

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 07-2024

RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY MAKING A DETERMINATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE PROPOSED ACQUISITION OF THE PROPERTY AT 42-44 EAST POST ROAD

WHEREAS, pursuant to Section 583 of the General Municipal Law of the State of New York, the City of White Plains Urban Renewal Agency (hereinafter the "Agency") was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the "Act") which authorizes the Agency "to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein..." necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, the Agency seeks to acquire property along East Post Road in the City of White Plains for the purposes of constructing a new multi-level public parking garage to serve the general public and alleviate existing parking deficiencies in the area as well as to facilitate redevelopments in the area to be undertaken by the White Plains Hospital and the White Plains Housing Authority; and

WHEREAS, one such property located within the area contemplated for the garage project is known as 42-44 East Post Road which is identified on the City of White Plains' Assessment Map as Section 130.27, Block 2, Lot 3 (hereinafter the "Property"); and

WHEREAS, upon information and belief I.R. 42-44 E. Post Rd LLC holds fee interest to the Property ("Owner"); and

WHEREAS, on August 26, 2024, the Agency authorized its members, officers, employees and agents (including Legal Counsel and any Special Counsel it appoints) to prosecute condemnation proceedings in accordance with New York Eminent Domain Procedure Law (herein the "EDPL") regarding the proposed acquisition of the Property; and

WHEREAS, the Agency is exploring with the Owner a potential sale in lieu of condemnation ("Proposed Action"), which would take place in the near future before final plans for the parking garage are completed and a full review of the project could be completed under SEQRA; and

WHEREAS, the proposal for a future parking garage on the Property has not been fully developed and further approvals would be needed for such development; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to acquire the Property; and

WHEREAS, the Agency has determined that (1) the Proposed Action is an Unlisted Action under SEQRA and (2) it is undertaking an uncoordinated review of the Proposed Action pursuant to Section 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, staff of the Agency has prepared a Short Environmental Assessment Form ("EAF") for the Proposed Action, including preparation of Parts 1 and 2 of the EAF; and

WHEREAS, Section 617.2(ah) of the SEQR Regulations defines segmentation as "the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance"; and

WHEREAS, Section 617.3(g)(1) of the SEQR Regulations further states that if a Lead Agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent Environmental Impact Statement, the supporting reasons for such a determination and must demonstrate that such review is no less protective of the environment; and

WHEREAS, the environmental review of any future construction involving the Property separately from the review of the Proposed Action is warranted for the following reasons:

1. The mere acquisition of the Property does not commit the Agency to undertake any changes to the Property itself or its use; and
2. Not all properties required for the development of a garage have yet been acquired by the Agency; and
3. The timing of the Proposed Action is such that the complete plans for the proposed garage are still in development, and as such, the Agency cannot evaluate the entire magnitude of all potential environmental impacts associated with the garage project at this juncture; and

WHEREAS, the environmental review of any development of the Property will be no less protective of the environment as the review of the Proposed Action, because:

1. Upon the completion of the plans for the garage project, the environmental review of the proposed parking structure would include, at a minimum, the preparation of a Full Environmental Assessment Form for the entire development action.
2. The resulting environmental review of the garage project will study a more fully developed proposal than any conceptual plan that may currently exist, and will allow the then-declared lead agency to take a hard look at all other aspects of the garage project that may not be possible at this juncture when the Agency must determine whether to pursue the acquisition of the Property.

WHEREAS, for the foregoing reasons, a segmented review of the acquisition of the Property is warranted in this case and the Agency desires to make the requisite finding as such; and

WHEREAS, in compliance with its duties under SEQRA and the SEQR Regulations, the Agency has considered the Proposed Action, EAF Part 1 and EAF Part 2, dated September 25, 2024, which constitutes the Environmental Review Record which serves as the basis for a SEQRA determination, and has prepared Part 3 of a Short-Form Environmental Assessment, dated October 7, 2024 (the "EAF Part 3"); and

WHEREAS, pursuant to SEQRA and the SEQR Regulations, the Agency is required to incorporate environmental considerations in approval actions by (1) identifying environmental issues, (2) taking a "hard look" at relevant environmental concerns and (3) making a "reasoned elaboration" as a basis for an environmental determination; and

WHEREAS, it is recommended that the Agency (1) confirm that it is conducting an uncoordinated review of the Proposed Action pursuant to Section 617.6(b)(4) of the SEQR Regulations, (2) determine that conducting a separate environmental review for the Proposed Action is appropriate and warranted and no less protective of the environment for the reasons stated in this Resolution above and (3) determine that the Proposed Action, when compared to the SEQRA criteria for environmental review, will not have a significant adverse effect on the environment and (4) issue a Negative Declaration for the Proposed Action; and

NOW, THEREFORE, BE IT,

RESOLVED, that the Agency confirms that it is conducting an uncoordinated review of the Proposed Action pursuant to Section 617.6(b)(4) of the SEQR Regulations; and be it further

