**

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

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

Municipality: **White Plains**

Referring Agency (check one):

- Planning Board or Commission
- Zoning Board of Appeals
- City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: **New York Life Insurance Company Installation of Signs**

Address: **44 South Broadway**

Section: **125.76** Block: **2** Lot: **4**

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

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

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

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

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

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Do not write below this line.

Date received by the Westchester County Planning Board: **5/10/18**

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

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May 29, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: NEW YORK LIFE INSURANCE COMPANY  
44 SOUTH BROADWAY  
ONE YEAR EXTENSION OF A SITE PLAN AMENDMENT FOR  
THE INSTALLATION OF SIGNAGE.

The application on behalf of New York Life Insurance Company regarding a one year extension of the previously approved site plan amendment to allow installation of signage on the building and grounds of property located at 44 South Broadway, also known as "Westchester One" ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Common Council granted site plan amendment for the installation of three signs on May 1, 2017 ("2017 Approval").

The Proposed Action involves the installation of two wall signs and one monument sign:

1. A 14 foot by 14 foot illuminated wall sign mounted to the parapet facing the South Broadway side of the building (the western elevation). This sign would be located at approximately 240 feet above grade, and would contain the New York Life logo.
2. A 14 foot by 14 foot illuminated wall sign mounted to the parapet facing the Hale Avenue side (the eastern elevation). This sign would be located at approximately 240 feet above grade, and would contain the New York Life logo.
3. A six (6) foot by 22 inch ground monument sign with the New York Life logo at the southeast corner of the premises (at South Broadway and the entrance to the parking garage).

The Common Council has jurisdiction to approve the signage based on the following:

- a. The Common Council is the approval agency for any amendment to the site plan for 44 South Broadway (the "Property"), which is located in a Special "S" Zone established by the adoption of an amendment to the Zoning Ordinance for this specific site granted July 7, 1969.
- b. Pursuant to the City of White Plains Sign Ordinance, Section 9-10-44 (g), the Common Council is the approval agency when the mounting height of a wall sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building.

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

1. An application letter from William Null, Esq., Cuddy & Feder LLP, dated March 23, 2018.
2. A completed Building Department Application, dated March 22, 2018.
3. A Short Environmental Assessment Form dated March 23, 2018.

The Applicant previously submitted the following documents in support of the 2017 Approval (hereinafter referred to as "2017 Application Materials"):

1. An application letter from William Null, Esq., Cuddy & Feder LLP, dated March 23, 2017.
2. A completed Building Department Application, dated February 24, 2017.
2. A letter from the owner of the Premises, 44 South Broadway Property LLC, dated March 2, 2017, authorizing the filing of the Application by New York Life Insurance Company.
3. A Short Environmental Assessment Form dated march 13, 2017.
4. Site plan drawings prepared by Sign Design and JC Awning entitled, "NY Life Cityscape Signage," numbered, entitled and dated as follows:

<u>No.</u>	<u>Title</u>	<u>Date</u>
Page 1	NY LIFE Illuminated Sign Box locations. Proposed Location A	9.20.16
Page 2	NY LIFE Illuminated Sign Box locations. Proposed Location B.	9.20.16
Page 3	NY LIFE Site plan	9.20.16
Page 4	NY LIFE Scaffold Plan	9.20.16
Page 5	NY LIFE Night View	9.20.16
Page 6	Signage Construction	8-22-16
Page 7	Signage led Layout	8-22-16
Page 8	NY LIFE Ground Sign	2.13.17
Page 9	NY LIFE Elevations	2.24.17
Page 10	NY LIFE Site Plan	2.27.17
Page 11	Site Survey, New York life / Westchester One	2-22-17

The Environmental Officer recommends that the Common Council, as approving agency of the Proposed Action ((a) reconfirm itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm the Proposed Action to be an Unlisted Action under SEQR regulations; (c) find that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted May 1, 2017; (d) reconfirm the SEQR

findings adopted May 1, 2017; 17; and (e) reconfirm that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment for the following reasons:

- (a) The Proposal Action is consistent with the 1997 Comprehensive Plan and 2006 Update, and the Zoning Ordinance.

The installation of three new identification signs at 44 South Broadway does not involve any significant changes to the use, building dimensions or site layout of the existing office building.

The Comprehensive Plan provides these general strategies for development in the Core Area:

- Develop and promote a facade and signage upgrade program for commercial properties.
- Encourage use of urban design elements, such as signage, public amenities and landscaping to create visual linkages between the Specialty Retail Area and the Mamaroneck Avenue Business District.
- Encourage owners of private properties, including office buildings to upgrade their buildings and, where appropriate, assist owners in adaptive reuse of such buildings.

The premises is situated within a CB-3 Core-Business Zoning District and within the Central Parking Area. Predating the adoption of the current Zoning Ordinance in 1981, it is designated as a Special "S" Zone established by the adoption of an amendment to the Zoning Ordinance for this specific site granted July 7, 1969.

As a Special "S" Zone, the site is subject to the regulations at Section 3.6 of the Zoning Ordinance which provide the following with respect to changes in approved plans for Special "S" Zone projects:

*3.6.2 In "S" Zones where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved "site plans." Any amendments or changes to such design documents shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.*

The proposed site plan amendment conforms to the requirements regarding site plans in Section 7.5 of the Zoning Ordinance.

The City of White Plains Sign Ordinance, Section 9-10-44 (e), permits one (1) sign for each building location or premise, per public street frontage. Common Council approval is required when the mounting height of a wall sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building. The proposed wall signs are approximately 240 feet above grade. The height of the building is approximately 268 feet.

The size of the respective signs fully conform to the City's Sign Ordinance.

The proposed signage requires no variances and is consistent with the Comprehensive Plan in that the signage is appropriate to the use and to the dimensions of the building.

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

The proposed ground/monument sign will be installed in existing landscaped areas. No trees are proposed to be removed for their installation.

- (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 wall signs are located on the eastern and western elevations of the building, and therefore do not face the Carhart neighborhood to the south. Therefore, the increased height and accompanying illumination will have no additional impact on nearby residents.

The project site is located approximately 100 feet, directly across South Broadway from the White Plains Armory which is listed on the National Register of Historic Places, and in the City of White Plains Open Space Inventory as HS-2. The proposed signs will not obstruct views of the Armory, and will not adversely impact the historic character of that building.

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

The proposed locations of the signs will not reduce sight distances for drivers, and will not impair visibility for motorists on South Broadway.

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

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

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mrs. Lecuona moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A ONE YEAR EXTENSION OF THE PREVIOUSLY APPROVED SITE PLAN AMENDMENT TO ALLOW INSTALLATION OF SIGNAGE AT 44 SOUTH BROADWAY, ALSO KNOWN AS "WESTCHESTER ONE," ON BEHALF OF NEW YORK LIFE INSURANCE COMPANY.

WHEREAS, the application on behalf of New York Life Insurance Company regarding a one year extension of the previously approved site plan amendment to allow installation of signage on the building and grounds of property located at 44 South Broadway, also known as "Westchester One," has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Common Council previously granted a site plan amendment for the installation of three signs on May 1, 2017 ("2017 Approval"); and

WHEREAS, the Proposed Action involves the installation of two wall signs and one monument sign:

1. A 14 foot by 14 foot illuminated wall sign mounted to the parapet facing the South Broadway side of the building (the western elevation). This sign would be located at approximately 240 feet above grade, and would contain the New York Life logo.
2. A 14 foot by 14 foot illuminated wall sign mounted to the parapet facing the Hale Avenue side (the eastern elevation). This sign would be located at approximately 240 feet above grade, and would contain the New York Life logo.
3. A six (6) foot by 22 inch ground monument sign with the New York Life logo at the southeast corner of the premises (at South Broadway and the entrance to the parking garage); and

WHEREAS, the Common Council has jurisdiction to approve the signage based on the following:

- a. The Common Council is the approval agency for any amendment to the site



plan for 44 South Broadway (the "Property"), which is located in a Special "S" Zone established by the adoption of an amendment to the Zoning Ordinance for this specific site granted July 7, 1969 ("Application").

- b. Pursuant to the City of White Plains Sign Ordinance, Section 9-10-449(g), the Common Council is the approval agency when the mounting height of a wall sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building; and

WHEREAS, the 2.5 acre site is improved with a 19-story office building containing approximately 855,720 square feet, making it the largest office building in White Plains. It is designated on the Tax Assessment Map of the City of White Plains as Section 125.76, Block 2, Lot 4; and

WHEREAS, the Applicant has submitted the following documents in support of the current Proposed Action:

1. An application letter from William Null, Esq., Cuddy & Feder LLP, dated March 23, 2018.
2. A completed Building Department Application, dated March 22, 2018.
3. A Short Environmental Assessment Form dated March 23, 2018; and.

The Applicant has submitted the following documents in support of the 2017 Approval (hereinafter referred to as "2017 Application Materials"):

WHEREAS, the Applicant previously submitted the following documents in support of the 2017 Approval (hereinafter referred to as "2017 Application Materials"):

1. An application letter from William Null, Esq., Cuddy & Feder LLP, dated March 23, 2017;
2. A completed Building Department Application, dated February 24, 2017;
3. A letter from the owner of the Premises, 44 South Broadway Property LLC, dated March 2, 2017, authorizing the filing of the Application by New York Life Insurance Company;
4. A Short Environmental Assessment Form dated march 13, 2017;
5. Site plan drawings prepared by Sign Design and JC Awning entitled, "NY Life Cityscape Signage," numbered, entitled and dated as follows:

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Page 6	Signage Construction	8-22-16
Page 7	Signage led Layout	8-22-16

Page 8	NY LIFE Ground Sign	2.13.17
Page 9	NY LIFE Elevations	2.24.17
Page 10	NY LIFE Site Plan	2.27.17
Page 11	Site Survey, New York life / Westchester One	2-22-17; and

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

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of the Proposed Action ((a) reconfirm itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm the Proposed Action to be an Unlisted Action under SEQR regulations; (c) find that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted May 1, 2017; (d) reconfirm the SEQR findings adopted May 1, 2017; 17; and (e) reconfirm that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council hereby finds that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted May 1, 2017; and be it further;

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

- (a) The Proposal Action is consistent with the 1997 Comprehensive Plan and 2006 Update, and the Zoning Ordinance.

The installation of three new identification signs at 44 South Broadway does not involve any significant changes to the use, building dimensions or site layout of the existing office building.

The Comprehensive Plan provides these general strategies for development in the Core Area:

- Develop and promote a facade and signage upgrade program for commercial properties.
- Encourage use of urban design elements, such as signage, public amenities and landscaping to create visual linkages between the Specialty Retail Area and the Mamaroneck Avenue Business District.
- Encourage owners of private properties, including office buildings to upgrade their buildings and, where appropriate, assist owners in adaptive reuse of such buildings.

The premises is situated within a CB-3 Core-Business Zoning District and within the Central Parking Area. Predating the adoption of the current Zoning Ordinance in 1981, it is designated as a Special "S" Zone established by the adoption of an amendment to the Zoning Ordinance for this specific site granted July 7, 1969.

As a Special "S" Zone, the site is subject to the regulations at Section 3.6 of the Zoning Ordinance which provide the following with respect to changes in approved plans for Special "S" Zone projects:

*3.6.2 In "S" Zones where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved "site plans." Any amendments or changes to such design documents shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of this Ordinance, provided that such amendments create no new non-conformity with the regulations of this Ordinance.*

The proposed site plan amendment conforms to the requirements regarding site plans in Section 7.5 of the Zoning Ordinance.

The City of White Plains Sign Ordinance, Section 9-10-44 (e), permits one (1) sign for each building location or premise, per public street frontage. Common Council approval is required when the mounting height of a wall sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building. The proposed wall signs are approximately 240 feet above grade. The height of the building is approximately 268 feet.

The size of the respective signs fully conform to the City's Sign Ordinance.

The proposed signage requires no variances and is consistent with the Comprehensive Plan in that the signage is appropriate to the use and to the dimensions of the building.

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

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

The proposed ground/monument sign will be installed in existing landscaped areas. No trees are proposed to be removed for their installation.

- (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 wall signs are located on the eastern and western elevations of the building, and therefore do not face the Carhart neighborhood to the south. Therefore, the increased height and accompanying illumination will have no additional impact on nearby residents.

The project site is located approximately 100 feet, directly across South Broadway from the White Plains Armory which is listed on the National Register of Historic Places, and in the City of White Plains Open Space Inventory as HS-2. The proposed signs will not obstruct views of the Armory, and will not adversely impact the historic character of that building.

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

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

The proposed locations of the signs will not reduce sight distances for drivers, and will not impair visibility for motorists on South Broadway.

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

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

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

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

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

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

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

Mr. Krolian seconded the motion.

Carried 6 - 0.

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Mrs. Lecuona moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS EXTENDING THE SITE PLAN APPROVAL GRANTED ON MAY 1, 2017, FOR AN ADDITIONAL ONE YEAR EXPIRING ON MAY 1, 2019, TO NEW YORK LIFE INSURANCE COMPANY FOR NEW SIGNAGE AT 44 SOUTH BROADWAY, KNOWN AS WESTCHESTER ONE.

WHEREAS, on May 1, 2017, the Common Council of the City of White Plains, after adopting environmental findings, approved a site plan amendment application submitted on behalf of New York Life Insurance Company ("Applicant" or "New York Life") pursuant to Sections 3 and 7 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") and the White Plains Municipal Code Section 9-10, which approval authorized the installation of two wall signs and one monument sign at 44 South Broadway, known as Westchester One, and designated on the Official Tax Assessment Map of the City of White Plains as SBL 125.76-2-4; and

WHEREAS, the Applicant previously submitted the following documents in support of the 2017 Site Plan Amendment Approval:

1. An application letter from William Null, Esq., Cuddy & Feder LLP, dated March 23, 2017.
2. A completed Building Department Application, dated February 24, 2017.
3. A letter from the owner of the Premises, 44 South Broadway Property LLC, dated March 2, 2017, authorizing the filing of the Application by New York Life Insurance Company.
4. A Short Environmental Assessment Form dated march 13, 2017.
5. Site plan drawings prepared by Sign Design and JC Awning entitled, "NY Life Cityscape Signage," numbered, entitled and dated as follows:

<u>No.</u>	<u>Title</u>	<u>Date</u>
Page 1	NY LIFE Illuminated Sign Box locations. Proposed Location A	9.20.16
Page 2	NY LIFE Illuminated Sign Box locations. Proposed Location B.	9.20.16
Page 3	NY LIFE Site plan	9.20.16
Page 4	NY LIFE Scaffold Plan	9.20.16
Page 5	NY LIFE Night View	9.20.16
Page 6	Signage Construction	8-22-16

Page 7	Signage led Layout	8-22-16
Page 8	NY LIFE Ground Sign	2.13.17
Page 9	NY LIFE Elevations	2.24.17
Page 10	NY LIFE Site Plan	2.27.17
Page 11	Site Survey, New York Life /Westchester One	2-22-17

WHEREAS, the Common Council, at a meeting held on May 7, 2018, received a communication from the Deputy Commissioner of Building, dated April 3, 2018 forwarding a letter dated March 23, 2018, from William Null of Cuddy & Feder, LLP, counsel for the Applicant, requesting an additional one (1) year extension of the Site Plan amendment approval of the project originally granted by the Common Council by resolution adopted on May 1, 2017, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"); and

WHEREAS, the Deputy Commissioner of Building, in a communication dated April 3, 2018, noted that the Applicant has paid its required fee pursuant to Section 11.5 of the Zoning ordinance for this instant application herein to extend for one (1) year an approved Site Plan; and

WHEREAS, the request for the extension of the approved Site Plan Amendment was referred by the Common Council at its May 7, 2018 meeting to the Departments of Law, Building, Planning, Public Safety, Public Works, and Parking, and the Planning Board, Design Review Board, Transportation Commission, Environmental Officer and the Westchester County Planning Board for review, comments and recommendations; and

WHEREAS, the Common Council has reviewed and considered the reports from the various City departments, officers, commissions and boards, and the Westchester County Planning Board in relation to the request for the one (1) year extension of the approved Site Plan; and

WHEREAS, Applicant's counsel in his March 23, 2018 letter states that there has been no material change in circumstances since the issuance of the original Site Plan amendment approval on May 1, 2017 that would affect the basis for the approval; and

WHEREAS, the Common Council, at a meeting held on June 4, 2018, in relation to the one (1) year extension of the Site Plan amendment approval, received communications from the Commissioner of Building, dated May 22, 2018; the Commissioner of Planning, dated May 17, 2018; the Commissioner of Public Works, dated June 4, 2018; the Commissioner of Public Safety, dated May 18, 2018; the Commissioner of Parking, dated May 23, 2018; the Deputy Commissioner of Parking for Transportation Engineering, dated May 18, 2018; the Chair of the Planning Board, dated May 16, 2018; the Acting Chair of the Transportation Commission, dated May 18, 2018; the Environmental Officer, dated May 29, 2018; and the Westchester County Planning Board, dated May 10, 2018; and

WHEREAS, the Common Council has reviewed and considered the comments and recommendations from the various City departments, boards, commissions and officers and the Westchester County Planning Board, and has reviewed the

one (1) year Site Plan amendment extension in light of the 1997 Comprehensive Plan and the 2006 Plan Update adopted July 11, 2006, and the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 3 and 7 and the White Plains Municipal Code Section 9-10; and

WHEREAS, in connection with this instant application, the Common Council, at its meeting held on June 4, 2018, adopted an environmental findings resolution, which: (a) reconfirmed itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) reconfirmed the Proposed Action to be an Unlisted Action under SEQR regulations; (c) found that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted May 1, 2017; (d) reconfirmed the SEQR findings adopted May 1, 2017; and (e) reconfirmed that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and, therefore be it

RESOLVED, that the Common Council hereby extends until May 1, 2019, the Site Plan Amendment Approval granted on May 1, 2017, to install two illuminated signs, one facing the South Broadway frontage of the building and one facing the Hale Avenue frontage, and one monument sign along South Broadway by the entrance to the building on the premises, as shown on the drawings prepared by Sign Design and JC Awning, dated September 20, 2016.

Mr. Krolian seconded the motion.

Carried 6 - 0.

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Communications from Commissioner of Planning and Environmental Officer.

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

SUBJECT: W.P. MALL REALTY, LLC  
HAMILTON GREEN  
200 HAMILTON AVENUE (SECTION 125.67, Block 5, Lot 1)  
ZONING ORDINANCE AMENDMENT TO CREATE A NEW  
"TRANSIT DEVELOPMENT 1 (TD-1) DISTRICT" FINAL  
ENVIRONMENTAL IMPACT STATEMENT - ZONING PETITION

The Department of Planning has completed its review of the Final Environmental Impact Statement and Zoning Petition prepared in support of a petition by W.P. Mall Realty, LLC (the "Applicant") to amend the Zoning Ordinance to create a new "Transit Development 1 (TD-1) District" affecting real property known as 200 Hamilton Avenue. The Applicant has petitioned for the

zoning amendment in support of a Conceptual Development Plan to redevelop the site with 900 multi-family dwelling units, 1,060 parking spaces, 90,000 square feet of retail space, and 57,000 square feet of total open space, including publicly accessible open space.

During the environmental review process, the applicant has further refined the associated Conceptual Development Plan as presented in the Final Environmental Impact Statement, dated May 2018, to reduce the total number of dwelling units to 860 and total number of parking spaces to 956. Further, the revised Conceptual Development Plan now includes 27,000 square feet of co-working office space in addition to 85,000 square feet of retail, restaurants and craft food market hall with direct access from the Hamilton Avenue frontage. The 40,000 square foot publicly accessible "Hamilton Green" is now located only 8-feet above grade with direct access from *all* four sides of the site and is part of an overall total of 64,100 square feet of open space when combined with at-grade perimeter green space and the Resident Green area atop the parking structure.

The Planning Department previously reviewed the original text of the petition to amend the Zoning Ordinance and identified minor formatting changes, text refinement, and limited substantive changes in the Department's August 2, 2017 communication to the Common Council. Those recommendations, summarized below, were accepted by the Applicant and subsequently incorporated into the revised TD-1 zoning text:

- Remove any exception/credit to the existing "outdoor dining" parking requirement for properties in the proposed TD-1 District.
- Remove "TD sidewalks" definition.
- Simplify "tower" definition to read "That portion of a "building" above 90 feet in "height."
- Add "TD-1 Transit Development District-1" to district list in Section 3.1 of the Zoning Ordinance.
- Separate mandatory TD-1 Design Standards and recommended TD-1 Design Guidelines and move from Section 3.9 to Section 5.10 of Zoning Ordinance.
- Require publicly accessible open space to be located not more than 15 feet from grade rather than within the first four stories of the building.
- Add a new TD-1 Design Standard regarding the maximum length of a "streetwall" for any "tower" rising above 150 feet to eliminate possibility of a perceived hi-rise wall along the entire Hamilton Avenue frontage.
- Replace all reference to Final Development Plan (FDP) with "site plan."
- Permit no more than 40% "building coverage" for any "tower" portion of a building."
- Permit "accessory cabarets" by special permit only - exclude "primary cabarets"



- Exclude motor vehicle sale or rental use and "repair shops"
- Exclude motor vehicle "service stations."

Further analysis of the revised TD-1 zoning text has resulted in the following recommendations for additional amendments:

- Condense definition of TD-1 district to be consistent with the format of the Zoning Ordinance.
- Eliminate definitions for "Primary Street" and "Secondary Street," which were proposed as a means to control building height. Instead height should be tied to State or County Roads. (Hamilton Avenue is a County Road.)
- Eliminate the proposed definition "tower" and refer to the specific "building height" instead (Note: this supersedes the Department's August 2, 2017 comments to simplify the "tower" definition and incorporate a design standard regarding length of "tower" "street-wall.")
- Amend the "Gross Floor Area" definition to exclude on-site storage for public "usable open space" and bicycle storage.
- Permit 100% lot coverage if 15% (instead of proposed 10%) of the lot area is improved as exterior, publicly accessible open space.
- Limit "Street walls" at ground floor level to no more than 15 feet (instead of 25 feet) in length without incorporating windows, transparent glazing, or pedestrian or vehicular entry(ies) with views into the building, or other architectural treatment to provide pedestrian interest to the "street wall."
- New text, added to 5.10.1.2.1: Public amenities within the public right-of-way will be subject to approvals and licensing, as appropriate, by City agencies.
- Add TD-1 to 5.4.1.5.1, the list of districts subject to the affordable housing requirements.
- Add TD-1 to Section 5.4.3 "Improved Recreation Areas" as a district that must provide such space.
- Add TD-1 to Section 5.5.2 "Additional Regulations for Business Districts" as a district that encourages ground floor retail space.
- Expand Conceptual Development Plan requirements to include additional architectural detail on the site plan drawings, utilities and stormwater information, and preliminary traffic impact analyses.
- Add Libraries, museums, or art galleries not operated for profit as a Permitted Principal Use.
- Add Business or Professional Offices of "Professional Persons" as a Permitted Principal Use.
- Remove Office in residence of a "professional person" as regulated by Sec. 5.4.2.

- Add "Parking lots" or "parking garages" as a Permitted Accessory Use.

The recommended changes to the TD-1 zoning text presented herein were considered in consultation with various City departments, input from the public hearing on the Draft Environmental Impact Statement, and a review of consistency with the format of the Zoning Ordinance. All recommendations have been accepted by the Applicant and incorporated into the final Transit Development 1 (TD-1) District zoning text, dated May 23, 2018, as presented in Appendix B of the Final Environmental Impact Statement for Common Council consideration.

Sincerely,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: May 22, 2018

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May 29, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: W.P. MALL REALTY, LLC  
200 HAMILTON AVENUE  
ZONING ORDINANCE AMENDMENT TO CREATE A NEW "TD-1  
TRANSIT DEVELOPMENT DISTRICT."

Forwarded for the Common Council's consideration is a resolution entitled "ENVIRONMENTAL FINDINGS RESOLUTION ACCEPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, DATED MAY 23, 2018, REGARDING THE PETITION SUBMITTED ON BEHALF OF W.P. MALL REALTY, LLC, TO AMEND THE ZONING ORDINANCE TO CREATE A NEW "TD-1 TRANSIT DEVELOPMENT" DISTRICT AFFECTING REAL PROPERTY KNOWN AS 200 HAMILTON AVENUE."

