

THE CITY OF WHITE PLAINS
Official Proceedings
of the Common Council

Vol. 104	City of White Plains, N.Y., November 5, 2018	No. 26
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THE CITY OF WHITE PLAINS

OFFICERS

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

COUNCIL MEMBERS:

Nadine Hunt-Robinson	Milagros Lecuona
John Kirkpatrick	John M. Martin
Dennis E. Krolan	Justin Brasch

A Regular Stated Meeting of the Common Council held Monday, November 5, 2018 called for seven thirty o'clock in the evening in the Common Council Chamber, Mayor Roach presiding and the following members present: Mr. Brasch, Mrs. Hunt Robinson, Mr. Mr. Kirkpatrick, Mrs. Lecuona, and Mr. Martin. Absent: Mr. Krolan.

The Mayor recognized Louis Melendez for his accomplishments in school and community service in the City of White Plains as Youth of the Year.

The Mayor announced that Saturday, November 24, 2018 is Small Business Saturday and encouraged people to support locally owned business, and read from a proclamation so stating.

Jasmin Graham provided a report by Westchester Power Program of Sustainable Westchester 2019 Electric Service Agreement.

Council President Martin moved to remove from the table items listed on the evenings calendar as 22, 24, 26, 28-30, 33, 35, 37, 39, 41, 43, 45, and 47, and offered the consent agenda of 22 - 62 and 64 - 72, moved to file and spread all communications and refer those that are necessary to appropriate Departments, Boards and Commissions, moved adoption of the ordinances and resolutions, moved to approve any appointments and file any attachments.

Mr. Kirkpatrick seconded the motion.

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

The Mayor announced an adjourned public hearing in relation to the application, submitted on behalf of Hale WP Owner LLC, for a site plan approval to allow development of 2 buildings containing a total of 127 dwelling units and 170 parking spaces at 97-111 and 100-114 Hale Avenue, and special permit to allow additional stories within the maximum height allowed in the RM-0.35 (Residential Multi-Family) Zoning District.

Mr. Martin moved that the hearing be opened.

Mr. Brasch seconded the motion.

Carried.

The Mayor declared the hearing opened and asked if anyone wished to be heard. The Mayor granted the privilege of the floor to Mark Weingarten, attorney for the applicant, Stewart Johnson, architect, Martin Berger, principal, Peter Katazone, Engineer; Lou Sanchez, Local 3 IBW; Jonathan George, Local 3 IBW; Alex Alcatora, Local 3 IBW.

Mr. Martin moved that the hearing be closed.

Mr. Brasch seconded the motion.

Carried.

Mr. Martin moved to table the communications, environmental findings resolution and the resolution to December 3, 2018.

Mr. Brasch seconded the motion.

Carried.

The Mayor announced a public hearing on the proposed discontinuance of a portion of the paper street of Middle Road in the City of White Plains, and amending the Official Map.

Mr. Brasch moved that the hearing be opened.

Mrs. Hunt-Robinson 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 Paul Bergins, attorney for one of the applicants.

Mr. Brasch moved that the hearing be closed.

Mrs. Hunt-Robinson seconded the motion.

Carried.

Communications from Commissioner of Planning, Planning Board, Commissioner of Public Works, Environmental Officer.

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: PROPOSED MIDDLE ROAD DISCONTINUANCE

The Planning Department has reviewed the request submitted on behalf of Sheila G. Friedland and Joan S. Kass for discontinuance of the portion of Middle Road that lies between their properties at 196 Hillair Circle and 200 Hillair Circle, respectively.

The Planning Department supports the discontinuance of the portion of Middle Road public right of way lying between 196 and 200 Hillair Circle, running from the north side of the Hillair Circle right of way to the south side of the unimproved Branch Brook Road right-of-way. The City of White Plains will retain ownership of a 15-foot strip of land in the center of the discontinued right-of-way in order to maintain pedestrian and/or future emergency vehicle access to the Ridgeway Nature Trail.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: October 25, 2018

October 24, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: DISCONTINUANCE OF AN UNIMPROVED PORTION OF MIDDLE ROAD

At its October 16, 2018 meeting, the Planning Board considered the request submitted on behalf of Sheila G. Friedland and Joan S. Kass for discontinuance of the portion of Middle Road that lies between their properties at 196 Hillair Circle and 200 Hillair Circle, respectively.

The Planning Board has no objection to discontinuance of the portion of Middle Road public right of way lying between 196 and 200 Hillair Circle, running from the north side of the Hillair Circle right of way to the south side of the unimproved Branch Brook Road right of way. The City of White Plains will retain ownership of a strip of land in the center of the discontinued right of way in order to maintain access to the Ridgeway Nature Trail.

Planning Board members voting in favor of the motion finding no objection to approval of the extension: J. Ioris, A. Cabrera, J. Durante, and L. Gruenfeld (4); Opposed: None (0); Absent: L. Oliva and S. Russell (2). There is one vacancy on the Board.

Respectfully submitted,

John Ioris, Chairman
White Plains Planning Board

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

Pursuant to written requests from the adjacent neighbors, Sheila G. Friedland, at 196 Hillair and Joan S. Kass, at 200 Hillair Circle, the Department of Public Works has investigated the possible discontinuance of the Middle Road public right-of-way. The bed of Middle Road, which is a typical 50 foot wide public right-of-way extends some 217 feet between Hillair Circle to a terminus at the Branch Brook Road right-of-way.

Both Middle Road and Branch Brook Road are unimproved (paper) streets, which are wooded in nature. Middle Road links Branch Brook Road to Hillair Circle. Some portions of Branch Brook Road have already been discontinued, so the possibility of using either of these rights-of-way in the future as a public road is extremely unlikely.

Should the aforementioned public right-of-way be discontinued and sold to the adjacent private property owners, the Department of Public Works will

retain ownership over a 15 foot wide section (which was 10 feet in the previous communication) running from the Branch Brook Road right-of-way to the Hillair Circle right-of-way. While there are currently no utilities in the Middle Road right-of-way, this 15 foot wide section will allow the City flexibility to install utilities there if needed, as well as allowing pedestrians to access city property, and to perform any maintenance needs that the City may have. The Department of Public Works has no other public need for the lands located on either side of the 15 wide access strip, and the transfer of title to private homeowners will increase their property taxes and relieve the department from ongoing maintenance expenses and liability.

The sale of the property will be conditioned upon the owners of both adjacent properties; that the property cannot be used for any structures or buildings. In addition, the property adjacent to 200 Hillair Circle must agree to a restrictive covenant that the new parcel consisting of this portion of Middle Road and the parcel currently owned shall not be further subdivided without the permission of the Common Council of the City of White Plains.

The City will receive \$2,350 for the 2,251 S.F. parcel adjacent to 196 Hillair Circle; and \$5,900 for the 5,634 S.F. parcel adjacent to 200 Hillair Circle, at the time of closing.

In accordance to Section 29 of the General City Law and Sections 126 and 152 of the City's Charter:

On October 1, 2018 the Common Council scheduled a public hearing for the November 5, 2018 Common Council meeting on the discontinuance of the entire right of way of Middle Road from Hillair Circle to Branch Brook Road. In anticipation of that hearing, a letter along with a map describing the properties was sent to all owners of property within five hundred (500) feet of the property to be sold. General City Law also requires that amendments to the Official Map be referred for comment to the Planning Board, and on October 24, 2018 the Planning Board considered the request and found no objection.

Submitted for your consideration is an ordinance authorizing the Mayor or his designee to execute the sale of a portion of the Middle Road public right-of-way to the adjacent property owners.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: October 26, 2018

October 24, 2018

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

SUBJECT: DISCONTINUANCE OF A PORTION OF MIDDLE ROAD BETWEEN HILLAIR CIRCLE AND BRANCH BROOK ROAD.

The property owners residing at 196 Hillair Circle and 200 Hillair Circle ("Applicants"), have petitioned the City of White Plains to discontinue the portion of Middle Road between their two properties and convey the discontinued portion on either side of the right-of-way to the adjoining property owners.

The proposed discontinuance of a portion of Middle Road (the "Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The section of the street to be discontinued is a typical 50 foot wide public right-of-way extending approximately 217 feet between the northerly right of way line of Hillair Circle and southerly right-of-way line of Branch Brook Road.

The Commissioner of Public Works has stated that if the aforementioned public right-of-way is discontinued and sold to the adjacent private property owners, the City should retain ownership over a 15 foot wide section running from the Hillair Circle right-of-way to the Branch Brook Road right-of-way. This will allow the city the flexibility to install utilities there if needed, as well as allowing pedestrians to access city property, and to perform any necessary maintenance.

The Proposed Action involves the following actions:

1. Determination that limited portions of Middle Road right-of-way approximately 50 feet wide extending approximately 217 feet between the northerly right of way line of Hillair Circle and southerly right-of-way line of Branch Brook Road is no longer needed for public use as a dedicated street
2. The City of White Plains will retain ownership over a 15 foot wide section running from the Hillair Circle right-of-way to the Branch Brook Road right-of-way.
3. Authorization for the Commissioner of Public Works to execute on behalf of the City of White Plains deeds conveying title of the related City owned property to owners of the adjoining properties, 196 Hillair Circle (Section 138.09, Block 4, Lot 6), and 200 Hillair Circle, (Section 138.09, Block 5, Lot 1), necessary to effectuate the transfer of the portions of the discontinued Middle Road adjacent to each property to the abutting property owners
4. Authorization for the Commissioner of Public Works to amend the Official Map of the City of White Plains accordingly.

It is recommended that the Common Council (a) declare itself to be the Lead Agency for the environmental review of the Proposed Action; (b) find the Proposed Action to be Unlisted Action under SEQR regulations; and (c) find that the Proposed Action when reviewed in regard to SEQR criteria of potential impacts, will not will not have a significant effect on the environment:

Forwarded for the Common Council's consideration is a resolution which makes the necessary findings and determinations.

Respectfully submitted,

Rod Johnson
Environmental Officer

Mr. Brasch moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE DISCONTINUANCE OF A PORTION OF MIDDLE ROAD BETWEEN HILLAIR CIRCLE AND BRANCH BROOK ROAD AND AMENDING THE OFFICIAL MAP.

WHEREAS, the property owners residing at 196 Hillair Circle and 200 Hillair Circle ("Applicants"), have petitioned the City of White Plains to discontinue the portion of Middle Road between their two properties and convey the discontinued portion on either side of the right-of-way to the adjoining property owners; and

WHEREAS, the proposed discontinuance of a portion of Middle Road (the "Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the section of the street to be discontinued is a typical 50 foot wide public right-of-way extending approximately 217 feet between the northerly right of way line of Hillair Circle and southerly right-of-way line of Branch Brook Road; and

WHEREAS, the Commissioner of Public Works has stated that if the aforementioned public right-of-way is discontinued and sold to the adjacent private property owners, the City should retain ownership over a 15 foot wide section running from the Hillair Circle right-of-way to the Branch Brook Road right-of-way. This will allow the city the flexibility to install utilities there if needed, as well as allowing pedestrians to access city property, and to perform any necessary maintenance; and

WHEREAS, the Proposed Action involves the following actions:

1. Determination that limited portions of Middle Road right-of-way approximately 50 feet wide extending approximately 217 feet between the northerly right of way line of Hillair Circle and southerly right-of-way line of Branch Brook Road is no longer needed for public use as a dedicated street
2. The City of White Plains will retain ownership over a 15 foot wide section running from the Hillair Circle right-of-way to the Branch Brook Road right-of-way.
3. Authorization for the Commissioner of Public Works to execute on behalf of the City of White Plains deeds conveying title of the related City owned property to owners of the adjoining properties, 196 Hillair Circle (Section 138.09, Block 4, Lot 6), and 200 Hillair Circle, (Section 138.09, Block 5, Lot 1), necessary to effectuate the transfer of the portions of the discontinued Middle Road adjacent to each property to the abutting property owners
4. Authorization for the Commissioner of Public Works to amend the Official Map of the City of White Plains accordingly; 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 © making a "reasoned elaboration" as a basis for an environmental determination; and

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

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

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

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

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

- (a) The Proposed Action is consistent with the recommendations of the White Plains 1997 Comprehensive Plan, as amended in 2006 and the Zoning Ordinance.

The Saxon Wood Subdivision approved in 1931 established the layout for Hillair Circle and adjacent streets. Conceptually, Middle Road and Branch Brook Road linked Hillair Circle with the neighboring subdivision to the north via Reynal Road. As developed, all of the properties along Middle Road and Branch Brook Road were oriented with street access directly to Hillair Circle. The right-of-way areas to be discontinued are not needed to provide access to any undeveloped properties.

In past years, other nearby undeveloped streets originally created by the Saxon Wood Subdivision have been determined as no longer necessary for public use and discontinued. These include portions of Middle Road south of Hillair Circle and Branch Brook Road.

Both Middle Road and Branch Brook Road are unimproved (paper) streets which are wooded in nature and are no longer needed for public use as a dedicated street.

The Comprehensive plan includes the following Vision Statement:

Like the vision for the Close-In Neighborhoods, the vision for the Outer Area neighborhoods focuses on preservation - preservation of neighbor-

hood diversity and sense of community; preservation of the high-quality homes on spacious lots; and preservation of tree-lined streets, public open spaces and substantial portions of open space on quasi-public and private institutional and commercial properties. It also focuses on controlling growth through the reduction in permitted densities on large undeveloped and underdeveloped residential parcels and through the strict regulation of development, ensuring that new housing is compatible with the character of the surrounding area and is developed in a manner sensitive to the open space and environmental features of the individual sites and neighborhoods.

The Comprehensive Plan includes the following strategies to realize the vision for the Outer Area Neighborhoods.

Make open spaces accessible to the public and link them to open space corridors, parks, schools and community facilities, wherever possible.

The City will retain ownership over a 15 foot wide parcel running from the Hillair Circle right-of-way to the Branch Brook Road right-of-way. This will maintain the option to allow future pedestrian access to the City's Trailway Park located just to the north of Branch Brook Road.

The Proposed Action conforms to the recommendations of the Comprehensive Plan. It does not increase in the intensity of use of the adjacent properties, street ROWs or the surrounding properties. The discontinuance of this street ROW section will not affect access to a public street for the adjacent properties or residential neighborhoods.

Conformance to the Zoning Ordinance:

The Proposed Action does not involve or authorize any new construction, development or subdivision of land.

The two adjacent properties at 196 Hillair Circle and 200 Hillair Circle, that abut this undeveloped right-of-way have existing street frontage and access directly to Hillair Circle. The subject street does not provide future access for any undeveloped land areas and is not necessary for street traffic circulation.

The discontinued portion of Middle Road is not large enough to be a developable tax lot and would have limited utility to any party other than the adjacent owner.

The acquisition of portions of the discontinued street ROW and merger of the land area with the adjacent properties at 196 Hillair Circle and 200 Hillair Circle will not enable the subdivision or creation of any new or additional building lots.

- (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.

There are currently no utilities in the subject Middle Road right-of-way.

The Department of Public Works will retain ownership over a 15 foot wide section running from the Hillair Circle right-of-way to the Branch Brook

Road right-of-way. This will allow the city the flexibility to install utilities there if needed and perform any maintenance needs that the City may have.

There are no environmentally sensitive features (wetlands, water courses, steep slopes or rock outcrops) within the street area to be discontinued.

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

The Proposed Action does not involve or authorize any new construction, development, subdivision of land, any alteration of the existing site conditions or 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 Proposed Action does not involve or authorize any new construction, development or subdivision of land. The acquisition of portions of the discontinued street ROW and merger of the land area with the adjacent properties will not enable the creation of any new building lots.

The contiguous property at 200 Hillair Circle has an improved driveway to Hillair Circle over the subject portion of Middle Road to be discontinued. The construction of this driveway over the unimproved Middle Road ROW was approved with the original construction of these houses in the 1950's. The proposed discontinuance and conveyance of land to the contiguous property owners will not affect the respective owners access to Hillair Circle.

The nearby Ridgeway Nature Trail is approximately 265 feet north of Hillair Circle. The City will retain ownership over a 15 foot wide parcel running from the Hillair Circle right-of-way to the Branch Brook Road right-of-way. This will maintain the option to allow future pedestrian access to the City's Trailway Park located just to the north of Branch Brook Road.

- (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.
- (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.

The Proposed Action does not involve or authorize any new construction, development or creation of new building lots. The adjacent properties are occupied with single-family houses.
- (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 directed to file the appropriate notice as required by SEQR.

Mrs. Hunt-Robinson seconded the motion.

Carried.

Mr. Brasch moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS DISCONTINUING A PORTION OF MIDDLE ROAD BETWEEN 196 AND 200 HILLAIR CIRCLE, IN THE CITY OF WHITE PLAINS AND AUTHORIZING THE SALE OF PORTIONS OF SAID PROPERTY TO THE ADJACENT OWNERS.

WHEREAS, the neighbors residing at 196 Hillair Circle, Sheila G. Friedland, and at 200 Hillair Circle, Joan S. Kass ("Applicants"), have petitioned the City of White Plains for a discontinuance of a portion of Middle Road, a paper street in the City of White Plains; and

WHEREAS, said portion of Middle Road is a 50 foot wide public right-of-way extending approximately 217 feet between 196 and 200 Hillair Circle, running between their two properties from the north side of the Hillair Circle right of way to the south side of the Branch Brook Road right of way, another paper street; and

WHEREAS, the afore-described premises is an unimproved paper street; and

WHEREAS, Section 152 of the Charter of the City of White Plains requires specific public notice of the intent of the Common Council to discontinue a street or portion thereof and a public hearing concerning discontinuance of streets or portions thereof; and

WHEREAS, the Common Council, at a meeting held on November 5, 2018, opened the duly noticed public hearing on the proposed discontinuance of the

forementioned portion of Middle Road, located between 196 and 200 Hillair Circle, at which time representatives of the Applicant and the public were afforded the opportunity to speak for and against the application; and

WHEREAS, the Common Council, at a meeting held on November 5, 2018, closed the public hearing; and

WHEREAS, said discontinued portion of Middle Road is not large enough to be a developable tax lot and would have limited utility to any party other than the adjacent owner; and

WHEREAS, the City Clerk gave proper notice to all the adjacent owners of real property in the City of White Plains required to be given notice as provided by section 105-a of the Charter of the City of White Plains; and

WHEREAS, the Common Council, at a meeting held on November 5, 2018 adopted a resolution declaring itself as Lead Agency for the environmental review of the action pursuant to the State Environmental Quality Review Act and its accompanying regulations ("SEQR"), classified this proposal as an Unlisted Action, and adopted an environmental findings resolution regarding amendments to the Official Map for the discontinuance of a section of Middle Road and the sale of portions of the discontinued road to the adjoining owners.

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

Section 1. It is hereby determined that the portion of Middle Road approximately 50 foot wide and approximately 217 feet deep, located between 196 and 200 Hillair Circle running between their two properties from the north side of the Hillair Circle right of way to the south side of the Branch Brook Road right of way, another paper street, is no longer needed for public use as a dedicated street and the same be, and hereby is, discontinued.