RESOLVED, that, for the reasons stated in this Resolution, the Agency determines that the environmental review of any future construction involving the Property separate from the environmental review of the Proposed Action is appropriate, warranted and no less protective of

the environment than studying such matters as part of the environmental review of the Proposed Action; and be it further

RESOLVED, that the Agency has examined the potential environmental effects of the Proposed Action and the environmental criteria established by SEQRA and determines that the Proposed Action will not have a significant adverse effect on the environment; and be it further

RESOLVED, that the Agency hereby issues a Negative Declaration for the Proposed Action; and be it further

RESOLVED, that the Agency and/or the persons whom it may designate or has designated for such purpose are authorized to file the Negative Declaration in accordance with applicable provisions of the law and this Resolution shall constitute a Notice of Negative Declaration. The requirements of SEQRA have been satisfied; and be it further

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Hon. Thomas M. Roach, Chair	[X]	[]	[]	[]
Walter Eddie	[X]	[]	[]	[]
John M. Martin	[X]	[]	[]	[]
Daniel Moriarty	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

CERTIFICATION
(*EDPL Article IV Authorization*)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

The undersigned, being the acting Assistant Secretary and Executive Director of the City of White Plains Urban Renewal Agency, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of the City of White Plains Urban Renewal Agency (the "Agency") including the resolution contained therein, held on October 7, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject in matters therein referred to.

I FURTHER CERTIFY that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal, if any, of said Agency this October 7, 2024.



Christopher N. Gomez, AICP
Executive Director & Acting Assistant Secretary

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

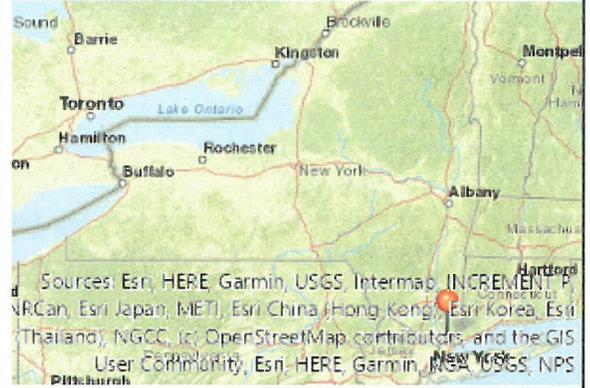
Part 1 – Project and Sponsor Information			
White Plains Urban Renewal Agency			
Name of Action or Project: Land Acquisition			
Project Location (describe, and attach a location map): 42-44 East Post Road			
Brief Description of Proposed Action: The White Plains Urban Renewal Agency seeks to acquire property along East Post Road in the City of White Plains for the purposes of constructing a new multi-level public parking garage to serve the general public and alleviate existing parking deficiencies in the area as well as to facilitate redevelopments in the area to be undertaken by the White Plains Hospital and the White Plains Housing Authority			
Name of Applicant or Sponsor: The White Plains Urban Renewal Agency		Telephone: 914-422-1300	
Address: 70 Church Street		E-Mail: cgomez@whiteplainsny.gov	
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: White Plains Common Council			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.24 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.87 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? The site is approximately 750 feet from the Percy Granger Home at 7 Cromwell Place.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Peregrine Falcon	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brownfield Cleanup Program - Brookfield Commons Phase 3 - 159 South Lexington Avenue - C360246 - White Plains Housing Authority		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Christopher N. Gomez / White Plains Urban Renewal Agency</u> Date: <u>September 25, 2024</u>		
Signature: <u></u> Title: <u>Executive Director, Urban Renewal Agency</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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

Project:	42-44 East Post Road
Date:	September 25, 2024

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: 42-44 East Post Rd

Date: October 7, 2024

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Agency has determined that the environmental review of any future construction involving the Property separately from the review of the Proposed Action is warranted for the following reasons:

1. The mere acquisition of the Property does not commit the Agency to undertake any changes to the Property itself or its use; and
2. Not all properties required for the development of a garage have yet been acquired by the Agency; and
3. The timing of the Proposed Action is such that the complete plans for the proposed garage are still in development, and as such, the Agency cannot evaluate the entire magnitude of all potential environmental impacts associated with the garage project at this juncture; and

The environmental review of any development of the Property will be no less protective of the environment as the review of the Proposed Action, because:

1. Upon the completion of the plans for the garage project, the environmental review of the proposed parking structure would include, at a minimum, the preparation of a Full Environmental Assessment Form for the entire development action.
2. The resulting environmental review of the garage project will study a more fully developed proposal than any conceptual plan that may currently exist, and will allow the then-declared lead agency to take a hard look at all other aspects of the garage project that may not be possible at this juncture when the Agency must determine whether to pursue the acquisition of the Property.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

White Plains Urban Renewal Agency	October 7, 2024
Name of Lead Agency	Date
Christopher N. Gomez	Executive Director
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM