

# THE CITY OF WHITE PLAINS

# Official Proceedings

## of the Common Council

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Vol. 103

City of White Plains, N.Y., December 4, 2017

No. 33

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### THE CITY OF WHITE PLAINS

#### OFFICERS

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

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#### COUNCIL MEMBERS:

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

The Regular Stated Meeting of the Common Council held Monday, December 4, 2017, 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: Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and Mrs. Smayda.

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The Mayor recognized those employees of the City who have provided 25 years of dedicated service to the City of White Plains.

John Larson	Parking Department
Joanne Delanoy	Parking Department
Leonard Bonadies	Public Safety Fire Department
Gloria Cusano	Assessor's Office
Joseph Pogact	Public Works - Garage
Daniel Zdanoff	Public Works - Highway
Stephen Beaton	Parking Department
Danny Cistema	Public Works - Highway
William Craig	Public Works - Water

Michael DeGroat  
Casey Jones  
Gaetano Magnotta  
Joseph Pinto

Public Works - Water  
Public Works - Highway  
Building Department  
Public Safety - Police

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Council President Kirkpatrick offered the consent agenda of Items 1 - 2 and 5 - 69, asking unanimous consent to move adoption of the ordinances, moved adoption of the ordinances, moved adoption of the resolutions, moved to file and spread all communications, refer any that are necessary to appropriate City Departments, Boards and Commissions, approve the appointment, and file any attachments.

Unanimous consent granted.

Council President Kirkpatrick moved the consent agenda.

Councilwoman Lecuona seconded the motion.

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

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Communication from the Mayor.

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

Mrs. Smayda seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I hereby submit the nomination of Michael Boggi III for appointment as Commissioner of Purchase for the City of White Plains effective December 4, 2017. In accordance with Section 8 of the Charter of the City of White Plains your consent to this nomination is requested.

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Thomas M. Roach  
Mayor

Dated: November 30, 2017

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The Mayor administered the Oath of Office to Michael Boggi III as Commissioner of Purchase.

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Communication from the Mayor.

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

Mrs. Smayda seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL:

I am pleased to announce the appointment of Soknan Han Jung as a member of the Community Development Citizens Advisory Committee to a term which will expire on December 31, 2018.

Sincerely,

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Thomas M. Roach, Mayor

DATED: November 17, 2017

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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. (Hamilton Green).

Mrs. Smayda moved that the hearing be opened.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Mrs. Smayda moved that the hearing be adjourned to January 2, 2018.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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The Mayor announced a public hearing in relation to the application submitted on behalf of the Mount Hope A.M.E. Zion Church ("Applicant"), for Site Plan and Special Permit Approvals for the construction of a six story, fifty-six unit apartment building and an approximately 4,800 square foot addition to the existing church building located at 65 Lake Street, situated in the B-3 Intermediate Business District.

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

Mr. Kirkpatrick seconded the motion.

Carried.

The Mayor declared the hearing opened and asked if anyone wished to be heard. The Mayor granted the privilege of the floor to Mark Weingarten, attorney for the applicant, Gary Warshauer, architect, and Paola Tovar 21 Lake Street.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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Communication from Corporation Counsel.

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

Mrs. Lecuona seconded the motion.

Carried.

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the properties located at 235 Main Street, 124-128 East Post Road, 148-154 Mamaroneck Avenue, 12 Hall Avenue, and 1311 Mamaroneck Avenue, White Plains, NY.

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

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John G. Callahan  
Corporation Counsel

Dated: November 29, 2017

(For the Common Council Meeting of December 4, 2017)

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the settlement of certain tax review proceedings."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.

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

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

**235-245 Delaware Realty Assoc., LLC and  
Archer Tucker LLC, as tenants in common  
235 Main Street  
SBL: 125.67-8-4.1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2011/12	\$ 750,000	\$ 725,000	\$ 25,000	\$ 4,402.75
2012/13	\$ 750,000	\$ 750,000	\$ 0	\$ 0.00
2013/14	\$ 750,000	\$ 750,000	\$ 0	\$ 0.00
2014/15	\$ 750,000	\$ 725,000	\$ 25,000	\$ 4,903.50
2015/16	\$ 750,000	\$ 725,000	\$ 25,000	\$ 5,018.50
2016/17	\$ 750,000	\$ 710,000	\$ 40,000	\$ 8,038.00
2017/18	\$ 750,000	\$ 705,000	\$ 45,000	\$ 9,241.65
			<b>Total:</b>	<b>\$ 31,604.40</b>

**Bishop Coyne LLC  
124-128 East Post Road  
SBL: 125.83-4-8**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 44,000	\$ 40,000	\$ 4,000	\$ 802.96
2016/17	\$ 44,000	\$ 40,000	\$ 4,000	\$ 803.80
2017/18	\$ 44,000	\$ 40,000	\$ 4,000	\$ 821.48
			<b>Total:</b>	<b>\$ 2,428.24</b>

**151 E. Post Road Corp.  
148-154 Mamaroneck Avenue  
SBL: 125.84-7-4**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
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2016/17	\$ 135,000	\$ 129,000	\$ 6,000	\$ 1,205.70
2017/18	\$ 135,000	\$ 125,000	\$ 10,000	\$ 2,053.70
			<b>Total:</b>	<b>\$ 3,259.40</b>

**Hall Management LLC  
12 Hall Avenue  
SBL: 126.45-3-13**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2012/13	\$ 20,800	\$ 16,950	\$ 3,850	\$ 710.21
2013/14	\$ 20,800	\$ 17,750	\$ 3,050	\$ 584.81
2014/15	\$ 20,800	\$ 16,750	\$ 4,300	\$ 794.37
2015/16	\$ 20,800	\$ 16,750	\$ 4,300	\$ 813.00
2016/17	\$ 20,800	\$ 16,750	\$ 4,300	\$ 813.85
2017/18	\$ 20,800	\$ 17,000	\$ 3,800	\$ 780.41
			<b>Total:</b>	<b>\$ 4,496.07</b>

**OSG Mamaroneck LLC  
1311 Mamaroneck Avenue  
SBL: 138.18-1-3**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 1,600,000	\$ 1,175,000	\$ 425,000	\$ 85,314.50
2016/17	\$ 1,600,000	\$ 1,150,000	\$ 450,000	\$ 90,427.50
2017/18	\$ 1,475,000	\$ 1,135,000	\$ 340,000	\$ 69,825.80
			<b>Total:</b>	<b>\$ 245,567.80</b>

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

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

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

§2. The Commissioner of Finance, under the direction of the Corporation Counsel, be and is hereby authorized and directed to pay the amount of the refunds stated above, without interest to the petitioners or persons paying such tax or other levy in the manner provided by Section 726 of the Real Property Tax Law. All payments for current year taxes shall be payable from budget code

A021-01110 and all payments for prior year's taxes shall be payable from budget code A021 - 4.201. Payment of the refunds authorized herein with respect to any one of the aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

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

§4. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Commissioner of Public Works.

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

Mr. Krolan seconded the motion.

Carried.

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

Having reviewed the current and projected operating expenses of the City's Water Fund with the Chief Deputy Budget Director, and in support of New York State water conservation goals, I am herewith submitting, for your consideration, an ordinance approving revised water rates and fees pursuant to Section 197 of the City Charter.

Water rates for the Basic Schedule would increase over the current rates by eight percent for the first five ranges of consumption and ten percent for the last three ranges. Rates for the Excess Non Per Capita Schedule would increase over the current rates by eight percent for the first six ranges of consumption and ten percent for the last three ranges. The fee for availability/ demand charges would increase by ten percent for both schedules.

It is recommended that the rate changes take effect on December 1, 2017 for the Basic Schedule, January 1, 2018 for the Excess Non Per Capita Schedule, and be introduced on a pro-rated basis, as needed, by the Commissioner of Public Works.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: December 4, 2017

Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains amending Paragraphs F and H of Appendix A, Section 7-8-121 of the White Plains Municipal Code, Water Rules and Regulations prescribed by the Commissioner of Public Works pertaining to revising certain water rates and charges and connection fees."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING PARAGRAPHS F AND H OF APPENDIX A, SECTION 7-8-121 OF THE WHITE PLAINS MUNICIPAL CODE, WATER RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER OF PUBLIC WORKS PERTAINING TO REVISING CERTAIN WATER RATES AND CHARGES AND CONNECTION FEES.

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

Section 1. Section 5. Paragraph (f) of Section 7-8-121 of the White Plains Municipal Code,

Appendix A, is hereby amended in its entirety to read as follows:

*(f) Water Rates:*

<i>Consumption (semi-annual)</i>	<i>Basic Schedule (Semi-annual)</i>	<i>Excess Non-Per Capita Users Schedule 120,000cf and over (Quarterly as defined in this Chapter herein)</i>
First 2,500cf	—	<u>\$4.80/100cf</u>
First 5,000cf	<u>\$2.54/100cf</u>	—
Next 5,000cf	—	<u>5.38/100cf</u>
Next 10,000cf	<u>2.83/100cf</u>	—
Next 10,000cf	—	<u>6.00/100cf</u>
Next 20,000cf	<u>3.20/100cf</u>	—
Next 15,000cf	—	<u>7.18/100cf</u>
Next 30,000cf	<u>4.62/100cf</u>	—
Next 27,500cf	—	<u>9.48/100cf</u>
Next 55,000cf	<u>5.08/100cf</u>	—



Next 60,000cf	—	<u>12.22/100cf</u>
Next 130,000cf	—	<u>14.80/100cf</u>
Next 380,000cf	<u>6.93/100cf</u>	—
Next 250,000cf	—	<u>17.02/100cf</u>
Next 500,000cf	<u>8.80/100cf</u>	—
Over 500,000cf	—	<u>19.82/100cf</u>
Over 1,000,000cf	<u>10.29/100cf</u>	—

Section 2. Paragraph (h) of Section 7-8-121 of the White Plains Municipal Code, Appendix A, is hereby amended in its entirety to read as follows:

(h) *Water Availability/Demand Charge*: These charges are applicable to the domestic service from the date the tap or connection made to the city's water supply system is placed in service until such time as the same tap or connection is permanently discontinued in accordance with section 7-8-30(c) of this Code:

#### **WITHIN CITY LIMITS**

<i>Basic Schedule Size of Connection</i>	<i>Charge (semi-annual)</i>	<i>Excess Non Per Capita Schedule Size of Connection</i>	<i>Charge (quarterly)</i>
1" & less	<u>\$35.61</u>	1" & less	<u>\$17.82</u>
1 ½"	<u>81.87</u>	1 ½"	<u>40.98</u>
2"	<u>142.45</u>	2"	<u>71.24</u>
3"	<u>320.51</u>	3"	<u>160.27</u>
4"	<u>569.78</u>	4"	<u>284.88</u>
6"	<u>1,335.42</u>	6"	<u>667.71</u>
8" & over	<u>2,296.90</u>	8" & over	<u>1,148.49</u>

**OUTSIDE CITY LIMITS:** Double the "within city limits" charge.

Section 3. Notwithstanding any provision of the White Plains Charter and Code to the contrary, the aforementioned fees and charges and revised water rates and charges for the Basic Schedule (semi-annual) shall take effect December 1, 2017. The aforementioned revised water rates and charges for the Excess Non Per Capita Schedule (quarterly) shall take effect January 1, 2018. Both Schedules shall be introduced on a prorated basis as necessary by the Commissioner of Public Works.

Mr. Krolian seconded the motion.

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

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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

Certificates of Emergency have been issued for work at two facilities. The first concerns the failure of sewage ejector pumps at the Public Safety Building which are approximately 30 years old and are essential for the removal of sanitary waste from the building. The second certificate concerns the boilers that provide heat and hot water at the Ebersole Ice Rink which developed a substantial leak and is operating sporadically. A complete failure is imminent, requiring immediate replacement and modifications to the building's hot water system. The total cost of this work, which will be charged to the Public Works budget after approval of a transfer from the City's Reserve for Financing, is estimated to be \$95,000.

To provide the funding that is needed for these Certificates of Emergency, it is respectfully requested that the Mayor be authorized to direct the Budget Director to transfer funds within the FY 2017-2018 General Fund budget as follows:

TRANSFER FROM:

A002-9.990	Reserve for Financing	<u>\$95,000</u>
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TRANSFER TO:

A035-3.302	Emergency Building Repairs	\$62,000
E10P-3.302	Emergency Building Repairs	33,000
		<u>\$95,000</u>

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

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: December 4, 2017

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Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the transfer of funds from the 2017-2018 General Fund

Budget in order to reflect additional costs within the Department of Public Works for necessary replacement of failed sewer ejector pumps at the Public Safety Building."

Unanimous consent granted.

Mr. Krolan moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2017-2018 GENERAL FUND BUDGET IN ORDER TO REFLECT ADDITIONAL COSTS WITHIN THE DEPARTMENT OF PUBLIC WORKS FOR NECESSARY REPLACEMENT OF FAILED SEWER EJECTOR PUMPS AT THE PUBLIC SAFETY BUILDING.

WHEREAS, two sewer ejector pumps have failed at the Public Safety Building; and

WHEREAS, the failed sewer ejector pumps are essential for the removal of sanitary waste from the building and required immediate replacement; and

WHEREAS, a Certificate of Emergency was subsequently issued to replace the failed sewer ejector pumps; and

WHEREAS, the total cost of this work, which will be charged to the Department of Public Works' budget, is estimated to be \$62,000; and

WHEREAS, the costs for this work was not included in the fiscal year 2017-2018 budget.

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

Section 1. In order to reflect an increase in expenditures within the Department of Public Works due to the failure of the sewer ejector pumps at the Public Safety building, requiring the issuance of a Certificate of Emergency, and the costs for the replacement associated for same were not included in the Fiscal Year 2017-2018 budget, a transfer from Reserve for Financing is required.

Section 2. To provide the funding that was needed for this Certificate of Emergency, the Mayor is hereby authorized to direct the Budget Director to transfer funds within the FY 2017-2018 General Fund budget as follows:

TRANSFER FROM:

A002-9.990	Reserve for Financing	<u>\$62,000</u>
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TRANSFER TO:

A035-3.302	Emergency Building Repairs	<u>\$62,000</u>
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Section 3. The Mayor is further authorized to direct the Commissioner of Finance to receive and disburse funds needed for the cost for the replacement of the failed sewer ejector pumps and related services effectuated by the Department of Public Works accordingly.

Section 4. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

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

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Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the transfer of funds from the 2017-2018 General Fund Budget in order to reflect additional costs within the Department of Public Works for necessary immediate remediation required in connection with a leak in the boilers at the Ebersole Ice Rink."

Unanimous consent granted.

Mr. Krolian moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2017-2018 GENERAL FUND BUDGET IN ORDER TO REFLECT ADDITIONAL COSTS WITHIN THE DEPARTMENT OF PUBLIC WORKS FOR NECESSARY IMMEDIATE REMEDIATION REQUIRED IN CONNECTION WITH A LEAK IN THE BOILERS AT THE EBERSOLE ICE RINK.

WHEREAS, a substantial leak occurred in the boilers that provide heat and hot water at the Ebersole Ice Rink; and

WHEREAS, a complete failure of the boilers is imminent, requiring immediate replacement and modifications to the building's hot water system; and

WHEREAS, a Certificate of Emergency was issued to perform the necessary repair work so that the Rink's hot water system could be restored; and

WHEREAS, the total cost of this work, which will be charged to the Department of Public Works' budget, is estimated to be \$33,000; and

WHEREAS, the costs for this work was not included in the fiscal year 2017-2018 budget.

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

Section 1. In order to reflect an increase in expenditures within the Department of Public Works, due to a substantial leak in the boilers at the Ebersole Ice Rink, requiring the issuance of a Certificate of Emergency, and the costs for repairs associated for same were not included in the Fiscal Year 2017-2018 budget, a transfer from Reserve for Financing is required.

Section 2. To provide the funding that was needed for this Certificate of Emergency, the Mayor is hereby authorized to direct the Budget Director to transfer funds within the FY 2017-2018 General Fund budget as follows:

TRANSFER FROM:

A002-9.990

Reserve for Financing

\$33,000

TRANSFER TO:

E10P-3.302	Emergency Building Repairs	\$33,000
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Section 3. The Mayor is further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly needed for the cost for repairs and related services effectuated by the Department of Public Works.

Section 4. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

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

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Communication from Deputy Commissioner of Public Safety.

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

Mrs. Smayda seconded the motion.

Carried.

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

Dear Mayor and Members of the Common Council:

The Department of Public Safety has received a donation of \$1,000 from the New York Law Enforcement Foundation Inc. These funds will be used to maintain the K-9 Unit, which includes veterinary services and other necessary items.

Submitted for your approval is an ordinance authorizing the Mayor to accept this donation on behalf of the City of White Plains. It is also requested that the Mayor be authorized to direct the Budget Director to amend the 2017-18 Public Safety Grant fund as follows:

Increase Revenues:

DOGS 06275	Donation	\$1,000
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Increase Expenditures:

DOGS 3.801	K-9 Police Unit	\$1,000
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The Commissioner of Finance is hereby authorized to receive and disburse these funds accordingly.

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JAMES M. BRADLEY  
DEPUTY COMMISSIONER OF PUBLIC  
SAFETY

Dated: October 27, 2017

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to accept, on behalf of the City of White Plains, a donation in the amount of \$1,000 to be used for expenditures related to the Police K-9 Unit."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, A DONATION IN THE AMOUNT OF \$1,000 TO BE USED FOR EXPENDITURES RELATED TO THE POLICE K-9 UNIT.

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

Section 1. The Mayor, or his designee, is hereby authorized to accept, on behalf of the City of White Plains (through the Department of Public Safety), a donation in the amount of \$1,000 to be used for expenditures to maintain the Police K-9 Unit.

Section 2. Upon the acceptance of the donation, the Mayor is authorized to direct the Budget Director to amend the 2017-2018 Public Safety Grant Fund as follows:

**INCREASED ESTIMATED REVENUES:**

DOGS-06275	Contributions	<u>\$1,000</u>
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**INCREASE EXPENDITURES:**

DOGS-3.801	K-9 Police Unit	<u>\$1,000</u>
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Section 3. The Commissioner of Finance is hereby authorized to receive and distribute the funds accordingly.

Section 4. This ordinance shall take effect immediately.

Mrs. Smayda seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Deputy Commissioner of Public Safety.

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Dear Mayor and Council Members:

Unmanned aircraft systems (popularly known as drones) have become increasingly available to private citizens for personal and recreation uses due to their decline in cost. Drones can fly at altitudes below the navigable airspace (generally at 400 feet) which is not within the jurisdiction, regulation and control of the Federal Aviation Administration (FAA). As such, there is a very real public safety concern when it comes to the use of drones during large public events over public streets.

The City of White Plains will be conducting a New Year's Eve Spectacular event on Sunday, December 31, 2017 at 2:00 p.m. through 12:30 a.m. on January 1, 2018, featuring music, entertainment and fireworks, on Mamaroneck Avenue from Main Street to Martine Avenue; Main Street from Dr. Martin Luther King, Jr. Boulevard to North Broadway; Dr. Martin Luther King, Jr. Boulevard from Quarropas Street to Main Street; Court Street from Martine Avenue to Main Street, and Martine Avenue from Mamaroneck Avenue to South Lexington Avenue. Over ten thousand people are expected to attend and participate in the event.

The use of drones could result in a ground impact accident resulting in collateral injury and/or damage to innocent bystanders and property. This Department recommends that the launching, landing and operation of drones during the New Year's event be banned as such drones could pose a serious threat to the life and property of the public. Accordingly, attached for your consideration is legislation prohibiting launching, landing and operation of drones during the New Year's event.

Sincerely,

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James M. Bradley  
Deputy Commissioner of Public Safety

Dated: November 28, 2017

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Mrs. Smayda asked unanimous consent to offer an ordinance entitled, "Ordinance of the City of White Plains relating to the prohibition of the launching, landing and operation of drones during the City's New Year's Eve Spectacular evening to be held on December 31, 2017."

Unanimous consent granted.

Mrs. Smayda moved adoption of the following ordinance.

AN ORDINANCE OF THE CITY OF WHITE PLAINS RELATING TO THE PROHIBITION OF THE LAUNCHING, LANDING AND OPERATION OF DRONES AT AND DURING THE CITY'S NEW YEAR'S EVE SPECTACULAR EVENT TO BE HELD ON DECEMBER 31, 2017.

WHEREAS, drones, which are unmanned aerial vehicles (UAVs) that can fly under the control of a remote pilot or via a geographical positions system (GPS) guided autopilot mechanism, have become increasingly available to private citizens for personal and recreational uses due to their decline in cost; and

WHEREAS, drones can fly at altitudes below the navigable airspace (generally at 400 feet) which is not within the jurisdiction, regulation and control of the Federal Aviation Administration (FAA); and

WHEREAS, there is a very real public safety concern when it comes to the use of drones over public streets during large public events, as such use could result in an accident resulting in injury to bystanders and damage to property; and

WHEREAS, the City of White Plains will be conducting a New Year's Eve Spectacular event on Saturday, December 31, 2017 at 2:00 p.m. through 12:30 a.m. on January 1, 2018, featuring music, entertainment and fireworks; and

WHEREAS, over ten thousand people are expected to attend and participate in this event; and

WHEREAS, the Department of Public Safety has recommended that the launching, landing and operation of drones during the New Year's event could pose a serious threat to the life or property of the public, as the impact of the unmanned aircraft system could result in serious physical injury or death to the innocent bystanders on the ground as well as substantial damage to property.