The petition submitted on behalf of W.P. Mall Realty, LLC, dated November 23, 2016, for an amendment to the Zoning Ordinance to create new "TD-1 Transit Development" District affecting real property known as 200 Hamilton Avenue (herein after referred to as the "Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

The 3.74 acre site is the entire block area bounded by Hamilton Avenue on the south, Dr. Martin Luther King, Jr. Boulevard on the west, Barker Avenue on the north and Cottage Place on the East, and is designated as Section 125.67, Block 5 Lot 1 on the Official Map of the City of White Plains ("Premises," or "Project Site,").

The Project Site is currently developed with a 2-story, approximately 170,000 sq. ft. retail shopping mall and approximately 351 parking spaces.

The Petitioner proposes to rezone the Project Site from the existing B-2 Neighborhood Business District to create a new "TD-1 Transit Development" District to facilitate the future redevelopment of the Project Site as a mixed-use residential/commercial project.

The proposed amendment to the Zoning Ordinance to create a new "TD-1 Transit Development" District would permit development on the 163,255 sq. ft. Project Site at a maximum Floor Area Ratio of 5.5 or 897,902 sq. ft. of residential and commercial uses and a maximum building height of 150 to 280 feet.

At its December 5, 2016 meeting, the Common Council received a communication from the Commissioner of Building transmitting the following application (herein after referred to as the "Application Materials"):

1. Letter from William Null, Esq., Cuddy & Feder LLP, dated November 23, 2016.
2. A Petition to amend the City of White Plains Zoning Ordinance to: (a) Establish a new District to be Known as TD-1 Transit Development 1 District; and (b) to remap the Project Site from B-2 to the newly created TD-1 Transit Development 1 District, including:
  - Exhibit A. Aerial Photograph of the subject Premises.
  - Exhibit B. Existing Conditions Plans.
  - Exhibit C. Section of the Zoning Map showing the Subject Premises.
  - Exhibit D. Names & Addresses of Owners of Area Affected.
  - Exhibit E. Draft Text Amendment Transit Development 1 District.
  - Exhibit F. Conceptual Architectural Plans
3. A Short Form Building Permit Application dated November 23, 2016.
4. A Full Environmental Assessment Form, Parts 1, 2 and 3, prepared by AKRF. Inc., dated November 22, 2016.
5. A Traffic Analysis Memorandum , Prepared by VHB, dated November 2, 2016.

The Proposed Action involves the following separate approval, review or referral actions by governmental agencies ("Involved Agencies") in regard to the proposed zoning amendment and future redevelopment of the Project Site as a mixed-use residential/commercial project:

- Approval of an amendment to the Zoning Ordinance to create new "TD-1 Transit Development 1" District affecting real property known as 200 Hamilton Avenue. (White Plains Common Council).
- Approval of a Site Plan under Section 7 of the Zoning Ordinance for the Conceptual Development Plan or any other future Site Plan application. (White Plains Common Council).
- Approval of Special Permits applicable to any Special Permit uses listed for the proposed TD-1 District (White Plains Common Council).

- Approval of a MS4 Stormwater Permit. (White Plains Department of Public Works)
- Approval of a Stormwater Pollution Prevention Plan (SWPPP) and SPDES General Permit for Stormwater Discharges from Construction Activity (New York State Department of Environmental Conservation (NYSDEC))
- Approval of upgrades and modifications to City of White Plains sanitary sewer, water service and storm drain utilities. (White Plains Department of Public Works)
- Approval of upgrades and modifications to the sanitary sewer and water service utility lines. (Westchester County Department of Health)
- Approval of roadway modifications, if any, to Hamilton Avenue, NYS Route 119 and County Road 52 (Westchester County Department of Public Works and Transportation).
- Other necessary approvals related to the Conceptual Development Plan, including but not limited to, amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals, etc.

At its January 3, 2017 meeting, the Common Council adopted a resolution declaring its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR.

The Environmental Officer transmitted the Notice of Intent to Serve as Lead Agency to the various involved or approval agencies. ("Approval Agencies") and after receiving no objection to the White Plains Common Council serving as Lead Agency, recommended that the Common Council designate itself as lead agency for the coordinated environmental review of the Proposed Action.

At its March 6, 2017 meeting, the Common Council adopted a resolution whereby the Common Council (a) designated itself as the Lead Agency for the environmental review; (b) determined that the various approval actions that can be anticipated to facilitate the development presented in the CDP be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment; (c) determined that the Proposed Action is a Type I Action under SEQR regulations; (d) determined that an DEIS must be prepared for the Proposed Action to systematically assess potential impacts, alternatives, and measures to mitigate potential impacts; (e) authorized the circulation of the draft DEIS Scoping Document dated March 1, 2017, for comment; (f) scheduled a comment period for the purpose of receiving written comments regarding the draft DEIS Scoping Document and determined that written comments regarding the Scoping Outline will be accepted by the Common Council until the close of business on March 24, 2017.

The Draft Scoping Outline, dated March 1, 2017, was posted on the City's web site.

The Notice of a DEIS requirement and written comment period was published in the NYS DEC Environmental Notice Bulletin on March 15, 2017.

The Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) And Notice of a Public Written Comment Period for the draft DEIS Scoping Document was distributed to involved agencies, neighborhood associations, interested parties and property owners within 200 feet of Project Site.

Written comments regarding issues to be addressed in the DEIS were received from the following:

1. Westchester County Planning Board, dated January 23, 2017
2. Westchester County Planning Board, dated March 20, 2017
3. John F. Masone, 24 Runyon Ave, Yonkers, and New York 10710, dated March 15, 20179 (Re: noticed owner of property at 10 Cottage Place).
4. White Plains Business Improvement District, dated March 17, 2017.

At its May 1, 2017 meeting, the Common Council adopted the revised DEIS Scoping Document, dated April 20, 2017, as the basis for the applicant to prepare the DEIS ("DEIS Scoping Document").

A DEIS, prepared pursuant to SEQR regulations, provided a description of the Proposed Action, a Conceptual Development Plan, analysis of existing conditions, potential impacts associated with the Proposed Action, measures designed to avoid or minimize identified impacts and project alternatives, as appropriate.

At its July 3, 2017 meeting, the Common Council adopted a resolution:

- (a) Accepted the DEIS dated June 14, 2017, as complete and adequate with respect to its scope and content for the purpose of commencing a public review and comment.
- (b) Scheduled a public hearing regarding the DEIS dated June 14, 2017, to be held during the regularly scheduled meeting of the Common Council on August 7, 2017, at 7:30 p.m., in the Common Council Chambers, White Plains Municipal Building, 255 Main Street, White Plains, New York, for the purpose of receiving such public comments thereon as may be offered.
- (c) Scheduled an additional 10-day period following the close of the public hearing on August 7, 2017, or 10 days following the close of an adjourned hearing to receive additional written comments regarding the DEIS dated June 14, 2017 for consideration by the Common Council, which comments will be received by the City Clerk until 5:00 p.m., on the last day of such written comment period.
- (d) Authorized the Environmental Officer to prepare, file, and publish the appropriate notice of completion of the DEIS dated June 14, 2017 and notice of the DEIS public hearing to be held on August 7, 2017, and 10-day comment period as required by SEQR.

The Notice of Completeness for the DEIS was issued on July 6, 2017, and distributed to involved agencies, neighborhood associations, interested parties and property owners within 200 feet of Project Site.

The Notice of Completeness for the DEIS and public hearing was published in the NYS DEC Environmental Notice Bulletin on July 12, 2017.

The DEIS was made accessible on the City of White Plains website and in hard-copy format in City Hall and the White Plains Public Library.

The DEIS is hereby incorporated by reference into this FEIS. Any terms relating to the description of Hamilton Green described in the DEIS are also used within this FEIS.

A duly noticed public hearing on the DEIS was held by the Common Council on August 7, 2017, and September 5, 2017, for the purpose of hearing any public comment on the DEIS. Written comments were accepted for a period of 20 days following the close of the public hearing and ended on September 25, 2017.

The Common Council received the following comments on the DEIS:

A. City agencies and individuals who commented on the DEIS:

1. Damon Amadio, White Plains Building Commissioner, email dated September 25, 2017.
2. Christopher N. Gomez, AICP, White Plains Commissioner of Planning, letter dated September 25, 2017.
3. John Ioris, White Plains Planning Board Chairman, letter dated September 25, 2017
4. David E. Chong, White Plains Commissioner of Public Safety, letter dated September 25, 2017.
5. Richard G. Hope, White Plains Commissioner of Public Works, letter dated September 25, 2017.
6. Thomas J. Soyk, P.E., PTOE, White Plains Deputy Commissioner City Transportation Engineer for the Department of Parking, letter dated September 25, 2017.
7. Councilwoman Smayda, August 7, 2017 Public Hearing Comments.
8. Councilwoman Smayda, September 5, 2017 Public Hearing Comments.
9. Councilwoman Lecuona, September 5, 2017 Public Hearing Comments.

B. County Agencies

1. Eileen Mildenerger, Westchester County Acting Commissioner of the County Planning Board, Letter August 14, 2017.

C. General Public

1. Louis Sanchez, representing Electricians Local Union 3, White Plains, August 7, 2017 Public Hearing Comments.

2. Michael Kraver, 4 Darby Court, White Plains, August 7, 2017 Public Hearing Comments.

Final Environmental Impact Statement (FEIS)

Section 617.9(b)(8) of the SEQR regulations states:

*A final EIS must consist of: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.*

A FEIS dated May 23, 2018 has been prepared by the Applicant pursuant to SEQR regulations that includes revisions by the City Departments.

The FEIS is organized into three chapters:

Chapter 1, "Project Description," describes the Proposed Action including the project and text modifications.

The Applicant has proposed certain modifications to the Proposed Action that are responsive to the substantive comments made during the public review period, and serve to further avoid or mitigate potential environmental impacts. These modifications to the Hamilton Green project and the proposed TD-1 Zoning Text now constitute the Proposed Action discussed in this FEIS. These modifications represent refinements to the Proposed Action and include:

- Adjusting the building layout to improve access to the elevated public open space, including direct access to the open space and Food + Craft Hall from Hamilton Avenue;
- Adjusting the building orientation to increase natural daylight to, and to reduce shadows cast on, the elevated public open space;
- Reduction in the number for residential units from 900 to 860 units;
- Addition of a new 27,000 GSF flexible office component at 220 Hamilton Avenue;
- Reduction in the height of the parking structure from 6 stories to 4 stories, and the number of parking spaces from 1,060 to 956;
- A vertical subdivision as part of the Proposed Action to facilitate financing of the various building components in phases, or otherwise;
- Modifications to the proposed zoning text to better integrate it into the existing City of White Plains Zoning Ordinance; and
- The seeking of a Payment in Lieu of Taxes (PILOT) agreement from the City of White Plains in conjunction with Westchester County Industrial Development Agency.

Chapter 2, "Potential Impacts," provides an assessment of potential environmental impacts related to refinements made to the Proposed Action, and includes additional analysis and detail in response to comments on the DEIS.

Chapter 3, "Response to Comments," provides responses to comments received on the DEIS and is organized by sub-chapter according to the structure of the chapters and analysis within the DEIS. Copies of all comments, including the public hearing transcripts, are provided in the appendix to this FEIS.

Section 617.11 of the SEQR regulations provides DECISION-MAKING AND FINDINGS REQUIREMENTS after the acceptance of the FEIS:

- (a) Prior to the lead agency's decision on an action that has been the subject of a final EIS, it shall afford agencies and the public a reasonable time period (not less than 10 calendar days) in which to consider the final EIS before issuing its written findings statement. If a project modification or change of circumstance related to the project requires a lead or involved agency to substantively modify its decision, findings may be amended and filed in accordance with subdivision 617.12(b) of this Part.
- (b) In the case of an action involving an applicant, the lead agency's filing of a written findings statement and decision on whether or not to fund or approve an action must be made within 30 calendar days after the filing of the final EIS.
- (c) No involved agency may make a final decision to undertake, fund, approve or disapprove an action that has been the subject of a final EIS, until the time period provided in subdivision 617.11(a) of this section has passed and the agency has made a written findings statement. Findings and a decision may be made simultaneously.

The Environmental Officer recommends that the Common Council:

- (a) Find that the FEIS dated May 23, 2018, is adequate and accurate and responds to comments received regarding the DEIS;
- (b) Accept the FEIS, dated May 23, 2018, for consideration in making environmental findings;
- (c) Authorize the Environmental Officer to distribute and make available the FEIS to involved and interested parties and the public;
- (d) Authorize the Environmental Officer to distribute appropriate notices and filings as required by SEQR;
- (e) Establish a 10-day period starting with the date of distribution of the FEIS by the Environmental Officer in which to consider the FEIS before issuing its written findings statement; and
- (f) Authorize the Environmental Officer and City staff to prepare draft environmental findings statement for the Common Council's consideration.

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



Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mr. Krolian moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT DATED MAY 23, 2018, REGARDING THE PETITION SUBMITTED ON BEHALF OF W.P. MALL REALTY, LLC. TO AMEND THE ZONING ORDINANCE TO CREATE A NEW "TD-1 TRANSIT DEVELOPMENT" DISTRICT AFFECTING REAL PROPERTY KNOWN AS 200 HAMILTON AVENUE.

WHEREAS, the petition submitted on behalf of W.P. Mall Realty, LLC, dated November 23, 2016, for an amendment to the Zoning Ordinance to create new "TD-1 Transit Development" District affecting real property known as 200 Hamilton Avenue (herein after referred to as the "Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the 3.74 acre site is the entire block area bounded by Hamilton Avenue on the south, Dr. Martin Luther King, Jr. Boulevard on the west, Barker Avenue on the north and Cottage Place on the East, and is designated as Section 125.67, Block 5 Lot 1 on the Official Map of the City of White Plains ("Premises," or "Project Site,"); and

WHEREAS, the Project Site is currently developed with a 2-story, approximately 170,000 sq. ft. retail shopping mall and approximately 351 parking spaces; and

WHEREAS, the Petitioner proposes to rezone the Project Site from the existing B-2 Neighborhood Business District to create a new "TD-1 Transit Development" District to facilitate the future redevelopment of the Project Site as a mixed-use residential/commercial project; and

WHEREAS, the proposed amendment to the Zoning Ordinance to create a new "TD-1 Transit Development" District would permit development on the 163,255 sq. ft. Project Site at a maximum Floor Area Ratio of 5.5 or 897,902 sq. ft. of residential and commercial uses and a maximum building height of 150 to 280 feet; and

WHEREAS, at its December 5, 2016 meeting, the Common Council received a communication from the Commissioner of Building transmitting the following application (herein after referred to as the "Application Materials"):

1. Letter from William Null, Esq., Cuddy & Feder LLP, dated November 23, 2016.
2. A Petition to amend the City of White Plains Zoning Ordinance to: (a)

Establish a new District to be Known as TD-1 Transit Development 1 District; and (b) to remap the Project Site from B-2 to the newly created TD-1 Transit Development 1 District, including:

Exhibit A. Aerial Photograph of the subject Premises.

Exhibit B. Existing Conditions Plans.

Exhibit C. Section of the Zoning Map showing the Subject Premises.

Exhibit D. Names & Addresses of Owners of Area Affected.

Exhibit E. Draft Text Amendment Transit Development 1 District.

Exhibit F. Conceptual Architectural Plans

3. A Short Form Building Permit Application dated November 23, 2016.
4. A Full Environmental Assessment Form, Parts 1,2 and 3, prepared by AKRF, Inc., dated November 22, 2016.
5. A Traffic Analysis Memorandum , Prepared by VHB, dated November 2, 2016; and

WHEREAS, the Proposed Action involves the following separate approval, review or referral actions by governmental agencies ("Involved Agencies") in regard to the proposed zoning amendment and future redevelopment of the Project Site as a mixed-use residential/commercial project:

- Approval of an amendment to the Zoning Ordinance to create new "TD-1 Transit Development 1" District affecting real property known as 200 Hamilton Avenue. (White Plains Common Council).
- Approval of a Site Plan under Section 7 of the Zoning Ordinance for the Conceptual Development Plan or any other future Site Plan application. (White Plains Common Council).
- Approval of Special Permits applicable to any Special Permit uses listed for the proposed TD-1 District (White Plains Common Council).
- Approval of a MS4 Stormwater Permit. (White Plains Department of Public Works)
- Approval of a Stormwater Pollution Prevention Plan (SWPPP) and SPDES General Permit for Stormwater Discharges from Construction Activity (New York State Department of Environmental Conservation (NYSDEC))
- Approval of upgrades and modifications to City of White Plains sanitary sewer, water service and storm drain utilities. (White Plains Department of Public Works)
- Approval of upgrades and modifications to the sanitary sewer and water service utility lines. (Westchester County Department of Health)
- Approval of roadway modifications, if any, to Hamilton Avenue, NYS Route 119 and County Road 52 (Westchester County Department of Public Works and Transportation).

- Other necessary approvals related to the Conceptual Development Plan, including but not limited to, amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals, etc.; and

WHEREAS, at its January 3, 2017 meeting, the Common Council adopted a resolution declaring its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR; and

WHEREAS, the Environmental Officer transmitted the Notice of Intent to Serve as Lead Agency to the various involved or approval agencies. ("Approval Agencies") and after receiving no objection to the White Plains Common Council serving as Lead Agency, recommended that the Common Council designate itself as lead agency for the coordinated environmental review of the Proposed Action; and

WHEREAS, at its March 6, 2017 meeting, the Common Council adopted a resolution whereby the Common Council (a) designated itself as the Lead Agency for the environmental review; (b) determined that the various approval actions that can be anticipated to facilitate the development presented in the CDP be combined and determined to constitute the Proposed Action for the purposes of the SEQR review in order to assess the cumulative impacts to the environment; (c) determined that the Proposed Action is a Type I Action under SEQR regulations; (d) determined that an DEIS must be prepared for the Proposed Action to systematically assess potential impacts, alternatives, and measures to mitigate potential impacts; (e) authorized the circulation of the draft DEIS Scoping Document dated March 1, 2017, for comment; (f) scheduled a comment period for the purpose of receiving written comments regarding the draft DEIS Scoping Document and determined that written comments regarding the Scoping Outline will be accepted by the Common Council until the close of business on March 24, 2017; and

WHEREAS, the Draft Scoping Outline, dated March 1, 2017, was posted on the City's web site; and

WHEREAS, the Notice of a DEIS requirement and written comment period was published in the NYS DEC Environmental Notice Bulletin on March 15, 2017; and

WHEREAS, the Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) And Notice of a Public Written Comment Period for the draft DEIS Scoping Document was distributed to involved agencies, neighborhood associations, interested parties and property owners within 200 feet of Project Site; and

WHEREAS, written comments regarding issues to be addressed in the DEIS were received from the following:

1. Westchester County Planning Board, dated January 23, 2017
2. Westchester County Planning Board, dated March 20, 2017

3. John F. Masone, 24 Runyon Ave, Yonkers, and New York 10710, dated March 15, 20179 (Re: noticed owner of property at 10 Cottage Place).
4. White Plains Business Improvement District, dated March 17, 2017; and

WHEREAS, at its May 1, 2017 meeting, the Common Council adopted the revised DEIS Scoping Document, dated April 20, 2017, as the basis for the applicant to prepare the DEIS ("DEIS Scoping Document"); and

WHEREAS, a DEIS, prepared pursuant to SEQR regulations, provided a description of the Proposed Action, a Conceptual Development Plan, analysis of existing conditions, potential impacts associated with the Proposed Action, measures designed to avoid or minimize identified impacts and project alternatives, as appropriate; and

WHEREAS, at its July 3, 2017 meeting, the Common Council adopted a resolution:

- (a) Accepted the DEIS dated June 14, 2017, as complete and adequate with respect to its scope and content for the purpose of commencing a public review and comment.
- (b) Scheduled a public hearing regarding the DEIS dated June 14, 2017, to be held during the regularly scheduled meeting of the Common Council on August 7, 2017, at 7:30 p.m., in the Common Council Chambers, White Plains Municipal Building, 255 Main Street, White Plains, New York, for the purpose of receiving such public comments thereon as may be offered.
- (c) Scheduled an additional 10-day period following the close of the public hearing on August 7, 2017, or 10 days following the close of an adjourned hearing to receive additional written comments regarding the DEIS dated June 14, 2017 for consideration by the Common Council, which comments will be received by the City Clerk until 5:00 p.m., on the last day of such written comment period.
- (d) Authorized the Environmental Officer to prepare, file, and publish the appropriate notice of completion of the DEIS dated June 14, 2017 and notice of the DEIS public hearing to be held on August 7, 2017, and 10-day comment period as required by SEQR; and

WHEREAS, the Notice of Completeness for the DEIS was issued on July 6, 2017, and distributed to involved agencies, neighborhood associations, interested parties and property owners within 200 feet of Project Site; and

WHEREAS, the Notice of Completeness for the DEIS and public hearing was published in the NYS DEC Environmental Notice Bulletin on July 12, 2017; and

WHEREAS, the DEIS was made accessible on the City of White Plains website and in hard-copy format in City Hall and the White Plains Public Library; and

WHEREAS, the DEIS is hereby incorporated by reference into the FEIS; and

WHEREAS, a duly noticed public hearing on the DEIS was held by the Common Council on August 7, 2017, and September 5, 2017, for hearing any

public comment on the DEIS. Written comments were accepted for a period of 20 days following the close of the public hearing and ended on September 25, 2017; and

WHEREAS, the Common Council received the following comments on the DEIS:

A. City agencies and individuals who commented on the DEIS:

1. Damon Amadio, White Plains Building Commissioner, email dated September 25, 2017.
2. Christopher N. Gomez, AICP, White Plains Commissioner of Planning, letter dated September 25, 2017.
3. John Ioris, White Plains Planning Board Chairman, letter dated September 25, 2017
4. David E. Chong, White Plains Commissioner of Public Safety, letter dated September 25, 2017.
5. Richard G. Hope, White Plains Commissioner of Public Works, letter dated September 25, 2017.
6. Thomas J. Soyk, P.E., PTOE, White Plains Deputy Commissioner City Transportation Engineer for the Department of Parking, letter dated September 25, 2017.
7. Councilwoman Smayda, August 7, 2017 Public Hearing Comments.
8. Councilwoman Smayda, September 5, 2017 Public Hearing Comments.
9. Councilwoman Lecuona, September 5, 2017 Public Hearing Comments.

B. County Agencies

1. Eileen Mildenerger, Westchester County Acting Commissioner of the County Planning Board, Letter August 14, 2017.

C. General Public

1. Louis Sanchez, representing Electricians Local Union 3, White Plains, August 7, 2017 Public Hearing Comments.
2. Michael Kraver, 4 Darby Court, White Plains, August 7, 2017 Public Hearing Comments; and

Final Environmental Impact Statement (FEIS)

WHEREAS, Section 617.9(b)(8) of the SEQR regulations states:

*A final EIS must consist of: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is*

*responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS; and*

WHEREAS, a FEIS dated May 23, 2018 has been prepared by the Applicant pursuant to SEQR regulations that includes revisions by the City Departments; and

WHEREAS, the FEIS is organized into three chapters:

Chapter 1, "Project Description," describes the Proposed Action including the project and text modifications.

The Applicant has proposed certain modifications to the Proposed Action that are responsive to the substantive comments made during the public review period, and serve to further avoid or mitigate potential environmental impacts. These modifications to the Hamilton Green project and the proposed TD-1 Zoning Text now constitute the Proposed Action discussed in this FEIS. These modifications represent refinements to the Proposed Action and include:

- Adjusting the building layout to improve access to the elevated public open space, including direct access to the open space and Food + Craft Hall from Hamilton Avenue;
- Adjusting the building orientation to increase natural daylight to, and to reduce shadows cast on, the elevated public open space;
- Reduction in the number for residential units from 900 to 860 units;
- Addition of a new 27,000 GSF flexible office component at 220 Hamilton Avenue;
- Reduction in the height of the parking structure from 6 stories to 4 stories, and the number of parking spaces from 1,060 to 956;
- A vertical subdivision as part of the Proposed Action to facilitate financing of the various building components in phases, or otherwise;
- Modifications to the proposed zoning text to better integrate it into the existing City of White Plains Zoning Ordinance; and
- The seeking of a Payment in Lieu of Taxes (PILOT) agreement from the City of White Plains in conjunction with Westchester County Industrial Development Agency.

Chapter 2, "Potential Impacts," provides an assessment of potential environmental impacts related to refinements made to the Proposed Action, and includes additional analysis and detail in response to comments on the DEIS.

Chapter 3, "Response to Comments," provides responses to comments received on the DEIS and is organized by sub-chapter according to the structure of the chapters and analysis within the DEIS. Copies of all comments, including the public hearing transcripts, are provided in the appendix to this FEIS; and

WHEREAS, Section 617.11 of the SEQR regulations provides DECISION-MAKING AND FINDINGS REQUIREMENTS after the acceptance of the FEIS:

- (a) Prior to the lead agency's decision on an action that has been the subject of a final EIS, it shall afford agencies and the public a reasonable time period (not less than 10 calendar days) in which to consider the final EIS before issuing its written findings statement. If a project modification or change of circumstance related to the project requires a lead or involved agency to substantively modify its decision, findings may be amended and filed in accordance with subdivision 617.12(b) of this Part.
- (b) In the case of an action involving an applicant, the lead agency's filing of a written findings statement and decision on whether or not to fund or approve an action must be made within 30 calendar days after the filing of the final EIS.
- (c) No involved agency may make a final decision to undertake, fund, approve or disapprove an action that has been the subject of a final EIS, until the time period provided in subdivision 617.11(a) of this section has passed and the agency has made a written findings statement. Findings and a decision may be made simultaneously; and

WHEREAS, the Environmental Officer has recommended that the Common Council:

- (a) Find that the FEIS dated May 23, 2018 is adequate and accurate and responds to comments received regarding the DEIS;
- (b) Accept the FEIS, dated May 23, 2018, for consideration in making environmental findings;
- (c) Authorize the Environmental Officer to distribute and make available the FEIS to involved and interested parties and the public;
- (d) Authorize the Environmental Officer to distribute appropriate notices and filings as required by SEQR;
- (e) Establish a 10-day period starting with the date of distribution of the FEIS by the Environmental Officer in which to consider the FEIS before issuing its written findings statement; and
- (f) Authorize the Environmental Officer and City staff to prepare draft environmental findings statement for the Common Council's consideration; and

WHEREAS, the Common Council has considered the Proposed Action, Application Materials, the DEIS Scoping Document, the DEIS, reports from the various City departments, boards or commissions and involved agencies, and public comments and the FEIS 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 finds that the FEIS dated May 23, 2018 is adequate and accurate and responds to comments received regarding the DEIS; and be it further

RESOLVED, that the Common Council accepts the FEIS dated May 23, 2018, for consideration in making environmental findings; and be it further

RESOLVED, that the Common authorizes the Environmental Officer to distribute and make available the FEIS dated May 23, 2018, to involved and interested parties and the public as required by SEQR; and be it further

RESOLVED, that the Environmental Officer is authorized to distribute appropriate notices and filings as required by SEQR; and be it further

RESOLVED, that the Common hereby establishes a 10-day period starting with the date of distribution of the FEIS by the Environmental Officer in which to consider the FEIS before issuing its written findings statement; and be it further

RESOLVED, that the Common authorizes the Environmental Officer and City staff to prepare draft environmental findings statement for the Common Council's consideration.

Mr. Martin seconded the motion.

Carried 6 - 0.

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Communications from Commissioner of Planning and Environmental Officer.

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

Re: 2018-2019 COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN

The Department of Housing and Urban Development's (HUD) Community Development Program annually provides funding to the City of White Plains as an Entitlement Community to operate the Community Development Block Grant Program. The allocation for FY 2018-2019 is \$883,373.

The Department of Planning and the Community Development Citizens Advisory Committee (CDCAC) have developed a local funding allocation to address the community development needs of the City as part of the HUD mandated 2018-2019 Draft Annual Action Plan, which is supported by the 2015-2019 Draft Consolidated Plan. The proposed funding allocation also addresses all of HUD's funding requirements and caps. The required citizen participation process has been completed in accordance with HUD regulations.



Submitted herewith for your consideration is a resolution approving the 2018-2019 Annual Action Plan, as submitted, and approving the allocation of the 2018-2019 Community Development Block Grant award as described therein.

Respectfully submitted,

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Christopher Gomez  
Commissioner  
Department of Planning

DATED: May 7, 2018  
For the June 4, 2018 Common Council Meeting

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April 23, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 2018-19 COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN  
SEQR AND NEPA ENVIRONMENT COMPLIANCE

The 2018-19 Community Development Annual Action Plan has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) and National Environmental Protection Act (NEPA) regulations.

**NY State Environmental Quality Review**

While the White Plains Common Council's approval of the 2018-19 Community Development Annual Action Plan represents the Common Council's final, formal approval of the overall program activities, no SEQR determinations are necessary prior to its adoption.

Under SEQR regulations Type II actions are determined not to have a significant effect on the environment. Type II Actions listed in 6 NYCRR Part 617.5 include:

- Information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.
- Routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.
- Conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes

necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

- Maintenance or repair involving no substantial changes in an existing structure or facility.
- Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes.

The following individual program activities are exempted from SEQR as Type II Actions or have received an independent review.

- a. Administration and Planning activities for the overall Annual CDBG represent Type II Actions under SEQR which do not need additional SEQR documentation.
- b. The ongoing Rehabilitation Programs are Type II Actions under SEQR which do not need additional SEQR documentation. This includes the Rehabilitation Revolving Fund for the Neighborhood Rehabilitation Program
- c. Annual funding of Code Enforcement Officer salaries represents a Type II Action under SEQR which does not need additional SEQR documentation.
- d. The following annual Public Service activities do not affect the physical environment and are thus, not subject to SEQR.

<u>Agency</u>	<u>Services</u>
• El Centro Hispano	Comprehensive Services
• Thomas H. Slater Center	Comprehensive Services
• Westchester Residential Opportunities	Comprehensive Housing Counseling
• Legal Services of the Hudson Valley	Eviction Prevention for the Elderly
• Westchester Independent Living Center	Project ACCESS
• Ecumenical Food Pantry	Food Pantry
• Meals-on-Wheels	Home Delivered meals
• Lifting Up Westchester	Homeless Outreach Team
• Passage to Excellence	Summer Camp Scholarships
• Lifting Up Westchester	Home Health Aide Training
• City of White Plains Recreation & Parks	Differing Abilities Camp

- City of White Plains Recreation & Parks Summer Camp Scholarships
  - City of White Plains Recreation & Parks Youth Recreation Program Scholarships
  - White Plains Youth Bureau After School Scholarships
  - White Plains Youth Bureau Summer Camp Scholarships
- e. No specific Public Facilities and Improvement programs are currently listed in the 2018-19 Annual Action Plan. However, the need for such programs may be identified during the program year and adopted as an eligible program. Any additional facilities program would involve replacement, rehabilitation, reconstruction or standard upgrading of a structure or facility including the Community Education Facility, facilities that provide services to low and moderate income residents, homeless or special needs populations, sidewalk and accessibility improvements, transportation facilities, and municipal parks. These programs would represent Type II Actions under SEQR which have been determined not to have a significant impact on the environment and do not require a SEQR determination of significance. Each individual project will receive a review and documentation to verify this Type II status under SEQR.

Based on the above, no further SEQR review or adopted findings are required prior to the Common Council's approval of these 2018-19 CDBG programs.

#### **HUD National Environmental Protection Act Review**

In accordance with 24 CFR 58.34(a)(2) and (3), the Administrative and Planning activities included in the 2017-18 Community Development Annual Action Plan are exempt from the environmental review/release of funds certification requirements of NEPA and 24 CFR 58.

- a. Administrative activities for the Annual CDBG program, Residential Rehabilitation Program and the City of White Plains Affordable Housing Program are exempt from the environmental review/release of funds certification requirements of NEPA and 24 CFR 58.34(a)(2) and (3). The administrative activities described in 24 CFR 570.206 consist generally of (a) general management, oversight and coordination; (b) provision of information services; provision of fair housing counseling; and (d) completing federal funding applications. No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.
- b. The Code Enforcement program involves solely administrative activities including personnel or office expenses, not for physical development. These administrative activities are described in 24 CFR 570.206 and consist of (a) general management, oversight and coordination; and (b) provision of information services. Such activities are exempt from the environmental review/release of funds certification require-

ments of NEPA and 24 CFR 58.34(a)(2) and (3). No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.

- c. The public service activities, listed above, included in the Annual Action Plan are exempt from the environmental review/release of funds certification requirements of NEPA under 24 CFR 58.34 (a) (4) 24 CFR 58. No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.
- d. No specific Public Facilities and Improvement programs are currently listed in the 2017-18 Annual Action Plan. However, the need for such programs may be identified during the program year and adopted as an eligible program.

Public Facilities and Improvements involves replacement, rehabilitation, reconstruction or standard upgrading of a structure or facility including the Community Education Facility, facilities that provide services to low and moderate income residents, homeless or special needs populations, sidewalk and accessibility improvements, transportation facilities, and municipal parks. These programs are exempt from the environmental review/release of funds certification requirements of NEPA under 24 CFR 58.35(a.) and 24 CFR 58.34(a)(12). No additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.

If any Public Facilities and Improvement programs are initiated during the program year, each individual project will receive a review and documentation to verify this exempt status.

- e. The ongoing Neighborhood Rehabilitation Program has previously received the necessary HUD environmental clearances which are recertified annually.

The Residential Rehabilitation Program is a Categorical Excluded project listed in §58.35(a.)

Under 24 CFR 58.34(a)(12), any Categorical Exclusions listed in 24 CFR 58.35(a) are determined to be exempt from the normal environmental review and request for release of funds certification requirements provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in 24 CFR 58.5. A Statutory Checklist is prepared for each project and documents compliance or exemption from these other regulations.

Accordingly, the Residential Rehabilitation Program is exempt from the environmental review/release of funds certification requirements of NEPA under 24 CFR 58.35(a.) and 24 CFR 58.34(a)(12). No additional clearances are necessary for this program and expenses may be incurred as of the receipt of the HUD contract.

As stated above, no further additional clearances are necessary for these programs and expenses may be incurred as of the receipt of the HUD contract.

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mr. Martin moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS, NEW YORK, APPROVING THE FEDERALLY MANDATED 2018-2019 ANNUAL ACTION PLAN FOR THE CITY OF WHITE PLAINS AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL NECESSARY CERTIFICATIONS AND ASSURANCES AND FILE THE APPROVED PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the Common Council has, to date, approved five five-year Consolidated Plans - the 1995-1999 Consolidated Plan, the 2000-2005 Consolidated Plan, the 2005-2009 Consolidated Plan, the 2010-2014 Consolidated Plan, and the 2015-2019 Consolidated Plan, and the Annual Action Plans necessary to implement such Consolidated Plans; and

WHEREAS, in developing the 2018-2019 Annual Action Plan, the Planning Department conducted a citizen participation process to gather information on community development; and

WHEREAS, the Planning Department, working with the Community Development Citizens Advisory Committee, has prepared a 2018-2019 Annual Action Plan for the period July 1, 2018 to June 30, 2019, pursuant to HUD rules, regulations and guidelines related to the preparation of such plans; and

WHEREAS, the 2018-2019 Annual Action Plan describes the City's projected use of Federal, State and local resources during the 2018-2019 Community Development Block Grant reporting period, to meet the strategies established in the 2015-2019 Consolidated Plan, and reflects the comments received at the public hearings and incorporates the recommendations of the Community Development Citizens Advisory Committee ("CDCAC"); and

WHEREAS, the Common Council has reviewed the proposed 2018-2019 Annual Action Plan, dated May 7, 2018, as modified to reflect public comment; and

WHEREAS, the Common Council deems it appropriate and in the public interest to adopt the 2018-2019 Annual Action Plan, as modified; and

WHEREAS, it is understood that the receipt of any grant funds subject to the federal rule governing consolidated plan submissions for community development and planning programs imposes certain obligations and responsibilities on the City of White Plains and requires that the City provide certain certifications and assurances; and

RESOLVED, that the proposed 2018-2019 Annual Action Plan, as modified, be and hereby is approved; and be it further

RESOLVED, that the Commissioner of Planning is hereby authorized to make technical modifications, including the addition of data tables, as may be required by regulations of the U.S. Department of Housing and Urban Development regarding the preparation of consolidated plan submissions; and be it further

RESOLVED, that the Mayor, or designee, is hereby authorized, on behalf of the City of White Plains, New York, to execute all necessary certifications and assurances and to file the 2018-2019 Annual Action Plan with the J.S. Department of Housing and Urban Development; and be it further

RESOLVED, that the Mayor, or designee, is hereby designated as the authorized representative of the City of White Plains, New York, to act in connection with the 2018-2019 Annual Action Plan and to provide, or cause to be provided, such additional information as may be required from time to time by the U.S. Department of Housing and Urban Development.

Mr. Brasch seconded the motion.

Carried 6 - 0.

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Communication from Commissioner of Building.

Mr. Martin 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

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE MAYOR THOMAS M. ROACH, AND 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 The Salvation Army of Greater New York for an extension to the site plan approval for their project at 16 Sterling Avenue commonly known as "The Salvation Army". A letter petition, dated May 3, 2018, prepared by Cuddy and Feder on behalf of The Salvation Army of Greater New York has been submitted for a one (1) year extension to the Common Council Resolution initially adopted on June 4, 2012.

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

Respectfully Submitted,

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

Dated: May 23, 2018

Related  
Documents

Submitted: Petition letter prepared by Mr. William Null dated May 4, 2018 ; a Short Form Building Permit Application dated May 3, 2018 and a Short Environmental Assessment Form dated May 3, 2016.

05/03/2018

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: The Salvation Army of Greater New York: 16 Sterling Avenue (the "Premises")

Dear Mayor Roach and Members of the Common Council:

On behalf of The Salvation Army of Greater New York, we respectfully submit this Application for an additional one-year extension of the Site Plan Approval herein, as initially approved on June 4, 2012 (the "Prior Approval").

The existing Site Plan is requested to be extended for another year to permit construction of the Church and improvements, which construction has been commenced by the demolition of the adjacent buildings that needed to be removed to accommodate the expansion. There has been no material change in circumstances since issuance of the Prior Approval that would affect the basis for that decision, nor are any changes proposed to the design or to any other aspect of the Prior Approval. Accordingly, we respectfully request the renewal and extension of the Prior Approval for another year.

The Premises is classified in the "R2-4 and RM-1.5T Districts," pursuant to the Zoning Ordinance of the City of White Plains with the existing church that will be preserved situated within the R2-4 District and the residential buildings that will be removed and replaced by the expansion herein being within the R-1.5T District.

As you know, The Salvation Army is an international, faith-based charitable organization with a simple mission: to help those in need without discrimination. It is an evangelical part of the universal Christian church that meets the physical and spiritual needs of people in more than 120 countries around the

globe, without discrimination. Locally, it has served the population of the City of White Plains for decades, providing daily services, meals and spiritual support to its diverse congregation and emergency services to all in need, whenever the situation arises. Its church and community facilities have been located at this location for decades, as well. The existing facilities, however, are inadequate for the members of the community wishing to pray therein and the community center's facilities are no longer able to properly serve the mission of The Salvation Army. The Prior Approval recognized that this Church serves a community need and its members would be better served with the facility being permitted to expand.

As a faith-based organization and a steward of donor funding, The Salvation Army is mindful of its fiduciary obligations and has conservatively planned to implement this expansion. It has focused on the improvement of the White Plains' facilities in the context of improving its Westchester facilities, including White Plains, Sleepy Hollow and Port Chester. The Salvation Army has undertaken on-site abatement and demolition work, so that the redevelopment of the facilities may proceed. In addition, the site has been stabilized and landscaping is being installed as an interim condition until construction commences. Accordingly, we affirm that the several conditions contained in the Prior Approval continue to be binding upon this Church's modifications and will be satisfied.

In support of this Application, we respectfully enclose the following:

1. Building Permit Short Form, dated May 3, 2018; and
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").

For the reasons set forth herein, we respectfully submit that this Application to extend the Site Plan Approval for another year should be granted in its entirety.

Thank you for your courtesy and attention to this matter.

Respectfully yours,

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William S. Null

Enclosures

WSN:jc

cc: (By Hand): John G. Callahan, Esq., Chief of Staff and Corporation Counsel; Mr. Damon Amadio, Commissioner of Building; Mr. Christopher Gomez, Commissioner of Planning; Mr. Graeme Hepburn; and Howard Jacobson, Esq.

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On motion of Council President Martin, seconded and duly carried, the Common Council adjourned the meeting.



Anne M. McPherson, CMC

City Clerk