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

Section 1. The launching, landing and operation of drones during the New Year's Eve Spectacular event on December 31, 2017 at 2:00 p.m. through 12:30 a.m. on January 1, 2018, on Mamaroneck Avenue from Main Street to Marine Avenue; Main Street from Dr. Martin Luther King, Jr. Boulevard to North Broadway; Dr. Martin Luther King, Jr. Boulevard from Quarropas Street to Main Street; Court Street from Martine Avenue to Main Street; Martine Avenue from Mamaroneck Avenue to South Lexington Avenue, and Renaissance Park shall be prohibited. This Section shall not apply to authorized public safety agencies or operators having obtained approval from the City of White Plains Department of Public Safety or from the Federal Aviation Administration.

Section 2. Any person found to be in violation of this ordinance shall be guilty of a violation and subject to a fine of \$500.

Section 3. This ordinance shall take effect immediately.

Mrs. Hunt-Robinson seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.



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Communication from Commissioner of Building.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

WP Development NB LLC 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.

The Building Department recommends 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. All testing will be performed in accordance with DEC requirements.

Submitted herewith, for your review and appropriate action, is a proposed 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: November 29, 2017  
(for the December 4, 2017 Common Council Meeting)

RELATED

DOCUMENTS: Letter from Mr. William Null dated November 21, 2017 and a copy of the proposed ordinance.

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Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "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."

Unanimous consent granted.

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

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.

WHEREAS, WP Development NB LLC filed an application to amend the zoning ordinance with respect to property known as 52 North Broadway; and

WHEREAS, the Commissioner of Building recommends hiring an independent consultant to evaluate the portion of 52 North Broadway that is subject to a Consent Order issued by the New York State Department of Environmental Conservation ("DEC") and to coordinate with the DEC regarding said evaluation; and

WHEREAS, by letter dated November 21, 2017, the Applicant has agreed to provide funding for such an independent consultant; and

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

Section 1. The Building Commissioner is hereby authorized to retain an independent consultant to perform environmental testing and evaluate that portion of 52 North Broadway that is subject to a Consent Order issued by the DEC.

Section 2. Prior to December 22, 2017, 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.

Section 3. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds to and from the aforesaid trust accordingly.

Section 4. When the aforesaid consultant agreement is completed, any sums remaining on deposit in the trust account in excess of the fees of the consultant shall be refunded to WP Development NB LLC.

Section 5. This ordinance shall take effect immediately,

11/21/2017

**BY HAND**

Mr. Damon Amadio, Commissioner  
Department of Building  
City of White Plains  
70 Church Street  
White Plains, New York 10601

RE: 52 North Broadway (former Good Counsel Campus) (the "Premises")

Dear Commissioner Amadio:

On behalf of WP Development NB LLC (the "Applicant") and in cooperation with co-counsel, Veneziano & Associates, we respectfully confirm that our client will reimburse the City of White Plains in connection with the fees incurred in retaining an independent consultant to evaluate the condition of the portion of the Premises that is subject to a Consent Order issued by New York State Department of Environmental Conservation ("DEC"). Since DEC regulates what may transpire on this portion of the Premises, anything performed thereon should be coordinated with DEC prior thereto. We look forward to working with the City of White Plains and the independent consultant to coordinate with DEC regarding that portion of the Premises.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

---

William S. Null

WSN:yp

cc: John G. Callahan, Esq., Chief-of-Staff and Corporation Counsel; Mr. Peter Duncan; Mr. Roderick O'Connor; Mr. Christopher Gomez, Planning Commissioner; Anthony Veneziano, Esq.; Denise J. D'Ambrosio, Esq.; and Mr. Peter Ferce

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Commissioner of Planning.

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

Mrs. Lecuona seconded the motion.

Carried.

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

Re: AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE WESTCHESTER COMMUNITY FOUNDATION TO ACCEPT A GRANT AWARD OF \$100,000 FOR THE WHITE PLAINS EDUCATION AND TRAINING CENTER

The City of White Plains has been awarded a grant of \$100,000 from the Westchester Community Foundation to support the White Plains Education and Training Center.

The mission of the Westchester Community Foundation is to develop and manage philanthropic resources, and to distribute them in a way that is responsive to donor interests and community needs. The Foundation actively promotes charitable giving on behalf of the area's nonprofit organizations. WCF is a division of The New York Community Trust, one of the largest community foundations in the country, with assets of approximately \$2.6 billion. The sources of this grant are the Katherine C. & David E. Moore Fund for Community Development and the Westchester Fund for Women and Girls.

The funding period is January 1, 2018 to December 31, 2018. I am requesting that the Mayor, or his designee, be authorized to enter into an agreement with the Westchester Community Foundation to receive these funds.

Respectfully submitted,

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Christopher Gomez  
Commissioner, Department of Planning

DATED: November 13, 2017  
For the December 4, 2017 Common Council Meeting

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into an agreement with the Westchester Community Foundation, (WCF), to accept a grant award in the amount of \$100,000 for the White Plains Education & Training Center."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE WESTCHESTER COMMUNITY FOUNDATION, (WCF), TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$100,000 FOR THE WHITE PLAINS EDUCATION & TRAINING CENTER.

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

Section 1. The City of White Plains, has been awarded a grant of \$100,000 from the Westchester Community Foundation (WCF) to support the White Plains Education and Training Center. The mission of the WCF is to develop and manage philanthropic resources, and to distribute them in a way that is responsive to donor interests and community needs. WCF actively promotes charitable giving on behalf of the area's nonprofit organization. WCF is a division of the New York Community Trust, one of the largest community foundations in the county, with assets of approximately 2.6 billion. The sources of this grant are the Katherine C. & David E. Moore Fund for Community Development and the Westchester Fund for Women and Girls.

Section 2. The Mayor or his designee is hereby authorized to enter into an agreement with the Westchester Community Foundation to receive the \$100,000 in grant funds. The funding period is January 1, 2018 through December 31, 2018. Said agreement shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Acting Commissioner of Finance.

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

Mr. Krolan seconded the motion.

Carried.

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

At its meeting of October 2, 2017, the Common Council adopted an ordinance with respect to the City's Cable Franchise Agreement which necessitates a budget amendment in order to properly record \$500,000 in revenues from payment of prior franchise fees and a technology showcase grant. Additionally, a budget amendment to expenditures is necessary to reflect a \$400,000 increase in the contribution to the Debt Service Fund and a \$100,000 increase for program services. In order to properly account for the receipt of these revenues

and the subsequent expenditures, it is respectfully requested that the Mayor be authorized to direct the Budget Director to make the following budget amendments for Fiscal Year 2017-2018:

**INCREASE REVENUES:**

A021-06699	Miscellaneous Other Revenues	<b><u>\$500,000</u></b>
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**INCREASE EXPENDITURES:**

A021-4.023	Program Services	\$100,000
A021-9.301	Transfer to Debt Service	400,000
		<b><u>\$500,000</u></b>

Submitted herewith is an ordinance authorizing the Budget Director to amend the FY 2017-2018 General Fund Budget by \$500,000 and authorizing the Commissioner of Finance to receive and disburse funds accordingly.

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James L. Heslop  
Acting Commissioner of Finance

Dated: November 29, 2017

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Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor to direct the Budget Director to amend the General Fund Budget for Fiscal Year 2017-2018."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO DIRECT THE BUDGET DIRECTOR TO AMEND THE GENERAL FUND BUDGET FOR FISCAL YEAR 2017-2018

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

Section 1. At its October 2, 2017 meeting the Common Council accepted a \$100,000 grant and approved a \$400,000 settlement. In order to properly account for the receipt of this revenue and its subsequent expenditure, the Mayor is authorized to direct the Budget Director to amend the Fiscal Year 2017-2018 General Fund by increasing revenues and expenditures as follows:

**INCREASE REVENUES:**

A021-06699	Miscellaneous Other Revenues	\$500,000
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**INCREASE EXPENDITURES:**

A021-4.023	Program Services	\$100,000
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A021-9.301	Transfer to Debt Service	\$400,000
		\$500,000

Section 2. This ordinance shall take effect immediately.

Mr. Krolan seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Director, Youth Bureau.

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

Mr. Martin seconded the motion.

Carried.

January 18, 2017

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On February 6, 2017, the Common Council enacted an ordinance accepting a grant from The New York State OASAS for a total funding not-to-exceed One Million Five Thousand Eight Hundred Forty Eight Dollars (\$1,005,848), for a five year period starting on January 1, 2017 and ending on December 31, 2021. The purpose of the grant is to continue the White Plains Youth Bureau's Project Hope Program, providing alcohol and substance abuse prevention services to the City of White Plains.

The New York State OASAS has notified us that funding for the second year of contract, starting January 1, 2018 and ending on December 31, 2018 will be hundred eighty four thousand eight hundred sixty two dollars (\$184,862). I am requesting that the Mayor and Common Council receive the second year funding from OASAS and that the Mayor authorize the Budget Director to amend the Fiscal Year 2017/18 Youth Development Fund accordingly.

Increase Estimated Revenue:

OAS18 - 02266	NYS OASAS	\$184,862
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Increase Appropriations:

OAS18 - 1.100	Appt. Salaries	\$92,768
OAS18 - 1.800	Part time Salaries	\$36,767
OAS18 - 2.001	FICA	\$9,910
OAS18 - 2.020	MTA PR Tax	\$441
OAS18 - 2.101	NYS Emp. Pension	\$17,130
OAS18 - 2.201	Employee Health Insurance	\$25,397
OAS18 - 2.204	NYS Health Ins. Admin Charge	\$36
OAS18 - 2.301	Dental Insurance	\$1,357
OAS18 - 2.407	Optical Insurance	\$349

OAS18 - 4.910	Program Supplies	\$107
OAS18 - 4.950	Direct Services	\$600
	<b>Total</b>	<b>\$184,862</b>

Respectfully submitted,

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Frank Williams, Jr.  
Director

For: December 4, 2017 Common Council Meeting

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Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor to receive \$184,862, in funding to continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS), providing alcohol and substance prevention services to the City of White Plains."

Unanimous consent granted.

Mr. Krolian moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO RECEIVE \$184,862 IN FUNDING TO CONTINUE THE PROJECT HOPE PROGRAM THROUGH THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES (OASAS) PROVIDING ALCOHOL AND SUBSTANCE PREVENTION SERVICES TO THE CITY OF WHITE PLAINS.

WHEREAS, On February 6, 2017, the Common Council enacted an Ordinance authorizing the Mayor to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive funding for Project Hope through the New York State Office of Alcohol and Substance Abuse Service (OASAS) for a four year period beginning January 1, 2017 and ending December 31, 2021; and

WHEREAS, this Contract was executed in May 2017; and

WHEREAS, the County of Westchester Department of Community Mental Health notified the White Plains Youth Bureau on November 15, 2017, that the Youth Bureau would receive \$184,862 in New York State OASAS funding for the period starting on January 1, 2018 and ending on December 31, 2018.

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 receive funding for Project Hope through the New York State Office of Alcohol and Substance Abuse Services (OASAS) in the amount of \$184,862, for the period beginning January



1, 2018 and ending December 31, 2018, to provide alcohol and substance prevention services to the City of White Plains through its Youth Bureau. Said contract shall be in a form approved by the Corporation Counsel.

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

**Increase Estimated Revenues:**

OAS18-02266	NYS OASAS	<b><u>\$184,862</u></b>
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**Increase Appropriations:**

OAS18-1.100	Appt. Salaries	\$ 92,768
OAS18-1.800	Part-time Salaries	36,767
OAS18-2.001	FICA	9,910
OAS18-2.020	MTA PR Tax	441
OAS18-2.101	NYS Emp. Pension	17,130
OAS18-2.201	Employee Health Insurance	25,397
OAS18-2.204	NYS Health Ins. Admin Charge	36
OAS18-2.301	Dental Insurance	1,357
OAS18-2.407	Optical Insurance	349
OAS18-4.910	Program Supplies	107
OAS18-4.950	Direct Services	600
		<b><u>\$184,862</u></b>

Section 3. The Commissioner of Finance is hereby authorized to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Director, Youth Bureau.

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

Mrs. Smayda seconded the motion.

Carried.

November 13, 2017

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The White Plains Youth Bureau would like to enter into a contract with Peg Consulting, LLC, to provide Evaluation services for 21<sup>st</sup> Century Community Learning Center STEAM Academy as outlined in the attached contract. The contract period will be October 23, 2017 to June 30, 2018 and the compensation for the performance of all such services shall not exceed thirty nine thousand

two hundred dollars (\$39,200). I am requesting that the Mayor be authorized to enter into a contract with Peg Consulting, LLC, to provide the services as set forth in the contract.

Respectfully Submitted,

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Frank Williams, Jr.  
Director Youth Bureau

For: December 4, 2017 Common Council Meeting

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to execute on behalf of the City, a consultant contract with PEG Consulting, LLC, to provide evaluation services for the 21<sup>st</sup> Century Community Learning Center STEAM Academy."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ON BEHALF OF THE CITY A CONSULTANT CONTRACT WITH PEG CONSULTING, LLC, TO PROVIDE EVALUATION SERVICES FOR 21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTER STEAM ACADEMY.

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

Section 1. The Common Council of the City of White Plains hereby authorizes the Mayor, or his designee, to execute on behalf of the City, a consultant contract with Peg Consulting, LLC, a corporation with a place of business at 275 Mountain Rd., Pleasantville, NY 10570, to provide evaluation services for 21<sup>st</sup> Century Community Learning Center STEAM Academy. The contract period shall be from October 23, 2017 to June 30, 2018.

Section 2. The compensation for the twelve months of the program shall not exceed thirty nine thousand two hundred dollars (\$39,200).

Section 3. The aforementioned contract shall be in a form approved by the Corporation Counsel.

Section 4. This ordinance shall take effect as of October 23, 2017.

Mrs. Smayda seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda, Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Personnel Director.

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Dear Mayor and Council Members:

The following recommendation is made requiring an amendment to the Compensation and Leave Plan:

Allocate the Appointed Salary of Commissioner of Purchase to \$129,500.

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

Respectfully submitted,

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Elisabeth Wallace  
Personnel Officer

Dated for: December 4, 2017

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Mrs. Smayda asked unanimous consent to offer an ordinance entitled, "Ordinance amending Section 2-5-76 of the White Plains Municipal Code by allocating the salary of a certain position title."

Unanimous consent granted.

Mrs. Smayda moved adoption of the following ordinance.

AN ORDINANCE AMENDING SECTION 2-5-76 OF THE WHITE PLAINS MUNICIPAL CODE BY ALLOCATING THE SALARY OF A CERTAIN POSITION TITLE.

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

Section 1. Section 2-5-76. Appendix 1, Elected and Appointed Officials, of the White Plains Municipal Code is hereby amended as it relates to the Commissioner of Purchase to read as follows:

Purchase	Commissioner of Purchase	\$129,500
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§2. The Mayor is hereby authorized to direct the Commissioner of Finance to amend the uniform system of accounts accordingly.

§3. This ordinance shall take effect December 4, 2017.

Mrs. Hunt-Robinson seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Commissioner of Parking.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

Re: Renewal of Hardware and Software Warranty Contract for Multispace Meters

The Department of Parking currently has 168 multispace meters in use throughout the City's Municipal Parking System, including at the White Plains Center Garage.

These multispace meters are a key component to the City's ability to provide efficient revenue collection and controls and various customer service capabilities.

As part of the Department's ongoing operations, it has previously entered into annual hardware and software warranties with Integrated Technical Systems, Inc. At this time, the Department is seeking Common Council approval to renew the hardware and software warranties on 97 multispace meters.

The estimated cost for the renewal of this contract, which would cover the period through October 15, 2018 is \$ 86,014. The funding for these contracts is provided for within the FY17/18 Department of Parking and White Plains Center Garage Operating Budgets.

Upon approval of this request, the Department of Parking will coordinate with the City's Purchasing Department to process the necessary request for proposals or bid requirements to effectuate the execution of this contract.

I, therefore, respectfully request that the Mayor and Common Council give approval to the Department of Parking for the expenditure of funds as described above.

Respectfully submitted,

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John P. Larson,  
Commissioner of Parking

Date: November 27, 2017

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Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his authorized representative, to enter into a renewal agreement on behalf of the City of White Plains pertaining to hardware and software warranties on 97 of the multi-space parking meters in use throughout the City's Municipal Parking System."

Unanimous consent granted.

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS AUTHORIZED REPRESENTATIVE TO ENTER INTO A RENEWAL AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS PERTAINING TO HARDWARE AND SOFTWARE WARRANTIES ON 97 OF THE MULTI-SPACE PARKING METERS IN USE THROUGHOUT THE CITY'S MUNICIPAL PARKING SYSTEM.

WHEREAS, the City of White Plains Parking Department currently has 168 multi-space meters in use throughout the City's Municipal Parking System, including 38 at the White Plains Center Garage; and

WHEREAS, these multi-space meters are a key component for the City's ability to provide efficient revenue collection and controls and various customer service capabilities; and

WHEREAS, as part of the Department of Parking's ongoing operations, it had previously entered into hardware and software warranties with Integrated Technical Systems, Inc.; and

WHEREAS, the Department of Parking is now requesting the Common Council's approval to renew the hardware and software warranties on 97 of these multi-space meters; and

WHEREAS, the estimated cost for the renewal of the hardware and software warranties contract, which would cover the period through October 15, 2018, is \$86,014; and

WHEREAS, the funding for such contract is provided within the FY 17/18 Department of Parking and the White Plains Center Garage Operating Budgets; and

WHEREAS, upon the Common Council's approval of its request, the Department of Parking will coordinate with the City's Purchasing Department to process the necessary request for proposals or bid requirements to effectuate the execution of such contracts; and

WHEREAS, the aforementioned contracts shall be in a form approved by the Corporation Counsel.

NOW, THEREFORE, the Common Council hereby ordains and enacts as follows:

Section 1. The Common Council of the City of White Plains hereby authorizes the Mayor or his authorized representative to enter into an agreement to renew the City's hardware and software warranties on 97 multi-space parking meters in use throughout the City's Municipal Parking System, to cover the period through October 15, 2018, at a cost not to exceed \$86,014. The funding for this contract is provided for within the FY 2017/2018 Department of Parking and the White Plains Center Garage Operating Budgets.

Section 2. The Department of Parking shall coordinate with the City's Purchasing Department to process the necessary request for proposals or bid requirements to effectuate the execution of these contracts. Said contracts shall be in a form acceptable to the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mrs. Smayda , Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Chairman, Transportation Commission.

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

Mrs. Lecuona seconded the motion.

Carried.

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

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

- 1.) Modify a "Two Hour Parking-Monday Through Friday" on Park Circle as described in Section 203-b Subdivision 10.
- 2.) Create a "Right Turn on Red Prohibited" from Longview Avenue northbound to Maple Avenue as described in Section 306 Subdivision 72.

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

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Thomas J. Soyk, PE, PTOE  
Acting Chairman

Dated: November 21, 2017  
(for the December 4, 2017 Common Council Meeting)

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying a "Two Hour Parking Monday through Friday" Zone on Park Circle and creating a "Right Turn on Red Prohibited" on Maple Avenue at Longview Avenue."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A "TWO HOUR PARKING MONDAY THROUGH FRIDAY" ZONE ON PARK CIRCLE AND CREATING A "RIGHT TURN ON RED PROHIBITED" ON MAPLE AVENUE AT LONGVIEW AVENUE.

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

**Two Hour Parking — Monday Through Friday**

Section 1. Article II, Section 203-b, subdivision 10 of said ordinance last amended on the 10<sup>th</sup> day of September, 2007, is hereby amended to read as follows:

10. Park Circle, on the easterly section, [~~both~~ east] sides, between Park Avenue and Northview Place, and on the west side between Park Avenue and a point 150 feet south of the Northview Place extended curb line.

**Right Turn on Red Prohibited**

Section 2. Article III, Section 306 of said ordinance; as last amended on the 6<sup>th</sup> day of July, 2015, is hereby amended by adding a new subdivision 72 to read as follows:

No.	Name	Right Turn on Red Prohibited
72.	<u>Maple Avenue at Longview Avenue A. From Longview Avenue</u>	<u>From Longview Avenue northbound to Maple Avenue.</u>

Section 3. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

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

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Communication 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 October 2, 2017, the Department of Building has reviewed an application filed on August 22, 2017 on behalf of The New York Power Authority, the owner of the property known as 123 Main Street.

The applicant has requested review and approval of a parking garage renovation and expansion project at 123 Main Street. The project entails the expansion of the existing parking garage on the northern and eastern sides of the building. This expansion will increase the number of parking spaces from 736 to 856 to accommodate increased parking needs at the Power Authority site.

This department has no objection to this site plan amendment being granted.

Respectfully Submitted,

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

Date: November 17, 2017  
(for the December 4, 2017 Common Council Meeting)



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October 12, 2017

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on October 10, 2017, reviewed an application filed on behalf of the New York Power Authority for a Site Plan amendment for the property known as 123 Main Street. The applicant is requesting review and approval of the parking garage renovations / expansion located at 123 Main Street, White Plains, NY.

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

1. Site Plan application approved as submitted.

Very truly yours,

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Kent Johnsson, Member  
Design Review Board

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TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: NEW YORK POWER AUTHORITY CENTROPLEX GARAGE —  
123 MAIN STREET — SITE PLAN AMENDMENT FOR THE  
EXPANSION AND RESTORATION OF THE EXISTING PARKING  
STRUCTURE

The applicant, New York Power Authority (NYPA), submitted an application for site plan amendment to the Common Council, dated August 22, 2017, for expansion of the existing on-site parking structure and significant landscaping enhancements to the Main Street plaza. The 2.7-acre property located at 123 Main Street, has frontage on Main Street, William Street, Renaissance Square, Hamilton Avenue and Dr. Martin Luther King Jr. Boulevard. The site is developed with a sixteen story, 420,195 square foot office building and an existing 736 space parking garage.

The site plan amendment requested entails a 120-space expansion of the existing parking garage, from 736 to 856 spaces, on the northern and eastern side of the building to accommodate increased parking demand. Specifically, the applicant proposes the addition of parking bays on the north and east sides, two additional parking levels, and a covered roof on the top level.

The applicant also proposes installation of a new glass canopy between the main building and parking structure, and significant landscaping enhance-

ments to the Main Street plaza including: new landscaping beds, sculptural trees, improved lighting throughout the site, additional public seating, architectural treatments, and two new bus shelters on Dr. Martin Luther King Jr. Boulevard.

The Common Council referred the application to the Planning Department for evaluation and recommendation on October 2, 2017. The Planning Department has reviewed the application and offers the following comments and recommendations:

#### **COMPREHENSIVE PLAN CONSISTENCY**

The New York Power Authority Centroplex Garage is located in the core of the City's downtown. The City's 1997 and 2006 Comprehensive Plan states that: "...to promote attractive streetscapes, to make Core Area streets more attractive to pedestrians... Landscaping should be more than camouflage, and should be used to help enliven and add interest to a site or parking area", and "Upgrade sidewalks with attractive lighting, paving and landscaping to create a sense of greater safety and improved aesthetics in commercial and mixed use areas throughout White Plains." The Planning Department finds that the proposed application is consistent with the City's Comprehensive Plan.

Further, the project is consistent with the City's Transit District Strategic Plan that encourages both public and private investment in publicly accessible open space, sidewalks, street furniture, and transit infrastructure within the City's Transit District.

#### **ZONING COMPLIANCE**

The property is situated in the CB-4 (Central Business-4) Zoning District, in which offices are a permitted principal use and private garages are a permitted "Accessory Use." The proposed site plan amendment involves aesthetic improvements to the building and the creation of additional parking without changing the use and is, therefore, compliant with respect to use. Further, the increased coverage associated with the garage expansion complies with the dimensional requirements of the CB-4 District.

The existing open space along the Hamilton Avenue frontage was not a requirement of the site plan approval granted by the Common Council in 1979. Therefore, the parking garage expansion is not in conflict with the original site plan approval, or any subsequent amendments.

#### **CONCLUSION**

Based on the foregoing analysis, the Planning Department finds that the application for a site plan amendment is compliant with the relevant standards of the Zoning Ordinance. Further, the proposed parking structure renovation/expansion will provide much needed parking for tenants of the office building, and significantly enhance the appearance of the Main Street plaza area making it more inviting to pedestrians consistent both the City's Comprehensive and Transit District Strategic Plans. Therefore, the Planning Department recommends that the Common Council approve the application for Site Plan Amendment subject to the following conditions:

1. All landscaping shall continue to be maintained in a healthy growing

condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.

2. 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.
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. Any posting of advertising material on the proposed Bee-Line Bus replacement shelters must be coordinated through the Westchester County Department of Public Works and Transportation.

Respectfully submitted,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated October 27, 2017

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October 25, 2017

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: NEW YORK POWER AUTHORITY - 123 MAIN STREET - SITE  
PLAN AMENDMENT FOR THE EXPANSION OF THE EXISTING  
PARKING GARAGE TO INCREASE THE NUMBER OF PARKING  
SPACES FROM 736 TO 856

At its October 17, 2017 meeting, the Planning Board considered the application by New York Power Authority to expand the existing 736 space

parking structure to add 120 parking spaces, which will eliminate the existing open space area along Hamilton Avenue. The proposed site plan also involves creating a glass roof between the main building and the parking structure, additional seating, improved bus shelters, and enhanced landscaping and lighting throughout the site, mainly at the Main Street pedestrian plaza.

The Planning Board believes that the proposed site plan changes will be an overall improvement over existing conditions, which will enhance the pedestrian environment and provide needed parking for the building tenants.

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

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 these plans. There are no objections.

The New York Power Authority  
123 Main Street  
White Plains, NY

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David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: October 18, 2017

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

The Department of Public Works has reviewed an application requesting Site Plan approval for the parking garage expansion at **123 Main Street (NY Power Authority)**, including a cover letter from NY Power Authority dated 8/22/17, describing the project; a copy of the Building Department application

dated 8/22/17; the Short Environmental Assessment Form dated 5/31/17; an Environmental Site Remediation Database Search dated 4/4/17; and plan sheets G-000 thru G-002, SPA-01 thru SPA-09, A-001 thru A-201, L-1 thru L-4 dated 8/21/17, prepared by Walker Parking Consultants, Gedeon GRC Consulting, STE Engineering, Jensen Hughes Engineering, PC, Behan Planning and Design and MRCE.

**We offer the following comments:**

1. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater permit prior to the issuance of a Building Department permit.
2. Provide confirmation to DPW when all necessary County permits for work within the County's right-of-way (ROW) have been obtained.
3. Include the details for all applicable work in the ROW in accordance with current DPW standards; i.e. trenching, curbing, sidewalk, pedestrian ramps, etc.
4. All construction under the jurisdiction of the Department of Public Works must be in accordance with the Department's standards regardless of what may be shown or omitted on the plan.
5. The proposed drain pipe cannot be connected at the proposed angle into the existing manhole on Hamilton Avenue. It must be connected downstream to maintain existing flow patterns. Include a label on the plans showing the direction of flow in the municipal drain pipes.
6. Interference may be encountered with existing utilities (i.e. water, drain, sewer, gas, electric, traffic control, communication, etc.) that lie within the work area. Test pits must be performed in the area of underground utility crossings.
7. Any pipe(s) abandoned in the ROW must be completely sealed with brick and concrete at both ends of abandoned pipe. No weep holes are permitted as shown on Detail 1 on sheet SPA-05.
8. Clearly show all existing and proposed impervious surfaces on the plans and include an itemized table. The applicant will be required to provide stormwater quality and mitigate runoff from the net increase in impervious cover since it exceeds 100sf (include all new impervious areas, including any from the proposed work on the Main Street side). A stormwater management report must be performed for the 25-100 year storm event using the updated NYSDEC rainfall event values (6.4"). Supporting calculations must be included with submission.
9. Include on the plans the maintenance schedules for all proposed stormwater features.
10. 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, 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, if CWP-DPW must contract the work, as an administrative fee.

11. All existing street trees must be protected during construction. If street trees are to be removed the applicant must coordinate with DPW prior to removal. Any remaining city trees may be adversely affected by the construction activities for the project, which could lead to the trees dying, requiring their removal by the applicant. The applicant must match, inch for inch, the size of the tree(s) being removed with new trees. If the ROW adjacent to the site cannot accommodate enough trees to match inch for inch, the applicant may provide additional trees to be placed in the City stock for plantings in the ROW.
12. The proposed plantings within the ROW on Renaissance Square shown on Sheet L-1 will require a Maintenance Agreement and a Special use right-of-way Authorization and Release permit.
13. 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, 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. All necessary permits must be obtained prior to the construction of any permanent stormwater facility. A required maintenance agreement for all on-site stormwater management measures must be executed prior to issuance of any certificate of occupancy (temporary or permanent) 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 in a form acceptable to 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, if the City of White Plains DPW must contract the work, as an administrative fee.

14. Include information for any dewatering that may be needed during construction activities. A sediment tank would be required and may only discharge to the storm drain; no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains. Note that dewatering will only be permitted during construction.

15. Provide DPW with information from any soil borings/testing performed on the site.
16. 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 sediment control measures, hours of operation, parking, 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: December 4, 2017

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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 proposed site plan amendment from the New York Power Authority at 123 Main Street for parking garage renovation/expansion which was referred by the Common Council on October 2, 2017.

The Department of Parking/ Traffic Division has no objection to the proposed amendment.

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

Dated: October 20, 2017  
(for the November 6, 2017 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 October 18, 2017, reviewed a request to amend the previous site plan approval for a parking garage renovation/expansion from The New York Power Authority (123 Main Street), as referred by the Common Council on October 2, 2017.

The Transportation Commission had no objection to the proposed changes.

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Thomas J. Soyk, PE, PTOE  
Acting Chairman

Dated: October 20, 2017  
(for the November 6, 2017 Common Council Meeting)

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

Re: New York Power Authority Site Plan Amendment  
Garage Expansion

The Department of Parking has received and reviewed the above-noted application.

The Department of Parking 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: October 25, 2017

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October 23, 2017

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

Subject: Referral File No. WHP 17-013—New York Power Authority Centroplex  
Garage Site Plan

Dear Ms. McPherson:

The Westchester County Planning Board has received a site plan (dated August 21, 2017) and related materials for the above referenced application to renovate and expand the parking garage for the New York Power Authority at 123 Main Street. The project consists of the expansion of the existing garage on the north and east sides of the building which will increase the number of



parking spaces from 736 to 856. The expansion as proposed would necessitate the removal of a landscaped, publicly accessible open space plaza along the building's frontage with Hamilton Avenue.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we offer the following comment:

1. Loss of open space. The application states that the Power Authority is proposing to make improvements to the plaza area on the Main Street side of the building to compensate for the loss of the open space along Hamilton Avenue. The improvements include two new bus shelters, new landscaped beds, new lighting and additional public seating.

We recommend that the applicant work with the City to determine a solution to balance the Power Authority's parking needs and the preservation of green space.

2. County road. Hamilton Avenue (NYS Route 119) is a County road. Approval for this work from the Westchester County Department of Public Works and Transportation (WCDPW&T) under Section 239 F of the General Municipal Law is required. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. The driveway must also be designed in accordance with current County, State and AASHTO standards.

Thank you for calling this matter to our attention.

Respectfully,

WESTCHESTER COUNTY PLANNING BOARD

By: \_\_\_\_\_

Eileen Mildenerberger  
Acting Commissioner

EM KE

cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation

Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation

\_\_\_\_\_  
November 20, 2017

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: NEW YORK POWER AUTHORITY CENTROPLEX GARAGE

123 MAIN STREET

SITE PLAN AMENDMENT FOR THE EXPANSION OF THE  
EXISTING PARKING STRUCTURE

The application submitted by New York Power Authority (NYPA) regarding a site plan amendment for expansion of the existing on-site parking structure at

123 Main Street, and landscaping enhancements to the Main Street plaza ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves:

- a. Expansion and renovation on the northern and eastern sides of the existing parking garage for the office building at 123 Main Street increasing the number of parking spaces by 120 additional parking spaces from 736 to 856 to accommodate increased parking needs at the Power Authority site.
- b. Landscaping enhancements include a glass canopy between the main building and parking structure, new landscaping beds, sculptural trees, improved lighting throughout the site, as well as additional public seating, architectural treatments, and two new bus shelters on Dr. Martin Luther King Jr. Boulevard.

The 2.7-acre property located at 123 Main Street, has frontage on Main Street, William Street, Renaissance Square, Hamilton Avenue and Dr. Martin Luther King Jr. Boulevard. The site is developed with a sixteen story, 420,195 square foot office building and an existing 736 space parking garage.

The property is situated in a CB-4 (Core Business-4) Zoning District. It is known and designated on the tax assessment map of the City of White Plains as Section 125.75, Block 2, and Lot 1.

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

- a. Cover letter prepared by Philip Potak, dated August 22, 2017.
- b. A Short Form Building Permit Application, dated August 22, 2017.
- c. A Short Environmental Assessment Form, dated May 31, 2017.
- d. General drawings G-000, G-001, G-002, dated August 21, 2017.
- e. Site Plans SPA-01 thru SPA-10, dated August 21, 2017.
- f. Architectural drawings A-001, A-002, A-100 thru A-106, A-201 dated August 21, 2017.
- g. Landscape drawings L-1, L-2, L-3 and L-4, dated September 11, 2017.
- h. Main Plaza Site Appurtenance "Cut" Sheets, dated September 11, 2017.

Based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated October 27, 2017, all landscaping shall be maintained in a healthy, growing condition throughout the duration of the structure and use of 123 Main Street and any planting not so maintained shall be replaced with new plants at the beginning of the next growing season; and

2. As per the recommendation set forth in the communication of the Commissioner of Planning dated October 27, 2017 and the Commissioner of Public Works dated December 4, 2017, all construction work shall be subject to the City's Construction Management Protocol;
3. As per the recommendations set forth in the communication of the Commissioner of Planning, dated October 27, 2017, any posting of advertising material on the proposed Bee-Line bus replacement shelters must be coordinated through the Westchester County Department of Public Works and Transportation; and
4. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, 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
5. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must provide confirmation to DPW when all necessary County permits for work within the County's right-of-way (ROW) have been obtained; and
6. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include the details for all applicable work in the ROW in accordance with current DPW standards (i.e. trenching, curbing, sidewalk, pedestrian ramps, etc.); and
7. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, all construction under the jurisdiction of the Department of Public Works must be in accordance with the Department's standards regardless of what may be shown or omitted on the plan; and
8. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the proposed drain pipe cannot be connected at the proposed angle into the existing manhole on Hamilton Avenue. It must be connected downstream to maintain existing flow patterns and the Applicant must include a label on the plans showing the direction of flow in the municipal drain pipes; and
9. As per the recommendations set forth in the communication of Commissioner of Public Works, dated December 4, 2017, since interference may be encountered with existing utilities (i.e. water, drain, sewer, gas, electric, traffic control, communication, etc.) that lie within the work area, test pits must be excavated in the area of underground utility crossings; and
10. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, any pipe(s) abandoned in the ROW must be completely sealed with brick and concrete at both ends of abandoned pipe and no weep holes are permitted as shown on Detail 1 on sheet SPA-05; and
11. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must

clearly show all existing and proposed impervious surfaces on the plans and include an itemized table, must provide stormwater quality and mitigate runoff from the net increase in impervious cover since it exceeds 100 sf (include all new impervious areas, including any from the proposed work on the Main Street side), must provide a stormwater management report performed for the 25-100 year storm event using the updated NYSDEC rainfall event values (6,4") and must provide supporting calculations included with the submission; and

12. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include on the plans the maintenance schedules for all proposed stormwater features; and
13. 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, 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. All necessary permits must be obtained prior to the construction of any permanent stormwater facility. A required maintenance agreement for all on-site stormwater management measures must be executed prior to issuance of any certificate of occupancy (temporary or permanent) 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 in a form acceptable to 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, if CWP-DPW must contract the work, as an administrative fee; and
14. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, all existing street trees must be protected during construction, if street trees are to be removed the applicant must coordinate with DPW prior to removal, if any remaining city trees are adversely affected by the construction activities for the project, which leads to the trees dying, the Applicant must remove the trees( and must match them, inch for inch, the size of the tree(s) being removed with new trees), and if the ROW adjacent to the site cannot accommodate enough trees to match inch for inch, the Applicant must provide additional trees to be placed in the City stock for plantings in the ROW; and
15. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the proposed plantings within the ROW on Renaissance Square shown on Sheet L-1 will require a Maintenance Agreement and a Special use right-of-way Authorization and Release permit; and
16. ommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include a note on

the plans stating that if fill is to be imported to the site, soil samples must be taken and tested at the applicant's expense by a certified soil testing laboratory to ensure there are no contaminants present in the imported soil, which would affect groundwater quality; and

17. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include information for any dewatering (which will only be permitted during construction) that may be needed during construction activities for which a sediment tank will be required and may only discharge to the storm drain and no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains; and
18. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must Provide DPW with information from any soil borings/testing performed on the site.

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

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

The New York Power Authority Centroplex Garage is located in the core of the City's downtown. The City's 1997 and 2006 Comprehensive Plan states that: "...to promote attractive streetscapes, to make Core Area streets more attractive to pedestrians... Landscaping should be more than camouflage, and should be used to help enliven and add interest to a site or parking area", and "Upgrade sidewalks with attractive lighting, paving and landscaping to create a sense of greater safety and improved aesthetics in commercial and mixed use areas throughout White Plains."

#### Zoning Compliance

The property is situated in the CB-4 (Core Business-4) Zoning District, in which offices are a permitted principal use and private garages are a permitted "Accessory Use." The proposed site plan amendment involves aesthetic improvements to the building and the creation of additional parking without changing the use and is, therefore, compliant with respect to use. Further, the increased coverage associated with the garage expansion complies with the dimensional requirements of the CB-4 District.

The existing open space along the Hamilton Avenue frontage was not a requirement of the site plan approval granted by the Common Council in 1979. Therefore, the parking garage expansion is not in conflict with the original site plan approval, or any subsequent amendments.

- (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 an increase of office use floor area that would generate an increase of traffic, noise levels or solid waste.

The expansion of the garage in to the landscaped planters along Hamilton Avenue will result in an increase of impervious surface area and the potential for additional stormwater runoff. The Applicant must obtain a MS4 Stormwater Permit from the Department of Public Works prior to the issuance of a Building Permit.

The site is fully served by municipal and private utility services.

All construction work was subject to the City's Construction Management Protocol which provides measures and procedures to avoid potential construction impacts. This Protocol includes, among other things, a Construction Management Plan that addresses property maintenance, hours of operation and scheduling of construction deliveries, erosion, sedimentation and fugitive dust control measures, noise control and air quality measures, pest control, street cleaning, site security, etc.

- (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.

As a developed property, there are no natural landscape conditions on the site. The project includes improvements to the site landscaping.

- (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 development at 123 Main Street, originally known as "The Centroplex," is located in the midst of the White Plains Downtown area and was constructed in 1981 under the White Plains Central Renewal Project, N.Y.R-37.

While the garage expansion projects into the landscaped area along Hamilton Avenue, there will be a 10-ft. wide planter maintained adjacent to the sidewalk with trees to screen the new structure.

In order to address concerns over the loss of green space along the Hamilton Avenue side, the project includes a comprehensive plan that features new landscaping beds, sculptural trees, new lighting and additional public seating throughout the site.

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

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

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

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

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mrs. Lecuona moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE APPLICATION SUBMITTED BY NEW YORK POWER AUTHORITY FOR A SITE PLAN AMENDMENT TO EXPAND THE EXISTING PARKING STRUCTURE AT 123 MAIN STREET

WHEREAS, the application submitted by New York Power Authority (NYPA) for site plan amendment regarding expansion of the existing on-site parking structure at 123 Main Street, and landscaping enhancements to the Main Street plaza ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves:

- a. Expansion and renovation on the northern and eastern sides of the existing

parking garage for the office building at 123 Main Street increasing the number of parking spaces by 120 additional parking spaces from 736 to 856 to accommodate increased parking needs at the Power Authority site.

- b. Landscaping enhancements include a glass canopy between the main building and parking structure, new landscaping beds, sculptural trees, improved lighting throughout the site, as well as additional public seating, architectural treatments, and two new bus shelters on Dr. Martin Luther King Jr. Boulevard; and

WHEREAS, the 2.7-acre property located at 123 Main Street, has frontage on Main Street, William Street, Renaissance Square, Hamilton Avenue and Dr. Martin Luther King Jr. Boulevard. The site is developed with a sixteen story, 420,195 square foot office building and an existing 736 space parking garage; and

WHEREAS, the property is situated in a CB-4 (Core Business-4) Zoning District and is designated on the tax assessment map of the City of White Plains as Section 125.75, Block 2, Lot 1; and

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

- a. Cover letter prepared by Philip Potak, dated August 22, 2017.
- b. A Short Form Building Permit Application, dated August 22, 2017.
- c. A Short Environmental Assessment Form, dated May 31, 2017.
- d. General drawings G-000, G-001, G-002, dated August 21, 2017.
- e. Site Plans SPA-01 thru SPA-10, dated August 21, 2017.
- f. Architectural drawings A-001, A-002, A-100 thru A-106, A-201 dated August 21, 2017.
- g. Landscape drawings L-1, L-2, L-3 and L-4, dated September 11, 2017.
- h. Main Plaza Site Appurtenance "Cut" Sheets, dated September 11, 2017; and

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated October 27, 2017, all landscaping shall be maintained in a healthy, growing condition throughout the duration of the structure and use of 123 Main Street and any planting not so maintained shall be replaced with new plants at the beginning of the next growing season; and
2. As per the recommendation set forth in the communication of the Commis-



sioner of Planning dated October 27, 2017 and the Commissioner of Public Works dated December 4, 2017, all construction work shall be subject to the City's Construction Management Protocol:

3. As per the recommendations set forth in the communication of the Commissioner of Planning, dated October 27, 2017, any posting of advertising material on the proposed Bee-Line bus replacement shelters must be coordinated through the Westchester County Department of Public Works and Transportation; and
4. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, 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
5. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must provide confirmation to DPW when all necessary County permits for work within the County's right-of-way (ROW) have been obtained; and
6. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include the details for all applicable work in the ROW in accordance with current DPW standards (i.e. trenching, curbing, sidewalk, pedestrian ramps, etc.); and
7. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, all construction under the jurisdiction of the Department of Public Works must be in accordance with the Department's standards regardless of what may be shown or omitted on the plan; and
8. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the proposed drain pipe cannot be connected at the proposed angle into the existing manhole on Hamilton Avenue. It must be connected downstream to maintain existing flow patterns and the Applicant must include a label on the plans showing the direction of flow in the municipal drain pipes; and
9. As per the recommendations set forth in the communication of Commissioner of Public Works, dated December 4, 2017, since interference may be encountered with existing utilities (i.e. water, drain, sewer, gas, electric, traffic control, communication, etc.) that lie within the work area, test pits must be excavated in the area of underground utility crossings; and
10. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, any pipe(s) abandoned in the ROW must be completely sealed with brick and concrete at both ends of abandoned pipe and no weep holes are permitted as shown on Detail 1 on sheet SPA-05; and
11. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must clearly show all existing and proposed impervious surfaces on the plans and

include an itemized table, must provide stormwater quality and mitigate runoff from the net increase in impervious cover since it exceeds 100 sf (include all new impervious areas, including any from the proposed work on the Main Street side), must provide a stormwater management report performed for the 25-100 year storm event using the updated NYSDEC rainfall event values (6.4") and must provide supporting calculations included with the submission; and

12. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include on the plans the maintenance schedules for all proposed stormwater features; and
13. 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, 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. All necessary permits must be obtained prior to the construction of any permanent stormwater facility. A required maintenance agreement for all on-site stormwater management measures must be executed prior to issuance of any certificate of occupancy (temporary or permanent) 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 in a form acceptable to 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, if CWP-DPW must contract the work, as an administrative fee; and
14. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, all existing street trees must be protected during construction, if street trees are to be removed the applicant must coordinate with DPW prior to removal, if any remaining city trees are adversely affected by the construction activities for the project, which leads to the trees dying, the Applicant must remove the trees( and must match them, inch for inch, the size of the tree(s) being removed with new trees), and if the ROW adjacent to the site cannot accommodate enough trees to match inch for inch, the Applicant must provide additional trees to be placed in the City stock for plantings in the ROW; and
15. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the proposed plantings within the ROW on Renaissance Square shown on Sheet L-1 will require a Maintenance Agreement and a Special use right-of-way Authorization and Release permit; and
16. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include a note on the plans stating that if fill is to be imported to the site,

soil samples must be taken and tested at the applicant's expense by a certified soil testing laboratory to ensure there are no contaminants present in the imported soil, which would affect groundwater quality; and

17. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include information for any dewatering (which will only be permitted during construction) that may be needed during construction activities for which a sediment tank will be required and may only discharge to the storm drain and no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains; and
18. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must Provide DPW with information from any soil borings/testing performed on the site; 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 will not have a significant effect on the environment; and

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

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

RESOLVED, that, based on the foregoing, the Common Council Common Council designates itself as Lead Agency for the Environmental review of the Action; and be it further

RESOLVED, that, based on the foregoing findings, the Common Council determines that the Proposed Action is an Unlisted Action under SEQR regulations 6 NYCRR §617; and be it further

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

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

The New York Power Authority Centroplex Garage is located in the core of the City's downtown. The City's 1997 and 2006 Comprehensive Plan states that: "...to promote attractive streetscapes, to make Core Area streets more

attractive to pedestrians... Landscaping should be more than camouflage, and should be used to help enliven and add interest to a site or parking area", and "Upgrade sidewalks with attractive lighting, paving and landscaping to create a sense of greater safety and improved aesthetics in commercial and mixed use areas throughout White Plains."

#### Zoning Compliance

The property is situated in the CB-4 (Core Business-4) Zoning District, in which offices are a permitted principal use and private garages are a permitted "Accessory Use." The proposed site plan amendment involves aesthetic improvements to the building and the creation of additional parking without changing the use and is, therefore, compliant with respect to use. Further, the increased coverage associated with the garage expansion complies with the dimensional requirements of the CB-4 District.

The existing open space along the Hamilton Avenue frontage was not a requirement of the site plan approval granted by the Common Council in 1979. Therefore, the parking garage expansion is not in conflict with the original site plan approval, or any subsequent amendments.

The 736 spaces in the existing garage achieve the required parking required for 420,195 square foot office building. The additional parking is intended to accommodate increased parking needs at the Power Authority site.

- (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 an increase of office use floor area that would generate an increase of traffic, noise levels or solid waste.

The expansion of the garage in to the landscaped planters along Hamilton Avenue will result in an increase of impervious surface area and the potential for additional stormwater runoff. The Applicant must obtain a MS4 Stormwater Permit from the Department of Public Works prior to the issuance of a Building Permit.

The site is fully served by municipal and private utility services.

All construction work was subject to the City's Construction Management Protocol which provides measures and procedures to avoid potential construction impacts. This Protocol includes, among other things, a Construction Management Plan that addresses property maintenance, hours of operation and scheduling of construction deliveries, erosion, sedimentation and fugitive dust control measures, noise control and air quality measures, pest control, street cleaning, site security, etc.

- (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.

As a developed property, there are no natural landscape conditions on the site. The project includes improvements to the site landscaping.

- (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 development at 123 Main Street, originally known as "The Centroplex," is located in the midst of the White Plains Downtown area and was constructed in 1981 under the White Plains Central Renewal Project, N.Y.R-37.

While the garage expansion projects into the landscaped area along Hamilton Avenue, there will be a 10-ft. wide planter maintained adjacent to the sidewalk with trees to screen the new structure.

In order to address concerns over the loss of green space along the Hamilton Avenue side, the project includes a comprehensive plan that features new landscaping beds, sculptural trees, new lighting and additional public seating throughout the site.

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

There is no reason to expect any hazard to human health or safety resulting from this Proposed Action. All signage is subject to the appropriate municipal safety codes and approved by the Department of Building, and as a required by the Department of Public Safety and Public Works.
- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.
- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.
- (i) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.
- (j) The Proposed Action does not represent change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.
- (k) No significant impacts have been identified as a result of the Proposed Action when assessed in connection to its setting, duration, geography scope, magnitude and number of people affected; and be it further

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

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

Mr. Krolian seconded the motion.

Carried.

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Mrs. Lecuona 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 NEW YORK POWER AUTHORITY ("APPLICANT"), OWNER OF THE PROPERTY KNOWN AS 123 MAIN STREET, FOR AN AMENDMENT TO AN APPROVED SITE PLAN TO RENOVATE AND EXPEND THE EXISTING PARKING GARAGE AND OTHER SITE IMPROVEMENTS.

WHEREAS, the Common Council of the City of White Plains, at its meeting held on October 2, 2017, received a communication from the Commissioner of Building dated September 26, 2017, forwarding an application, submitted on behalf of the New York Power Authority ("Applicant"), owner of the property known as 123 Main Street for an amendment to an approved site plan ("Application"), in accordance with Section 7.7.2 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), to renovate and expand the existing parking garage from 736 parking spaces to 856 parking spaces (adding parking bays on the northern and eastern sides of the building, two additional parking levels and a covered roof), as well as adding a new glass canopy between the main building and the parking structure, significant landscaping enhancements to the Main Street Plaza including new landscaping beds, sculptural trees, additional public seating, improved lighting throughout the site and two new bus shelters on Dr. Martin Luther King Jr. Boulevard; and

WHEREAS, the 2.7 acre (77,862 square foot) site, improved with a 16 story, 420,195 square foot office building and the aforementioned parking garage proposed for expansion, has frontage on Main Street, William Street, Renaissance Square, Hamilton Avenue and Dr. Martin Luther King Jr. Boulevard; and

WHEREAS, the premises located at 123 Main Street is known and designated on the Tax Assessment Map of the City of White Plains as Section 125.75, Block 2, Lot 1; and

WHEREAS, the property is located in a CB-4 (Core-Business 4 Zoning District of the City of White Plains ("CB-4 District") and within the Central Parking Area ("CPA"); and

WHEREAS, 123 Main Street is a sixteen (16) story building, occupied largely by the New York Power Authority, and is otherwise primarily used as office space; and

WHEREAS, the instant Application includes the following documents:

A. A cover letter dated August 22, 2017, from Philip Potak transmitting the Application and describing same; and

B. A short form Building Permit Application, dated August 22, 2017; and

C. A Short Environmental Assessment Form (EAF) in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. at Part 617, dated May 31, 2017; and

D. General Drawings G-000, G-001 and G-002, dated August 21, 2017; and

E. Site Plans SPA-01 through SPA-10, dated August 21, 2017; and

F. Architectural Drawings A-001, A-002, A-100 through A-106, and A-201, dated August 21, 2017; and

G. Landscape Drawings L-1, L-2, L-3 and L-4, dated September 11, 2017; and

H. Main Plaza Site Appurtenance "Cut" Sheets, dated September 11, 2017; and

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

WHEREAS, in connection with instant Application, the Common Council at a meeting held on December 4, 2017 received a communication from the Commissioner of Building dated November 17, 2017; the Commissioner of Planning dated October 27, 2017; the Commissioner of Public Works, dated December 4, 2017; the Commissioner of Public Safety, dated October 18, 2017; the Commissioner of Parking, dated October 25, 2017; the Deputy Commissioner of Parking for Transportation Engineering, dated October 20, 2017; the Chair of the Planning Board, dated October 25, 2017; a member of the Design Review Board, dated October 12, 2017; the Acting Chairman of the Transportation Commission, dated October 20, 2017; the Westchester County Planning Board, dated October 23, 2017; and the Environmental Officer, dated November 20, 2017; and

WHEREAS, in connection with the Application for an amended site plan, the Common Council, at its December 4, 2017 meeting, declared itself Lead Agency for the environmental review of this project pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), classified this proposal as an Unlisted Action and undertook an environmental review of the proposed action pursuant to SEQRA, adopted environmental findings, including a negative declaration; and

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

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

NOW, THEREFORE, be it

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

1. In accordance with Section 7.5.1 of the Zoning Ordinance, the amended site plan Application is consistent with the strategies established in the 1997 and 2006 Update of the Comprehensive Plan adopted July 11, 2006 ("Comprehensive Plan"). The subject property is located in the core of the City's downtown. The Comprehensive Plan recommends "to promote attractive streetscapes, to make the Core Area streets more attractive to pedestrians ... [l]andscaping should be more than camouflage, and should be used to help enliven and add interest to a site or parking area" and to "upgrade sidewalks with attractive lighting, paving and landscaping to create a sense of greater safety and improved aesthetics in commercial and mixed use areas throughout White Plains."

2. In accordance with Section 7.5.1 of the Zoning Ordinance, the amended site plan Application is consistent with the Comprehensive Plan recommendations in providing clear improvements to promote attractive streetscapes in the Core Area and to enliven the site.

3. In accordance with Section 7.5.1 of the Zoning Ordinance, the proposed amended site plan Application to renovate and expand the existing parking garage from 736 parking spaces to 856 parking spaces (adding parking bays on the northern and eastern sides of the building, two additional parking levels and a covered roof), as well as adding a new glass canopy between the main building and the parking structure, significant landscaping enhancements to the Main Street Plaza including new landscaping beds, sculptural trees, additional public seating, improved lighting throughout the site and two new bus shelters on Dr. Martin Luther King Jr. Boulevard, conforms with the CB-4 Zoning District height, bulk and density requirements.

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

5. The fire lanes and emergency zones remain unchanged by the amended site plan Application.

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



7. In accordance with Section 7.5.4 of the Zoning Ordinance, and upon consideration and recommendation of the Design Review Board, the architectural design of the alteration, renovations and improvements for the Application will enhance and protect the character and property values of the neighborhood.

8. The Application to renovate and expand the existing parking garage from 736 parking spaces to 856 parking spaces (adding parking bays on the northern and eastern sides of the building, two additional parking levels and a covered roof), as well as adding a new glass canopy between the main building and the parking structure, significant landscaping enhancements to the Main Street Plaza including new landscaping beds, sculptural trees, additional public seating, improved lighting throughout the site and two new bus shelters on Dr. Martin Luther King Jr. Boulevard is consistent with the original approved site plan and all prior amendments thereto

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

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated October 27, 2017, all landscaping shall be maintained in a healthy, growing condition throughout the duration of the structure and use of 123 Main Street and any planting not so maintained shall be replaced with new plants at the beginning of the next growing season; and

2. As per the recommendation set forth in the communication of the Commissioner of Planning dated October 27, 2017 and the Commissioner of Public Works dated December 4, 2017, all construction work shall be subject to the City's Construction Management Protocol: The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

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

ment 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 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 recommendations set forth in the communication of the Commissioner of Planning, dated October 27, 2017, any posting of advertising material on the proposed Bee-Line bus replacement shelters must be coordinated through the Westchester County Department of Public Works and Transportation; and

4. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, 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

5. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must provide confirmation to DPW when all necessary County permits for work within the Count's right-of-way (ROW) have been obtained; and

6. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include the details for all applicable work in the ROW in accordance with current DPW standards (i.e. trenching, curbing, sidewalk, pedestrian ramps, etc.); and

7. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, all construction under the jurisdiction of the Department of Public Works must be in accordance with the Department's standards regardless of what may be shown or omitted on the plan; and

8. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the proposed drain pipe cannot be connected at the proposed angle into the existing manhole on Hamilton Avenue. It must be connected downstream to maintain existing flow patterns and the Applicant must include a label on the plans showing the direction of flow in the municipal drain pipes; and

9. As per the recommendations set forth in the communication of Commissioner of Public Works, dated December 4, 2017, since interference may be encountered with existing utilities (i.e. water, drain, sewer, gas, electric, traffic control, communication, etc.) that lie within the work area, test pits must be excavated in the area of underground utility crossings; and

10. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, any pipe(s) abandoned in the ROW must be completely sealed with brick and concrete at both ends of abandoned pipe and no weep holes are permitted as shown on Detail 1 on sheet SPA-05; and

11. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must clearly show all existing and proposed impervious surfaces on the plans and include an itemized table, must provide stormwater quality and mitigate runoff from the net increase in impervious cover since it exceeds 100 sf (include all new impervious areas, including any from the proposed work on the Main Street side), must provide a stormwater management report performed for the 25-100 year storm event using the updated NYSDEC rainfall event values (6.4") and must provide supporting calculations included with the submission; and

12. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include on the plans the maintenance schedules for all proposed stormwater features; and

13. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include a note on the plans stating that the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, must provide an as-built survey to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor, must obtain all necessary permits prior to the construction of any permanent stormwater facility and must execute, prior to the issuance of any certificate of occupancy (temporary or permanent) the required maintenance agreement for all on-site stormwater management measures which agreement must be in accordance with the City's local law requirements, must remain in effect with the transfer of the property, must contain an appropriate escrow account in an amount established by the Commissioner of Public Works for the maintenance of said stormwater facilities, which escrow account may be used by the Commissioner of Public Works to perform maintenance work should the owner fail to be responsive for which, the City through the Department of Public Works shall receive 20% of all costs, if CWP-DPW must contract the work, as an administrative fee and shall be in a form approved by the Corporation Counsel; and

14. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, all existing street trees must be protected during construction, if street trees are to be removed the applicant must coordinate with DPW prior to removal, if any remaining city trees are adversely affected by the construction activities for the project, which leads to the trees dying, the Applicant must remove the trees (and must match them, inch for inch, the size of the tree(s) being removed with new trees), and if the ROW adjacent to the site cannot accommodate enough trees to match inch for inch, the Applicant must provide additional trees to be placed in the City stock for plantings in the ROW; and

15. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the proposed plantings within the ROW on Renaissance Square shown on Sheet L-1 will require a Maintenance Agreement and a Special use right-of-way Authorization and Release permit; and

16. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include a note on the plans stating that if fill is to be imported to the site, soil samples must be taken and tested at the Applicant's expense by a certified soil testing laboratory to ensure there are no contaminants present in the imported soil, which would affect groundwater quality; and

17. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must include information for any dewatering (which will only be permitted during

construction) that may be needed during construction activities for which a sediment tank will be required and may only discharge to the storm drain and no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains; and

18. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated December 4, 2017, the Applicant must Provide DPW with information from any soil borings/testing performed on the site.

19. In addition, the Applicant shall replace as much of the entire sidewalk along both the Martin Luther King Jr. and Hamilton Avenue frontages as the Commissioner of Public Works determines needs to be replaced and to install a solar garbage compactor in the vicinity of the proposed bus shelters, the location of which is subject to the approval of the Commissioner of Public Works, which compactor will be maintained by the City after its installation.

Mr. Krolan seconded the motion.

Carried.

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Communication 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. Krolan moved that it/they be filed and spread in full upon the minutes.

Mr. Martin seconded the motion.

Carried.

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

Per referral by the Common Council on November 7, 2017, the Department of Building has reviewed a request by Westmoreland Lofts, LLC for an extension of the Site Plan and Special Permit Approval to allow the construction of a mixed-use building at 146 Westmoreland Avenue.

This department has no objection to this extension being granted.

Respectfully Submitted,

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

Dated: November 17, 2017  
(for the December 4, 2017 Common Council Meeting)

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November 17, 2017

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on November 14, 2017, reviewed a request by Westmoreland Lofts, LLC, for an extension of the Site Plan and Special Permit approval to allow the construction of a mixed-use building located at 146 Westmoreland Ave, White Plains, NY.

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

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Kent Johnson, Member  
Design Review Board

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TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WESTMORELAND LOFTS  
146 WESTMORELAND AVENUE  
(SECTION 130.25, BLOCK 4, LOTS 2, 3, AND 4)  
APPLICATION FOR AN EXTENSION TO SITE PLAN AND  
SPECIAL  
PERMIT APPROVALS

By letter dated October 18, 2017, David Steinmetz, on behalf of Westmoreland Lofts LLC ("Applicant") submitted an application for an extension of a special permit and site plan approval that was granted by the Common Council on January 3, 2017. The Applicant proposes to demolish existing structures on the site and to construct a 58,319 square foot, five and a half-story mixed use building with 2,712 square feet of manufacturing use and 1,566 square feet of retail use on the first floor and 62 rental apartments on floors two through five (33 studio apartments; 20 one bedroom apartments; and nine two bedroom apartments). The proposed parking plan provides 97 parking spaces provided within a two level parking area located behind the building and completely screened from the Westmoreland Avenue frontage. Rooftop amenities provided for residents of the building include an outdoor kitchen, two fireplaces, and multiple seating areas.

The Westmoreland Avenue corridor, inclusive of the project site, was rezoned by the Common Council from LI Light Industrial to LI-M Light Industrial Mixed Use Zoning District on August 3, 2015. The LI-M District was specifically created to permit transit-oriented, mixed use buildings upon issuance of a



special permit by the Common Council as a means to catalyze development of a new vibrant mixed-use new neighborhood as defined in the adopted zoning amendment:

*"a mixed use district located near a public transportation center, which is intended to: encourage vibrant neighborhoods with a mix of uses ranging from residential to light industrial; incentivize adaptive reuse of existing "buildings" for residential use to increase neighborhood vitality and retain existing character; revitalize vacant and/or underutilized properties; continue to provide areas for light industrial businesses to operate and serve the community; and protect adjoining residential uses from the negative impacts of incompatible manufacturing uses."*

Since there have been no material changes to the application, the Planning Department has no objection to granting a one-year extension to January 3, 2019 for the site plan and special permit approvals subject to all conditions contained in the previous approval dated July 3, 2017.

Respectfully submitted,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: November 17, 2017  
For the December 4, 2017 Common Council Meeting

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November 21, 2017

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WESTMORELAND LOFTS, LLC — 146 WESTMORELAND AVENUE — ONE YEAR EXTENSION OF A SITE PLAN AND SPECIAL PERMIT APPROVAL FOR DEVELOPMENT OF A NEW FIVE-STORY MIXED-USE BUILDING OF SIXTY-TWO RESIDENTIAL UNITS, GROUND FLOOR RETAIL/MANUFACTURING SPACE AND 97 PARKING SPACES

At its November 21, 2017 meeting, the Planning Board considered the application for a one year extension of the site plan and special permit approval for the development of a new five-story mixed-use building, which would include retail/manufacturing space on the ground floor, sixty-two residential rental units on floors 2-5, rooftop amenities for the tenants, and 97 gated parking spaces with access off of Westmoreland Avenue.

The Board was advised that the Zoning Board of Appeals approved a request for renewal of area variances for height and number of stories.

No changes are proposed to the approved plan and no zoning changes have been made to the surrounding area. Therefore, the Planning Board has no objection to the one year extension as requested.

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

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 these plans. There are no objections.

Westmoreland Lofts  
Site Plan Extension

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David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: November 15, 2017

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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, the Department of Public Works has reviewed materials submitted by Zarin & Stenmetz, on behalf of Westmoreland Lofts, LLC. "Applicant," an application requesting an extension of the Site Plan Approval for the proposed re-development of the site located at 136-158 Westmoreland Avenue.

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

1. The design and installation of the stormwater mitigation practices must be performed in accordance with the latest revisions of all new Federal, State or Local requirements. This includes new regulations

adopted by the City or the New York State Department of Environmental Conservation (NYSDEC). Additionally, fees in effect at the time of subsequent issuance of any Building Department permit would apply.

2. All outstanding comments as outlined in the December 5<sup>th</sup>, 2016 Common Council resolution remain in effect.

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

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: November 29, 2017

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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 extension for 146 Westmoreland Avenue (Westmoreland Lofts LLC) which was referred by the Common Council on November 6, 2017 and has no objection to granting this extension.

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

Dated: November 14, 2017  
(for the December 4, 2017 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 November 15, 2017, reviewed a request from Westmoreland Lofts LLC, (146 Westmoreland Avenue), for extension to the site plan approval, as referred by the Common Council on November 6, 2017.

The Transportation Commission had no objection.

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Thomas Soyk, PE, PTOE  
Acting Chairman

Dated: November 21, 2017  
(for the December 4, 2017 Common Council Meeting)

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

Re: Westmoreland Lofts, LLC Site Plan and Special Permit Extension

The Department of Parking has received and reviewed the above-noted site plan and special permit extension.

The Department of Parking has no objection to the approval of the special permit and site plan extension.

Respectfully submitted,

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John P. Larson, Commissioner  
CWP — Department of Parking

Date: November 20, 2017

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November 20, 2016

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

Dear Ms. McPherson:

Thank you for the notification concerning the following proposed action:

Project Name/File Number:	<b>Westmoreland Lofts — WHP 17-016</b>
Action:	<b>One-Year Extension of Site Plan and Special Permit Approvals</b>
Location:	<b>146 Westmoreland Avenue</b>

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administra-

tive Code and find that the extension of these existing approvals are a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING  
BOARD

For: \_\_\_\_\_  
Eileen Mildenberger  
Acting Commissioner

EM/LH

November 20, 2017

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WESTMORELAND LOFTS, LLC  
146 (136-158) WESTMORELAND AVENUE  
EXTENSION TO SITE PLAN AND SPECIAL PERMIT APPROV-  
ALS

The application on behalf of Westmoreland Lofts, LLC("Applicant") regarding a one-year extension of the Special Permit and Site Plan Approvals in connection with the redevelopment of the property at 146 (136-158) Westmoreland ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review regulations ("SEQR").

The Common Council granted special permit and site plan approvals for this project at its January 3, 2017 meeting ("January 3, 2017 Approval").

The Proposed Action and redevelopment of the property at 146 (136-158) Westmoreland involves the redevelopment of the site located in the new LI-M Zoning District and consists of the following:

- A. A 5½ story and 70 foot 8 inch high mixed use building with sixty-two (62) residential dwelling units on floors two (2) through five (5) above ground floor non-residential uses, including space for an approximately 1,600 square foot retail use and a 2,700 square foot light manufacturing micro-brewery use, such uses together requiring ninety-seven (97) parking spaces;
- B. The proposed multifamily component of the building, consisting of 33 studio units, 20 one bedroom units, and 9 two bedroom units, generates a parking requirement of 81 total parking spaces. The ground floor light manufacturing component generates a parking requirement of 7 parking spaces and the ground floor retail component generates a parking requirement of 9 parking spaces. The Applicant proposes a total of 97 parking spaces on site, with four

- (4) mobility impaired spaces and four (4) electric car charging stations, to satisfy the parking requirement. The parking spaces are located both at grade in the rear of the building and one level above the at grade lot;
- C. The new building is located on the property line with the fifth story setback approximately eight (8) feet therefrom;
- D. The fifth floor has a coverage of approximately 9,347 square feet compared to the approximately 13,354 square feet of the lower floors;
- E. A rooftop vestibule of approximately 394 square feet with rooftop amenities will be seasonally accessible to the residents;
- F. A rear yard setback of approximately 128 feet is proposed, as compared to the minimum requirement of the Zoning Ordinance of 25 feet;
- G. Building coverage is proposed at 35 percent, compared to the Zoning Ordinance permitted maximum coverage of up to 80 percent; and

#### Approval Actions

The Proposed Action involves the one-year extension to January 3, 2018 of the following approvals previously granted by the Common Council on January 3, 2017

- A. Common Council approval of a Special permit for a "Multi-family dwelling" use in the LI-M District pursuant Section 6.7.31 of the Zoning Ordinance.
- B. Common Council approval of a Site Plan pursuant to Section 7.5 of the Zoning Ordinance.
- C. On October 5, 2016, the White Plains Zoning Board of Appeals granted a variance to increase the building's height from 50 feet, 4 stories, permitted in the LI-M District to 70' 8," feet, 5 ½ stories.

#### Application Materials

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

- A letter from David Steinmetz of Zarin & Steinmetz, dated October 18, 2017.

Since the January 3, 2017 approval, the project has not been changed and there are no other relevant changes in circumstances related to the project. The Proposed Action is subject to the all the conditions included in the January 3, 2017 approval resolution.

Based on the above discussion, it is recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQR findings adopted for the January 3, 2017 Approval; (d) reconfirm the SEQR findings adopted January 3, 2017; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment.

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mr. Krolan moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING SPECIAL A ONE-YEAR EXTENSION OF THE SPECIAL PERMIT AND SITE PLAN APPROVALS IN CONNECTION WITH THE PROPOSED MIXED USE DEVELOPMENT OF THE PROPERTY LOCATED AT 136-158 WESTMORELAND AVENUE ON BEHALF OF WESTMORELAND LOFTS LLC

WHEREAS, the application on behalf of Westmoreland Lofts, LLC("Applicant") regarding a one-year extension of the Special Permit and Site Plan Approvals in connection with the redevelopment of the property at 146 (136-158) Westmoreland ("Proposed Action"), has been reviewed for compliance with the State Environmental Quality Review regulations ("SEQR"); and

WHEREAS, the Common Council granted special permit and site plan approvals for this project at its January 3, 2017 meeting ("January 3, 2017 Approval") and

WHEREAS, the Proposed Action involves the redevelopment of the site located in the new LI-M Zoning District and consists of the following:

- A. A 5½ story and 70 foot 8 inch high mixed use building with sixty-two (62) residential dwelling units on floors two (2) through five (5) above ground floor non-residential uses, including space for an approximately 1,600 square foot retail use and a 2,700 square foot light manufacturing micro-brewery use, such uses together requiring ninety-seven (97) parking spaces;
- B. The proposed multifamily component of the building, consisting of 33 studio units, 20 one bedroom units, and 9 two bedroom units, generates a parking requirement of 81 total parking spaces. The ground floor light manufacturing component generates a parking requirement of 7 parking spaces and the ground floor retail component generates a parking requirement of 9 parking spaces. The Applicant proposes a total of 97 parking spaces on site, with four (4) mobility impaired spaces and four (4) electric car charging stations, to satisfy the parking requirement. The parking spaces are located both at grade in the rear of the building and one level above the at grade lot.
- C. The new building is located on the property line with the fifth story setback approximately eight (8) feet therefrom;
- D. The fifth floor has a coverage of approximately 9,347 square feet compared to the approximately 13,354 square feet of the lower floors;

- E. A rooftop vestibule of approximately 394 square feet with rooftop amenities will be seasonally accessible to the residents;
- A rear yard setback of approximately 128 feet is proposed, as compared to the minimum requirement of the Zoning Ordinance of 25 feet;
- G. Building coverage is proposed at 35 percent, compared to the Zoning Ordinance permitted maximum coverage of up to 80 percent; and

#### Approval Actions

WHEREAS, the Proposed Action involves the one-year extension to January 3, 2018 of the following approvals previously granted by the Common Council on January 3, 2017:

- A. Approval of a Special permit for a "Multi-family dwelling" use in the LI-M District pursuant Section 6.7.31 of the Zoning Ordinance.
- B. Approval of a Site Plan pursuant to Section 7.5 of the Zoning Ordinance.
- C. On October 5, 2016, the White Plains Zoning Board of Appeals granted a variance to increase the building's height from 50 feet, 4 stories, permitted in the LI-M District to 70' 8," feet, 5 ½ stories; and

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

- A letter from David Steinmetz of Zarin & Steinmetz, dated October 18, 2017; and

#### Approval Conditions

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer recommends that following conditions included in January 3, 2017 Approval resolution be continued as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "Conditions"):

1. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Stormwater Pollution Plan (SWPPP) submitted by the Applicant has been "**APPROVED**" As the plans are further developed, amendments to the SWPPP, in accordance with the current 'NYSDEC SPDES General Permit for Stormwater Discharges From Construction Activity," will be required.
2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant must provide a copy of certified topographic property survey, signed and sealed by a New York State licensed land surveyor. Current site plan refers to a survey dated 1/18/16 prepared by the Munson Company.
3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the **owner** must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater Permit



- prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work.
4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, footing drains must be located a minimum of one foot above the high groundwater table elevation.
  5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, DPW requires the sidewalk proposed to be installed within the public ROW to match the City's standard promenade sidewalk. The Applicant shall be required to replace the existing curb fronting the property with new granite curbing, in accordance with DPW Standard Construction Details.
  6. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant must include the "Department of Public Works Construction Notes for Subdivisions and Developments" sheet.
  7. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, all tree species being proposed to be installed within the City's ROW will require approval from DPW and the City's arborist prior to planting.
  8. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant shall provide a larger designated snow storage area than is shown on the plans or will need to contract a private vendor to remove the snow from the site. Note that plowing or storage of snow into the City Right Of Way is not permitted.
  9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, prior to issuance of a Building Permit, verify all the existing underground utilities on the plans, including gas, telephone, fiber optics, sanitary sewer, drain and all water lines (include number of conduits and/or number of ducts per bank). It is strongly recommended that test pits be performed at all the locations where proposed lines cross existing utility conduits, in order to prevent interference during construction.
  10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the size of the proposed 8" sanitary sewer service, as shown in plan sheet SD-103, does not match the 6" service pipe listed on Appendix A, *Sanitary*, of the Plumbing Utility Load letter from KEA Engineers, MEP engineer of record, provided with this submittal. Verify the size of the proposed sanitary sewer service and reconcile accordingly. Additionally, the sanitary sewer service line must be equipped with an aerated type grease trap within the Applicant's property to reduce the possibility of grease in the municipal sanitary sewer main.
  11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the City's Commissioner of Public Works must certify to the Westchester County Department of Health,

as the agent for the New York State Department of Health, the adequacy of the municipal water and sewer system and services with respect to the proposed building.

- a. All existing sanitary sewer and stormwater drain structures, where new connections into the municipal system are being proposed, shall be inspected for capacity and structural integrity, in order to determine that the structures can safely accept the proposed connections and the additional flows. An inspection report indicating the conditions of each structure, and the option to repair or replace if needed, must be provided to DPW for review and approval.

The applicant shall be required to, at minimum, repair and line, or replace, at his/her expense, the existing sanitary sewer manhole, where the proposed service line will be connected to the municipal sewer system as directed by the Commissioner of Public Works.

- b. It is required that the applicant perform a CCTV inspection and flow analysis on the existing 18" C.I. sanitary sewer main in the area where the proposed service will connect to the City system (limits of inspection and location of flow monitoring are to be determined by the Commissioner of Public Works,) and provide to DPW a written report and supporting video, along with available pipe capacity calculations (based on 1/2-full maximum allowed pipe flow) for existing and post development conditions for the Commissioner of Public Works review. Once we receive these items, we will perform a full evaluation of the existing city utilities with respect to the new development.
12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, site utility plan (sheet SD-103) must show the existing water main, along with the proposed connection of the fire and domestic water services to the main, including the required five (5)-gate valve configuration.
  13. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the existing sanitary and water services shall be abandoned at the main, including all restoration work associated. Plans should reflect the locations and limits of all the services to be abandoned.
  14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the plans indicate the existing street catch basin fronting the property will remain. This catch basin will require that its casting be replaced with new eco-friendly models with bicycle-safe grates in accordance with DPW's Standard Construction Details.
  15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, all proposed stormwater catch basins/inlets being installed within the private property must include a minimum sump depth of 36 inches.
  16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the construction of all

stormwater facilities must be under the supervision of the stormwater design Engineer of Record. To ensure the proper maintenance of the site's stormwater device(s), an as-built drawing must be provided to the Department of Public Works, signed and sealed by said engineer, or by a New York State licensed land surveyor, and a typical escrow account must be established for the maintenance of the permanent 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 Department of Public Works will receive 20% of all costs (if the city is required to contract the work) as an administrative fee. Additionally, a standard DPW stormwater maintenance agreement must be executed with the City and approved by the Corporation Counsel, prior to the issuance of a temporary certificate of occupancy.

17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, an RPZ backflow preventer device(s) must be installed on the domestic and fire water service lines. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Department of Health (WCDOH). The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements. Please note that the backflow preventer cannot be installed prior to final approval by WCDOH, however, its installation(s) must be completed prior to the issuance of a temporary certificate of occupancy.
18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the site plans must provide all pertinent City of White Plains Standard construction details, including promenade sidewalk, concrete driveway apron, lumec lighting and granite curb for areas to be restored within the municipal right of way (ROW).
19. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, plan sheet SD-100 indicates that the two (2) existing wood utility poles fronting the property are to be removed. The Applicant must show in plans how the existing overhead utilities will be addressed if the poles are removed. If the utility poles are to be relocated, their new locations must be shown and adequately labeled in plans. Additionally, prior to obtaining a Temporary Certificate of Occupancy (TCO), the Applicant will be required to provide to the City's DPW one (1) new City-Standard LED cobra head fixture to replace the existing HPS heads currently mounted on one of the poles fronting the site.
20. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant shall furnish and install two (2) Property Line Monuments flush to grade along the front property line/ROW (one at each end), or as directed by the Commissioner of Public Works.
21. As per the recommendation set forth in the communication of the Commis-

sioner of Public Works dated January 3, 2017, upon completion of proposed development, an As-Built drawing, signed and sealed by the engineer of records, must be submitted detailing all utilities, including the drainage system as installed and all site drainage features existing and proposed, prior to the issuance of a temporary certificate of occupancy.

22. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, 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.
23. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, all construction work shall be subject to the City's Construction Management Protocol. This protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment "Westmoreland Lofts, LLC" 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 construction 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.
- 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:
  - 1. 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.

2. 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.
  3. 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.
  4. "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.
  5. "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 are damaged as a result of construction activities, will be repaired to city standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the 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 may be inconsistent with those standards.
  - L. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
  - M. 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.
24. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated November 22, 2016, the locations for stop signs must be indicated.
25. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated November 22, 2016, the stop line for the main exit must be four feet behind the active sidewalk line.
26. As per the communication of the Deputy Commissioner of Parking for



Transportation Engineering, dated November 22, 2016, the truck turning diagram for garbage, delivery or moving trucks must indicate a backing maneuver from the parking lane. The portion of the parking lane that must be restricted should be indicated on the plan.

27. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated November 22, 2016, the colors for pavement marking must be indicated on the plan.
28. As per the communication of the Commissioner of Planning, dated December 21, 2016, the Common Council shall make the requisite finding pursuant to New York State General City Law § 27-a, that the site plan does not provide adequate land at grade for park and recreation facilities based on the project's anticipated generation of more than 115 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the Planning Commissioner's communication to the Common Council, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
29. As per the communication from the Commissioner of Planning, dated December 21, 2016, the Common Council shall assess a fee-in-lieu of providing adequate park and recreation facilities for the 62 dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$174,000 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

The total fee shall be paid by the Applicant in two equal installments of \$87,000 - the first shall be made at time of issuance of the first building permit, and second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.
30. As per the communication from the Commissioner of Planning, dated December 21, 2016, all landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
31. As per the communication from the Commissioner of Planning, dated December 21, 2016, 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.

32. As per the communication from the Commissioner of Planning, dated December 21, 2016, 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.
33. As per the communication from the Commissioner of Planning, dated December 21, 2016, prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.
34. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the proposed development will increase sewage flows from this site into the existing infrastructure and will add to the volume requiring treatment at a water resource recovery facility operated by Westchester County. As a matter of County Department of Environmental Facilities policy, the City should require the Applicant to identify mitigation measures that will offset the projected increase in flow. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three to one.
35. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the County Planning Board further recommends that the City implement a program that requires inspection of sewer laterals from private structures for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. At a minimum, we encourage the City to enact a requirement that a sewer lateral inspection be conducted at the time property ownership is transferred and any necessary corrective action be enforceable by the municipal building inspector.
36. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the Westchester County Planning Board recommends the City request the Applicant to verify that sufficient space will be available to store recyclables under the recently expanded County recycling program which now includes plastics numbered 1 through 7.

37. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the Westchester County Planning Board encourages the Applicant to include as much green construction technology as possible into the proposed development.
38. Pursuant to correspondence from the Environmental Officer, dated December 15, 2016, a final site lighting plan should be submitted for approval to the Commissioners of Building and Planning and the Environmental Officer prior to the issuance of a Final Certificate of Occupancy for the proposed development to insure that all light sources have been adequately shielded to prevent spillage of light outside the parking lot and assure that no direct light glare will be directed toward the adjacent residential properties, as is required by Section 4.4.20 of the Zoning Ordinance. This approval will involve a nighttime site inspection and may require the replacement of or installation of additional screening or panels on the installed light fixtures.
39. Pursuant to correspondence from the Environmental Officer, dated December 15, 2016, a final landscaping plan should be submitted for approval to the Commissioners of Building and Planning and the Environmental Officer prior to the issuance of a Building Permit. The primary concern is to screen the new parking lot from adjacent residential properties along the rear/southeast and right/southwest property lines. This should include an assessment to determine if any trees on the adjacent properties will be impacted by construction activities; and

WHEREAS, since the January 3, 2017 approval, the project has not been changed and there are no other relevant changes in circumstances related to the project; and

WHEREAS, the Proposed Action is subject to the all the conditions included in the January 3, 2017 Approval resolution; 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; (b) reconfirm that the Proposed Action is an Unlisted Action; (c) determine that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQR findings adopted for the January 3, 2017 Approval; (d) reconfirm the SEQR findings adopted January 3, 2017; and (e) reconfirm that the Proposed Action will not have a significant effect on the environment; and

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

WHEREAS, the Common Council has considered the Proposed Action, Application Materials, Conditions and reports from the various departments,

boards, commissions, and interested agencies, and public comments which, when considered together, constitute the Environmental Review Record which serves as a basis for the SEQR determination; now, therefore, be it

RESOLVED, based on the foregoing reasons, that the Common Council hereby 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 regulations; and be it further

RESOLVED, that the Common Council hereby determines that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would require an amendment to the SEQR findings adopted for the January 3, 2017 Approval; and be it further

RESOLVED, that the Common Council hereby reconfirms the SEQR findings adopted January 3, 2017; and be it further

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

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

Adopted:

Mr. Martin seconded the motion.

Carried.

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Mr. Krolan moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS EXTENDING FOR AN ADDITIONAL ONE (1) YEAR THE SPECIAL PERMIT AND SITE PLAN APPROVAL GRANTED ON JANUARY 3, 2017 TO WESTMORELAND LOFTS LLC ("APPLICANT") FOR THE PROJECT KNOWN AS "THE WESTMORELAND LOFTS" LOCATED AT 146 WESTMORELAND AVENUE.

WHEREAS, on January 3, 2017, the Common Council of the City of White Plains, after adopting environmental findings, approved an application submitted on behalf of the Westmoreland Lofts LLC ("Applicant") for a project known as "The Westmoreland Lofts" located at 146 (136-158) Westmoreland Avenue to permit the development of a 5½ story and 70 foot 8 inch high mixed use building with sixty-two (62) residential dwelling units on floors two (2) through five (5) above ground floor non-residential uses, including space for an approximately 1,600 square foot retail use and a 2,700 square foot light manufacturing micro-brewery use, such uses together requiring ninety-seven (97) parking spaces; and

WHEREAS, the Site Plan approval granted on January 3, 2017, contained the following conditions:

1. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Stormwater Pollution Plan (SWPPP) submitted by the Applicant has been "APPROVED" As the plans are further developed, amendments to the SWPPP, in accordance with the current 'NYSDEC SPDES General Permit for Stormwater Discharges From Construction Activity," will be required.
2. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant must provide a copy of certified topographic property survey, signed and sealed by a New York State licensed land surveyor. The current site plan refers to a survey dated 1/18/16 prepared by the Munson Company.
3. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, 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. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work.
4. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, footing drains must be located a minimum of one foot above the high groundwater table elevation.
5. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, DPW requires the sidewalk proposed to be installed within the public ROW to match the City's standard promenade sidewalk. The Applicant shall be required to replace the existing curb fronting the property with new granite curbing, in accordance with DPW Standard Construction Details
6. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant must include the "Department of Public Works Construction Notes for Subdivisions and Developments" sheet.
7. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, all tree species being proposed to be installed within the City's ROW will require approval from DPW and the City's arborist prior to planting.
8. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant shall provide a larger designated snow storage area than is shown on the plans or will need to contract a private vendor to remove the snow from the site. Plowing or storage of snow into the City Right Of Way is not permitted.
9. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, prior to issuance of a Building Permit, the Applicant must verify all the existing underground utilities on the plans, including gas, telephone, fiber optics, sanitary sewer, drain and all water

lines (include number of conduits and/or number of ducts per bank). It is strongly recommended that test pits be performed at all the locations where proposed lines cross existing utility conduits, in order to prevent interference during construction.

10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the size of the proposed 8" sanitary sewer service, as shown in plan sheet SD-103, does not match the 6" service pipe listed on Appendix A, Sanitary, of the Plumbing Utility Load letter from KEA Engineers, MEP engineer of record, provided with this submittal. The Applicant shall verify the size of the proposed sanitary sewer service and reconcile accordingly. Additionally, the sanitary sewer service line must be equipped with an aerated type grease trap within the Applicant's property to reduce the possibility of grease in the municipal sanitary sewer main.

11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the City's Commissioner of Public Works must certify to the Westchester County Department of Health, as the agent for the New York State Department of Health, the adequacy of the municipal water and sewer system and services with respect to the proposed building.

a. All existing sanitary sewer and stormwater drain structures, where new connections into the municipal system are being proposed, shall be inspected for capacity and structural integrity, in order to determine that the structures can safely accept the proposed connections and the additional flows. An inspection report indicating the conditions of each structure, and the option to repair or replace if needed, must be provided by the Applicant to DPW for review and approval.

The Applicant shall be required to, at minimum, repair and line, or replace, at his/her expense, the existing sanitary sewer manhole, where the proposed service line will be connected to the municipal sewer system as directed by the Commissioner of Public Works.

b. It is required that the Applicant perform a CCTV inspection and flow analysis on the existing 18" C.I. sanitary sewer main in the area where the proposed service will connect to the City system (limits of inspection and location of flow monitoring are to be determined by the Commissioner of Public Works,) and provide to DPW a written report and supporting video, along with available pipe capacity calculations (based on 1/2-full maximum allowed pipe flow) for existing and post development conditions for the Commissioner of Public Works review. Once DPW receives these items, DPW will perform a full evaluation of the existing city utilities with respect to the new development.

12. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the site utility plan (sheet SD-103) must show the existing water main, along with the proposed connection of the fire and domestic water services to the main, including the required five (5)-gate valve configuration.

13. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the existing sanitary and water

services shall be abandoned at the main, including all restoration work associated. The plans shall reflect the locations and limits of all the services to be abandoned.

14. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the plans indicate the existing street catch basin fronting the property will remain. This catch basin will require that its casting be replaced with new eco-friendly models with bicycle-safe grates in accordance with DPW's Standard Construction Details.

15. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, all proposed stormwater catch basins/inlets being installed within the private property must include a minimum sump depth of 36 inches.

16. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record. To ensure the proper maintenance of the site's stormwater device(s), an as-built drawing must be provided to DPW, signed and sealed by said engineer, or by a New York State licensed land surveyor, and a typical escrow account must be established for the maintenance of the permanent 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 its Department of Public Works will receive 20% of all costs (if the City is required to contract the work) as an administrative fee. Additionally, a standard DPW stormwater maintenance agreement must be executed with the City and approved by the Corporation Counsel, prior to the issuance of a temporary certificate of occupancy.

17. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, an RPZ backflow preventer device(s) must be installed on the domestic and fire water service lines. These devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to DPW for review and subsequent final approval by the Westchester County Department of Health (WCDOH). The floor drain for said room must be adequate to comply with White Plains DPW and Westchester Department of Health requirements. The backflow preventer cannot be installed prior to final approval by WCDOH; however, its installation(s) must be completed prior to the issuance of a temporary certificate of occupancy (TCO).

18. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the site plans must provide all pertinent City of White Plains Standard construction details, including promenade sidewalk, concrete driveway apron, lumec lighting and granite curb for areas to be restored within the municipal right of way (ROW).

19. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, plan sheet SD-100 indicates that the two (2) existing wood utility poles fronting the property are to be removed. The Applicant must show in plans how the existing overhead utilities will be

addressed if the poles are removed. If the utility poles are to be relocated, their new locations must be shown and adequately labeled in plans. Additionally, prior to obtaining a TCO, the Applicant will be required to provide to the City's DPW one (1) new City-Standard LED cobra head fixture to replace the existing HPS heads currently mounted on one of the poles fronting the site.

20. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, the Applicant shall furnish and install two (2) Property Line Monuments flush to grade along the front property line/ROW (one at each end), or as directed by the Commissioner of Public Works.

21. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, upon completion of the proposed development, an As-Built drawing, signed and sealed by the engineer of records, must be submitted detailing all utilities, including the drainage system as installed and all site drainage features existing and proposed, prior to the issuance of a temporary certificate of occupancy.

22. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, all construction under the jurisdiction of DPW must be in conformance with the Department's standards regardless of what may be shown or omitted on the plan.

23. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 3, 2017, all construction work shall be subject to the City's Construction Management Protocol. This protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment "Westmoreland Lofts, LLC" 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 construction 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.



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:

1. 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.

2. 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.

3. 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.

4. "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.

5. "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 are damaged as a result of construction activities, will be repaired to city standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the 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 may be inconsistent with those standards.

L. The Applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.

M. 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.

24. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated November 22, 2016, the locations for stop signs must be indicated.

25. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated November 22, 2016, the stop line for the main exit must be four feet behind the active sidewalk line.

26. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated November 22, 2016, the truck turning diagram for garbage, delivery or moving trucks must indicate a backing maneuver from the parking lane. The portion of the parking lane that must be restricted should be indicated on the plan.

27. As per the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated November 22, 2016, the colors for pavement marking must be indicated on the plan.

28. As per the recommendation set forth in the communication of the Commissioner of Planning, dated December 21, 2016, the Common Council has made the requisite finding pursuant to New York State General City Law § 27-a, that the site plan does not provide adequate land at grade for park and recreation facilities based on the project's anticipated generation of more than 115 new city residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the Planning Commissioner's communication to the Common Council, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

29. As per the recommendation set forth in the communication from the Commissioner of Planning, dated December 21, 2016, the Common Council has assessed a fee-in-lieu of providing adequate park and recreation facilities for the 62 dwelling units proposed on a per residential unit basis (\$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom and larger unit) amounting to a total fee of \$174,000 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

The total fee shall be paid by the Applicant in two equal installments of \$87,000 - the first shall be made at time of issuance of the first building permit, and second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no TCO is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.

30. As per the recommendation set forth in the communication from the Commissioner of Planning, dated December 21, 2016, all landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.

31. As per the recommendation set forth in the communication from the Commissioner of Planning, dated December 21, 2016, 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.

32. As per the recommendation set forth in the communication from the Commissioner of Planning, dated December 21, 2016, 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.

33. As per the recommendation set forth in the communication from the Commissioner of Planning, dated December 21, 2016, prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.

34. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the proposed development will increase sewage flows from this site into the existing infrastructure and will add to the volume requiring treatment at a water resource recovery facility operated by Westchester County. As a matter of County Department of Environmental Facilities policy, the Applicant should be required to identify mitigation measures that will offset the projected increase in flow. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three to one.

35. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the County Planning Board further recommends that the City implement a program that requires inspection of sewer laterals from private structures for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. At a minimum, the Westchester County Planning Board encourages the City to enact a requirement that a sewer lateral inspection be conducted at the time property ownership is transferred and any necessary corrective action be enforceable by the municipal building inspector.

36. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the Westchester County Planning Board recommends the Applicant should be required to verify that sufficient space will be available to store recyclables under the recently expanded County recycling program which now includes plastics numbered 1 through 7.

37. As per the communication from the Westchester County Planning Board, dated November 28, 2016, the Westchester County Planning Board encourages the Applicant to include as much green construction technology as possible into the proposed development.

38. As per the recommendation set forth in the communication of the Environmental Officer, dated December 15, 2016, a final site lighting plan shall be submitted by the Applicant to the Commissioners of Building and Planning for approval prior to the issuance of a final Certificate of Occupancy for the proposed development to insure that all light sources have been adequately

shielded to prevent spillage of light outside the parking lot and to insure that no direct light glare will be directed toward the adjacent residential properties, as required by Section 4.4.20 of the Zoning Ordinance. This approval shall include a nighttime site inspection and may require the replacement of or installation of additional screening or panels on the installed light fixtures.

39. As per the recommendation set forth in the communication of the Environmental Officer dated December 15, 2016, a final landscaping plan shall be prepared by the Applicant and submitted for approval to the Commissioners of Building and Planning and the Environmental Officer prior to the issuance of a Building Permit. The primary concern is to screen the new parking lot from adjacent residential properties along the rear/southeast corner and right/southwest property lines. This should include an assessment to determine if any trees on the adjacent properties will be impacted by construction activities.

WHEREAS, the Common Council, at a meeting held on November 6, 2017, received a communication from the Commissioner of Building, dated October 24, 2017, forwarding a letter dated October 18, 2017, from David Steinmetz of the law firm of Zarin & Steinmetz, Esq., counsel for the Applicant, requesting an additional one (1) year extension of the Special Permit and Site Plan approval of the project granted by the Common Council by resolution adopted on January 3, 2017 ("Application"), 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 request for the extension of the approved Special Permit and Site Plan was referred by the Common Council at its November 6, 2017 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 Special Permit and Site Plan; and

WHEREAS, Applicant's counsel in his October 18, 2017 letter states that there has been no material change in circumstances since the issuance of the Special Permit and Site Plan approval on January 3, 2017 that would affect the basis for the approval; 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 Special Permit and Site Plan 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 4, 7 and 8; and

WHEREAS, in connection with this instant application, the Common Council, at its meeting held on December 4, 2017, adopted an environmental findings resolution, which reconfirmed the Common Council as Lead Agency for the

environmental review of this application to extend approval of the Special Permit and Site Plan for one (1) year pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"); re-confirmed that the Proposed Action is an Unlisted Action; found no relevant changes in circumstances related to the project that would require an amendment to the January 3, 2017 approval; re-confirmed the SEQRA findings adopted January 3, 2017; and reconfirm that the Proposed Action will not have a significant effect on the environment; now, therefore be it

RESOLVED, that the Common Council hereby extends until January 3, 2019, the Special Permit and Site Plan Approval of a project known as "The Westmoreland Lofts" located at 146 (136-158) Westmoreland Avenue, subject to the Applicant's compliance with all of the applicable conditions contained in the January 3, 2017 resolution.

Mr. Martin seconded the motion.

Carried.

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Communication from Acting Commissioner of Finance.

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

Mrs. Smayda seconded the motion.

Carried.

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

Office of State Comptroller Regulation 315.4, *Regulation on Reporting for Elected or Appointed Officials*, became effective August 12, 2009. This regulation adds additional requirements for both employers and elected officials, including an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

At the time that Common Council Member Beth Smayda prepared her Record of Activities, she was unaware that City work related to travel time, and extending the sample three month reporting period for vacation, was allowed in establishing the average number of days worked per month. Therefore a revised sample three month reporting period has been prepared.

A resolution is submitted herewith for Common Council consideration.

Respectfully submitted

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James L. Heslop  
Acting Commissioner of Finance

Dated: November 20, 2017

(For the Common Council Meeting of December 4, 2017)

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Mr. Martin moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS REAFFIRMING, ESTABLISHING AND REPORTING A STANDARD WORK DAY FOR COMMON COUNCIL MEMBERS.

WHEREAS, the New York State and Local Retirement System Regulation 315 provides that retirement credit be based upon time worked; and

WHEREAS, Common Council Members do not work on a formal schedule because the duties of the Office require that Common Council Members be available to the public on evenings and weekends; and

WHEREAS, the State requirements provide that the governing board must determine the days worked based on a standard work day with a minimum of six hours per day; and

WHEREAS, on March 4, 1991, the Common Council adopted an ordinance establishing a standard work day of six hours per day.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby reaffirms and establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities recorded and submitted by each of these officials to the Clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Current Term Begins and Expires	Participates in Employer's Time Keeping System (Y/N)	Days/ Month (Based on Record of Activities)
Council Member	Beth Smayda	6	01/01/2014 - 12/31/2017	N	21.8

Mrs. Smayda seconded the motion.

Carried.

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Communication from Commissioner of Building.

Mrs. Smayda moved that it/they be filed and spread in full upon the minutes, and referred to Law, Building Department, Design Review Board, Planning Department, Planning Board, Public Safety, Public Works, Traffic Division, Transportation Commission, Parking Department, Westchester County Planning Board and Environmental Officer.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by Post Maple 77, LLC, for an extension of the site plan approval for their proposed mixed-use development project located on a site bounded by Maple Avenue, West Post Road, South Lexington Avenue and Rathbun Avenue.

The property is also known and designated on the tax assessment map of the city as Section 130.34, Block 5, Lots 1-6, 8 and 9; Section 130.34, Block 6, Lots 6-9; and Section 130.34, Block 5, Lot 7.

A letter petition, dated November 1, 2017, prepared by DelBello Donnelian Weingarten Wise and Wiederkehr LLP on behalf of Post Maple 77, LLC has been submitted for a one (1) year extension to the Common Council Resolution originally approved in November of 2016.

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

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

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

Dated: November 20, 2017  
(for December 4, 2017, Common Council Meeting)

**Documents**

Submitted: Cover letter as prepared by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP dated November 1, 2017

November 1, 2017

**By Hand Delivery**

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

Re: Request for Extension of Site Plan Approval for "Boulevard" (Property located on West Post Road and Maple Avenue, White Plains).

Dear Mayor Roach and Members of the Common Council:

As you know, this firm represents Post Maple 77, LLC (the "Applicant"), a related company of Grid Properties, Inc., in connection with its property located



near the intersection of West Post Road and Maple Avenue which property is also known and designated on the tax assessment map of the City as Section 130.34, Block 5, Lots 1-6, 8 and 9; Section 130.34, Block 6, Lots 6-9; and Section 130.34, Block 5, Lot 7 (the "Property"). As you may remember, in November, 2016, the Common Council granted site plan approval (the "Approval") to permit the redevelopment of the Property with a mixed-use development consisting of approximately 220,000 leasable square feet of retail and fitness uses, restaurant, twelve (12) "townhome" multi-family dwelling units, and a parking structure containing approximately 720 parking spaces to serve all uses (the "Project").<sup>1</sup>

Since the time that the Approvals were granted, the Applicant has been diligently negotiating to secure tenants and financing for the Project. However, given the dynamic shift taking place in retail today, along with the developer's commitment to attracting the ideal tenant mix for the Project, leasing has taken longer than anticipated. As a result, construction of the Project has not yet commenced; therefore "substantial construction" of the Project will not be achieved within one year of the [Approval] as required by Section 7.6 of the Zoning Ordinance of the City. Accordingly, on behalf of the Applicant, we respectfully request that this matter be placed on the Council's next available agenda for consideration of an extension of the Approval for a period of one (1) year, through and including November 7, 2018. By copy of this letter, we have submitted to the Department of Building a check in the amount of \$31,566.00<sup>2</sup> made payable to the City of White Plains representing the application fee.

Thank you for your consideration. Please feel free to contact me if you have any questions or if you need any additional information.

Very truly yours,

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Janet J. Giris

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<sup>1</sup> "Resolution of the Common Council of the City of White Plains approving the Application Submitted on Behalf of Post Maple 77, A Related Company of Grid Properties, Inc., ("Applicant"), the Owner Developer and Operator of the Premises Near the Intersection of West Post Road and Maple Avenue on the Southwesterly Edge of the City of White Plains, Consisting of Approximately 4.2 Acres and Comprised of the Following Tax Lots: Section 130.34, Block 5, Lots 1 through 6, 8 and 9; Section 130.34, Block 6, Lots 6, 7, 8 and 9; and Section 130.34, Block 5, Lot 7 (Declared Herein to Be a Single "Development Site") for Site Plan Approval of a Mixed-Use Development of Approximately 220,000 Leasable Square Feet of Retail and Fitness Uses, Twelve (12) "Townhouse" Multi-Family Dwelling Units, and an Approximately 720 Space Self-Park Parking Garage with Additional Valet Parking for Up To 82 Parking Spaces and 54 Satellite Parking Spaces As Needed and 37 Joint Use Parking Spaces to Serve All the Uses of the Property (Known Collectively as "The Boulevard"), And Payment By the Applicant of Fee-In-Lieu in the Amount of \$36,000 To Be Used Exclusively for Park, Playground and other Recreational Purposes, Including the Acquisition of Real Property, To Mitigate the Recreational Impact of the New Multi-Family Project, In Accordance With General City Law Section 27-A.

<sup>2</sup> \$1,200.00 representing the site plan application fee for the residential component of the project and \$30,366.00 representing the site plan fee for all other components of the Project.

cc: John Callahan, Esq., Corporation Counsel and Chief of Staff  
Damon Amadio, Commissioner of Building  
Christopher Gomez, AICP, Commissioner of Planning  
Anne M. McPherson, City Clerk  
Drew Greenwald  
Scott Auster  
Peter J. Wise, Esq.  
Mark P. Weingarten, Esq.

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Communication from Commissioner of Building.

Mrs. Smayda moved that it/they be filed and spread in full upon the minutes, and referred to Law, Building Department, Design Review Board, Planning Department, Planning Board, Public Safety, Public Works, Traffic Division, Transportation Commission, Parking Department, Westchester County Planning Board and Environmental Officer.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7.7 of the White Plains Zoning Ordinance, is a proposed amendment to a previously approved site plan associated with 1111 Westchester Avenue.

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

The project will be incorporating a solar array on the top level of the garage which will provide approximately 20% of the power needs for the site.

The proposed project required an area variance from the Zoning Board of Appeals (ZBA) due to an overage in total building coverage. The ZBA granted this variance on November 1, 2017.

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

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

DATED: November 20, 2017  
(for the December 4, 2017 Common Council Meeting)

## DOCUMENTS

SUBMITTED: Cover letter prepared by Mr. Seth Mandelbaum dated November 17, 2017; a Full Environmental Assessment Form dated November 17, 2017; a Short Form Building Permit Application dated November 13, 2017; a Vehicle Queuing Analysis dated November 15, 2017 as prepared by JMC Consulting; architectural drawings A1 through A5 dated September 6, 2017 as prepared by Desman Design Management and drawings SP-1 through SP-14 dated June 12, 2017 as prepared by JMC Consulting.

November 17, 2017

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

Re: Westpark Parking Garage  
1111 Westchester Avenue

Dear Hon. Mayor Roach & Members of the Council:

This firm represents Westpark Associates NY LLC (the "Applicant"), the owner of the above-referenced property (the "Property") in connection with its application for Site Plan approval. As you may know, the sole tenant on the Property, which was formerly occupied by Starwood and Nine West, is PepsiCo, Inc. ("PepsiCo"). PepsiCo and the Applicant have determined that the present parking lot is inadequate for PepsiCo's continued use of the Property. In order to remedy this condition, the Applicant is proposing to construct a three-level parking structure parking structure with a 54,274 square foot footprint (the "Garage"), which will include a solar array above the top level. It is anticipated that the proposed solar panels will produce approximately 20% of the necessary electricity for the Property. The Applicant is also proposing to construct a new guard booth and security gates on the premises in order to improve security on site, and some alterations to the parking lot to accommodate the Garage and guard booth.

The Garage and associated improvements will be part of the existing office campus on the Property, and be located in an area that is already used for surface parking. The Garage and parking lot updates will create a net increase of approximately 266 parking spaces on the Property, providing a crucial increase in available parking for PepsiCo's employees and visitors. It should also be noted that at its November 1<sup>st</sup> meeting, the White Plains Zoning Board of Appeals granted an area variance for total building coverage following a public hearing, finding that the proposed project resulted in benefits to the Applicant that outweighed any potential impacts to the surrounding neighborhood.

The Garage will be built into an existing grade change in the parking lot on the Property, so that the Garage itself will not be much higher than the highest point of the existing parking area. Moreover, the nearest neighbors are at a

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

Additionally, the Applicant's engineers, JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC ("JMC"), have performed an analysis of potential queuing generated by the guard booths and parking lot adjustments, and have determined that even at maximum levels, beyond average queuing, there will be more than enough room for vehicles entering the Property. Specifically, there is 240 feet of available queuing space for vehicles, and at the highest levels, only 160 feet will be used. Thus, there will be no impact on traffic along Westchester Avenue or any of the surrounding streets.

It is also noted that the Property qualifies as an "environmentally sensitive site" under the City of White Plains Zoning Ordinance, as there are wetlands, steep slopes, and rock outcroppings on the site. However, the wetland is not impacted by the proposed improvements. A portion of the east side of the parking area is to be reconfigured in connection with the security improvements, which will result in a minimal amount of disturbance within the 50 foot wetland buffer (approximately 1,170 square feet). However, this disturbance will result in a net *increase* in green space within the buffer, which will actually benefit the wetland. Furthermore, all proposed improvements have been designed to avoid impacts to steep slopes and rock outcroppings. There will be no creation of unnatural shapes in the existing slopes on the Property, and all necessary measures will be taken to ensure erosion and sediment controls are put in place. As noted above, it is not anticipated that there will be any major impacts to the views of surrounding properties. The proposed improvements therefore meet all of the relevant standards for work being done on an environmentally sensitive site.

In support of this application, enclosed please find copies of the following documents, together with a check for the required fee:

1. Completed and signed Long-Form Building Permit Application, dated November 13, 2017;
2. Completed and signed Full Environmental Assessment Form, dated November 17, 2017;
3. Queuing Analysis Letter from JMC, dated November 15, 2017;
4. Engineering drawings prepared by JMC for the various proposed site improvements, last revised November 17, 2017; and
5. Floor Plan drawings for the Garage, including the proposed solar panels, prepared by Desman Design Management, last revised September 6, 2017.

Kindly place this matter on the December 4, 2017 Council agenda, for consideration of the application, referral out to other agencies, and for the Council to declare its intent to serve as the Lead Agency under SEQRA. If you have any questions or require additional information, please do not hesitate to contact my office. Thank you for your consideration.

Very truly yours,

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Seth M. Mandelbaum

SMM:sw

Enc.

cc: John G. Callahan, Esq.

Westpark Associates NY LLC

JMC Planning, Engineering, Landscape Architecture & Land Surveying,  
PLLC

Desman Design Management

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Communication from Commissioner of Building.

Mrs. Smayda moved that it/they be filed and spread in full upon the minutes, and referred to Law, Building Department, Design Review Board, Planning Department, Planning Board, Public Safety, Public Works, Traffic Division, Transportation Commission, Parking Department, Westchester County Planning Board and Environmental Officer.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Submitted herewith, for your review and appropriate action, is a request for Special Permit and Amended Site Plan Approval for a proposed project at 79 East Post Road.

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

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

Part of the renovation will include re-purposing existing exterior entrance stairs and atrium space into new office space. New floor area will be created that does not affect the overall building footprint, but will increase the overall building Floor Area Ratio (FAR). The increase in FAR requires a special permit by the Common Council in accordance with section 5.3 of the City of White Plains Zoning Ordinance.

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

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: November 29, 2017  
(for the December 4, 2017 Common Council Meeting)

RELATED

DOCUMENTS: Cover letter from Mr. William Null dated November 11, 2017; a Short Form Building Permit Application dated November 10, 2017; a Short Environmental Assessment Form dated November 17, 2017 and drawings G-001, V-001, A-001, A-100, A-101, A-201, C-101 and C-501 dated November 17, 2017

11/21/2017

BY HAND

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

Re: Application of White Plains Hospital for Amended Site Plan & Special Permit Approval  
(Premises: 79 East Post Road)

Dear Mayor Roach and Members of the Common Council:

On behalf of White Plains Hospital (the "Hospital"), we respectfully submit this Application for Amended Site Plan and Special Permit Approval for an existing approximately 16,000 square foot office building situated at 79 East Post Road, which the Hospital recently acquired. The Hospital proposes to renovate this four-story, brick building on the northwesterly corner of the intersection of Longview Avenue and East Post Road directly opposite the Hospital's new Cancer Care Center. The building is currently vacant and the Premises are classified in the B-3 District in accordance with the Zoning Ordinance of the City of White Plains.

The B-3 District permits, among other things, "business or professional offices". The Hospital plans to relocate some of its existing professional offices from its Main Campus to these Premises. In connection therewith, it proposes substantial interior modernization and renovation to the building, as well as aesthetic changes to the exterior to improve the appearance of the building, as part of the Hospital's continuing efforts to enhance the Post Road Corridor.

Among the improvements proposed to be made to the building by this Application, are the following:

1. Relocation of the entrance and creation of a new lobby area accessible from the sidewalk on East Post Road, thereby providing ADA accessibility for people entering the building, which will require closure of an existing driveway and curb-cut leading to the former upper level parking (where 13 spaces are situated);
2. Enclosure of the existing entrance stairs, which provided access to the lobby from East Post Road;
3. Closing an internal, two-story atrium on the second and third floors;
4. Adding a second elevator; and
5. Modifying the window openings and facade to modernize the appearance of the building.

The Premises was developed as a medical office building and issued Certificate of Occupancy No. 8370 in 1997 (a copy of which is enclosed). As shown on the Certificate of Occupancy, it provided 53 parking spaces: 28 parking spaces on the Premises (15 spaces in the Cellar; and 13 spaces in the upper parking level); with an additional 25 spaces provided by fee-in-lieu of parking. The Certificate of Occupancy also states that the building was constructed with a Floor Area Ratio ("FAR") of 2.0.

As previously noted, the Premises will be occupied by professional offices relocated from the Hospital's Main Campus. Enclosure of both the internal atrium and the current entrance stairs increases the gross floor area of the building from 15,652 to 17,910 square feet. Accordingly, the increase of 2,258 square feet prompts this request to modify the permitted FAR, pursuant to Footnote (i) of Section 5.3, which permits the Common Council on issuance of a Special Permit to increase non-residential FAR by up to 0.5 on properties situated in the Central Parking Area. Accordingly, we respectfully request that the Common Council grant a Special Permit allowing the FAR to increase to 2.3<sup>1</sup> because, among other reasons, the increased FAR does not otherwise expand the footprint of the building.

Pursuant to the Zoning Ordinance, parking for the "professional offices" in this building requires 2 spaces per 1,000 square feet of gross floor area, so the 17,910 square feet of gross floor area will require 36 parking spaces. The requisite parking has been provided on-site, despite the closure of the existing driveway to the upper level parking removing 13 parking spaces. As shown on Plan A-001, there are 40 spaces provided for the building pursuant to the Zoning Ordinance (including 25 previously provided by fee-in-lieu of parking).

In furtherance of this Application, we respectfully enclose for your review and consideration thirty-six (36) sets of the following plans, entitled "White

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<sup>1</sup> The Zoning Table shown on Plan A-001 (enclosed herewith) indicates that the existing FAR is 2.1 and the proposed FAR is 2.3. NOTE: The Zoning Table is filed with the original submission.

Plains Hospital, 79 East Post Road Renovation," dated November 17, 2017, prepared by McLaren Engineering Group (unless otherwise noted) and numbered and titled as follows:

1. Cover Sheet;
2. Boundary & Topographic Survey, entitled "White Plains Hospital Medical Center, 79 East Post Road (NYSR 22), Lot 1, Block 4, City of White Plains, Westchester County, State of New York" (V-001.02), last revised 10-27-2017, prepared by Control Point Associates Inc. PC;
3. Zoning Plan (A-001), prepared by McLaren Engineering Group;
4. Floor Plans (A-100), entitled "79 EPR Renovation", prepared by Array Architects P.C.;
5. Floor Plans (A-101), entitled "79 EPR Renovation", prepared by Array Architects P.C.;
6. Building Elevations (A-201), entitled "79 EPR Renovation", prepared by Array Architects P.C.;
7. Site & Grading Plan (C-101), prepared by McLaren Engineering Group; and
8. Details (C-501), prepared by McLaren Engineering Group.

In addition, we are enclosing a Short Form Building Permit Application, as well as a Short Environmental Assessment Form prepared 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").

We respectfully request that this Application be placed on the Agenda for consideration at your next meeting in accordance with the provisions of the Zoning Ordinance. We look forward to discussing this Application for Site Plan & Special Permit Approval in further detail.

Thank you for your courtesy and attention to this matter.

Respectfully yours,

---

William S. Null

WSN:yp

Enclosures

cc: John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; White Plains Hospital: Ms. Susan Fox, President and Chief Executive Officer, Mr. Jeffrey Tiesi, Sr. Vice President and Chief Operating Officer, Mr. Joseph Mannino, Vice President, Facilities Management and Construction, and Mr. Robert Stiers, Director Construction & Design, Facilities Management; Mr. J. Michael Divney; Mr. Steven Grogg, P.E., McLaren Engineering; and Dr. John Collins, Maser Consulting



12/01/2017

BY HAND

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

Re: Application of White Plains Hospital for Amended Site Plan  
& Special Permit Approval  
(Premises: 79 East Post Road)

Dear Mayor Roach and Members of the Common Council:

On behalf of White Plains Hospital (the "Hospital") and in furtherance of the Application submitted by our letter dated November 21, 2017, we respectfully submit a revised Short Environmental Assessment Form ("EAF") in connection with this Application for Amended Site Plan and Special Permit Approval.

The EAF changes only the answer to Item 12.a. and b., as the Premises is near the Percy Grainger Home and Studio Historic Site identified in the EAF Mapper, but the historic property is not adjacent to, nor on the Premises. Accordingly, we have clarified and corrected the answer to Item 12 and respectfully request that the enclosed thirty-five (35) sets of the revised EAF be substituted for the EAF submitted initially.

We look forward to discussing this Application for Site Plan & Special Permit Approval in further detail. Thank you for your courtesy and attention to this matter.

Respectfully yours,

---

William S. Null

WSN:yp  
Enclosure

cc: John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; White Plains Hospital: Ms. Susan Fox, President and Chief Executive Officer, Mr. Jeffrey Tiesi, Sr. Vice President and Chief Operating Officer, Mr. Joseph Mannino, Vice President, Facilities Management and Construction, and Mr. Robert Stiers, Director Construction & Design, Facilities Management; Mr. J. Michael Divney; Mr. Steven Grogg, P.E., McLaren Engineering; and Dr. John Collins, Maser Consulting

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Communication from Commissioner of Building.

Mrs. Smayda 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, Urban Renewal Agency, Westchester County Planning Board and Environmental Officer.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Submitted, herewith, for your review and appropriate action, is a request for Special Permit and Site Plan Approval of a proposed development project between Westchester Avenue and Franklin Avenue.

The applicant, Saber Chauncy WP, LLC, is proposing to construct a new mixed-use project to be known as "The Collection" that will consist of approximately 25,000 square feet of retail and restaurant space, 276 multi-family dwelling units and a garage that will accommodate 745 passenger vehicles under a "joint use" arrangement.

Two buildings are proposed. A five (5) story, 65 foot high building will front on Westchester Avenue and will house the retail/restaurant space and ninety (90) dwelling units. The second building will be located along Franklin Avenue and is proposed to be eleven (11) stories and 125 feet high and will house 186 dwelling units.

The development spans two (2) zoning districts, the B-3 ( Intermediate Business-3) and the RM-0.35 (Residential Multi-family). It encompasses approximately 3.1 acres and is known and designated on the tax assessment map of the City of White Plains as the following tax lots: Section 126.61, Block 3, Lot 11,12, 13, 14, 26, 27, 28 and 29. The applicant is requesting that the overall project be considered a "Development Site".

The Common Council is the approving agency for the following:

- 1.) Amended Site Plan -Section 7
- 2.) Joint Use Parking -Section 8.5
- 3.) Schedule of Dimensional Regulations -Section 5.3

Footnote (x)-The applicant is proposing four (4) stories and 65 foot height along Westchester Avenue instead of four (4) stories and 50 feet.

Footnote (v)- The applicant requests permission to construct dwelling units on any portion of the development site.

Footnote (w)-The applicant is requesting permission to increase the total building coverage from 60% to 79%.

Footnote (n)-The applicant is proposing eleven (11) Stories along Franklin Avenue instead of six (6) stories.

- 4.) Special Setback Relief - Council may grant. Public hearing Required.

Referrals may be made at this time to appropriate City Departments and Boards and a Public Hearing can be scheduled.

Respectfully Submitted,

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

DATED: November 29, 2017  
(for the December 4, 2017 Common Council Meeting)

**RELATED**

**DOCUMENTS:** Cover letter from Mr. Mark Weingarten dated October 25, 2017; a Long Form Building Permit Application dated October 10, 2017; a Full Environmental Assessment Form dated October 11, 2017; a Loading Dock Access and Off-Site Highway Improvements Report dated November 20, 2017 as prepared by Kimley Horn of New York, P.C. and drawings as listed in the Weingarten cover letter.

Revised November 21, 2017

October 25, 2017

**By Hand Delivery**

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

Re: Applications for Special Permit Approval and Site Plan Approval for "The Collection" (Property Located on Westchester Avenue and Franklin Avenue, White Plains).

Dear Mayor Roach and Members of the Common Council:

This firm represents Saber Chauncey WP, LLC (the "Applicant"), in connection with the proposed redevelopment of the property located on the north side of Westchester Avenue generally between Paulding Street and Bloomingdale Road, as a mixed-use project to be known as "The Collection," consisting of approximately 25,218 square feet of retail and restaurant space, 276 multi-family dwelling units, and a total of approximately 745 parking spaces, including 275 spaces to be leased to the City (the "Project"). On behalf of the

Applicant, and pursuant to Sections 6.3 and 7.4 of the White Plains Zoning Ordinance (the "Zoning Ordinance"), we respectfully submit this letter and supporting materials as an application for special permit/site plan approval of the project.

#### **The Applicant**

The Applicant is a related company of Saber Real Estate Advisors, LLC ("Saber") of Armonk, New York. Saber and its related companies have completed over \$1.5 Billion of development, primarily in New York and Florida, including Rivertowns Square in Dobbs Ferry, New York, an approximately 500,000 square foot mixed-use facility comprised of a hotel, cinema, restaurants, retail uses and approximately 220 rental residential units.

#### **The Development Site**

The property which is the subject of this application is primarily located on the north side of Westchester Avenue, between Paulding Street and Bloomingdale Road, and also has frontage on Franklin Avenue. It consists of approximately 3.1 acres and is comprised of the following eight (8) tax lots: Section 126.61, Block 3, Lots 11, 12, 13, 14, 26, 27, 28, and 29 (collectively, the "Development Site"). The portion of the Development Site fronting on Westchester Avenue (Lots 11-14) is located in the B-3 Intermediate Business District of the City (the "B-3 District") and the portion of Development Site which fronts on Franklin Avenue (Lots 26-29) is located in the RM-0.35 Residential Multi-Family District of the City (the "RM-0.35 District"). The Development Site is also located in the Phase I area of the Westchester Avenue Urban Renewal Project, Project No. WPUR-14.

Lots 11 through 14 are controlled by the Applicant. Lot 11 (100-106 Westchester Avenue) is currently improved with a one-story building in which the restaurant known as "Westchester Burger" is located and will remain. Lot 12 (90-96 Westchester Avenue) is currently improved with an approximately 9,600 square foot, one-story retail building which is predominantly vacant. Lots 13 and 14 (80 Westchester Avenue) are currently improved with three (3) two-level, vacant buildings totaling approximately 30,000 square feet. The existing buildings on Lots 12, 13 and 14 will be demolished.

Lots 26 through 29 (fronting on Franklin Avenue) are currently improved with an on-grade municipal parking lot containing approximately 153 parking spaces (the "Franklin Avenue Lot"). The Franklin Avenue Lot is currently owned by the City of White Plains.

#### **The Proposed Project**

The portion of the Development Site located in the B-3 District is proposed to be redeveloped with a five (5) story, 65 foot high building fronting on Westchester Avenue and containing approximately 25,218 square feet of luxury retail/restaurant space (including the "Westchester Burger" space), and ninety (90) dwelling units (the "Westchester Avenue Building"). The street level restaurant/retail space in the Westchester Avenue Building will have direct access to Westchester Avenue, and has been designed to be consistent in character with

other high-quality retail development in the vicinity. The three (3) stories of the Westchester Avenue Building above the street level retail space will be residences, which will be accessed from a residential lobby in the interior of the Development Site. The residential portion of the building has been designed to step back from Westchester Avenue to provide a terrace on the south side of the building, which will serve as amenity space for residents and will add architectural variation to the building.

The portion of the Development Site located in the RM-0.35 District will be redeveloped with an eleven (11) story, 125 foot high building fronting on Franklin Avenue and containing approximately 186 dwelling units and a four (4) level parking structure with 716 spaces, 275 of which will be leased to the City, and will replace the 153 spaces currently in the Franklin Avenue Lot (the "Franklin Avenue Building"). The residential component of the Franklin Avenue Building will be located in the top seven (7) stories of the building, with the parking structure located below. The residential component of the Franklin Avenue Building has been designed to be architecturally distinct from the parking structure below it.

A new driveway (which will remain a private right-of-way) from Westchester Avenue will bisect the Westchester Avenue Building and will provide the only access to 29 at-grade parking spaces and to the commercial and residential parking in the parking structure. The City spaces in the parking structure will be accessed only from Franklin Avenue.

In addition to amenities serving Project residents, the Project also includes an open space/dog park area, and a pedestrian walkway along the easterly portion of the Development Site which will connect Franklin and Westchester Avenues. A conceptual landscape plan has been prepared which includes a mix of shade and flowering trees along Franklin Avenue, foundation plantings, planting beds and trees throughout the Development Site.

In accordance with the City's regulations, 6% of the 276 residential units (17 units) will be "affordable" units for families earning between 60% and 80% of area median income.

To permit development of the Project, the Applicant requests that the Common Council designate the Development Site as a "development site" under the Zoning Ordinance. The Applicant also requests site plan approval of the Project, and special permit approval from the Common Council to: 1) permit an increase in the height of the Westchester Avenue Building from 4 stories/50 feet to 4 stories/65 feet<sup>1</sup>; 2) permit 40 of the dwelling units permitted in the B-3

<sup>1</sup> Footnote (x) of Section 5.3 of the Zoning Ordinance entitled "Schedule of Dimensional Regulations: Non-residential" permits an increase in height from by one (1) story and fifteen (15) feet on lots outside the Central Parking Area greater than 30,000 square feet.

<sup>2</sup> Footnote (v) of Section 5.3 of the Zoning Ordinance entitled "Schedule of Dimensional Regulations: Residential" permits on designated "development sites" located in two or more multi-family residential districts the construction of "dwelling units" on any portion of the "development site" provided the total number of dwelling units does not exceed the number allowed in each district as

District to be constructed in the Franklin Avenue Building in the RM-0.35 District, thereby increasing the number of dwelling units to be constructed in that building from 146 units to 186 units<sup>2</sup>; 3) permit an increase in maximum building coverage on the portion of the Development Site in the RM-0.35 District from 60% to 79%<sup>3</sup>; and 4) permit an increase in maximum number of stories of the Franklin Avenue Building from 6 stories to 11 stories<sup>4</sup>

In addition, the Applicant is also seeking "joint use" parking approval from the Common Council pursuant to Section 8.5.3 of the Zoning Ordinance. As previously stated, the parking structure will contain 716 spaces, 275 of which will be leased to the City, and 441 spaces to serve Project residences and commercial space. Under the Zoning Ordinance, 555 parking spaces are required for residential and commercial uses of the Project, 85 more spaces than proposed. The Applicant respectfully submits that the different components of the Project will generate different peak parking demand at different times, and that as a result, 470 joint use spaces (441 spaces in the parking structure and 29 at-grade) are sufficient to meet the demand of all on-site uses<sup>5</sup>.

#### **Review Under the State Environmental Quality Review Act**

The proposed Project is classified as "Type I" under the State Environmental Quality Review Act ("SEQRA"). A completed long Environmental Assessment Form is enclosed as part of this application. The Applicant respectfully submits that the proposed Project will not result in any significant adverse environmental impacts not previously studied in connection with the adoption by the Common Council in September, 2017, of certain amendments to the Zoning Ordinance intended to, among other things, facilitate the development of the Project.

determined by Section 5.3 of the Zoning Ordinance, and provided that all dimensional requirements of each district are met except for minimum "lot area per dwelling unit."

<sup>3</sup>Footnote (w) of Section 5.3 of the Zoning Ordinance entitled "Schedule of Dimensional Regulations: Residential" permits on designated "development sites" located in two or more districts an increase in maximum building coverage in accordance with Section 6.7.27.3 of the Zoning Ordinance as if the "development site" was a single lot.

<sup>4</sup> Footnote (n) of Section 5.3 of the Zoning Ordinance entitled "Schedule of Dimensional Regulations: Residential" permits the number of stories to be increased within the maximum height as measured in feet with a front yard of not less than 20 feet.

<sup>5</sup> A more detailed discussion of the proposed joint use parking is contained in the Traffic Impact Study prepared for the Project by Kimley-Horn, dated June, 2017 and previously submitted to the Common Council as part of the Environmental Assessment Narrative ("EAN") prepared in connection with the Applicant's petition to the Common Council for amendments to the Zoning Ordinance to facilitate the Project. The Common Council adopted the proposed amendments in September, 2017. The Applicant will resubmit the previously submitted EAN upon request.

**Required Submissions**

In support of the applications and in accordance with the City's requirements, we respectfully submit the following:

1. A set of civil site plans for the Project consisting of the following sheets:

<b>Drawing Number</b>	<b>Title</b>	<b>Prepared By</b>	<b>Dated or Last Revised</b>
C0.10	Cover	Catizone Engineering, P.C. ("CE")	10/17/17
C1.11	Existing Conditions	CE	10/17/17
C1.21	Demolition Plan	CE	10/17/17
C2.11	Layout Plan	CE	10/17/17
C2.21	Grading Plan	CE	10/17/17
C2.31	Utility Plan	CE	10/17/17
C2.41	ESCP: Phase 1 & 2	CE	10/17/17
C2.42	ESCP: Phase 3& 4	CE	10/17/17
C2.51	Photometric Plan	CE	10/17/17
C3.01	Profiles	CE	10/17/17
C4.01	Site Details	CE	10/17/17
C4.11	City of White Plains Standard Details	CE	10/17/17
C4.12	City of White Plains Standard Details	CE	10/17/17

2. A set of architectural plans for the Project consisting of the following sheets:

<b>Drawing Number</b>	<b>Title</b>	<b>Prepared By</b>	<b>Dated or Last Revised</b>
1	Site Plan	Antunovich Associates ("AA")	11/20/17
2	Zoning Diagram	AA	11/20/17
3	Hardscape/Landscape Plan	AA	11/20/17
4	B1 Floor Plan	AA	11/20/17
5	First Floor Plan	AA	11/20/17
6	Mezzanine Floor Plan	AA	11/20/17
7	Second Floor Plan	AA	11/20/17
8	Third Floor Plan	AA	11/20/17
9	Fourth Floor Plan	AA	11/20/17
10	Typical Residential Floor Plan (5-10)	AA	11/20/17
11	Building Sections	AA	11/20/17
12	Bird's Eye View	AA	11/20/17
13	View at Westchester Avenue	AA	11/20/17
14	View at Franklin Avenue	AA	11/20/17
15	Elevation at Westchester Avenue	AA	11/20/17
16	Elevation at Franklin Avenue	AA	11/20/17

17	Zoning, Parking & Loading Data	AA	11/20/17
18	Gross Floor Area Chart	AA	11/20/17
19	Street Section — Westchester Avenue Looking East	AA	11/20/17
20	Street Section - Franklin Avenue Looking West	AA	11/20/17
21	Rendering Down Franklin Avenue	AA	11/20/17
22	View from West Franklin Avenue	AA	11/20/17

3. A set of signage and striping plans for the Project consisting of the following sheets:

Drawing Number	Title	Prepared By	Dated or Last Revised
S-1	Signage and Striping Plan - Floor P1	Kimley-Horn ("KH")	11/21/17
S-2	Signage and Striping Plan - Floor 1	KH	11/21/17
S-3	Signage and Striping Plan — Mezzanine	KH	11/21/17
S-4	Signage and Striping Plan - Floor 2	KH	11/21/17
S-5	Signage and Striping Plan - Floor 3	KH	11/21/17
S-6	Details	KH	11/21/17
S-7	Details	KH	11/21/17

4. A survey of the Property prepared for Saber Chauncey WP LLC by Ward Carpenter Engineers, Inc., dated October 16, 2017;
5. A letter from John Canning of Kimley-Horn dated November 20, 2017 describing the proposed truck and off-site improvements for the Project;
6. A Stormwater Pollution Prevention Plan for the Project prepared by Catzione Engineering, P.C., last dated October 16, 2017;<sup>6</sup>
7. A completed full Environmental Assessment Form, Parts 1 and 2, dated October 11, 2017;
8. A completed Building Long Form application, dated October 10, 2017<sup>7</sup>; and
9. Checks payable to the City of White Plains in the total amount of \$67,892 representing the site plan and special permit application fees<sup>8</sup>.

<sup>6</sup> Due to the voluminous and technical nature of this document, we have submitted four (4) copies. Additional copies are available on request.

<sup>7</sup> The original and associated application fees will be submitted directly to the Commissioner of Building by copy of this letter.

<sup>8</sup> A check in the amount of \$54,417 was previously submitted to the Department of Building; a supplemental check in the amount of \$13,475 is being submitted directly to the Department of Building by copy of this letter.



**Conclusion**

We respectfully request that this matter be placed on the next available agenda of the Common Council for purposes of commencing review of the applications, and for referral to all City boards, departments and agencies. We look forward to our continued work with the City on this exciting and important project.

Thank you for your consideration.

Very truly yours,

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Mark P. Weingarten

cc: John Callahan, Esq., Corporation Counsel and Chief of Staff  
Damon Amadio, Commissioner of Building (with site plan/special permit application fee)  
Christopher Gomez, AICP, Commissioner of Planning  
Anne M. McPherson, City Clerk  
Martin G. Berger, Saber  
David B. Smith, AICP, Planning & Development Advisers  
Pietro A. Catizone, P.E., Catizone Engineering, PC  
Kevin Crosby, Antunovich Associates  
Peter J. Wise, Esq.

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Communication from Acting Commissioner of Finance.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

Submitted herewith is the unaudited interim financial report for the three months ended September 30, 2017.

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James L. Heslop  
Acting Commissioner of Finance

Dated: November 9, 2017  
(For the Common Council meeting of December 4, 2017)

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Communication from Chief Deputy Budget Director.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

Submitted herewith is the Capital Improvement Program Status Report for the three months ended September 30, 2017.

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Eileen M. Bradley

Dated: November 9, 2017

(For the Common Council meeting of December 4, 2017)

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Communication from Acting Commissioner of Finance.

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

Mrs. Lecuona seconded the motion.

Carried.

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

Submitted herewith is the audited Comprehensive Annual Financial Report (CAFR) as of and for the fiscal year ended June 30, 2017.

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James L. Heslop  
Acting Commissioner of Finance

Dated: November 16, 2017

(For the Common Council meeting of December 4, 2017)

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Communication from Chairman, Historic Preservation Commission.

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

Mrs. Lecuona seconded the motion.

Carried. (Attachment filed with meeting).

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

Submitted, herewith, for your review and appropriate action pursuant to White Plains Municipal Code, Chapter 9-6 Historic Preservation, is the report from the Historic Preservation Commission of the City of White Plains recommending designation of The White Plains Firefighters Memorial Monument (referred to as the WPFM Monument) located at 219 Mamaroneck Avenue, White Plains, New York, 10601, situated in front of the White Plains Fire Station 6, as a local landmark.

The Commission's report sets forth the reasons for the recommendation that the WPFM Monument be designated a local landmark. In accordance with Municipal Code Section 9-6-3(c)(3), the recommendation will be considered approved 45 days after this referral appears on the Council agenda unless, by resolution, the Council disapproves the proposed action.

Respectfully submitted,

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Robert Hoch  
Chairperson

DATED November 22, 2017  
(For the December 4, 2017 Common Council Meeting)

RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE  
CITY OF WHITE PLAINS RECOMMENDING THE DESIGNATION OF A  
STRUCTURE KNOWN AS THE WHITE PLAINS FIREFIGHTER'S MEMO-  
RIAL MONUMENT LOCATED AT 219 MAMARONECK AVENUE, APPLICA-  
TION NO. 2017-5, AS A LOCAL LANDMARK.

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

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

WHEREAS, at its regular meeting on May 10, 2017, the Commission discussed its own application recommending a structure, the White Plains Firefighters Memorial Monument, hereafter referred to, as the "WPFM Monument" as a local landmark; and

WHEREAS, the WPFM Monument is located at 219 Mamaroneck Avenue, White Plains, New York, which is situated on the lawn in front of the White Plains Fire Head Quarters Station 6; and

WHEREAS, the owner of the WPFM Monument is the City of White Plains and is situated on property owned by the City of White Plains; and

WHEREAS, the WPFM Monument honors the following four White Plains Firefighters, Salvatore N. Galasso, Bernard J. Callahan, Christopher Harmon and Warren Ogburn; and

WHEREAS, Firefighter Salvatore N. Galasso and Firefighter Bernard J. Callahan both perished in a fire on July 31, 1954, after rushing into a burning home located at 112 Main Street, White Plains, New York, to attempt to rescue a person said to be still in the structure. The two firefighters' bodies were later found in the home and it was learned the information that a person was still inside was false; and

WHEREAS, Firefighter Lieutenant Christopher Harmon died of a massive heart attack while on duty on May 30, 1962; and

WHEREAS, on February 24, 1988, Firefighter Warren Ogburn responded to a fire on a high floor of an apartment building located at 235 Lexington Avenue, White Plains, New York. He was overcome by fire when he reached the floor where the blaze originated. He was 39 years old and a father of two sons; and

WHEREAS, the WPFM Monument was erected on January 5, 2004 was designed by Nancy Dillon of Presy-Leland Inc. with the assistance of Fire Department members, and is made of high quality black granite imported from Zimbabwe, South Africa; and

WHEREAS, the monument is constructed in two rectangular sections. Section One has a complete rendition of, "A Firefighter's Prayer," which was written by Smokey Linn. His inspiration for the poem came in 1947, after he fought a fire where three children were trapped behind security bars and died; and

WHEREAS, section two is a larger rectangle with the names of the firefighters and the date upon which they lost their lives in the line of duty; and

WHEREAS, at its regular meetings on June 14, 2017, July 12, 2017, and October 4, 2017, Public Hearings were held and all parties had an opportunity to speak in favor of, or against, designating WPFM Monument as a local landmark; and

WHEREAS, at its regular meeting on October 4, 2017, the second Public Hearing was closed; and

WHEREAS, at the October 4, 2017, meeting the Commission considered and reviewed all the information; and

WHEREAS, the Commission noted that there is additional room on the monument to add the names of other White Plains firefighters who have sacrificed their lives in the line of duty, including Chester Cromwell, Caleb Underhill, and Charles F. Cooley; members of the Union Hook and Ladder Company who died during the Meade Building fire on Sunday, February 3, 1907 when a cornice of the building fell upon them; and

WHEREAS, based on the information contained herein, the Commission finds that there is sufficient reason to recommend the WPFM Monument as a local landmark pursuant to subsections "b," and "c," of Section 9-6-3(b) of the

Municipal Code; in that the monument derives its primary significance from historical importance and it identifies with persons or events significant in local, state or national history; and

WHEREAS, on October 4, 2017, the Commission voted unanimously to propose the White Plains Firefighters Memorial Monument as a designated local landmark pursuant to its powers under Chapter 9-6 of the Municipal Code; and

WHEREAS, after a complete review of the record and after having due deliberations there on now therefore, be it

RESOLVED, that, for all the aforementioned reasons stated herein, the Historic Preservation Commission hereby recommends that the White Plains Firefighters Memorial Monument be designated as a local landmark pursuant to Municipal Code Sections 9-6-3(b)(1) subsections "b" and "c", in that the monument derives its primary significance from historical importance and it identifies with persons or events significant in local state or national history.

Dated: November 21, 2017

HISTORIC PRESERVATION COMMISSION  
OF THE CITY OF WHITE PLAINS

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

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

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Anne McPherson  
Secretary

Dated: November 21, 2017  
White Plains, New York

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Communication from Chairman, Historic Preservation Commission.

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

Mrs. Lecuona seconded the motion.

Carried. (Attachment filed with meeting).

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

Submitted, herewith, for your review and appropriate action pursuant to White Plains Municipal Code, Chapter 9-6 Historic Preservation, is the report from the Historic Preservation Commission of the City of White Plains recommending designation the White Plains Presbyterian Church Cemetery located at 49 North Broadway, White Plains, New York, as a local landmark.

The Commission's report sets forth the reasons for the recommendation that the White Plains Presbyterian Church Cemetery designated a local landmark. In accordance with Municipal Code Section 9-6-3(c)(3), the recommendation will be considered approved 45 days after this referral appears on the Council agenda unless, by resolution, the Council disapproves the proposed action.

Respectfully submitted,

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Robert Hoch  
Chairperson

DATED November 22, 2017

(For the December 4, 2017 Common Council Meeting)

RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE  
CITY OF WHITE PLAINS RECOMMENDING THE DESIGNATION OF WHITE  
PLAINS PRESBYTERIAN CHURCH CEMETERY, APPLICATION NO. H-2017-  
04, AS A LOCAL LANDMARK.

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

WHEREAS, pursuant to the Municipal Code Section 9-6, recommendations proposing properties or structures for local landmark designation may be initiated by the owners of property in fee simple wishing to establish a local landmark; and

WHEREAS, the White Plains Presbyterian Church submitted an application proposing the designation of the White Plains Presbyterian Church Cemetery, also know and the Presbyterian Burying Ground (hereinafter referred to as the "Presbyterian Burying Ground") located in 49 North Broadway, White Plains, New York, Block and Lot number 125.60-1-1, as a local landmark; and

WHEREAS, at its regular meeting on August 9, 2017, the Commission discussed the application recommending that the Presbyterian Burying Ground be considered for possible designation as a local landmark; and

WHEREAS, the Presbyterian Burying Ground is owned by the White Plains Presbyterian Church; and

WHEREAS, the Presbyterian Burying Ground is the oldest cemetery in White Plains with its oldest grave stone dated 1709; before the Royal Patent was granted to establishing the Town of White Plains in 1720; and

WHEREAS, it is the burial place for at least 42 men who served in the American Revolution (see "Exhibit A"); and

WHEREAS, there are tombstones from the 18<sup>th</sup> and 19<sup>th</sup> century, including sandstone markers with decorative effigies and symbols as elaborately carved by 18<sup>th</sup> century grave makers. These gravestone carvers were considered to be the first American sculptures; and

WHEREAS, the Presbyterian Burying Ground is the resting place for generations of the City's oldest families. Its gravestone commemorates several of the leading individuals and families of central Westchester during the late 18<sup>th</sup> and 19<sup>th</sup> centuries; and

WHEREAS, the gravestone of Abigail Purdy and Jacob Purdy are located in the Presbyterian Burying Ground. Abigail and Jacob hosted General George Washington in their home in 1776 and 1778 and the Purdy home is on the National and Local registries for Historic places and serves as the headquarters of the White Plains Historical Society; and

WHEREAS, Anne Miller is buried in the Presbyterian Burying Ground beside her husband Elijah and sons John and Elijah who all died in the War of Independence. The Millers hosted George Washington in their home in years of 1776, 1778 and 1781 and their home appears in the National Registry of Historic Places; and

WHEREAS, Reverend John Smith, both minister and doctor for nearly half of a century, was closely identified with the early settlement and development of White Plains. His family's remains are in the Presbyterian Burying Ground and his remains are in the nearby Presbyterian Church; and

WHEREAS, The Presbyterian Burying Ground is evidence of colonial habitation in White Plains between the time of the original land transaction in 1683 with the native Americans and the Royal Patent being granted in 1720; and

WHEREAS, the Presbyterian Church is an example of a church which dissented from the English monarch's church, and this principal is the foundation of the independence movement; and

WHEREAS, at its regular meeting on October 4, 2017 a public hearing was held and all parties had the opportunity to speak in favor or against the designating the Presbyterian Burying Ground as a Local Landmark; and

WHEREAS, at its regular meeting on October 4, 2017, the Public Hearing was closed; and

WHEREAS, based on the information contained herein, the Commission finds that there is sufficient reason to recommend the, Presbyterian Burying Ground, as a local landmark pursuant to subsections "a," "c," "d," "e" and "h" of Section 9-6-3(b) of the Municipal Code in that the property; (a) possesses special character, historic, aesthetic interest or value as part of the cultural, political, economic or social history of the City, region, state or nation; and (b) derives its

primary significance from architectural or artistic distinction or historical importance; and (c) identifies with persons or events significant in local, state, or national history; and (d) is a cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; and (e) contains the graves of historical figures of outstanding importance; and (h) the property has yielded or may be likely to yield information important to the study of the prehistory or history of the region, state, or nation; and

WHEREAS, on October 4, 2017, the Commission voted unanimously to recommend the Presbyterian Burying Ground as a designated Local Landmark pursuant to its powers under Chapter 9-6 of the Municipal Code; now, therefore, be it

RESOLVED, for all the aforementioned reasons stated herein, that the Historic Preservation Commission hereby recommends that the White Plains Presbyterian Church Cemetery, also known as the Presbyterian Burying Ground, be designated as a local landmark pursuant to Municipal Code Sections 9-6-3(b)(1) subsections "a", "c", "d", "e" and "h" in that the property; (a) possesses special character, historic, aesthetic interest or value as part of the cultural, political, economic or social history of the City, region, state or nation; and (b) derives its primary significance from architectural or artistic distinction or historical importance; and (c) identifies with persons or events significant in local, state, or national history; and (d) is a cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; and (e) contains the graves of historical figures of outstanding importance; and (h) the property has yielded or may be likely to yield information important to the study of the prehistory or history of the region, state, or nation.

Dated: November 21, 2017

HISTORIC PRESERVATION  
COMMISSION OF THE CITY OF  
WHITE PLAINS

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

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

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Anne McPherson  
Secretary



Dated: November 21, 2017  
White Plains, New York

**EXHIBIT A**  
**Soldiers of the War of Independence Buried in the Presbyterian Burying Ground**

<u>Name</u>	<u>Rank</u>	<u>Date of Birth</u>	<u>Date of Death</u>	<u>Section No.</u>	<u>Branch of Service</u>
John Barker	Drummer	26 June 1741	26 May 1798	U/K	Dutchess Co Militia 2d
Thomas Barker	Private	10 July 1738	21 Dec 1819	C	Albany City Militia 11th
William Barker	Private	10 Sept 1764	26 Mar 1859	C	Dutchess Co Militia 6th
George Delsay	Captain	U/K	18 Oct 1802	B	U/K
Charles Dusenberry	Private	29 Mar 1752	29 Aug 1837		
Henry Dusenberry	Captain	U/K	10 Jan 1831		
Henry Dusenberry	U/K	U/K	6 Dec 1812		
Elijah Fisher	Private	1746	15 Sept 1815	B	Westch Co Militia 142
James Fisher	Private	1764	5 Sept 1822	B	Westch Co Militia 1st
Nicholas Fisher	Lieutenant	1738	13 Feb 1818	B	Dutchess Co Militia 4th
Abraham Hatfield	Bandsman	1754	11 June 1807	B	West Co Militia Harrison Cav
Daniel Hatfield	Private	U/K	17 Aug 1830	A	West Co Militia
Joshua Hatfield	Captain	9 April 1716	15 July 1802	B	Westch Co Militia 1st & 3rd
Caleb Horton P.	2d Lieut.	21 Oct 1739	18 April 1831	A	Private Hammond Reg
Jeremiah Horton	Private	27 Jan 1764	19 Mar 1847	B	Orange Co Militia 4th

<u>Name</u>	<u>Rank</u>	<u>Date of Birth</u>	<u>Date of Death</u>	<u>Section No.</u>	<u>Branch of Service</u>
John Horton	Private	1750	16 Feb 1828	B 303	Westch Co Militia 1st
Jonathan Paulding	Captain	18 June 1711	13 Mar 1795	A 78	Westch Co Militia
William Paulding	Private	20 Oct 1756	21 Feb 1820	B 312	Westch Co Militia
Elisha Hyath	Private	24 Aug 1751	24 May 1835	A 11	Westch Co Militia 2d
Benjamin Lyon	Private	1733	1822	C 100	Westch Co Militia
Benjamin Maitland	Captain	1742	6 Aug 1845	B 198	U/K
James Martine	Private	1760	24 Jan 1828	B 415	Dutchess Co Militia 7th
John Martine	Private	1718	26 Oct 1801	B 423	Orange Co Militia 2d
John Martine Jr.	Private	22 Mar 1751	4 May 1817	B 433	West Co Militia 1st
Samuel Martine	Private	15 Mar 1753	1 Mar 1814	B 412	Westch Co Militia 1st
William Martine	U/K	U/K	1807	B 387	U/K
Caleb Merritt	Private	6 May 1761	3 Apr 1825	B 320	Ulster Co Militia 4th
Daniel Merritt	Private	28 Nov 1715	16 Jul 1799	B 299	Westch Co Militia 2nd
James Merritt	Private	21 June 1755	19 Nov 1817	B 293	Ulster Co Militia 4th
Elijah Miller Jr.	U/K	1760	22 Dec 1776	B 269	U/K
Elijah Miller	Adjutant	3 May 1728	21 Aug 1776	B 270	The line 5th Reg

<u>Name</u>	<u>Rank</u>	<u>Date of Birth</u>	<u>Date of Death</u>	<u>Section No.</u>	<u>Branch of Service</u>
John Miller	Private	4 Apr 1756	23 Dec 1776	B 271	Westch Co Militia 3rd
Jacob Purdy	Private	17 Oct 1739	20 Dec 1822	A 132	Westch Co Militia
Joseph Purdy	Private	30 Nov 1746	25 Dec 1828	B 400	Westch Co Militia 3d
Samuel Purdy	Private	22 Mar 1710	5 Sept 1796	A 121	Westch Co Militia 3d
William Purdy	Private	5 May 1754	9 Feb 1834	B 381	Ulster Co Militia Rangers
*Caleb Tompkins	Disp Rider	23 Dec 1759	1 Jan 1846	B 19	Field Red Hicoks Co -
Elijah Tompkins	Private	19 Jun 1765	19 Dec 1815	B 8	Westch Co Militia 1st
*Jonathan Griffin Tompkins	Adjutant	8 June 1736	22 May 1823	B 2	West Co Militia 2d
Nathaniel Tompkins	Private	18 Feb 1751	17 Jun 1822	A 40	Dutchess Co Militia 7th
Simon Tyler	Private	9 Nov 1762	14 Jul 1885	B 76	Westch Co Militia 2d
John Wolfe	U/K	11 Apr 1765	15 Jun 1837	B 135	U/K

\* Indicated Battle of White Plains.

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Communication from Chairman, Historic Preservation Commission.

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

Mrs. Lecuona seconded the motion.

Carried. (Attachment filed with meeting).

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

Submitted, herewith, for your review and appropriate action pursuant to White Plains Municipal Code, Chapter 9-6 Historic Preservation, is the report from the Historic Preservation Commission of the City of White Plains recommending designation the Christopher Columbus Monument located in Tibbits Park White Plains, New York, 10601, as a local landmark.

The Commission's report sets forth the reasons for the recommendation that the Christopher Columbus Monument designated a local landmark. In accordance with Municipal Code Section 9-6-3(c)(3), the recommendation will be considered approved 45 days after this referral appears on the Council agenda unless, by resolution, the Council disapproves the proposed action.

Respectfully submitted,

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Robert Hoch  
Chairperson

DATED November 22, 2017

(For the December 4, 2017 Common Council Meeting)

RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE  
CITY OF WHITE PLAINS RECOMMENDING THE DESIGNATION OF THE  
STATUTE KNOWN AS THE CHRISTOPHER COLUMBUS MONUMENT,  
LOCATED IN TIBBITS PARK, APPLICATION NO. H-2017-3, AS A LOCAL  
LANDMARK.

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

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

WHEREAS, at its regular meeting on September 13, 2017, the Commission discussed an application recommending a structure known the Christopher

Columbus Monument (hereinafter referred to as "Columbus Monument") located in Tibbitts Park, White Plains, NY, be considered for possible designation as a local landmark; and

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

WHEREAS, the Columbus Monument is located on property owned by the City of White Plains or in Tibbitts Park, White Plains, NY; and

WHEREAS, the base of the monument is 5 feet by 5 feet and its total height is 12 feet; and

WHEREAS, the Columbus Monument is made from ten tons of white marble which was sculpted in Carrara, Italy by Peter Celi; and

WHEREAS, the Columbus Monument was presented to the Village of White Plains on October 12, 1915. James Farrell, President of the Village Board of Trustees, accepted on behalf of the Village of White Plains, and parks advocate Charles Tibbets, namesake of Tibbets Park, spoke at the ceremony; and

WHEREAS, the monument commemorates the life and contributions of Christopher Columbus, his landing in the Americas on October 12, 1492 and that he was the first European Explorer that reached the Americas since the 10<sup>th</sup> century; and

WHEREAS, the Columbus Monument marks the great efforts made by Italian American citizens of White Plains who in 1915 raised three thousand dollars (\$3,000) to commission the monument and dedicate its remembrance of Christopher Columbus; and

WHEREAS, inscribed in its base are the words, "To Christopher Columbus in imperishable remembrance from the Italian citizens of White Plains"; and

WHEREAS, in the early 1920's the Antonio Meucci Lodge 213, Order of the Sons of Italy, was formed and it holds and has held annual ceremonies at the Columbus Monument on Columbus Day; and

WHEREAS, at its regular meeting on October 4, 2017 a public hearing was held and all parties had the opportunity to speak in favor of designating the Christopher Columbus Monument as a Local Landmark; and

WHEREAS, at its regular meeting on October 4, 2017, the Public Hearing was closed; and

WHEREAS, at the October 4, 2017 meeting, the Commission considered and reviewed all the information, and

WHEREAS, based on the information contained herein, the Commission finds that there is sufficient reason to propose the Christopher Columbus Monument, located in Tibbitts Park, White Plains, New York, as a potential local landmark pursuant to subsections "a" "b" and "c," of Section 9-6-3(b) of the Municipal Code in that it: (a) possesses special character, historic, aesthetic interest or value as part of the cultural, political, economic or social history of

the City, region, state or nation; (b) derives its primary significance from architectural or artistic distinction or historical importance; and (c) Identifies with persons or events significant in local, state, or national history; and

WHEREAS, on October 4, 2017, the Commission voted unanimously to propose the Columbus Monument as a designated Local Landmark pursuant to its powers under Chapter 9-6 of the Municipal Code; now, therefore, be it

RESOLVED, that, for all the aforementioned reasons stated herein, the Historic Preservation Commission hereby recommends that the Christopher Columbus monument be designated as a local landmark pursuant to Municipal Code Sections 9-6-3(b) (1) subsections "a" "b" and "c" in that it possesses historic interest or value of the cultural, political history of the city and nation, and it derives its primary significance from historical importance and it identifies with persons significant in the national history.

Dated: November 21, 2017

HISTORIC PRESERVATION  
COMMISSION OF THE CITY OF  
WHITE PLAINS

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

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

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Anne McPherson  
Secretary

Dated: November 21, 2017  
White Plains, New York

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

City Clerk