Section 2. The Commissioner of Public Works is authorized to execute on behalf of the City of White Plains a deed conveying title to a portion of the discontinued Middle Road, the westerly ten feet (approximately 2,251 square feet in area), to the owner of the adjoining property, 196 Hillair Circle (Section 138.09, Block 4, Lot 6), Sheila G. Friedland, for the sum of Two Thousand Three Hundred Fifty Dollars (\$2,350.00) to be paid by said property owners. Said documents shall be in a form subject to the approval of the Corporation Counsel.

Section 3. The Commissioner of Public Works is authorized to execute on behalf of the City of White Plains a deed conveying title to a portion of the discontinued Middle Road, the easterly twenty-five feet (approximately 5,634 square feet in area), to the owner of the adjoining property, 200 Hillair Circle (Section 138.09, Block 5, Lot 1), Joan S. Kass, for the sum of Five Thousand Nine Hundred (\$5,900.00) to be paid by said property owners. Said sale price is conditioned upon the owner agreeing to a restrictive covenant that the new parcel consisting of this portion of Middle Road and the parcel currently owned known as 200 Hillair Circle shall not be further subdivided without the permission of the Common Council of the City of White Plains. Said documents shall be in a form subject to the approval of the Corporation Counsel.

Section 4. The Commissioner of Public Works is hereby authorized to amend the Official Map of the City of White Plains accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

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

Communication from Corporation Counsel.

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 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 200 Central Avenue 25 Hillside Avenue, 300 Battle Avenue, 230 Battle Avenue, 77 Independence Avenue and 925/1025 Westchester Avenue, White Plains, NY.

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

John G. Callahan
Corporation Counsel

Dated: October 29, 2018

Ms. Hunt-Robinson 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 for said years with no interest thereon:

**200 Central Realty, LLC (2013, 2015-2018)
John Livanos (2014)
200 Central Avenue
SBL: 125.57-5-3.1**

<u>TaxYear</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>
2013/14	\$ 140,000	\$ 125,000	\$ 15,000	\$ 2,876.10
2014/15	\$ 140,000	\$ 116,000	\$ 24,000	\$ 4,707.36
2015/16	\$ 140,000	\$ 115,000	\$ 25,000	\$ 5,018.50
2016/17	\$ 140,000	\$ 110,000	\$ 30,000	\$ 6,028.50
2017/18	\$ 140,000	\$ 110,000	\$ 30,000	\$ 6,161.10
2018/19	\$ 140,000	\$ 102,500	\$ 37,500	\$ 7,926.00
			Total:	\$ 32,717.56

**25 Hillside Realty
25 Hillside Avenue
SBL: 125.59-8-4**

<u>TaxYear</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>
2018/19	\$ 160,000	\$ 132,600	\$ 27,400	\$ 5,791.26
			Total:	\$ 5,791.26

**300B Realty LLC
300 Battle Avenue
SBL: 125.79-3-5**

<u>TaxYear</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>
2018/19	\$ 44,000	\$ 36,400	\$ 7,600	\$ 1,606.34
			Total:	\$ 1,606.34

**77I Realty LLC
230 Battle Avenue
SBL: 125.80-8-3**

<u>TaxYear</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>
2018/19	\$ 33,000	\$ 32,000	\$ 1,000	\$ 211.36
			Total:	\$ 211.36

**77 Independence Avenue
SBL: 125.80-8-4**

<u>TaxYear</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>
2018/19	\$ 18,000	\$ 18,000	\$ 0	\$ 0.00
			Total:	\$ 0.00

**925/1025 Westchester Avenue Owner SPE LLC
925/1025 Westchester Avenue
SBL: 131.11-1-2**

<u>TaxYear</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>
2013/14	\$ 725,000	\$ 560,000	\$ 165,000	\$ 31,637.10
2014/15	\$ 725,000	\$ 520,000	\$ 205,000	\$ 40,208.70
2015/16	\$ 725,000	\$ 500,000	\$ 225,000	\$ 45,166.60
2017/18	\$ 725,000	\$ 485,000	\$ 240,000	\$ 49,288.80
2018/19	\$ 725,000	\$ 415,000	\$ 310,000	\$ 65,521.60
			Total:	\$231,822.70

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

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

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

§2. The Commissioner of Finance, under the direction of the Corporation Counsel, be and is hereby authorized and directed to pay the amount of the refunds stated above, without interest to the petitioners or persons paying such

tax or other levy in the manner provided by Section 726 of the Real Property Tax Law. All payments for current year taxes shall be payable from budget code A021 - 01110 and all payments for prior year's taxes shall be payable from budget code A021 - 4.201. Payment of the refunds authorized herein with respect to any one of the aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

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

§4. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

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

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 amendment of a portion of an ordinance authorizing the settlement of certain tax review proceedings enacted on July 2, 2018 with respect to One Franklin Owners Corporation. The aforementioned ordinance inadvertently contained an incorrect proposed new assessment resulting in an incorrect amount of the proposed refund.

The Law Department has reviewed the proposed correction with our Assessor, who agrees with the correction. The locations of the properties involved, the reductions in assessed value, as well as the amounts to be refunded, are set forth in the accompanying ordinance.

John G. Callahan
Corporation Counsel

Dated: October 31, 2018

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE AMENDING A PORTION OF AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS ENACTED ON JULY 2, 2018 WITH RESPECT TO ONE FRANKLIN OWNERS CORPORATION.

WHEREAS, the petitioner had brought proceedings to review the assessed valuation of their premise; and

WHEREAS, the 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 for said years with no interest thereon; and

WHEREAS, the amount listed as the new reduced assessment, the assessment reduction and the proposed amount of City Tax to be refunded were inadvertently incorrect for the 2018 assessment year; and

WHEREAS the settlement approved by the Common Council in an ordinance adopted on July 2, 2018 provided as follows:

**One Franklin Owners Corporation
One Franklin Avenue
SBL: 125.68-4-4**

<u>TaxYear</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	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2013/14	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2014/15	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2015/16	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2016/17	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2017/18	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2018/19	\$ 168,450	\$ 159,000	\$ 9,450	\$ 1,997.35
			Total:	\$ 1,997.35

; and

WHEREAS, the proposed new assessment for 2018 was listed as \$159,000 instead of the proper assessment of \$156,750, so that the proposed settlement should have been recited as follows:

**One Franklin Owners Corporation
One Franklin Avenue
SBL: 125.68-4-4**

<u>TaxYear</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	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2013/14	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2014/15	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2015/16	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2016/17	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2017/18	\$ 168,450	\$ 168,450	\$ 0	\$ 0.00
2018/19	\$ 168,450	\$ 156,750	\$ 11,700	\$ 2,472.91
			Total:	\$ 2,472.91

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

Section 1. The settlement of the aforesaid proceeding shall be amended 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 as of July 2, 2018.

Mrs. Lecuona seconded the motion.

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

Communication from Corporation Counsel.

Mrs. Lecuona 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

For more than twenty years, the Common Council has authorized the retention of the law firm The Roffe Group, P.C. ("the firm"), to act as Special Counsel for legislative affairs for the City. Among the firm's responsibilities are to assist in the drafting of State legislation proposed by the City; to monitor the progress of bills which are of interest to the City in the State legislature; to coordinate the City's efforts with the New York State Conference of Mayors; and to act as an advocate of the City's position on legislative matters with State legislators and the Governor's Office.

On November 14, 2018, the term of the City's contract with the firm will expire. I recommend the firm's retention for another one year period for the annual fee of \$44,000, which includes expenses, and which will be paid on a quarterly basis, at the rate of \$11,000 per quarter.

An ordinance authorizing the firm's retention is submitted herewith for your consideration.

John G. Callahan
Corporation Counsel

Dated: October 30, 2018

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO ENTER INTO AN AGREEMENT RETAINING THE SERVICES OF THE LAW FIRM ANDREW ROFFE GROUP, P.C., AS SPECIAL COUNSEL FOR THE PERIOD NOVEMBER 15, 2018 THROUGH NOVEMBER 14, 2019.

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

Section 1. The Corporation Counsel of The City of White Plains is hereby authorized to enter into an agreement retaining the law firm of The Roffe Group, P.C., for a period of one year, commencing November 15, 2018 and ending November 14, 2019, at an annual fee of forty-four thousand dollars (\$44,000), to be paid on a quarterly basis at the rate of \$11,000 per quarter, to act as Special Counsel for legislative affairs for The City of White Plains, and to be responsible for such matters as may be assigned to it by the Corporation Counsel.

Section 2. Funds are available for the current fiscal year for this purpose in Account No. A011-4.004, Consultants, Department of Law, and the Commissioner of Finance is hereby authorized and directed to disburse funds accordingly.

Section 3. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

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

Communication from Chairman, Capital Projects Board and Environmental Officer.

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

Mr. Martin seconded the motion.

Carried.

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

Included in the FY 2018-2019 Capital Improvement Program is a project to replace the existing twenty-eight year old air conditioning cooling tower at the Public Safety Building.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts as required to complete the capital improvements. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5527 entitled "**Public Safety Building Cooling Tower Replacement**," as follows:

REVENUES

C5527-08810	Serial Bonds	<u>\$76,000</u>
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EXPENDITURES

C5527-4.005	Finance and Auditing	\$ 1,000
C5527-8.106	Major Additions and Improvements	75,000
		<u>\$76,000</u>

It is further requested that issuance of \$76,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds from the General Fund to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

November 5, 2018

October 18, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. PROJECT C5527
PUBLIC SAFETY BUILDING COOLING TOWER REPLACE-
MENT

The proposed Capital Project No. C5527, entitled "Public Safety Building Cooling Tower Replacement" ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves replacement of the existing twenty-eight year old air conditioning cooling tower at the White Plains Public Safety Building, 77 South Lexington Avenue.

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

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

Respectfully submitted,

Rod Johnson
Environmental Officer

Mr. Kirkpatrick moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING CAPITAL PROJECT NO. C5527, PUBLIC SAFETY BUILDING COOLING TOWER REPLACEMENT.

WHEREAS, the proposed Capital Project No. C5527, entitled "Public Safety Building Cooling Tower Replacement" ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves replacement of the existing twenty-eight year old air conditioning cooling tower at the White Plains Public Safety Building, 77 South Lexington Avenue; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, declare itself to be the Lead Agency for the environmental review of the Proposed Action; and

WHEREAS, the Environmental Officer has further recommended that the Common Council find that the Proposed Action represents a Type II Action under SEQR regulations at 6 NYCRR §617 in that it involves the replacement, rehabilitation or standard upgrading of existing municipal facilities which do not represent significant changes to those facilities; now, therefore, be it

RESOLVED, that the Common Council hereby designates itself Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, that the Common Council hereby determines that the Proposed Action is Type II Action and that no additional SEQR review or finding is necessary.

Mr. Martin seconded the motion.

Carried.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5527 ENTITLED, "PUBLIC SAFETY BUILDING COOLING TOWER REPLACEMENT."

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

Section 1. Included in the 2018-2019 Capital Improvement Program is a project to replace the air conditioning cooling tower at the Public Safety Building.

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

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5527 entitled, "Public Safety Building Cooling Tower Replacement," as follows:

REVENUES:

C5527-08810	Serial Bonds	<u>\$76,000</u>
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EXPENDITURES:

C5527-4.005	Finance and Audit	\$ 1,000
C5527-8.106	Major Additions and Improvements	75,000
		<u>\$76,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$76,000 and to advance funds for this project, as necessary, from the General Fund, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Martin seconded the motion.

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

Mr. Kirkpatrick moved adoption of the following ordinance.

BOND ORDINANCE, DATED NOVEMBER 5, 2018 AUTHORIZING THE ISSUANCE OF \$76,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE ACQUISITION AND INSTALLATION OF AN AIR CONDITIONING SYSTEM FOR THE PUBLIC SAFETY BUILDING, IN AND FOR THE CITY.

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the acquisition and installation of a replacement air conditioning system for the Public Safety Building, including the acquisition of any applicable equipment, machinery, apparatus therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$76,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law (the "Project");

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

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$76,000, pursuant to the Local Finance Law, in order to finance the costs of the Project.

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$76,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity up to ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

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

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all

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

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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

Mr. Martin seconded the motion.

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

Communication from Deputy Commissioner of Public Safety.

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

Mr. Brasch seconded the motion.

Carried.

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

Submitted herewith for your consideration, is an ordinance amending section 8-3-13, of the Municipal Code of the City of White Plains. This amendment will increase the fine amount from "ten (\$10.00) dollars" to, "up to one hundred (\$100.00) dollars," for violations of Chapter 8 of the Municipal Code involving regulations for the use and operation of bicycles within the City of White Plains.

James M. Bradley
Deputy Commissioner of Public Safety

Dated: September 24, 2018

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE AMENDING SECTION 8-3-13 OF THE WHITE PLAINS MUNICIPAL CODE TO INCREASE THE FINE AMOUNT FOR VIOLATIONS OF CHAPTER 8 OF THE WHITE PLAINS MUNICIPAL CODE

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

Section 1. The White Plains Municipal Code Chapter 8-3-13, entitled, "Penalty" is hereby amended to read as follows:

Sec. 8-3-13. - Penalty.

Every person convicted of a violation of any provision of this chapter may be punished by a fine of ~~[not more than ten dollars (\$10.00)]~~ up to one hundred (\$100.00) dollars or by imprisonment for not more than ten (10) days ~~[or by removal and detention of the registration tag from the bicycle for a period not to exceed ninety (90) days or by impounding the bicycle for a period of not to exceed ninety (90) days]~~ or by any combination thereof.

Section 2. This ordinance shall take effect on October 22, 2018.

Mr. Brasch seconded the motion.

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

Communication from Commissioner of Finance.

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

To the Honorable Mayor and Members of the Common Council:

On January 24, 2018 the City of White Plains took ownership through foreclosure of the property identified as Section 130.28, Block 11, Lot 1..2 located at 8 Rutherford Street, Unit 1B White Plains.

The City of White Plains Real Estate Committee (Committee) met on July 10, 2018 to consider recommending to the Common Council the sale, minimum acceptable sale price and best manner of sale (public or private) of this property. The Committee concluded that the property should be sold at public sale for a price not less than one hundred fifty thousand (\$150,000) dollars.

The Committee also concluded that the net proceeds from the sale of this property should be deposited into the Debt Service Fund to assist in the future extinguishment of debt. For these purposes, "net proceeds" represents the sale price less amounts required to pay any outstanding property taxes (including interest and penalties) and costs associated with acquiring, maintaining and securing the property.

Attached hereto is an ordinance authorizing the Commissioner of Finance to sell the property and deposit the net proceeds from the sale into the Debt Service Fund.

Respectfully submitted,

Sergio Sensi
Commissioner of Finance

Dated: October 16, 2018

Mr. Brasch moved adoption of the following ordinance.

ORDINANCE AUTHORIZING THE SALE OF PROPERTY IDENTIFIED AS SECTION 130.28, BLOCK 1, LOT 1..2 LOCATED AT 8 RUTHERFORD ST, UNIT 1B.

WHEREAS, the City of White Plains Real Estate Committee (Committee) met on July 10, 2018 to consider recommending the sale of the City-owned properties identified as Section 130.28, Block 1, Lot 1..2 located at 8 Rutherford Street, Unit 1B, White Plains (Property); and,

WHEREAS, the Committee determined that a minimum fixed acceptable sale price of the Property should be one hundred fifty thousand dollars (\$150,000); and,

WHEREAS, the Committee determined that the best manner of sale for the property is a public sale;

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

Section 1. The Commissioner of Finance is hereby authorized to sell the aforementioned property at public sale for a price not less than one hundred fifty thousand dollars (\$150,000).

Section 2. This ordinance shall take effect immediately.

Mrs. Hunt-Robinson seconded the motion.

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

Communication from Commissioner of Finance.

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 Members of the Common Council:

On May 11, 2018 the City of White Plains took ownership through foreclosure of the property identified as Section 130.26, Block 4, Lot 3 located at 146 Orawaupum Street, White Plains.

The City of White Plains Real Estate Committee met on July 10, 2018 to consider recommending to the Common Council the sale, minimum acceptable sale price and best manner of sale (public or private) of this property. The Committee concluded that the property should be sold at public sale for a price not less than one hundred forty thousand (\$140,000) dollars.

The Committee also concluded that the net proceeds from the sale of this property should be deposited into the Debt Service Fund to assist in the future

extinguishment of debt. For these purposes, "net proceeds" represents the sale price less amounts required to pay any outstanding property taxes (including interest and penalties) and costs associated with acquiring and securing the property.

Attached hereto is an ordinance authorizing the Commissioner of Finance to sell the property and deposit the net proceeds from the sale into the Debt Service Fund.

Respectfully submitted,

Sergio Sensi
Commissioner of Finance

Dated: October 16, 2018

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

ORDINANCE AUTHORIZING THE SALE OF PROPERTY IDENTIFIED AS SECTION 130.26, BLOCK 4, LOT 3 LOCATED AT 146 ORAWAUPUM STREET, WHITE PLAINS.

WHEREAS, the City of White Plains Real Estate Committee (Committee) met on July 10, 2018 to consider recommending the sale of the City-owned properties identified as Section 130.26, Block 4, Lot 3 located at 146 Orawaupum Street, White Plains (Property); and,

WHEREAS, the Committee determined that a minimum fixed acceptable sale price of the Property should be one hundred forty thousand dollars (\$140,000); and

WHEREAS, the Committee determined that the best manner of sale for the property is a public sale;

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

Section 1. The Commissioner of Finance is hereby authorized to sell the aforementioned property at public sale for a price not less than one hundred forty thousand dollars (\$140,000).

Section 2. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

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

Communication from Commissioner of Recreation and Parks.

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 COMMON COUNCIL OF THE CITY OF
WHITE PLAINS

Dear Mayor and Members of the Common Council:

The White Plains Recreation & Parks Department wishes to enter into an agreement with Westchester Merchant Services, Inc. of White Plains for the placement of one (1) ATM machine at the Ebersole Ice Rink.

Westchester Merchant Services, Inc. of White Plains will install, maintain, cash fill and monitor the ATM machine with no interaction needed by the Department. For this opportunity, Westchester Merchant Services, Inc. of White Plains will pay the City a flat rate rental fee in the amount of Sixty Dollars (\$60.00) per month for 6 months per year during the period of time that the Ebersole Ice Rink is in operation each season.

Westchester Merchant Services, Inc. of White Plains is fully insured and will place no liability on the City of White Plains for any damages or theft of the ATM machine. Westchester Merchant Services, Inc. of White Plains may charge customers a surcharge of no more than one dollar and ninety-five cents (\$1.95) with no fee for balance inquiries. The required Westchester County Non-Bank ATM fees will be paid by Westchester Merchant Services, Inc. of White Plains.

This agreement will be for Three (3) years commencing November 6, 2018 and terminating April 6, 2021. The Department requests that the Mayor or his designee be authorized to enter into this agreement and direct the Commissioner of Finance to accept the rental fee on behalf of the City.

Respectfully submitted,

Wayne Bass, Commissioner
Recreation and Parks

Date: November 5, 2018

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH WESTCHESTER MERCHANT SERVICES INC. OF WHITE PLAINS FOR THE PLACEMENT OF A 24-HOUR ATM MACHINE AT THE EBERSOLE ICE RINK.

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

Section 1. The Mayor, or his designee, is hereby authorized to execute an agreement on behalf of the City of White Plains with Westchester Merchant Services Inc. of White Plains ("Westchester Merchant Services") for the placement of a 24-hour ATM machine at the Ebersole Ice Rink. Under the terms of the agreement, Westchester Merchant Services will install, maintain, cash fill and monitor the ATM machine and pay the City a flat rate in the amount of \$60.00 per month for six months per year during the period that the Ebersole Ice Rink is in operation. Westchester Merchant Services will be solely responsible for any damages or theft of the ATM. The required Westchester County Non-Bank ATM permit fees will be paid by Westchester Merchant Services. Westchester Merchant Services may charge customers a surcharge fee of no more than three dollars with no fees for balance inquiries. The agreement shall be for a period commencing on November 6, 2018 and terminating on April 6, 2021. The contract shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is hereby further authorized to direct the Commissioner of Finance to accept the monthly rental fees under the agreement.

Section 3. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

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

Communication from Director, Youth Bureau.

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

Mr. Martin seconded the motion.

Carried.

October 5, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On September 4, 2018, the Common Council enacted an ordinance accepting a grant in the amount of \$118,586 from The Westchester/Putnam Workforce Investment Board through the Westchester Workforce Development Academy for Youth (WDAY) with the City of White Plains Youth Bureau to continue

providing WIOA Youth Employment Services to In School and Out of School Youth, ages 14 to 24 years for the period starting July 1, 2018 and ending on June 30, 2019.

The Westchester / Putnam Workforce Development Board intends to increase the award from \$118,586 to \$126,361 for the same contract period of July 1, 2018 to June 30, 2019 with the agreement that \$11,263 of the grant will be for the Youth Experience to be used for youth programs that involve paid and unpaid work experiences which include both academic and occupational education. I am requesting that the Mayor be authorized to receive the additional funds and that the Mayor authorizes the Budget Director to amend the Youth Development Fund accordingly:

<u>Increased Estimated Revenue:</u>		Current Budget	Amended Budget
WIOA-02254	Westch Co/W.I.A.	\$118,586	\$126,361

Increase Appropriations:

WIOA-1.200	CSEA Salary	\$65,297	\$68,795
WIOA-1.800	Part time Salary	\$22,012	\$25,314
WIOA-2.001	FICA	\$6,679	\$7,199
WIOA-2.020	MTA Pr. Tax	\$298	\$320
WIOA-2.101	NYS Pension	\$9,089	\$9,543
WIOA-2.201	Health Ins.	\$12,768	\$12,747
WIOA-2.204	NYS Admin Charge	\$36	\$36
WIOA-2.301	Dental Insurance	\$1,357	\$1,357
WIOA-2.407	Optical Insurance	\$350	\$350
WIOA-4.023	Program Services	\$700	\$700
TOTAL		<u>\$118,586</u>	<u>\$126,361</u>

Respectfully submitted,

Frank Williams, Jr.
Director, Youth Bureau

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO AMEND THE CONTRACT WITH THE COUNTY OF WESTCHESTER, ACTING ON BEHALF OF THE WESTCHESTER-PUTNAM INVESTMENT BOARD THROUGH THE WESTCHESTER WORKFORCE DEVELOPMENT ACADEMY FOR YOUTH, TO RECEIVE AN ADDITIONAL \$7,775 IN FUNDING FOR WORKFORCE INVESTMENT AND OPPORTUNITY ACT YOUTH EMPLOYMENT SERVICES TO IN SCHOOL AND OUT OF SCHOOL YOUTH, 14 TO 24 YEARS OF AGE FOR THE PERIOD BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019.

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

Section 1. The Mayor of the City of White Plains, or his designee (acting by and through the Youth Bureau), is hereby authorized to amend the contract with the County of Westchester, acting on behalf of the Westchester-Putnam Investment Board through the Westchester Workforce Development Academy for Youth (WDAY), to receive an additional \$7,775 in funding for Workforce Investment and Opportunity Act (WIOA) youth employment services to in school and out of school youth, 14 to 24 years of age, for the period beginning July 1, 2018 and ending June 30, 2019. Said amended contract shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is further authorized to receive the additional \$7,775 of grant funds and to direct the Budget Director to amend the Youth Development Fund as follows:

Increase Estimated Revenue:

		Current Budget	Amended Budget
WIOA-02254	Westchester Co./W.I.A	<u>\$118,586</u>	<u>\$126,361</u>

Increase Appropriations:

WIOA-1.200	CSEA Salary	\$ 65,297	\$ 68,795
WIOA-1.800	Part time Salary	22,012	25,314
WIOA-2.001	FICA	6,679	7,199
WIOA-2.020	MTA Pr. Tax	298	320
WIOA-2.101	NYS Pension	9,089	9,543
WIOA-2.201	Health Ins.	12,768	12,747
WIOA-2.204	NYS Admin. Charge	36	36
WIOA-2.301	Dental Insurance	1,357	1,357
WIOA-2.407	Optical Insurance	350	350
WIOA-4.023	Program Services	700	700
		<u>\$118,586</u>	<u>\$126,361</u>

Section 3. This ordinance shall take effect as of July 1, 2018.

Mr. Martin seconded the motion.

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

Communication from the Mayor.

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

Mr. Martin seconded the motion.

Carried.

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

Dear Council Members:

As employees serving active military duty continue to be deployed to combat terrorist activities under Executive Order 13223, or other duty compelled by federal or state law related to terrorist attacks of September 11, 2001, your consideration and support is requested to extend coverage by the City to provide for the salary differential and benefits (which the City has provided since September 11, 2001) from the current limit of six months of their deployment to twelve months.

Respectfully submitted,

Thomas M. Roach
Mayor

Dated: November 5, 2018

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE GRANTING COMPENSATORY BENEFITS FOR UP TO SIX MONTHS TO CITY OFFICERS AND EMPLOYEES WHO ARE MEMBERS OF THE ARMED FORCES RESERVES AND WHO ARE ORDERED TO ACTIVE MILITARY DUTY PURSUANT TO EXECUTIVE ORDER 13223 SIGNED BY THE PRESIDENT OF THE UNITED STATES ON SEPTEMBER 14, 2001, OR OTHER DUTY COMPELLED BY FEDERAL OR STATE LAW RELATED TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001."

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

Section 1. The caption and Section 3 of an ordinance entitled "An ordinance granting compensatory benefits for up to six months to City officers and

employees who are members of the armed forces reserves and who are ordered to active military duty pursuant to executive order 13223 signed by the President of the United States on September 14, 2001, or other duty compelled by federal or state law related to the terrorist attacks of September 11, 2001," adopted by the Common Council of White Plains on October 11, 2001, and last amended on September 4, 2018, are hereby amended to read as follows:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE GRANTING COMPENSATORY BENEFITS ~~[FOR UP TO SIX MONTHS]~~ TO CITY OFFICERS AND EMPLOYEES WHO ARE MEMBERS OF THE ARMED FORCES RESERVES AND WHO ARE ORDERED TO ACTIVE MILITARY DUTY PURSUANT TO EXECUTIVE ORDER 13223 SIGNED BY THE PRESIDENT OF THE UNITED STATES ON SEPTEMBER 14, 2001, OR OTHER DUTY COMPELLED BY FEDERAL OR STATE LAW RELATED TO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001."

§3. Payment of such salary differences, as provided under this Ordinance, up to ~~[six (6)]~~ twelve (12) months to each employee upon documentation of payment received for military service or other duty compelled by state or federal law or regulation during the effective dates of this Ordinance.

Section 2. This Ordinance shall take effect March 1, 2017.

Mr. Martin seconded the motion.

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

Communication from Commissioner of Parking.

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

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE MAYOR AND 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, 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., who is the sole regional provider of Digital Luke multispace meters. At this time, the Department is seeking Common Council approval to renew the hardware and software warranties on 98 multispace meters.

The estimated cost for the renewal of this contract, which would cover the period commencing October 16, 2018 through October 15, 2019 is \$ 88,592. The funding for these contracts is provided for within the FY1 18/19 Department of Parking and White Plains Center Garage Operating Budgets.

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,

John P. Larson,
Commissioner of Parking

Date: October 23, 2018

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 ENTER INTO A RENEWAL AGREEMENT ON BEHALF OF THE CITY OF WHITE PLAINS WITH INTEGRATED TECHNICAL SYSTEMS INC., PERTAINING TO HARDWARE AND SOFTWARE WARRANTIES ON 98 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 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, controls and various customer service capabilities; and

WHEREAS, as part of the Department of Parking's ongoing operations, it has previously entered into annual hardware and software warranties with Integrated Technical Systems, Inc., the sole regional supplier of Digital Lake multi-space meters; and

WHEREAS, the Department of Parking is now requesting the Common Council's approval to renew the hardware and software warranties on 98 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, 2019, is \$88,592; and

WHEREAS, the funding for such contract is provided within the Fiscal Year 2018-2019 Department of Parking and the White Plains Center Garage Operating Budgets; and

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 designee, to enter into an agreement with Integrated Technical Systems, Inc., to renew the City's hardware and software warranties on 98 multi-space parking meters in use throughout the City's Municipal Parking System, to cover the one-year period commencing October 16, 2018 and terminating October 15, 2019, at a cost not to exceed \$88,592. The funding for these contracts is provided for within the Fiscal Year 2018-2019 Department of Parking and the White Plains Center Garage Operating Budgets. Said contracts shall be in a form acceptable to the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.

Mr. Brasch seconded the motion.

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

Communication from Chairman, Transportation Commission.

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

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

- 1.) Create a "No Parking 10:00 AM to 11:00 AM Monday through Friday" zone on the east side of Cleveland Street as described in Section 224-c, Subdivision 24.

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

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: October 23, 2018

Mr. Brasch moved adoption of the following ordinance.

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING "NO PARKING 10:00 A.M. TO 11:00 A.M. MONDAY THROUGH FRIDAY" ZONE ON CLEVELAND STREET.

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

No Parking 10:00 a.m. to 11:00 a.m. Monday through Friday

Section 1. Article II, Section 224-c, of an ordinance adopted by the Common Council of the City of White Plains on the third day of September 1946 entitled, "An ordinance regulating traffic in the City of White Plains and providing penalties for the violations of its provisions," as last amended on the 2nd day of October, 2018, is hereby amended by adding new Subdivision 24 to read as follows:

24. Cleveland Street, on the east side, starting at a point approximately 150 feet south of Central Avenue to Liberty Street.

Section 2: This ordinance shall take effect immediately.

Mrs. Hunt-Robinson seconded the motion.

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

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, Environmental Officer.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

Per referral by the Common Council, the Department of Building has reviewed a request by LMC/Lennar Multifamily Communities, LLC (the owner of the property) for an extension to the Site Plan Approval for the proposed redevelopment of an approximately 2.1 acre site that fronts on Mamaroneck

Avenue, Mitchell Place and East Post Road. A letter petition, dated August 21, 2018, prepared by Cuddy and Feder LLP has been submitted on behalf of the owner for a one (1) year extension.

This department has no objection to this extension being granted.

Respectfully Submitted,

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

Dated: October 31, 2018

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on October 9th, 2018, a communication from the Commissioner of Building in relation to an application submitted on behalf of LMC/Lennar Multifamily Communities, LLC, for a one year extension of a previously approved Site Plan.

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

Kent Johnsson, Member
Design Review Board

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON
COUNCIL

SUBJECT: LMC/LENNAR MULTIFAMILY COMMUNITIES
SECTION 125.76, BLOCK 5, LOTS 2, 17; SECTION 125.84, BLOCK
2, LOT 1
131 MAMARONECK AVENUE AND 9 MITCHELL PLACE
APPLICATION FOR EXTENSION OF SITE PLAN APPROVAL

By letter dated August 21, 2018, Neil J. Alexander, on behalf of LMC/Lennar Multifamily Communities through its business affiliate LMV II MMP Holdings, LP ("LMC" or the "Applicant"), submitted an application to the White Plains Common Council for a one-year extension of a site plan approval that was granted on September 5, 2017. The proposed project includes the redevelopment of a 2.1-acre development with street frontage on Mitchell Place to the north, Mamaroneck Avenue to the west, and Post Road to the south. The Project Site is

located in two zoning districts, with nearly 64,000 square feet of land area located in the CB-2 (Core Business - 2) district, and 27,500 square feet located in the RM-0.35 district.

Applicant proposes to demolish the existing buildings and redevelop the site with a 453,312 square foot mixed-used development consisting of: 434 apartments, including 27 affordable units, 7,855 square feet of ground floor retail space, 460 parking spaces, and an approximately 8,000 square foot public parklet on Mitchell Place. The apartments will be constructed in two 15-story towers connected by a pedestrian bridge. Tower I will have two floors of retail space and residential amenity space and 13 stories of residential floors. Tower II will have nine residential stories built on top of a six-story parking structure located at the interior of the site. Tower II also includes a five-story residence on Mitchell Place.

Since the Common Council granted site plan approval on September 5, 2017, the ownership of the property changed. LMC, the new owner, filed a building permit application with the Department of Buildings in July 2018. However, LMC has not achieved substantial construction yet, and therefore requests a one-year extension.

As there have been no changes to the application since the previous site plan approval on September 5, 2017, the Planning Department has no objection to granting a one-year extension to September 5, 2019, subject to all conditions contained in the previous approval.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: October 25, 2018

October 24, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: THE BROADSTONE - MAMARONECK AVENUE, MITCHELL PLACE, AND EAST POST ROAD - ONE YEAR EXTENSION OF THE SITE PLAN APPROVAL FOR A 434-UNIT MULTI-FAMILY DEVELOPMENT, INCLUDING 27 AFFORDABLE UNITS, A SIX LEVEL PARKING GARAGE WITH 460 PARKING SPACES, 7,855 SQUARE FEET OF RETAIL SPACE, AND AN APPROXIMATELY 8,000 SQUARE FOOT PARKLET

At its October 16, 2018 meeting, the Planning Board considered the application submitted on behalf of LMC/Lennar Multifamily Communities, LLC,

for a one year extension of the site plan approval for The Broadstone project, located on the block bounded by Mamaroneck Avenue, East Post Road, and Mitchell Place.

The Planning Board has no objection to approval of the one year extension for The Broadstone.

Planning Board members voting in favor of the motion finding no objection to approval of the extension: J. Ioris, A. Cabrera, J. Durante, and L. Gruenfeld (4); Opposed: None (0); Absent: L. Oliva and S. Russell (2). There is one vacancy on the Board.

Respectfully submitted,

John Ioris, Chairman
White Plains Planning Board

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

LMC/Lennar Multifamily Communities
Application for Extension of Site Plan Approval
Mamaroneck Ave., Mitchell Pl. & East Post Road

David E. Chong
Commissioner of Public Safety

Dated: October 16, 2018

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

We have reviewed a petition, dated August 21, 2018, submitted by Cuddy and Feder, LLP on behalf of LMC/Lennar Multifamily Communities, through its business affiliate LMV II MMP Holdings, LP ("Applicant,") requesting an extension of the site plan approval for the project located at 131 Mamaroneck Avenue and 9 Mitchell Place.

We have no objection to the approval of this application for a one year extension of the site plan approval. The comments provided from the Department of Public Works, on the previous Approval Resolution granted on September 5, 2017, by the City's Common Council will remain in effect.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: November 5, 2018

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

The Parking Department/Traffic Division has reviewed the application for the Site Plan extension of the Martine, Mitchell and East Post Road Development (Broadstone) which was referred by the Common Council on October 1, 2018 and has no objection to granting this extension.

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

Dated: October 16, 2018

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 17, 2018 reviewed a request for an extension to the site plan from LMC/Lennar Multifamily Communities LLC, 131 Mamaroneck Avenue & 9 Mitchell Place, as referred by the Common Council on October 1, 2018.

The Transportation Commission had no objections to the extension.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: October 23, 2018

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

Re: LMC/Lennar Multifamily Communities, LLC
Mamaroneck Avenue, Mitchell Place and East Post Road
Extension of the Site Plan Approval

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

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

Respectfully submitted,

John P. Larson, Commissioner
CWP - Department of Parking

Date: October 23, 2018

October 12, 2018

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:	LMC/Lennar Multifamily Communities, LLC — WHP 18-019
Action:	One-Year Extension of Site Plan Approvals
Location:	131 Mamaroneck Avenue

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that the 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

Norma V. Drummond
Commissioner

October 26, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LMC/LENNAR MULTIFAMILY COMMUNITIES
"THE BROADSTONE WHITE PLAINS"
131 MAMARONECK AVENUE AND 9 MITCHELL PLACE
APPLICATION FOR EXTENSION OF SITE PLAN APPROVAL

On September 5, 2017, the Common Council granted Site Plan Approval for a multi-use commercial /residential development at 131 Mamaroneck Avenue and 9 Mitchell Place behalf of Alliance Realty Partners LLC pursuant to a Purchase and Sale Agreement with Devon Plaza Realty the owner ("2017 Site Plan Approval").

The application dated August 21, 2018 for a one year extension of the previously granted Site Plan Approval submitted on behalf of LMC/Lennar Multifamily Communities, LLC ("Applicant"), the successor to Alliance Realty Partners, ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

Under Section 7.6 of the Zoning Ordinance, a Site Plan approval shall expire if substantial construction has not been completed within one year of approval.

Although the Applicant has filed its building permit application, it has not achieved the substantial construction milestone.

The 2.1-acre development site (the "Project Site") has street frontage on Mitchell Place to the north, Mamaroneck Avenue to the west, and Post Road to the south.

The three tax parcels previously designated as the Project Site in the 2017 Site Plan Approval resolution (former Section 125.84, Block 2, Lot 1, and Section 126.76, Block 5, Lots 2 and 17) have now been combined into one lot designated as Section 125.76, Block 5, Lot 17.1 for the 2019 assessment roll.

The project to be known as "The Broadstone White Plains" has the following components:

1. Two 15-story building containing a total of 434 residential units with 393 units in the CB-2 District, and 41 in the RM-0.35 district. As proposed, the residences would consist of 33 studios, 253 one-bedroom units, 127 two-bedroom units and 21 three-bedroom units
2. The project shall contain a 6% affordable component for families earning 60%

of the Westchester County Area Median Income, for a total of 27 affordable units comprised of (2) studios, fifteen (15) one-bedrooms, eight (8) two-bedrooms, and two (2) three-bedrooms.

3. A 7,855 sq. ft. retail space at grade level along Mamaroneck Avenue
4. A total of 460 parking spaces with 448 structured parking spaces on 6 floors below the apartment units in the center of the project site and 12 surface parking spaces at the rear of the project site near Mitchell Place. For the 434 rental units there will be 434 parking spaces, and for the 7,855 square feet of retail space at grade level along Mamaroneck Avenue there will be 26 parking spaces will be provided.
5. Approximately 8,000 square foot publicly accessible parklet off Mitchell Place.

The Proposed Action involves the following approval actions:

1. Approval of a Site Plan under Section 7 of the Zoning Ordinance. (White Plains Common Council).
2. Approval of a MS4 Stormwater Permit. (White Plains Department of Public Works)
3. Approval of a Stormwater Pollution Prevention Plan (SWPPP) and SPDES General Permit for Stormwater Discharges from Construction Activity (New York State Department of Environmental Conservation (NYSDEC) for construction disturbing over one acre of land area. The Project site contains 2.1 acres.
4. Approvals of upgrades and modifications to City of White Plains sanitary sewer, water service and storm drain utilities. (White Plains Department of Public Works)
5. Approval of upgrades and modifications to the sanitary sewer and water service utility lines. (Westchester County Department of Health)
6. Approval of roadway modifications to East Post Road, County Road # 108 (Westchester County Department of Public Works and Transportation) and NYS Route 22.
7. Approval pursuant to the White Plains Affordable Rental Housing Program of a 6% affordable component for families earning 60% of the Westchester County Area Median Income, for a total of 27 affordable units comprised of (2) studios, fifteen (15) one-bedrooms, eight (8) two-bedrooms, and two (2) three-bedrooms.
8. Approval of a fee-in-lieu of providing adequate park and recreation facilities for the 434 residential units

SEQR Findings

While construction of the of proposed mixed-use residential and commercial development has not started, it is noted that the project plans have not changed, and that no newly discovered information or relevant changes in circumstances

have arisen to affect the facts or circumstances upon which the 2017 Approval was granted. In addition, the various conditions stated in the 2017 Site Plan Approval resolution remain relevant and appropriate to the Proposed Action.

The Environmental Office recommends that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review for the Proposed Action; (b) reconfirm that the Proposed Action is an Unlisted Action under SEQR regulations; (c) find that the Proposed Action, with inclusion of the continued Conditions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 5, 2017; (d) reconfirm the SEQR findings adopted for the 2017 Site Plan Approval; and (e) reconfirm that the Proposed Action, with the continued Conditions, will not have a significant effect on the environment.

Forwarded for the Common Council's consideration is a resolution which lists the conditions recommended by the City Departments, Boards and agencies, and makes the necessary environmental findings and determinations required by SEQR regulations.

Respectfully submitted,

Rod Johnson
Environmental Officer

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

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN EXTENSION OF THE SITE PLAN APPROVAL FOR REDEVELOPMENT TO BE KNOWN AS "BROADSTONE WHITE PLAINS" AT 131 MAMARONECK AVENUE AND 9 MITCHELL PLACE ON BEHALF OF LMC/LENNAR MULTIFAMILY COMMUNITIES, LLC.

WHEREAS, on September 5, 2017, the Common Council granted Site Plan Approval for a multi-use commercial /residential development at 131 Mamaroneck Avenue and 9 Mitchell Place behalf of Alliance Realty Partners LLC pursuant to a Purchase and Sale Agreement with Devon Plaza Realty, the owner ("2017 Site Plan Approval"); and.

WHEREAS, the application dated August 21, 2018 for a one year extension of the previously granted Site Plan Approval submitted on behalf of LMC/Lennar Multifamily Communities, LLC ("Applicant"), the successor to Alliance Realty Partners, ("Proposed Action"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, under Section 7.6 of the Zoning Ordinance, a Site Plan approval shall expire if substantial construction has not been completed within one year of approval; and

WHEREAS, although the Applicant has filed its building permit application, it has not achieved the substantial construction milestone; and

WHEREAS, the 2.1-acre development site (the "Project Site") has street frontage on Mitchell Place to the north, Mamaroneck Avenue to the west, and Post Road to the south; and

WHEREAS, the three tax parcels previously designated as the Project Site in the 2017 Site Plan Approval resolution (former Section 125.84, Block 2, Lot 1, and Section 126.76, Block 5, Lots 2 and 17) have now been combined into one lot designated as Section 125.76, Block 5, Lot 17.1 for the 2019 assessment roll; and

WHEREAS, the project to be known as "The Broadstone White Plains" has the following components:

1. Two 15-story building containing a total of 434 residential units with 393 units in the CB-2 District, and 41 in the RM-0.35 district. As proposed, the residences would consist of 33 studios, 253 one-bedroom units, 127 two-bedroom units and 21 three-bedroom units
2. The project shall contain a 6% affordable component for families earning 60% of the Westchester County Area Median Income, for a total of 27 affordable units comprised of (2) studios, fifteen (15) one-bedrooms, eight (8) two-bedrooms, and two (2) three-bedrooms.
3. A 7,855 sq. ft. retail space at grade level along Mamaroneck Avenue
4. A total of 460 parking spaces with 448 structured parking spaces on 6 floors below the apartment units in the center of the project site and 12 surface parking spaces at the rear of the project site near Mitchell Place. For the 434 rental units there will be 434 parking spaces, and for the 7,855 square feet of retail space at grade level along Mamaroneck Avenue there will be 26 parking spaces will be provided.
5. Approximately 8,000 square foot publicly accessible parklet off Mitchell Place; and

WHEREAS, the Proposed Action involves the following approval actions:

1. Approval of a Site Plan under Section 7 of the Zoning Ordinance. (White Plains Common Council).
2. Approval of a MS4 Stormwater Permit. (White Plains Department of Public Works)
3. Approval of a Stormwater Pollution Prevention Plan (SWPPP) and SPDES General Permit for Stormwater Discharges from Construction Activity (New York State Department of Environmental Conservation (NYSDEC) for construction disturbing over one acre of land area. The Project site contains 2.1 acres.
4. Approvals of upgrades and modifications to City of White Plains sanitary sewer, water service and storm drain utilities. (White Plains Department of Public Works)

5. Approval of upgrades and modifications to the sanitary sewer and water service utility lines. (Westchester County Department of Health)
6. Approval of roadway modifications to East Post Road, County Road # 108 (Westchester County Department of Public Works and Transportation) and NYS Route 22.
7. Approval pursuant to the White Plains Affordable Rental Housing Program of a 6% affordable component for families earning 60% of the Westchester County Area Median Income, for a total of 27 affordable units comprised of (2) studios, fifteen (15) one-bedrooms, eight (8) two-bedrooms, and two (2) three-bedrooms.
8. Approval of a fee-in-lieu of providing adequate park and recreation facilities for the 434 residential units; and

Application Materials

WHEREAS, the Applicant previously submitted the following materials in support of the 2017 Site Plan approval ("2017 Application Materials"):

1. An application letter from Gregory L. Belew Managing Director, Alliance Residential Company through its business affiliate Alliance Realty Partners, dated January 27, 2017.
2. A Building Short Form Permit Application dated January 27, 2017;
3. A Full Environmental Assessment Form Part 1, dated January 27, 2017;
4. An Expanded Environmental Assessment dated January 27, 2017 as prepared by JMC Consulting;
5. a Traffic Study dated January 27, 2017 as prepared by JMC Consulting;
6. A Stormwater Pollution Prevention Plan dated January 27, 2017 as prepared by JMC Consulting;
7. A Sanitary and Domestic Water Load Chart prepared by Kibart Consulting Engineers;
8. Drawings prepared by Lessard Design Inc. P.C.;

<u>No.</u>	<u>Sheet Title</u>	<u>Dated</u>
CS.010	Project Tabulation by Tower	March 22, 2017
CS.011	Project Tabulation Totals	March 22, 2017
CS.012	Zoning Tabulation	Jan 27, 2017
CS.013	Zoning Tabulation	Jan 27, 2017
A.100	Architectural Site Plan	Jan 27, 2017
A.101	Before and After Public Access Space	Jan 27, 2017
A.102	Before and after Public Access Study	Jan 27, 2017

<u>No.</u>	<u>Sheet Title</u>	<u>Dated</u>
A.103	Usable Open Space Diagram	Jan 27, 2017
A.104	Site Diagram	Jan 27, 2017
A.105	Perspective View Diagram	Jan 27, 2017
A.106	Perspective View Diagram	Jan 27, 2017
A.107	Shadow Study	Jan 27, 2017
A.111	Floor Plans	March 22, 2017
A.112	R2 Floor Plan	March 22, 2017
A.113	R3 Floor Plan	March 22, 2017
A.114	R4 Floor Plan	March 22, 2017
A.117	R7 Floor Plan	March 22, 2017
A.119	R9 Floor Plan	March 22, 2017
A.125	R15 Roof Plan	March 22, 2017
A.126	Roof Plan	March 22, 2017
A.201	Building Elevations	March 22, 2017
A.202	Building Elevations	March 22, 2017
A.203	Building Elevations	March 22, 2017
A.301	Building Sections	March 22, 2017
A.250	Perspective View	02/17/2017
A.251	Perspective View	02/17/2017
A.251	Perspective View	02/17/2017
A.253	Perspective View	02/17/2017
A.301	Perspective View	02/17/2017
A.401	Typical Unit Plans	02/17/2017
A.501	Material Board	02/17/2017

9. Drawings all dated January 27, 2017 as prepared by JMC Consulting;

<u>No.</u>	<u>Sheet Title</u>	<u>Dated</u>
SP-1	Cover sheet	02/17/2017
SP-2	Site Existing Conditions	02/17/2017
SP-3	Preliminary Site Layout Plan	02/17/2017
SP-4	Preliminary Building Location Plan	02/17/2017
SP-5	Preliminary Site Grading Plan	02/17/2017
SP-6	Preliminary Site Utility Plan	02/17/2017
SP-7	Preliminary Site E & S Control Plan	02/17/2017
SP-8	Preliminary Site Landscaping Plan	02/17/2017
SP-9	Construction Details	02/17/2017
SP-10	Construction Details	02/17/2017
SP-11	Construction Details	02/17/2017
SP-12	Construction Details	02/17/2017
SP-13	Construction Details	02/17/2017
SU-1 (site survey)		01/23/2017

10. Purchase and Sale Agreement signed by the applicant and current owner of the property.
11. MEMORANDUM from Mr. Diego Villareale, PE, JMC, dated August 9, 2017, regarding Public Sanitary Sewer Capacity Analysis for Broadstone White Plains.
12. Flow Monitoring Report prepared by Flow Assessment Services, dated July 24, 2017, regarding Broadstone White Plains.
13. Pedestrian Wind Assessment report, prepared by Rowan Williams Davies & Irwin Inc.,(WDI), dated August 9, 2017; and

WHEREAS, the Applicant submitted the following materials in support of the proposed one year extension of the 2017 Site Plan Approval ("2018 Application Materials"):

1. A petition letter prepared by Mr. Neil Alexander dated August 21, 2018.
2. Short Building Permit Application Form dated August 20, 2018.
3. Short Environmental Assessment Form dated August 21, 2018; and

Previously Approved Conditions

WHEREAS, the 2017 Site Plan Approval included the following conditions recommended by the various City Departments, Boards and agencies, as part of the Proposed Action for purposes of the environmental review (hereinafter referred to as "Conditions"):

- A. As per the communication of the Commissioner of Planning dated August 23, 2017:
 1. Based upon a finding that, pursuant to New York State General City Law § 27-a, that the site plan does not provide sufficient land for park and recreation facilities based on the project's anticipated generation of more than 840 new city residents, the Common Council assesses a fee-in-lieu of providing sufficient park and recreation facilities for the 434 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 \$845,940 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. Such fee includes a partial credit of \$513,560 calculated as a pro-rata share of the additional parkland demand (8,000 square feet) met by the proposed project per New York State Recreation Standards.
 2. The \$845,940 fee shall be paid by the applicant in two equal installments; \$422,970 prior to the issuance of the first building permit and \$422,970 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.

3. The project shall designate 6% affordable of the residential units as affordable units to be rented to households 60% to 79% of the Westchester County Area Median Income, for a total of 27 affordable units comprised of: 2 studios; 15 one-bedrooms; 8 two-bedrooms; and 2 three-bedrooms.
4. The dedicated affordable units must remain in perpetuity for the life of the project and be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 27 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program pursuant to existing program guidelines.
5. The final design of the proposed parklet on Martine Avenue shall be subject to the approval of the Commissioners of Planning and Building. The parklet shall be open to the public during reasonable hours of day and signed accordingly.
6. The Applicant must provide a cut sheet depicting the light fixtures that are proposed to be installed on private property at the site to ensure that they comply with Section 4.4.20 of the Zoning Ordinance.
7. The applicant must provide verification that the owner of 107 Mamaroneck Avenue agrees to allow the connection of the proposed lighting wire to his building.
8. A final landscaping plan shall be subject to approval by the Commissioner of Planning. It should include a narrow planted buffer along the easterly property line abutting 33 Mitchell Place, and show the landscape or pavement treatment of the triangular area abutting the rear yard of 200 East Post Road.
9. 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.
10. In connection with the maintenance of the landscaped areas and lighting, some of which is located within the City's right-of-way, a maintenance agreement between the applicant and the City is needed whereby the applicant shall be required to manage and maintain such areas.
11. 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 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.

12. 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.
 13. 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.
 14. Curb cuts no longer needed for access to parking should be restored as curbs.
- B. As per the communication of the Commissioner of Public Works dated September 5, 2017:
1. The Stormwater Pollution Plan (SWPPP) submitted by the applicant, current revision dated 7/7/17, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC has been approved. As the plans are further developed, amendments to the SWPPP, in accordance with the current 'NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity', will be required.
 2. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater permit prior to the issuance of a Building Department permit. Please contact DPW Code Enforcement (914-422-1208).
 3. Provide confirmation to DPW once all required County permits for work within their ROW have been secured.
 4. Existing sanitary and water services shall be abandoned at the main, including all associated restoration work associated, as directed by DPW. Applicant must provide locations and limits of existing services to be abandoned.
 5. Prior to construction, verify all existing underground utilities on the plans, including gas, telephone, fiber optics, sanitary sewer, drain and all water lines. Include the number of conduits and/or number of ducts per bank. It is highly recommended that test pits be performed at all locations where proposed lines cross existing utility conduits, in an effort to prevent any interference during construction.
 6. The applicant shall provide designated snow storage areas and how removal of snow will be handled at the site. Note that plowing or storage of snow into the City's right-of way-is not permitted.
 7. The 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 caliper size of the tree(s) being removed when replacing with new trees.

Additional trees may need to be installed and/or the proposed trees may need to be a larger caliper, at the discretion of the Commissioner of Public Works. 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's tree nursery inventory for plantings in the ROW.

8. All tree species being proposed within the City's ROW will require approval from the Commissioner of Public Works prior to ordering and planting.
9. Include the location of the community mailbox that must be installed wholly within private property. Coordinate with the U.S. Post Office (914-697-7245) for the specifications and the placement of the community mailbox. DPW will provide the official addresses after the final plans have been approved.
10. All parking meters and spaces that are located in the ROW that are scheduled to be removed and/or relocated, must be coordinated and approved by the Department of Parking.
11. The Soil Boring report that was provided shows groundwater on the site. A sediment tank is required and may only discharge to the municipal stormwater system. No groundwater is permitted to be pumped from the site into the City's sanitary sewer mains. Dewatering will only be permitted during construction; the project must be designed in such a way that no groundwater is discharged into the municipal stormwater system at any time once construction is complete.
12. Plans must include the location and a detail for the oil/grit separator for the parking structure and loading areas, and include the maintenance procedure and schedule. This is separate from the hydrodynamic separator.
13. The proposed island and cut-out on Mitchell Place shall conform to all DPW requirements.
14. Include the location for the street lighting conduits and junction boxes. Include details on the plans.
15. Any restaurant or food establishments to be located within the building, must have an aerated grease trap/interceptor sized and installed to meet all Health Department requirements in order to prevent grease from entering the Municipal sewer line. Provide all details, if applicable.
16. 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 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 acceptance.

- b. The applicant will be required to provide sanitary infrastructure improvements located within the Bronx River Sewer District, in which the project is located, to reduce infiltration and inflow (I&I). The improvements will include the lining of (20) twenty sanitary sewer manholes and (2,000) two-thousand linear feet (LF) of existing sewer mains located in the vicinity of the project and shall be at the developer's expense. The locations of manholes and sewer mains to be lined shall be determined by the Commissioner of Public Works.
17. The CWP-DPW standard details shown on SP-13 for the manholes should be SD-41 precast concrete Type "A" manhole (since the manhole is less than 13 ft. deep) instead of SD-41A, (which is used for greater than 13 ft. deep).
18. Include on the plans the invert elevation at the sanitary sewer service connection to the municipal main located in Mamaroneck Avenue.
19. The plans indicate the existing street catch basins fronting the property will remain. All these catch basins will require that their castings be replaced with eco-friendly curb piece models and bicycle-safe grates, if they currently are not, in accordance with DPW's Standard Construction Details. If any of the drainage structures are found to be in need of repair, it shall be updated, replaced or repaired, at the developer's expense, as directed by the Commissioner of Public Works.
20. Construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, and an as-built must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor. A required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the City's Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive.

Further, the City, through the Department of Public Works, shall receive 20% of all costs, if the CWP-DPW must contract the work, as an administrative fee. 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.

21. Pressurized line stops may be required to provide the necessary water main shut-downs needed for the installation of the proposed water services and valves.
22. Backflow prevention devices must be installed on the fire and domestic water services. These devices must be located in a utility room that must also accommodate a master water meter (Metron Spectrum). 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. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester County 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.
23. The MEP calculations show a combined fire and domestic water service but the plans show two separate services; revise the calculations accordingly. The services must be separate (equally sized) and include an equally sized interconnect with valve within the building between the proposed domestic water and the proposed fire service. Include information on the plans for the interconnect. Include a label for the material for domestic water and fire service on the plans.
24. Flow testing for the proposed fire services must be performed and a signed and sealed report provided to DPW. Contact CWP-Water at 914-422-1220 for scheduling.
25. Provide a Solid Waste Management form and plan. Include the routing plan, with turning templates, for removal of the waste/recycling from the collection point.
26. 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, prior to the issuance of a temporary certificate of occupancy.
27. The plans must be revised to include the "Department of Public Works Construction Notes for Subdivisions and Developments" sheet.
28. 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.
29. 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.

C. As per the communication of the Transportation Commission dated March 22, 2017:

1. The location of any parking control gates must be shown on the plans.
2. A loading dock operation plan showing turning movement diagrams for trucks and cars entering and leaving the loading dock areas must be provided.
3. The plans must specify surface treatment proposed drop off area on Mitchell Place.
4. The Applicant must provide a "Traffic Management Plan" for special events.
5. The Applicant must provide a plan showing circulation of fire vehicles and ambulances.
6. The Applicant must provide counts showing number of parking spaces displaced as a result of proposed project.

D. As per the communication of the Parking Department/Traffic Division dated March 22, 2017:

1. The color for all space, lane use and cross hatch markings (where parking is not allowed in dead areas) should be shown on the plans. "Compact" spaces should have a line across the entrance to the space and be signed appropriately. Accessible spaces must be signed with the New York State Department of Transportation (NYSDOT) standard sign; the passenger loading portion must have a "No Parking" sign.
2. Plans must be submitted indicating the parking layout on all levels of parking with charts indicating the number of the different size/type of spaces ("compact", "standard", "full" and "accessible").
3. The location of any parking control gates and signs for retail parking access should be indicated on the plans. A parking management plan must be submitted to describe how the retail parking will be provided.
4. There must be a stop sign and stop line for traffic exiting the drop off area on Mitchell Place, if approved.
5. The turning movement diagrams for trucks and cars entering and leaving the loading dock areas must be provided. A truck loading dock plan which includes contact information for the person responsible for supervision of the docks.
6. In the Traffic Impact Study, intersection capacity calculations must use CBD as the area type.
7. The removal of parking meters on Mamaroneck Avenue should be minimized. Only the minimum space required for drop off/pick up should be provided while retaining some meter parking; and

SEQR Findings

WHEREAS, while construction of the proposed mixed-use residential and commercial development has not started, it is noted that the project plans have not changed, and that no newly discovered information or relevant changes in circumstances have arisen to affect the facts or circumstances upon which the 2017 Approval was granted. In addition, the various conditions stated in the 2017 Site Plan Approval resolution remain relevant and appropriate to the Proposed Action; and

WHEREAS, the Environmental Officer has recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review for the Proposed Action; (b) reconfirm that the Proposed Action is an Unlisted Action under SEQR regulations; (c) find that the Proposed Action, with inclusion of the continued Conditions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 5, 2017; (d) reconfirm the SEQR findings adopted for the 2017 Site Plan Approval; and (e) reconfirm that the Proposed Action, with the continued Conditions, will not have a significant effect on the environment; and

WHEREAS, the Common Council has considered the applications, the Proposed Action with the continued Conditions, 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 basis for the SEQR determination; now, therefore, be it

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

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

RESOLVED, based on the foregoing reasons, that the Common Council finds that the Proposed Action, with inclusion of the continued Conditions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 5, 2017; and be it further

RESOLVED, that the Common Council has examined the potential environmental effects of the Proposed Action and reconfirms the following environmental findings adopted for the 2017 Site Plan Approval:

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

The proposed project is consistent with many recommendations of the City's Comprehensive Plan including the 2006 Core Area Vision Statement: "Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, walkable urban environment with 24/7 character..." The project has been designed with

ground floor retail to activate the streets, and has located the parking structure on the interior of the site to preserve the downtown character along street frontages.

Further, the project site is located in the City's downtown core, where there is retail, office, service, and low-rise residential in the surrounding area. The project has been designed with sensitivity to the low-rise character of the existing buildings on Mamaroneck Avenue, Post Road, and Mitchell Place. The residential towers have been set back from the street frontages to reduce the massing and preserve the pedestrian scale of the traditional downtown.

The proposed height is supported in both the zoning of the CB-2 district and in the Comprehensive Plan, which supports attracting residents to the downtown to revitalize the businesses and activate the streetscape.

The project is also consistent with the following specific recommendations of the Comprehensive Plan regarding the downtown core:

- *Maintain a maximum building height of 230 feet for mixed-use residential (minimum 80% residential) and fully residential buildings on development sites greater than 100,000 square feet in the CB-2 district south of Martine Avenue.*
- *Maintain the existing height and bulk limitations of the Core Area.*
- *Limit the amount of office development to reduce peak period traffic, air quality, and infrastructure impacts.*
- *Modify the definition of usable open space to require that the open space be at-grade and publicly accessible and inviting.*

Consistency with Westchester County Regional Planning Policies

The proposed development is consistent with the Westchester County Planning Board's long range planning policies set forth in *Westchester 2025 - Context for County and Municipal Planning and Policies to Guide County Planning*, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, as it would direct new development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic viability.

Affordable Housing

Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, dated revised January 1, 2012, the project qualifies as an Applicable Rental Project which requires a 10% affordable rental unit set aside by virtue of being located in the CB-2 Core Business Zoning District where a minimum of 10% of the total units in the development must be affordable to Families at 60% to 100% of Median Family income, the average of which being no more than 80% of Family Income.

However, the applicant is requesting a reduction of the 10% affordable unit requirement to 6% of total units in accordance with the White Plains Affordable Rental Housing Program Rules and Procedures which state: "At the option of the Common Council, the number of affordable rental units may

be established at 6% where all required affordable rental units in a specified ARHP Applicable Rental Project are affordable to Families at 60% of Median Family Income."

Based on an analysis of the current White Plains Affordable Rental Housing Program with respect to existing unit inventory and housing needs of the community, the Planning Department has recommended that the Common Council establish a 6% affordable component for this project for families earning 60% of the Westchester County Area Median Income, for a total of 27 affordable units comprised of two (2) studios, fifteen (15) one-bedrooms, eight (8) two-bedrooms, and two (2) three-bedrooms as listed and designated in the table below:

Unit Size	Unit Mix	Affordable Units
Studios	33	2
One-Bedrooms	253	15
Two-Bedrooms	127	8
Three-Bedrooms	21	2
Total Units	434	27

In accordance with the Program guidelines, the affordable units must be comprised of generally the same proportional unit mix as the market rate units with respect to bedroom count and be no *smaller* than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 27 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program and pursuant to existing program guidelines.

Open Space and Parkland

The submitted site plan includes the provision of an approximately 8,000 square foot publicly accessible parklet off Mitchell Place that will help to offset the impact that the projected 840 new residents of the project would have on existing City park facilities. This additional burden has been analyzed in context with the projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities presented to the Common Council in the Planning Commissioner's communication, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

Under the per unit fee schedule previously established by the Common Council, \$2,500 per studio unit, \$3,000 per one bedroom unit, and \$3,500 per two bedroom unit or larger, the 434 unit mix proposed would result in a total fee-in-lieu payment to the City of \$1,359,500 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

However, since the proposed site plan includes 8,000 square feet of publicly accessible land for park and recreation facilities along Mitchell Place, it is recommended that a partial credit of \$513,560 be given to the applicant

calculated as a pro-rata share of the additional parkland demand met by the proposed project per New York State Recreation Standards. The remaining \$845,940 fee shall be paid by the applicant in two equal installments; \$422,970 prior to the issuance of the first building permit and \$422,970 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.

ZONING COMPLIANCE

The Project Site is comprised of two zoning districts, nearly 64,000 square feet of land area is located in the CB-2 (Core Business - 2) zoning district, and 27,500 square feet, on Mitchell Place, is located in the RM-0.35 district.

The project conforms to the respective dimensional regulations of the CB-2 and RM-0.35 districts.

Site Plan Standards

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

The proposed project is consistent with many recommendations of the City's Comprehensive Plan including the 2006 Core Area Vision Statement: "Downtown residential development has become, and will continue to be, a major economic tool for the city to create a truly livable, walkable urban environment with 24/7 character..." The project design is consistent with the Plan's recommendation to promote attractive streetscapes in the Core Area and with maintaining existing density and height within the CB-2 District mapped along Mamaroneck Avenue.

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

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

The applicant has submitted a Full Environmental Assessment Form (EAF), and prepared additional analyses evaluating the potential impact on traffic associated with this redevelopment. Based on the findings of the applicant's EAF, and upon confirmation by the City Traffic Engineer, the proposed site plan will not have an adverse impact on the existing street network.

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

There is one vehicular entrance to the internal parking structure located on Post Road, and another on Mitchell Place. Loading is only accessed from Post Road.

Pedestrian access to the residential towers will be from lobbies located at Mamaroneck Avenue, Post Road, and Mitchell Place.

The garage also will provide direct internal access to the residential buildings. Mamaroneck Place will provide additional pedestrian circulation around and between the buildings.

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

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

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

The parking requirement is one space per dwelling unit, and 3.3 spaces per 1,000 square feet of retail space. Therefore, the proposed project requires a total of 460 parking spaces (434 for residents and 26 for retail uses). The six-story interior parking structure will contain a total of 448 parking spaces, and 12 additional parking spaces will be provided in an at-grade parking lot on Mitchell Place.

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

The parking requirement is one space per dwelling unit, and 3.3 spaces per 1,000 square feet of retail space. Therefore, the proposed project requires a total of 460 parking spaces (434 for residents and 26 for retail uses). The six-story interior parking structure will contain a total of 448 parking spaces, and 12 additional parking spaces will be provided in an at-grade parking lot on Mitchell Place.

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

The location of the loading spaces on Post Road, within the interior parking structure meets the requirements of Section 8 of the Zoning Ordinance. This location is screened and readily accessible and is designed to permit loading vehicles to enter and exit the site head in/head out to prevent any vehicles from backing into Post Road.

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

No changes are proposed to the surrounding roadways. New sidewalks are provided around the entire site and connect to the existing sidewalk system including additional sidewalk area at Post Road and Mamaroneck Avenue. The sidewalk along Mitchell Place will be relocated onto the project site to provide for a

vehicular pull-out at the residential lobby. In addition, Mamaroneck Place will be enhanced to provide an attractive pedestrian walkway through the site.

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

Appropriate provisions for the physically disabled are provided.

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

The parking garage and loading area are located internally, and surrounded by existing buildings.

- 7.5.2.10 Adequacy of fire lanes and other emergency zones.

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

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

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

All storage, refuse, loading, utility, and other service features of the project are located internally on the site. No walls or fences are proposed. A hedge row is proposed along the public parklet to screen the back side of the existing buildings located at 75 to 91 Mamaroneck Avenue and along the side wall of 33 Mitchell Place. Street trees are provided around the site. There are paved areas around the buildings with street frontage, which is appropriate in this urban downtown area.

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

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

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

The site is completely built-out. Therefore, there are no natural features, wetlands or unique wildlife habitat on the site.

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

The City's standard decorative pole lights Lumec LED Sidewalk Lighting are proposed along the sidewalk. Three wall mounted lights are shown on the access driveway on Post Road at 15 feet above grade. Seven 15-foot tall pole mounted lights are shown in the parklet and at the lobby entrance on Mitchell Place. Cut sheets showing the specific fixtures should be provided. Seven "catenary suspended luminaires" are shown above Mamaroneck Place. These suspended lights will enhance the pedestrian experience and safety. However, the Applicant must obtain permission from the owner of the building at 107 Mamaroneck Avenue to connect the suspension wire to that building.

There is no lighting shown on the roof of any building or above the retail podium of Tower I.

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

The project has been designed in a manner to minimize noise impacts on the surrounding neighborhood.

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

Implementation of the applicant's SWPPP and the incorporation of "urban greening" (green roofs and the reclamation of impervious surfaces as landscape areas) provide an effective strategy for managing stormwater runoff. The proposed project will reduce the overall impervious area of the project site, which is almost entirely paved, as confirmed by the Department of Public Works.

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

Solar panels are not proposed at this time.

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

The proposed redevelopment will alter, but enhance the character and property values of the adjacent downtown neighborhood. The buildings have been designed to preserve the lower scale character adjacent to the street frontages on all sides by setting back the residential towers above the second story. This architecturally attractive development on a key downtown intersection will attract residents to the downtown, and provide those residents with high end amenities including two swimming pools, a fitness center, rooftop terraces, and

private roof decks with tables and chairs. The development also incorporates a publicly accessible parklet of approximately 8,000 square feet on Mitchell Place, which will be used by existing as well as new residents of the neighborhood.

Special Building Setbacks

The project is subject to a Special Building Setback requirement of 15 feet along Mitchell Place. The site plan conforms to this standard.

The Zoning Map adopted with the Zoning Ordinance on June 1, 1981 specified that no special front yard setback was required for Project Site along East Post Road. There have been no amendments to the Zoning Ordinance amending or requiring any additional special front yard setback applicable to the Project Site since 1981. The site plan conforms to and provides a standard 5 foot front yard setback along East Post Road and Mamaroneck Avenue as required for the CB-2 District.

- (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.

A "Traffic Study" is contained within this submission and is summarized below: Currently, the subject property provides two driveways to access the site. There is one existing driveway located on Mamaroneck Avenue and the other existing driveway is located on Mitchell Place. The development proposes two new full movement site accesses. One is proposed on East Post Road (Site Driveway A) and the other access is proposed along Mitchell Place (Site Driveway B). Additionally, the proposal includes a drop-off area along Mitchell Place. Pedestrians will be able to access Mamaroneck Avenue via a pedestrian walkway located along the existing gated access way from Mamaroneck Avenue.

In order to evaluate the changes in traffic associated with the proposed development, the following intersections were analyzed:

1. Mamaroneck Avenue & Maple Avenue
2. Mamaroneck Avenue & East Post Road
3. Mamaroneck Avenue & Quarropas Street
4. Mamaroneck Avenue & Martine Avenue
5. East Post Road & Site Driveway A
6. East Post Road & Waller Avenue
7. East Post Road & South Broadway
8. South Broadway & Mitchell Place
9. Mitchell Place & Site Driveway B

Traffic counts were performed at the studied intersections in order to quantify and analyze existing peak hour volumes as well as to establish base conditions for projecting future operations. The counts included pedestrian activities and truck traffic.

Traffic counts were conducted from 7:00 - 9:00 AM and 4:00 - 6:00 PM on Tuesday, November 17, 2015 for all the studied intersections except for the Mamaroneck Avenue and East Post Road intersection. The Mamaroneck Avenue and East Post Road intersection was counted from 7:00 - 9:00 AM and 4:00 - 6:00 PM on Wednesday, December 14, 2016. The peak hour volumes occurred between 8:00 - 9:00 AM during the weekday morning and 4:45 - 5:45 PM during the weekday afternoon.

In order to project future traffic increases to the project completion year of 2022, the existing volumes were increased by a general growth rate of 1% per year compounded annually. Based on discussions with the City's Traffic Department, the traffic volumes associated with the Boulevard, Collection, Esplanade developments as well as the redevelopment of the old Westchester Pavilion were anticipated in the traffic study. The resulting 2022 no-build volumes represent traffic operations in 2022 without the redevelopment of the site.

The projected traffic associated with the proposed development is based on information published by the Institute of Transportation Engineers (ITE) in its publication "Trip Generation Manual, 9th Edition." The development will result in approximately 178 and 229 primary trips during the peak weekday AM and PM hours, respectively. A multimodal trip credit of 20% has been incorporated for residents of the apartments who would utilize public transit to travel to and from work which has been considered based on U.S. Census data. A pass-by percentage of 15% has been incorporated for the proposed retail use for pedestrians currently walking in the area who may patronize the proposed retail space. The trips utilized in this study are conservative since the volumes do not incorporate the removal of the existing land uses within the subject property and their associated traffic volumes due to the proposed redevelopment.

The primary volumes were routed through the studied intersections based on traffic volume data and consideration of the area roadways. Adding the development related traffic results in 2022 Build Volumes which reflect projected volumes after the completion and occupancy of the development.

Intersection capacity analyses computed based on the Build Volumes indicate that the intersections will operate at the same levels of service as projected for the No-Build Volumes except for the Mitchell Place approach to its intersection with South Broadway during the peak weekday AM hour. The two proposed site driveways are projected to operate at a level of service B during both peak weekday hours.

During the peak weekday AM hour, the Mitchell Place eastbound approach to its intersection with South Broadway is projected to increase in delay by 3.4 seconds from the level of service C under the no-build condition to operate at level of service D under the build conditions. Accordingly, while there is a level of service change, the increase in delay is not believed to be significant.

The Traffic Analysis Study has been reviewed by the Parking Department. The proposed redevelopment of the site will not have a significant impact on traffic operations in the study area.

The Stormwater Pollution Plan (SWPPP) submitted by the applicant has been approved by the Department of Public Works. 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.

The redevelopment has been designed in accordance with the New York State Department of Environmental Conservation (NYSDEC) and the City of White Plains requirements.

The proposed redevelopment would result in a reduction in impervious areas that would reduce overall stormwater runoff from the site. Therefore, the project is considered a redevelopment with a decrease in impervious area.

The proposed on-site stormwater runoff from the impervious surfaces including the building rooftop, driveway, and the parking areas, will be collected and conveyed by drainage inlets to a network of high density polyethylene (HDPE) drain pipe installed underground. The stormwater will then discharge into the existing drainage infrastructure in Mitchell Place and Mamaroneck Avenue. Due to various site constraints, two (2) hydrodynamic separators (CONTECH CDS Units) will be utilized to provide water quality treatment in accordance with applicable regulations.

The project site does not contain any environmentally sensitive, wetlands, stream, steep slopes, or rock outcrop features.

The Applicant has submitted a Solid Waste Management and Recycling Plan.

All construction work should be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan. The Plan will regulate potential construction related impacts including, 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.

A Pedestrian Wind Assessment report has been prepared for this project. No significant impacts were identified in regard to the design of the project.

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

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

There are no natural landscape conditions on the site.

The project includes landscape improvements to the parking lot and building at ground level.

- (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 Project Site has street frontage on Mitchell Place to the north, Mamaroneck Avenue to the west, and Post Road to the south. It is occupied by one- and two-story commercial uses, an auto body shop, and private parking lots with a total of 209 parking spaces, some of which are tandem. The existing buildings will be demolished with the proposed project.

Mamaroneck Avenue and East Post Road in the vicinity of the site are mixed use commercial corridors with street level retail. Mitchell Place also has residential uses.

The plans indicate that new promenade concrete sidewalks are to be installed fronting the property.

Site and Massing

The development is comprised of a single building with three-prongs where each prong matches in scale its frontage such that: (i) the portion facing Mamaroneck Avenue has a 5 foot setback in line with the surrounding buildings for its first 2 stories of retail, amenity and leasing area before stepping back to a 25 foot setback for the residences above, (ii) the sliver along Mitchell Place is narrower and lower in height to match that community with a pool and roof deck amenity above, and (iii) the last aspect hosting 6 stories of parking with 9 stories of residences above sits in the center of the project site behind the buildings fronting Post Road, Mamaroneck Avenue, and Mitchell Place.

The project is located in the commercial core of the city. While the formal front of the building is on the corner of Mamaroneck Avenue and East Post Road, because the complex geometry of the site extends the property to Mitchell Place to the north, this allows for an additional pedestrian and vehicular access to the development.

An important factor in determining the overall massing and layout is the fact that the zone line between the CB-2 and RM-0.35 zones splits the property into two unequal areas. Additionally, zoning requirements regarding the placement of parking, podium height, and access also has a significant impact on the design of the building.

Consideration of the scale of the existing retail buildings along Mamaroneck Avenue and East Post Road determined the height of the proposed podium levels. With the majority of the buildings on Mamaroneck Avenue being 2-4 stories in height, the proposed building has an additional 5 foot setback from the surrounding buildings for its first 2 stories of retail, amenity and leasing

area before stepping back to a 25 foot setback for the residences above to keep a consistent street wall height along Mamaroneck Avenue. The public open space, as well as the importance and visibility of the street corner, governs the treatment, massing and architecture of the front of the building.

Shadowing Analysis

The provided Shadow Study (see architectural drawings and shadow study) contains building shadowing renderings for 9:00 a.m., noon, 3:00 p.m. and 6:00 p.m. for four dates during the year: March 22, June 22 (when the sun is highest in the sky), September 22, and December 22 (when the sun is lowest in the sky). The shadowing is not out of character with the shadowing caused by similar tall buildings in the vicinity, such as The Esplanade, 44 Broadway, One City Place, and The Ritz-Carlton among others.

Having the development located on the northeast corner of the intersection and extending its massing to the east virtually eliminates shadowing of any major public spaces or streets, except for during early or very late hours of the day.

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

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

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

- (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 and reconfirms that the Proposed Action, with the continued Conditions, will not have a significant effect on the environment; and be it further

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS EXTENDING THE SITE PLAN APPROVAL GRANTED ON SEPTEMBER 5, 2017 FOR AN ADDITIONAL ONE YEAR EXPIRING ON SEPTEMBER 5, 2019, TO LMC/LENNAR MULTIFAMILY COMMUNITIES FOR THE PROJECT LOCATED AT 131 MAMARONECK AVENUE AND 9 MITCHELL PLACE.

WHEREAS, on September 5, 2017, the Common Council of the City of White Plains, after adopting environmental findings, approved a site plan application originally submitted on behalf of Alliance Realty Partners by Gregory L. Belew, Managing Director of Alliance Residential Company, for the proposed redevelopment of a 2.1-acre site composed of three parcels: Section 125.84, Block 2, Lot 1, and Section 125.76, Block 5, Lots 2 and 17 (the "Project Site") with street frontage on Mitchell Place to the north, Mamaroneck Avenue to the west, and East Post Road to the south for a 453,312 square foot mixed-used development consisting of: 434 apartments, including 27 affordable units, 7,855 square feet of ground floor retail space, 460 parking spaces, and an approximately 8,000 square foot public parklet on Mitchell Place; and

WHEREAS, the three parcels previously designated as the Project Site have been merged into one tax lot and designated on the Official Tax Map of the City of White Plains as Section 125.76, Block 5, Lot 17.1, now owned by LMC/Lennar Multifamily Communities (the "Applicant"); and

WHEREAS, the Site Plan approval granted on September 5, 2017, contained the following conditions:

A. As per the communication of the Commissioner of Planning dated August 23, 2017:

1. Based upon a finding that, pursuant to New York State General City Law § 27-a, that the site plan does not provide sufficient land for park and recreation facilities based on the project's anticipated generation of more than 840 new city residents, the Common Council assesses a fee-in-lieu of providing sufficient park and recreation facilities for the 434 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 \$845,940 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. Such fee includes a partial credit of \$513,560 calculated as a pro-rata share of the additional parkland demand (8,000 square feet) met by the proposed project per New York State Recreation Standards.

2. The \$845,940 fee shall be paid by the Applicant in two equal installments; \$422,970 prior to the issuance of the first building permit and \$422,970 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.

3. The project shall designate 6% of the residential units as affordable units to be rented to households 60% to 79% of the Westchester County Area Median Income, for a total of 27 affordable units comprised of: 2 studios; 15 one-bedrooms; 8 two-bedrooms; and 2 three-bedrooms.

4. The dedicated affordable units must remain in perpetuity for the life of the project and be comprised of the same proportional unit mix as the market rate units with respect to bedroom count and be no smaller than 80% of the square footage of a comparable bedroom-sized market rate unit. The location, specific unit bedroom count, and total unit size of each of the 27 affordable units within the project shall be depicted on the final approved site plan to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program pursuant to existing program guidelines.

5. The final design of the proposed parklet on Martine Avenue shall be subject to the approval of the Commissioners of Planning and Building. The parklet shall be open to the public during reasonable hours of day and signed accordingly.

6. The Applicant must provide a cut sheet depicting the light fixtures that are proposed to be installed on private property at the site to ensure that they comply with Section 4.4.20 of the Zoning Ordinance.

7. The Applicant must provide verification that the owner of 107 Mamaronck Avenue agrees to allow the connection of the proposed lighting wire to his building.

8. A final landscaping plan shall be subject to approval by the Commissioner of Planning. It should include a narrow planted buffer along the easterly property line abutting 33 Mitchell Place, and show the landscape or pavement treatment of the triangular area abutting the rear yard of 200 East Post Road.

9. 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.

10. In connection with the maintenance of the landscaped areas and lighting, some of which is located within the City's right-of-way, a maintenance agreement between the Applicant and the City is needed whereby the Applicant shall be required to manage and maintain such areas.

11. 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 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.

12. 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.

13. 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.

14. Curb cuts no longer needed for access to parking should be restored as curbs.

B. As per the communication of the Commissioner of Public Works dated September 5, 2017:

1. The Stormwater Pollution Plan (SWPPP) submitted by the Applicant, current revision dated 7/7/17, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC has been approved. As the plans are further developed, amendments to the SWPPP, in accordance with the current 'NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity', will be required.

2. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 Stormwater permit prior to the issuance of a Building Department permit. Please contact DPW Code Enforcement (914-422-1208).

3. Provide confirmation to DPW once all required County permits for work within their ROW have been secured.

4. Existing sanitary and water services shall be abandoned at the main, including all associated restoration work associated, as directed by DPW. The Applicant must provide locations and limits of existing services to be abandoned.

5. Prior to construction, verify all existing underground utilities on the plans, including gas, telephone, fiber optics, sanitary sewer, drain and all water lines. Include the number of conduits and/or number of ducts per bank. It is highly recommended that test pits be performed at all locations where proposed lines cross existing utility conduits, in an effort to prevent any interference during construction.

6. The Applicant shall provide designated snow storage areas and how removal of snow will be handled at the site. Note that plowing or storage of snow into the City's right-of way-is not permitted.

7. The 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 caliper size of the tree(s) being removed when replacing with new trees.

Additional trees may need to be installed and/or the proposed trees may need to be a larger caliper, at the discretion of the Commissioner of Public Works. 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's tree nursery inventory for plantings in the ROW.

8. All tree species being proposed within the City's ROW will require approval from the Commissioner of Public Works prior to ordering and planting.

9. Include the location of the community mailbox that must be installed wholly within private property. Coordinate with the U.S. Post Office (914-697-7245) for the specifications and the placement of the community mailbox. DPW will provide the official addresses after the final plans have been approved.

10. All parking meters and spaces that are located in the ROW that are scheduled to be removed and/or relocated, must be coordinated and approved by the Department of Parking.

11. The Soil Boring report that was provided shows groundwater on the site. A sediment tank is required and may only discharge to the municipal stormwater system. No groundwater is permitted to be pumped from the site into the City's sanitary sewer mains. De-watering will only be permitted during construction; the project must be designed in such a way that no groundwater is discharged into the municipal stormwater system at any time once construction is complete,

12. Plans must include the location and a detail for the oil/grit separator for the parking structure and loading areas, and include the maintenance procedure and schedule. This is separate from the hydrodynamic separator.

13. The proposed island and cut-out on Mitchell Place shall conform to all DPW requirements.

14. Include the location for the street lighting conduits and junction boxes. Include details on the plans.

15. Any restaurant or food establishments to be located within the building, must have an aerated grease trap/interceptor sized and installed to meet all Health Department requirements in order to prevent grease from entering the Municipal sewer line.

16. 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 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 acceptance.

b. The Applicant will be required to provide sanitary infrastructure improvements located within the Bronx River Sewer District, in which the project is located, to reduce infiltration and inflow (I&I). The improvements will include the lining of (20) twenty sanitary sewer manholes and (2,000) two-thousand linear feet (LF) of existing sewer mains located in the vicinity of the project and shall be at the developer's expense. The locations of manholes and sewer mains to be lined shall be determined by the Commissioner of Public Works.

17. The CWP-DPW standard details shown on SP-13 for the manholes should be SD-41 precast concrete Type "A" manhole (since the manhole is less than 13 ft. deep) instead of SD-41A, (which is used for greater than 13 ft. deep).

18. Include on the plans the invert elevation at the sanitary sewer service connection to the municipal main located in Mamaroneck Avenue.

19. The plans indicate the existing street catch basins fronting the property will remain. All these catch basins will require that their castings be replaced with eco-friendly curb piece models and bicycle-safe grates, if they currently are not, in accordance with DPW's Standard Construction Details. If any of the drainage structures are found to be in need of repair, it shall be updated, replaced or repaired, at the developer's expense, as directed by the Commissioner of Public Works.

20. Construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, and an as-built must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor. A required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the City's Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive.

Further, the City, through the Department of Public Works, shall receive 20% of all costs, if the CWP-DPW must contract the work, as an administrative fee. 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.

21. Pressurized line stops may be required to provide the necessary water main shut-downs needed for the installation of the proposed water services and valves.

22. Backflow prevention devices must be installed on the fire and domestic water services. These devices must be located in a utility room that must also accommodate a master water meter (Metron Spectrum). 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. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester County 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.

23. The MEP calculations show a combined fire and domestic water service but the plans show two separate services; revise the calculations accordingly. The services must be separate (equally sized) and include an equally sized interconnect with valve within the building between the proposed domestic water and the proposed fire service. Include information on the plans for the interconnect. Include a label for the material for domestic water and fire service on the plans.

24. Flow testing for the proposed fire services must be performed and a signed and sealed report provided to DPW. Contact CWP-Water at 914-422-1220 for scheduling.

25. Provide a Solid Waste Management form and plan. Include the routing plan, with turning templates, for removal of the waste/recycling from the collection point.

26. 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, prior to the issuance of a temporary certificate of occupancy.

27. The plans must be revised to include the "Department of Public Works Construction Notes for Subdivisions and Developments" sheet.

28. 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.

29. 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.

C. As per the communication of the Transportation Commission dated March 22, 2017:

1. The location of any parking control gates must be shown on the plans.
2. A loading dock operation plan showing turning movement diagrams for trucks and cars entering and leaving the loading dock areas must be provided.
3. The plans must specify surface treatment proposed drop off area on Mitchell Place.
4. The Applicant must provide a "Traffic Management Plan" for special events.
5. The Applicant must provide a plan showing circulation of fire vehicles and ambulances.

6. The Applicant must provide counts showing number of parking spaces displaced as a result of proposed project.

D. As per the communication of the Parking Department/Traffic Division dated March 22, 2017:

1. The color for all space, lane use and cross hatch markings (where parking is not allowed in dead areas) should be shown on the plans. "Compact" spaces should have a line across the entrance to the space and be signed appropriately. Accessible spaces must be signed with the New York State Department of Transportation (NYSDOT) standard sign; the passenger loading portion must have a "No Parking" sign.

2. Plans must be submitted indicating the parking layout on all levels of parking with charts indicating the number of the different size/type of spaces ("compact", "standard", "full" and "accessible").

3. The location of any parking control gates and signs for retail parking access should be indicated on the plans. A parking management plan must be submitted to describe how the retail parking will be provided.

4. There must be a stop sign and stop line for traffic exiting the drop off area on Mitchell Place, if approved.

5. The turning movement diagrams for trucks and cars entering and leaving the loading dock areas must be provided. A truck loading dock plan which includes contact information for the person responsible for supervision of the docks.

6. In the Traffic Impact Study, intersection capacity calculations must use CBD as the area type.

7. The removal of parking meters on Mamaroneck Avenue should be minimized. Only the minimum space required for drop off/pick up should be provided while retaining some meter parking.

WHEREAS, the Applicant had previously submitted the following documents in support of the 2017 Site Plan approval, which documents remain applicable to the Proposed Action ("Application Materials"):

1. An application letter from Gregory L. Belew Managing Director, Alliance Residential Company through its business affiliate Alliance Realty Partners, dated January 27, 2017.
2. A Building Short Form Permit Application dated January 27, 2017;
3. A Full Environmental Assessment Form Part 1, dated January 27, 2017;
4. An Expanded Environmental Assessment dated January 27, 2017 as prepared by JMC Consulting;
5. A Traffic Study dated January 27, 2017 as prepared by JMC Consulting;
6. A Stormwater Pollution Prevention Plan dated January 27, 2017 as prepared by JMC Consulting;

7. A Sanitary and Domestic Water Load Chart prepared by Kibart Consulting Engineers;
8. Drawings prepared by Lessard Design Inc. P.C., as follows:

<u>No.</u>	<u>Sheet Title</u>	<u>Dated</u>
CS.010	Project Tabulation by Tower	March 22, 2017
CS.011	Project Tabulation Totals	March 22, 2017
CS.012	Zoning Tabulation	January 27, 2017
CS.013	Zoning Tabulation	January 27, 2017
A.100	Architectural Site Plan	January 27, 2017
A.101	Before and After Public Access Space	January 27, 2017
A.102	Before and After Public Access Study	January 27, 2017
A.103	Usable Open Space Diagram	January 27, 2017
A.104	Site Diagram	January 27, 2017
A.105	Perspective View Diagram	January 27, 2017
A.106	Perspective View Diagram	January 27, 2017
A.107	Shadow Study	January 27, 2017
A.111	Floor Plans	March 22, 2017
A.112	R2 Floor Plan	March 22, 2017
A.113	R3 Floor Plan	March 22, 2017
A.114	R4 Floor Plan	March 22, 2017
A.117	R7 Floor Plan	March 22, 2017
A.119	R9 Floor Plan	March 22, 2017
A.125	R15 Roof Plan	March 22, 2017
A.126	Roof Plan	March 22, 2017
A.201	Building Elevations	March 22, 2017
A.202	Building Elevations	March 22, 2017
A.203	Building Elevations	March 22, 2017
A.301	Building Sections	March 22, 2017
A.250	Perspective View	02/17/2017
A.251	Perspective View	02/17/2017
A.251	Perspective View	02/17/2017
A.253	Perspective View	02/17/2017
A.301	Perspective View	02/17/2017
A.401	Typical Unit Plans	02/17/2017
A.501	Material Board	02/17/2017

9. Drawings all dated January 27, 2017 as prepared by JMC Consulting:

<u>No.</u>	<u>Sheet Title</u>	<u>Revision Date</u>
SP-1	Cover sheet	02/17/2017
SP-2	Site Existing Conditions	02/17/2017
SP-3	Preliminary Site Layout Plan	02/17/2017

<u>No.</u>	<u>Sheet Title</u>	<u>Revision Date</u>
SP-4	Preliminary Building Location Plan	02/17/2017
SP-5	Preliminary Site Grading Plan	02/17/2017
SP-6	Preliminary Site Utility Plan	02/17/2017
SP-7	Preliminary Site E & S Control Plan	02/17/2017
SP-8	Preliminary Site Landscaping Plan	02/17/2017
SP-9	Construction Details	02/17/2017
SP-10	Construction Details	02/17/2017
SP-11	Construction Details	02/17/2017
SP-12	Construction Details	02/17/2017
SP-13	Construction Details	02/17/2017
SU-1	(Site Survey)	01/23/2017

10. Purchase and Sale Agreement signed by the Applicant and current owner of the property;
11. MEMORANDUM from Mr. Diego Villareale, PE, JMC, dated August 9, 2017, regarding Public Sanitary Sewer Capacity Analysis for Broadstone White Plains;
12. Flow Monitoring Report prepared by Flow Assessment Services, dated July 24, 2017, regarding Broadstone White Plains;
13. Pedestrian Wind Assessment report, prepared by Rowan Williams Davies & Irwin Inc., (RWDI), dated August 9, 2017; and

WHEREAS, the Applicant submitted the following materials in support of the proposed one year extension of the 2017 Site Plan Approval ("2018 Application Materials"):

1. A petition letter prepared by Mr. Neil J. Alexander dated August 21, 2018;
2. Short Building Permit Application Form dated August 20, 2018; and
3. Short Environmental Assessment Form dated August 21, 2018; and

WHEREAS, the Common Council, at a meeting held on October 1, 2018, received a communication from the Commissioner of Building, dated September 26, 2018 forwarding a letter dated August 21, 2018, from Neil J. Alexander, of Cuddy & Feder LLP, counsel for the Applicant, requesting an additional one (1) year extension of the Site Plan approval of the project originally granted by the Common Council by resolution adopted on September 5, 2017, in anticipation of the Applicant's failure to complete substantial construction within one (1) year as required by Section 7.6 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"); and

WHEREAS, the request for the extension of the approved Site Plan was referred by the Common Council at its October 1, 2018 meeting to the

Departments of Law, Building, Planning, Public Safety, Public Works, and Parking, and the Planning Board, Design Review Board, Transportation Commission, Environmental Officer and the Westchester County Planning Board for review, comments and recommendations; and

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

WHEREAS, there has been no material change in circumstances since the issuance of the original Site Plan approval on September 5, 2017 that would affect the basis for the approval; and

WHEREAS, the Common Council, at a meeting held on November 5, 2018, in relation to the one (1) year extension of the Site Plan approval, received communications from the Commissioner of Building, dated October 31, 2018; the Commissioner of Planning, dated October 25, 2018; the Commissioner of Public Works, dated November 5, 2018; the Commissioner of Public Safety, dated October 16, 2018; the Commissioner of Parking, dated October 23, 2018; the Deputy Commissioner of Parking for Transportation Engineering, dated October 16, 2018; the Chair of the Planning Board, dated October 24, 2018; the Acting Chair of the Transportation Commission, dated October 23, 2018; the Design Review Board, dated October 17, 2018; the Environmental Officer, dated October 26, 2018; and the Westchester County Planning Board, dated October 12, 2018; and

WHEREAS, the Common Council has reviewed and considered the comments and recommendations from the various City departments, boards, commissions and officers and the Westchester County Planning Board, and has reviewed the one (1) year Site Plan 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 November 5, 2018, adopted an environmental findings resolution, which: (a) reconfirmed the Common Council as Lead Agency for the environmental review for the Proposed Action; (b) reconfirmed that the Proposed Action is an Unlisted Action under SEQR regulations; (c) find that the Proposed Action, with inclusion of the continued Conditions, has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 5, 2017; (d) reconfirmed the SEQR findings adopted for the 2017 Site Plan Approval; and (e) reconfirmed that the Proposed Action, with the continued Conditions, will not have a significant effect on the environment; and, therefore be it

RESOLVED, that the Common Council hereby extends until September 5, 2019, the Site Plan Approval to establish a multi-use commercial/ residential development with associated parking, amenities and an approximate 8,000 square foot parklet at 131 Mamaroneck Avenue and 9 Mitchell Place, subject to the Applicant's compliance with all of the applicable conditions contained in the September 5, 2017 resolution.

Mr. Kirkpatrick seconded the motion.

Carried.

Communication from Corporation Counsel.

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

Mr. Kirkpatrick seconded the motion.

Carried 5 - 1. Nay: Mrs. Lecuona; Absent: Mr. Krolan.

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

On October 30, 2018, the Westchester County Industrial Development Agency ("WCIDA") mailed notice to the Mayor of the City of White Plains, in accordance with Section 923-a of the General Municipal Law, which notice was received on October 30, 2018, that the Westchester County Industrial Development Agency intended to issue sales tax and mortgage tax exemptions and a partial abatement of real property taxes to construct a new building and to renovate and reconstruct an existing building which two buildings will contain 468 residential units and 3, 420 square feet of retail use at 440 Hamilton Avenue, White Plains, (also known as Section 125.68, Block 1, Lot 2.1) on behalf 440 Hamilton Owner, LLC, pursuant to an inducement resolution of the WCIDA dated September 27, 2018, by leasing the property from 440 Hamilton Owner, LLC ("the Applicant") and leasing it back to said party. The WCIDA may only undertake a project if they provide thirty (30) days prior notice to the municipality within which the project is located and the legislative body fails to adopt and deliver a resolution objecting to the project to the WCIDA within those 30 days. Also attached to the notice as Schedule A is the proposed fixed assessment for the PILOT agreement for the project

Allowing the WCIDA to undertake the project would result in the City of White Plains ("the City") losing substantial dollars in sales tax and mortgage recording tax revenue over three years - making it difficult for the City to stay within the New York State real property tax cap. In consideration for the Common Council not objecting to the WCIDA undertaking the project, the Applicant has agreed to pay to the City the equivalent of the sales tax and the mortgage recording tax which the City would have received if the property was not granted exemptions by the WCIDA, as can be seen from the accompanying letter of Zarin & Steinmetz, Applicant's attorney, dated October 30, 2018, and authorized by the Applicant.

Accordingly, submitted for your consideration is an resolution that provides that the Common Council will not object to the WCIDA undertaking the project, based upon the Applicant's agreement that it will make payments to the City equivalent to the mortgage recording tax for the mortgage loan and payment over approximately three years which will equal the amount of City sales tax which would have been imposed upon the project but for the exemption granted by the WCIDA.

John G. Callahan
Corporation Counsel

Dated: October 31, 2018

October 30, 2018

Via E-Mail

John G. Callahan, Esq.
Corporation Counsel
City of White Plains
Municipal Building
255 Main Street
White Plains, New York 10601

Re: 440 Hamilton Owner, LLC County IDA Benefits
440 Hamilton Ave., White Plains, New York (the "Property")

Dear Arthur:

We represent 440 Hamilton Owner, LLC (the "Applicant") with regard to re-purposing the building currently located at the above referenced Property, as well as the attached surface parking lot (the "Project").

The Applicant has also applied to the Westchester County Industrial Development Agency (the "IDA") for benefits to facilitate redevelopment of the Property. Construction costs, exacerbated by recent tariffs on building materials, require the IDA benefits to ensure the viability of this Project. Removing such assistance from the equation substantially alters the Applicant's analysis, and there is a strong likelihood that it would be forced to consider other opportunities.

In order to appease the City's concern about loss of revenue from IDA exemptions, we propose the following:

1. Sales Tax

The Applicant will make the City whole on any sales tax that it would have received in connection with the construction of the Project, notwithstanding the IDA exemptions, as follows:

- a. The redevelopment of the Property will take approximately 24-28 months.
- b. The City will receive its allocable portion of the sales tax. It is projected that the City's portion of the sales tax is approximately \$995,640 (2.5% of the \$39,825,670 of goods, materials, etc., for the redevelopment subject to sales tax). The IDA sales tax exemption is anticipated to benefit the Applicant in the amount of \$3,335,400 (8.375% of \$39,825,670), with \$995,640 thereof being reimbursed to the City.

- c. It is proposed that the sales tax reimbursement to the City would be paid over an approximately three (3) year period, with a true-up at the end, per accountings to be filed with the IDA confirming the amount the Applicant benefitted from the IDA sales tax exemption.
- d. The Applicant's first year sales tax reimbursement would require a payment of \$150,000 by June 30, 2019, the second year would require a payment of \$350,000 by June 30, 2020, and the third year would require a payment of \$350,000 by June 30, 2021. The sales tax reimbursements shall be subject to a true-up paid within thirty (30) days of the Applicant filing accountings with the IDA confirming the amount of the sales tax exemption. This final payment will constitute a true-up crediting prior payments and balancing amounts the City would have been entitled to receive for the Project, but for the IDA sales tax exemption.

2. Mortgage Recording Tax

The City of White Plains will receive its allocable portion of the mortgage recording tax from the filing of the mortgage financing for the Project. It is projected that the City's portion of the mortgage recording tax on the mortgage is approximately \$648,319 (.5% of \$129,663,846 mortgage). The IDA mortgage recording tax exemption is anticipated to provide the Applicant with \$1,685,630 in savings, with \$648,319 thereof being reimbursed to the City. In the event that the mortgage recording tax savings are greater or less than \$1,685,630, the projected reimbursement to the City will be increased or decreased as necessary so that the City will only be reimbursed for any mortgage tax that it otherwise would have received in connection with the financing of the Project. The reimbursement due to the City shall be paid within thirty (30) days of the closing of such mortgage loan.

We respectfully request your consideration of these terms and, in consideration thereof, your confirmation that you will not object to the Applicant's receipt of IDA exemptions.

Thank you for your consideration. If you have any questions, please do not hesitate to contact us.

Very truly yours,

ZARIN & STEINMETZ

By: _____
David Steinmetz
Ted Teyber

ACCEPTED AND AGREED TO:
440 Hamilton Owner, LLC

By: _____
Marc Ehrlich, Authorized Signatory

cc: Arthur Gutekunst, Esq. - Corporation Counsel
Michael Adamo - Rose Associates

October 30, 2018

The Honorable Thomas M. Roach, Mayor
City of White Plains
Municipal Building
255 Main Street
White Plains, New York 10601

Re: 440 Hamilton Owner, LLC Project
440 Hamilton Avenue
White Plains, New York

Dear Mayor Roach:

This letter serves as notification under Section 923-a of the General Municipal Law, of a proposed project (the "Project") of the County of Westchester Industrial Development Agency (the "Agency") for the benefit of 440 Hamilton Owner, LLC (the "Company"), which will be located in the City of White Plains in premises located at 440 Hamilton Avenue. The Project will consist of the Agency taking title, possession or control (by deed, lease, license or otherwise) of the land and improvements located at 440 Hamilton Avenue; the lease, sublease or installment sale of the Project Property back to the Company; and the reconstruction, renovation, construction, improvement, maintenance and equipping of a mixed use facility consisting of approximately 468 residential unit in two buildings, together with approximately 3,420 square feet of commercial retail space and on-site parking (collectively the "Project").

The Agency contemplates that the financial assistance to the Project will consist primarily of: (i) exemption from Sales and Use Tax upon the materials, services, furnishings, fixtures and equipment to be utilized in connection with the Project; (ii) exemption from Mortgage Recording Tax upon the recording of a mortgage or mortgages securing the repayment of funds borrowed for the acquisition, construction, reconstruction, furnishing and/or equipping of the Project; and (iii) a partial abatement of Real Property Tax in accordance with a payment-in-lieu of taxes agreement upon the terms and conditions more particularly described in Schedule A enclosed. The Agency will provide a Notice of Public Hearing to the City of White Plains, at least ten (10) days prior to the date of such Public Hearing.

The Agency believes the project is in the interests of the County and the City of White Plains, as well as the Applicant.

Sincerely,

Joan McDonald
IDA Chairperson

**440 Hamilton Avenue
125.68-1-2.1
468 Residential Units / 575 Parking Spaces**

		CWP 18 Yr PILOT Assessed Value
2019	Year 1	660,000
2020	Year 2	660,000
2021	Year 3	660,000
2022	Year 4	850,000
2023	Year 5	900,000
2024	Year 6	1,000,000
2025	Year 7	1,200,000
2026	Year 8	1,300,000
2027	Year 9	1,500,000
2028	Year 10	1,800,000
2029	Year 11	2,000,000
2030	Year 12	2,100,000
2031	Year 13	2,300,000
2032	Year 14	2,500,000
2033	Year 15	2,600,000
2034	Year 16	2,800,000
2035	Year 17	3,000,000
2036	Year 18	3,200,000

Mr. Kirkpatrick moved adoption of the following resolution.

RESOLUTION OF NO OBJECTION TO WESTCHESTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S ISSUANCE OF SALES TAX, MORTGAGE TAX AND PARTIAL ABATEMENT OF REAL PROPERTY TAX EXEMPTIONS TO CONSTRUCT A NEW BUILDING AND RENOVATE AND RECONSTRUCT AN EXISTING STRUCTURE WHICH BUILDINGS WILL CONTAIN 468 RESIDENTIAL UNITS AND 3,420 SQUARE FEET OF RETAIL SPACE AT 440 HAMILTON AVENUE ON BEHALF OF 440 HAMILTON OWNER, LLC BY LEASING AND SUBLEASING SAID RESIDENTIAL AND RETAIL SPACE.

WHEREAS, the Westchester County Industrial Development Agency ("WCIDA") mailed notice to the Mayor of the City of White Plains, pursuant to Section 923-a of the General Municipal Law, which notice was dated October 30, 2018 and was received on October 30, 2018, that the Westchester County Industrial Development Agency intended to issue sales tax and mortgage recording tax exemptions and a partial abatement to real property taxes for the construction of a new building and renovation and reconstruction of an existing building, which buildings will contain 3,420 square feet of retail space and 468 apartment units, at 440 Hamilton Avenue, White Plains, (also known as Section 125.68, Block 1,

Lot 2.1) on behalf 440 Hamilton Owner, LLC pursuant to an inducement resolution of the WCIDA dated September 27, 2018, by leasing the property from 440 Hamilton Owner, LLC and leasing it back to said party; and

WHEREAS, the City of White Plains ("the City") has complied with the New York State real property tax cap since its inception; and

WHEREAS, it is difficult, in light of the New York State real property tax cap, for the City to forego any sales tax income or mortgage recording tax; and

WHEREAS, pursuant to General Municipal Law §923-a the WCIDA may only undertake a project if they provide thirty (30) days prior notice to the municipality within which the project is located and the legislative body fails to adopt and deliver a resolution objecting to the project to the WCIDA within those 30 days; and

WHEREAS, the City is entitled to object to tax exemptions for a project which would cost the treasury of the City approximately 1.6 million dollars over several years; and

WHEREAS, the Applicant, through its attorney, in a letter dated October 30, 2018 and authorized by the Applicant, has agreed to pay to the City the amount of sales tax revenue which the City would have received without the exemption over an approximately four year period : i.e. (1) \$150,000 on or before June 30, 2019; (2) \$350,000 on or before June 30, 2020; (3) \$350,000 on or before June 30, 2021; and (4) a final payment representing the balance of the total amount of City sales tax benefit received during the project less the amount of the prior payments, within 45 days after the Applicant files its final report with the WCIDA of the total amount of the sales tax benefit received during construction and has also agreed to pay the mortgage recording tax on any mortgage filed as exempt for the project within 30 days of the closing of said mortgage; and

WHEREAS, based upon the Applicant's agreement to pay the above-referenced items, the Common Council of the City of White Plains ("Common Council") hereby agrees that it will not object to the WCIDA project approved on September 27, 2018; and

WHEREAS, such failure to object to the aforesaid project pursuant to General Municipal Law §923-a in no way binds the Common Council to approve Applicant's site plan or any other approval needed for the aforesaid project pending before or to be submitted to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that, for the reasons stated above, the Common Council does hereby not object to the issuance of sales tax and mortgage recording tax exemptions and a partial real property tax abatement by the WCIDA to finance the construction of a new building and renovation and reconstruction of an existing building, which buildings will contain 3,420 square feet of retail space and 468 apartment units, at 440 Hamilton Avenue, White Plains, (also known as Section 125.68, Block 1, Lot 2.1) on behalf 440 Hamilton Owner, LLC, pursuant to an inducement resolution of the WCIDA dated September 27, 2018, of which the City received notice by letter dated October 30, 2018 and received by the City on October 30, 2018 by leasing the property from 440 Hamilton Owner, LLC and leasing it back to said party.

Mr. Martin seconded the motion.

Carried 5 - 1. Nay: Mrs. Lecuona; Absent: Mr. Krolian.

Communication from Environmental Officer.

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

Mr. Kirkpatrick seconded the motion.

Carried.

October 25, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WATER WITHDRAWAL PERMIT APPLICATION

The proposed application to the New York State Department of Environmental Conservation (NYSDEC) regarding a Water Withdrawal Permit and the associated engineering studies ("Proposed Action") have been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The Department of Public Works has commissioned a professional engineering study for the reactivation of water withdrawal from City's existing surface water reservoirs and groundwater wells, including engineering design of a new water treatment facility at the Orchard Street Pump Station (OSPS) for these water sources. The study analyzes the water quality and quantity of these water sources and the economic value of utilizing these currently unused water sources.

The purpose of the proposed water source reactivation project would be to improve redundancy, maximize the use of existing in-city water supplies, and reduce reliance on the New York City water system.

The process of obtaining a Water Withdrawal Permit does not commit White Plains to constructing the proposed facility. If the facility is advanced, compliance with SEQR will be required during the design process.

In order to progress the design of the new water treatment facility, an authorized water withdrawal rate from these water sources must be determined and permitted by NYSDEC.

The preparation and submittal of a Water Withdrawal Permit application to NYSDEC and the associated engineering studies represent a Type II action under SEQR regulations at 6NYCRR Part 617.5(c)(21). Specifically, the proposed action described above falls under the following Type II category:

617.5(c)(21): "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary

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

Type II actions are determined under SEQR regulations not to have a significant effect on the environment.

The Environmental Officer recommends that the Common Council, (a) declare itself to be the Lead Agency for the environmental review of the Proposed Action and (b) determine the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings.

Forwarded for the Common Council's consideration is a resolution which makes the necessary findings and determinations.

Respectfully submitted,

Rod Johnson
Environmental Officer

Mrs. Lecuona moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING WATER
WITHDRAWAL PERMIT APPLICATION TO THE NEW YORK STATE DEPART-
MENT OF ENVIRONMENTAL CONSERVATION.

WHEREAS, the proposed application to the New York State Department of Environmental Conservation (NYSDEC) regarding a Water Withdrawal Permit and the associated engineering studies ("Proposed Action") have been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Department of Public Works has commissioned a professional engineering study for the reactivation of water withdrawal from City's existing surface water reservoirs and groundwater wells, including engineering design of a new water treatment facility at the Orchard Street Pump Station (OSPS) for these water sources. The study analyzes the water quality and quantity of these water sources and the economic value of utilizing these currently unused water sources; and

WHEREAS, the purpose of the proposed water source reactivation project would be to improve redundancy, maximize the use of existing in-city water supplies, and reduce reliance on the New York City water system; and

WHEREAS, the process of obtaining a Water Withdrawal Permit does not commit White Plains to constructing the proposed facility. If the facility is advanced, compliance with SEQRA will be required during the design process; and

WHEREAS, in order to progress the design of the new water treatment facility, an authorized water withdrawal rate from these water sources must be determined and permitted by NYSDEC; and

WHEREAS, the preparation and submittal of a Water Withdrawal Permit application to NYSDEC and the associated engineering studies represent a Type II Action under SEQR regulations at 6NYCRR Part 617.5(c)(21). Specifically, the proposed action described above falls under the following Type II category:

617.5(c)(21): "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action"; and

WHEREAS, Type II Actions are determined under SEQR regulations not to have a significant effect on the environment; and

WHEREAS, the Environmental Officer has recommended that the Common Council, (a) declare itself to be the Lead Agency for the environmental review of the Proposed Action; and (b) determine the Proposed Action to be a Type II Action under SEQR regulations, requiring no additional SEQR review or findings; now, therefore, be it

RESOLVED, that the Common Council hereby designates itself Lead Agency for the environmental review of the Proposed Action; and be it further

RESOLVED, that the Common Council hereby determines that the Proposed Action is Type II Action and that no additional SEQR review or finding is necessary.

Mr. Kirkpatrick seconded the motion.

Carried.

Communication from Environmental Officer.

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

Mr. Martin seconded the motion.

Carried.

October 31, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT ENTITLED "WATER STORAGE TANKS AND TRANSMISSION MAIN PROJECT"

The proposed Capital Project entitled "Water Storage Tanks and Transmission Main Project" ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The City's drinking water distribution system includes a 9.2 million gallon water storage reservoir, referred to as the pressure basin, located at a high elevation in the northern section of the Watershed Area. Water is pumped from the Orchard Street Pump Station up to this existing pressure basin via a 24-inch transmission main, and then distributed via a second 24-inch main.

The Department of Public Works is proposing the replacement of the pressure basin which dates from the 1920's and is approaching the end of its service life. This involves construction of two new 4 million gallon water storage tanks with associated piping and site improvements, and demolition of the current pressure basin. The project also involves improvements to the existing infrastructure that support the current pressure basin that include replacement of the two existing 24-inch transmission mains which run through Watershed property from the Orchard Street Pump Station along Orchard Street and the Old Road to Kensico, a distance of approximately 4,000 feet.

The Proposed Action is classified as a Type I Action under SEQR regulations in that it involves physical alteration of over 10 acres of land area and is located within a Westchester County Designated Critical Environmental Area (CEA): Non-New York City Watershed Properties.

Under SEQR regulations, an agency undertaking a Type I Action is required to determine a Lead Agency and coordinate the environmental review with other involved agencies.

The involved or approval agencies include, but are not limited to, the following:

New York State Department of Environmental Conservation

- Stormwater Pollution Prevention Plan for Stormwater Discharges
- SPDES General Permit for Stormwater Discharges (GP-0-15-002) from Construction Activities

Westchester County Department of Health

- Approval of Plans for Water Supply Improvements (NYCRR Title 10 Part 5-1.22)

The Environmental Officer recommends that the Common Council declare its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR.

Forwarded for the Common Council's consideration is a resolution which makes the necessary findings and determinations.

Respectfully submitted,

Rod Johnson
Environmental Officer

Mr. Kirkpatrick moved adoption of the following resolution.

RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL DECLARING ITS INTENT TO SERVE AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF CAPITAL PROJECT ENTITLED "WATER STORAGE TANKS AND TRANSMISSION MAIN PROJECT."

WHEREAS, the proposed Capital Project entitled "Water Storage Tanks and Transmission Main Project" ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the City's drinking water distribution system includes a 9.2 million gallon water storage reservoir, referred to as the pressure basin, located at a high elevation in the northern section of the Watershed Area. Water is pumped from the Orchard Street Pump Station up to this existing pressure basin via a 24-inch transmission main, and then distributed via a second 24-inch main; and

WHEREAS, the Department of Public Works is proposing the replacement of the pressure basin which dates from the 1920's and is approaching the end of its service life. This involves construction of two new 4 million gallon water storage tanks with associated piping and site improvements, and demolition of the current pressure basin; and

WHEREAS, the project also involves improvements to the existing infrastructure that support the current pressure basin that include replacement of the two existing 24-inch transmission mains which run through Watershed property from the Orchard Street Pump Station along Orchard Street and the Old Road to Kensico, a distance of approximately 4,000 feet; and

WHEREAS, the Proposed Action is classified as a Type I Action under SEQR regulations in that it involves physical alteration of over 10 acres of land area and is located within a Westchester County Designated Critical Environmental Area (CEA): Non-New York City Watershed Properties; and

WHEREAS, under SEQR regulations, an agency undertaking a Type I Action is required to determine a Lead Agency and coordinate the environmental review with other involved agencies; and

WHEREAS, the involved or approval agencies include, but are not limited to, the following:

1. New York State Department of Environmental Conservation

- Stormwater Pollution Prevention Plan for Stormwater Discharges
- SPDES General Permit for Stormwater Discharges (GP-0-15-002) from Construction Activities

2. Westchester County Department of Health

- Approval of Plans for Water Supply Improvements (NYCRR Title 10 Part 5-1.22); and

WHEREAS, the Environmental Officer has recommended that the Common Council declare its intent to serve as Lead Agency for the environmental review of the Proposed Action and authorize the Environmental Officer to distribute the appropriate notice as required by SEQR; and

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

RESOLVED, that the Common Council hereby declares its intent to serve as the Lead Agency for the environmental review of the Proposed Action; and be it further

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

Mr. Martin seconded the motion.

Carried.

Communication from Commissioner of Building.

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

Mr. Brasch seconded the motion.

Carried.

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

Submitted, herewith, for your review and consideration, pursuant to Section 6 & 6.7.8 of the White Plains Zoning Ordinance, is an application for an Outdoor Dining Special Permit located at 161 Mamaroneck Avenue (aka "Freebird Kitchen"). The proposed outdoor dining area is located directly above the bar/restaurant (on the roof) of the referenced location.

The site is situated within a CB-1 (Core Business - 1) Zoning District within which the proposed "Outdoor Dining Use" is a "Special Permit Use" subject to the requirements of Section 6.7.8 of the Zoning Ordinance. An outdoor seating plan has been submitted for the proposed work which indicates seventeen (17) tables & sixty-eight (68) seats for dining patrons.

Please note that prior ownership made a "Fee-in-Lieu" payment for parking required for this outdoor space.

Referrals may be made at this time to appropriate City Departments and Boards for review and comment.

Damon A. Amadio P.E.
Commissioner of Building

Dated: October 24, 2018

Documents

Submitted: Cover letter prepared by Daniel Laub Esq., dated September 27, 2018; Outdoor dining plan as prepared by NDA Architects, dated September 26, 2018; a SEQR Short Environmental Assessment Form dated September 27, 2018; a Short Form Building Permit Application dated September 28, 2018 and an Authorization letter from the Landlord dated August 6, 2018.

September 27, 2018

BY HAND

Hon. Thomas Roach, Mayor, and
Members of the Common Council
c/o City of White Plains Building Department
Damon Amadio, P.E., Commissioner
City of White Plains
Municipal Buildings
70 Church Street
White Plains, New York 106012

RE: Crafted American Kitchen and Bar, LLC d/b/a freebird kitchen and bar
Special Permit for Outdoor Dining
Premises: 161 Mamaroneck Avenue White Plains, New York

Dear Mayor Roach and Members of the Common Council:

On behalf of the owners of Crafted American Kitchen and Bar, LLC d/b/a freebird kitchen and bar (hereafter "freebird kitchen" or "the Applicant") and pursuant Ordinances of the City of White Plains, we respectfully submit this application for a Special Permit to allow outdoor dining at the above captioned Premises. Located on the eastern side of Mamaroneck Avenue between East Post Road and Maple Avenue, freebird kitchen restaurant is an exciting and unique dining fixture in downtown White Plains.

The Applicant wishes to use a second-story outdoor deck area for dining, which is permitted as "outdoor dining" by Special Permit upon approval by the

Common Council. The restaurant and proposed outdoor deck will take advantage of the exciting urban skyline and atmosphere of the rejuvenated White Plains downtown area.¹

Fulfillment of the General Special Permit Standards in the Zoning Ordinance

Section 6.5 of the Zoning Ordinance sets forth the general standards by which Special Permits are to be approved. Section 6.5.1 requires that the proposed use be in harmony with the orderly development of the area. Freebird kitchen itself is an as-of-right use in the CB-1 District and is in keeping with a surrounding neighborhood defined by eating and drinking establishments. The outdoor dining will be situated among other dining establishments located on either side of Mamaroneck Avenue and/or on the ground adjacent to the Waller/Maple Municipal Surface Lot. The outdoor dining is on the rooftop second story.

As per Section 6.5.2 of the Zoning Ordinance, the proposed outdoor deck will not negatively impact neighbors. Only a portion of the second story is open to the sky. No changes are proposed from the prior iteration of this Premises as Elements Restaurant and the outdoor dining is concealed from Mamaroneck Avenue by a 42" screen wall. Naturally, the use of this outdoor dining will be conducted in a manner to best provide for a comfortable and relaxing atmosphere for patrons and will be in keeping with the other restaurant uses in the area as per Section 6.5.3 of the Zoning Ordinance. No parking lots are proposed on this site and thus Section 6.5.4 is inapplicable to this request.

Satisfaction of Specific Special Permit Standards for Outdoor Dining in the Zoning Ordinance

Section 6.7.8 of the Zoning Ordinance sets forth the specific standards for the issuance of a Special Permit for Outdoor Dining.

Illumination at Property Line Well Below the Enumerated Limit

No interior or exterior lighting will cause illumination beyond the boundaries of the property in excess of 0.5 foot candles as required under Section 6.7.8.3 of the Zoning Ordinance. Lighting is estimated to be below 0.1 foot candles well below the enumerated limit.

Off Street Parking - Fee in Lieu of Parking Requested

Section 6.7.8.4 imposes the same off-street parking requirements for outdoor

¹ Section 2.4 of the White Plains Zoning Ordinance does not define "outdoor dining" although it is regulated as a Specially Permitted Use in the CB-1 District. The Zoning Ordinance does define "deck" as follows:

A "structure" attached to or adjoining a house, other principal "building," or aboveground "swimming pool," consisting of one or more planes constructed of wood, metal and/or other materials and located above the surface of the earth on or including a support system of footings and foundations, piers, pilasters, columns, posts, joists, stringers and beams or any combination thereof, and including any railings or open enclosure thereof and including any stairs, ramps or other devices connecting one level with another, with the ground and/or with the adjoining "structure."

Section 2.4 of the White Plains Zoning Ordinance.

dining as for restaurants unless the outdoor dining represents merely a transfer of seating from inside the restaurant to the outside with no net increase in capacity. As indicated on the included drawing, the proposed outdoor dining represents an increase in the square footage of the restaurant use by approximately 660 square feet. The Premises is classified in the Central Parking Area ("CPA") and as per the Schedule of Parking and Loading Requirements set forth under Section 8.3 of the Zoning Ordinance, 3.3 spaces per 1000 square feet of floor area is required for the proposed outdoor dining. Accordingly, an additional three (3) parking spaces are required to accommodate the proposed Outdoor Dining. A fee in-lieu of parking for these required spaces, as permitted by Section 8.5.1 of the Zoning Ordinance, was previously provided to the city for this Premises and is applicable to this application.

Several Special Permit Criteria Inapplicable

Since this outdoor dining is located on private property, the somewhat incongruent provisions allowing outdoor dining by license on City property, namely sidewalks, are inapplicable. Accordingly, several of the enumerated criteria for this Special Permit are not pertinent to this application.

Compliance with Site Plan Standards Set Forth in Section 7.5 of the Zoning Ordinance

In addition to the Special Permit standards set forth above, the proposed Outdoor Dining also complies with Site Plan standards as required by Section 6.5 of the Zoning Ordinance. First, freebird kitchen is a downtown establishment with no on-site parking or driveways. Accordingly, the proposed second-story outdoor dining use will have no impact on local vehicular and pedestrian traffic conditions.

There will be no exterior change to the building and existing screening will not be altered by this proposal and as noted above the proposed lighting will have minimal impact outside the confines of the Premises. As such, the proposed use will not generate any impact to the environmental quality of the site or the surrounding area.

It should also be noted that the proposed use is in keeping with the intent of the City's Comprehensive Plan. The 1997 plan noted that there were "[u]nderutilized second story spaces such as those on the east side of Mamaroneck Avenue south of East Post Road." The Comprehensive Plan went on to suggest the possibility of using this space for mixed residential/professional use by designers, artists and other non-family residents. However, the Comprehensive Plan also went on to specifically note that such uses were hindered by:

[P]rovisions in the State Building Code, the Americans with Disabilities Act, and the White Plains Zoning Ordinance relating to parking, home occupation, light and air, and access would hinder such adaptive reuses. Many of the buildings with loft space potential are built to their side lot lines abutting other buildings with no side windows. Dividing these spaces to provide bedrooms presents problems, which also need to be addressed.

Notably, the 2005/2006 review of the Comprehensive Plan found that the conversion of these second-floor spaces from commercial to residential had not occurred due precisely to the factors listed above.

Materials Enclosed with This Application

In support of this application for a Special Permit, please find enclosed 36 sets of the following bound with this letter:

Exhibit A: Building Permit Application;
Exhibit B: Letter of Authorization;
Exhibit C: Short Environmental Assessment Form (EAF); and
The building department will also receive under separate cover drawings prepared by NDA Architects P.C.

Two checks are also being provided under separate cover as follows:

1. The White Plains Building Department - \$500 Building Department Fee
2. The White Plains Building Department - \$500 Special Permit/Zoning Department Fee

Conclusion

Based upon the foregoing, we respectfully submit that this application for a Special Permit warrants approval given its limited impacts and its fulfillment of the enumerated criteria under the Zoning Ordinance. We look forward to appearing before the Common Council to address any questions you may have regarding this application. Thank you for your courtesy and attention to this matter.

Very truly yours,

Daniel M. Laub

Attachments and Enclosures

cc: freebird kitchen
William Christopher

Communication from Commissioner of Building.

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

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE 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 6.4, 6.5 and 6.7.10 of the White Plains Zoning Ordinance, is an application filed on September 21, 2018, on behalf of Crafted American Kitchen + Bar for a Special Permit to allow for a "Cabaret" use at "Free Bird Kitchen" located at 161 Mamaroneck Avenue. The present and future use of the property is a restaurant / bar - Assembly "A" Use Group and is located within a CB -1 Zoning District. The Cabaret use is proposed on the ground floor.

Proposed Use

A cabaret is a Special Permit Use subject to Common Council approval following a public hearing.

Type of Business

Free Bird Kitchen occupies the basement, ground floor and mezzanine space at 161 Mamaroneck Avenue. The ground floor houses the dining area and a bar. Their kitchen is located in the basement. On the second floor there is a bar and outdoor space. The business operates seven days a week and is engaged in preparing food which is served to patrons seated at tables. Patrons select food from a full menu and table service is accommodated via a wait staff.

Type of Cabaret

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

Based upon the applicant's drawing, dated September 25, 2018, the net floor area of the ground floor space is calculated to be 1,683 square feet. The applicant is proposing to dedicate 438 square feet of the net floor area for entertainment/dancing when in the cabaret mode of operation. This equates to approximately 26% of the net floor area. As the establishment is a restaurant with entertainment and/or dancing that occupies less than 40% of the net floor area, it is classified as an "Accessory Cabaret".

Separation Standard

Section 6.7.10 of the Zoning Ordinance requires that "Cabarets" shall not be located within 150 feet of any residential district, nor within 200 feet of any "lot line" of a place of worship, hospital, "domiciliary care facility" or

"community residence." The premises are located within a CB-1 Zoning District, where the proposed cabaret is to be established, and complies with this requirement.

Parking

These premises are legally non-conforming with regard to providing required on-site parking. However, the parking requirements for "Cabarets" are the same as for the existing restaurant / bar.

Respectfully Submitted,

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

Date: October 24, 2018

Attachments: Letter prepared by Mr. Daniel Laub, Esq. dated September 27, 2018;
A Short Form Building Permit application dated September 21, 2018;
A Landlord Authorization letter dated August 6, 2018 and drawings OC-1 and OC-2 dated September 25, 2018 as prepared by NDA Architects.

September 27, 2018

BY HAND

Hon. Thomas Roach, Mayor, and
Members of the Common Council
c/o City of White Plains Building Department
Damon Amadio, P.E., Commissioner
City of White Plains
Municipal Buildings
70 Church Street
White Plains, New York 106012

RE: Crafted American Kitchen and Bar, LLC d/b/a freebird kitchen and bar
Special Permit and License for Cabaret
Premises: 161 Mamaroneck Avenue, White Plains, New York

Dear Mayor Roach and Members of the Common Council:

On behalf of the owners of Crafted American Kitchen and Bar, LLC d/b/a freebird kitchen and bar (hereafter "freebird kitchen" or "the Applicant") and pursuant Ordinances of the City of White Plains, we respectfully submit this application for a Special Permit to allow Accessory Cabaret use. Located on the eastern side of Mamaroneck Avenue between East Post Road and Maple Avenue, freebird kitchen restaurant is an exciting and unique dining fixture in downtown White Plains. Classified in the CB-1 Zoning District, freebird kitchen now

wishes to include an accessory cabaret on the above captioned premises, which is permitted by Special Permit, upon approval by the Common Council. The cabaret use will be accessory to and occupy less than 40% of the Net Floor Area of the restaurant located at the above captioned premises. A cabaret area in the restaurant will infuse additional vivacity to downtown White Plains.¹

Fulfilment of the General Special Permit Standards in the Zoning Ordinance

Section 6.7.10 of the Zoning Ordinance sets forth the general standard by which Special Permits for cabarets are to be approved.

Floor Plans in Conformance with White Plains Zoning Ordinance Standards

As per Section 6.7.10.1 of the Zoning ordinance, Freebird has proposed accessory cabaret floor plans as demonstrated on the included drawings prepared by NDA Architects P.C. dated April 25, 2018 ("Drawings"). The accessory cabaret floor plans in the Drawings indicate the area for the proposed dance floor and the square footage, indicates all tables and seating, provides occupancy calculations for the restaurant and cabaret configurations and the accessory cabaret does not necessitate any alteration or deviation from the floor layout. See Zoning Code 6.7.10.1.1-6.7.10.1.7.

Location Requirements in Conformance with White Plains Zoning Ordinance Standards

The accessory cabaret freebird kitchen proposes conforms with Section 7.7.10.2 of the Zoning Code as it is not within 150 feet of any residential district, nor within 200 feet of any "lot line" of a place of worship, hospital, "domiciliary care facility" or "community residence." Per Section 6.7.10.3 of the Zoning Code, the accessory cabaret is located at grade level.

Renewal and Revocation Conditions of Cabaret Special Permit

Per Section 6.7.10.4, the Applicant understands that the Special Permit may only be renewed by the Commissioner of Building in accordance with Section

¹ Section 2.4 of the White Plains Zoning Ordinance defines "Cabaret" as the following:

Any room, space or area used in connection with a business enterprise, in which musical entertainment, singing, dancing, or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant." However, the following shall not constitute a cabaret:

A restaurant or bar located in a hotel having more than 50 sleeping rooms; or
A restaurant or café that provides incidental entertainment without dancing, either by:

- Electrical devices such as, but not limited to stereos, radios or media players, but not including music provided by a disc jockey; or
- Not more than four (4) persons playing non-amplified music; or
- A person with or without a portable low-wattage amplifier associated with a single instrument or microphone

Section 2.4 of the White Plains Zoning Ordinance defines "Accessory Cabaret" as the following:

A "cabaret" in which the Entertainment and/or dancing do not, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

6.6.5, provided the Commissioner does not find any violations of Section 6.7.10, the Municipal Code Title IV, Chapter 4-4, or of any conditions set by Common Council resolutions relating to the Special Permit. The Applicant further understands that the Special Permit to operate a cabaret may be suspended or revoked after a hearing, within 5 days' notice to the permit holder for violations of Section 6.7.10, the Municipal Code Title IV, Chapter 4-4, or of any conditions set by Common Council resolutions relating to the Special Permit.

Fulfilment of the Licensing Standards

Accessory Cabaret Fulfillment

Per Section 4-4-2 of the New York Code of Ordinances (the "Ordinances") Freebird Kitchen seeks to add an accessory cabaret to the above captioned premises, in which the entertainment and/or dancing do not, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

Section 4-4-27 License Application

- Per Section 4-4-27 (a) of the Ordinance, freebird kitchen made an application for a Cabaret License to the Commissioner of Public Safety which is attached to this letter.
- Per Subsection (b), said application is signed and duly verified by freebird kitchen before an officer authorized to administer oaths.
- Per Subsection (c), freebird kitchen has submitted to fingerprinting by the police department and the police department have forwarded the fingerprinting to the Department of Public Safety, the New York State Division of Criminal Justice Services, along with required processing fees.

Section 4-4-28 Cabaret License Issuance and Renewal

- Per Section 4-4-28 (a), freebird kitchen acknowledges that the Commissioner of Public Safety may refuse to issue or renew a license upon occurrence of:
 - Incomplete or unsubmitted required application materials in connection with fingerprinting and applications for licenses or renewals;
 - Non-compliance with any provisions of Chapter 4 of this Title;
 - Any felony committed or crime which would be a felony in New York
 - Inadequate maintenance of the premises on which the licensed business is conducted
 - Any fines levied under this chapter which have not been paid;
 - Anyone under the age of 18 frequenting the cabaret; and
 - Any applicants, officers, directors, shareholders holding more than 10% of the outstanding voting stock, or partners of Freebird Kitchen have been enjoined against operating of the cabaret and/or any civil penalties related to such injunction.

Materials Enclosed With This Application

In support of this application for a Special Permit, please find enclosed 36 sets of the following bound with this letter:

- Exhibit A: Copy of Cabaret License Application;
- Exhibit B: Building Permit Application;
- Exhibit C: Letter of Authorization;
- Exhibit D: Short Environmental Assessment Form (EAF); and

Please also find checks for the required fees including:

1. The White Plains Building Department - \$500 Building Department Fee
2. The White Plains Building Department - \$500 Special Permit/Zoning Department Fee

Provided under separate cover are drawings prepared by NDA Architects P.C.

Conclusion

Based upon the foregoing, we respectfully submit that this application for a Special Permit warrants approval given its limited impacts and its fulfillment of the enumerated criteria under the Zoning Ordinance. We look forward to appearing before the Common Council to address any questions you may have regarding this application. Thank you for your courtesy and attention to this matter.

Very truly yours,

Daniel M. Laub

Attachments and Enclosures

cc: freebird kitchen
William Christopher

Communication from Commissioner of Building.

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

Mr. Brasch seconded the motion.

Carried.

TO THE HONORABLE 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 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.

A letter petition, dated October 22, 2018, prepared by Zarin and Steinmetz on behalf of Westmoreland Lofts, LLC has been submitted for a one (1) year extension to the Common Council Resolution originally approved on January 3, 2017.

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.

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

Dated: October 24, 2018

Documents

Submitted: Cover letter as prepared by Zarin and Steinmetz dated October 22, 2018

October 22, 2018

By Hand Delivery

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

***Re: Westmoreland Lofts, LLC Request for Special Permit & Site Plan
Extension
146 (136, 146, 158) Westmoreland Avenue***

Dear Mayor Roach and Members of the Common Council:

We represent Westmoreland Lofts, LLC ("Westmoreland Lofts" or the "Applicant"), in connection with the development of the property located at 146 Westmoreland Avenue in the City of White Plains (the "City"). We write to respectfully request that the Common Council extend the time period for the

Applicant's previously granted Special Permit and Site Plan approval which, pursuant to the White Plains Zoning Ordinance, will expire on January 3, 2019. See White Plains Zoning Ordinance, § 6.6.5, § 7.6, respectively.

The Common Council granted Special Permit and Site Plan approval for the Project on January 3, 2017. As your Council will recall, the Applicant is proposing development of a new mixed-use building that will feature sixty-two (62) residential rental units, high quality amenities, a roof-top terrace, and ground floor non-residential space, together with on-site parking for both the residential units and non-residential spaces. The building's design contemplates innovative finishes and architectural features to recreate the ambiance of an early 20th Century manufacturing building, adding a unique architectural element to the City reminiscent of recent developments in New York City.

Westmoreland Lofts has diligently pursued the project since your January 3rd approval, including without limitation, retaining Whiting Turner as general contractor for construction services, retaining McLaren Engineering to finalize structural construction drawings, retaining KEA Engineers to finalize mechanical, electrical and plumbing plans, negotiating with prospective retail tenants, closing on 136 and 146 Westmoreland Avenue, consolidating the respective tax lots, and negotiating the terms of reimbursing the City its share of the tax benefits expected to be received from the Westchester County Industrial Development Agency at their October 25, 2018 meeting. Westmoreland Lofts is dependent on this IDA assistance, and therefore hopes to proceed with construction once secured, which is expected shortly.

Accordingly, we respectfully request that Westmoreland Lofts' existing Special Permit and Site Plan approvals be granted an additional extension at the Common Council's earliest possible meeting.

We appreciate your consideration. Please let us know if you have any questions.

Respectfully submitted,

ZARIN & STEINMETZ

David S. Steinmetz

Edward P. Teyber

DSS:et

Cc: John Callahan, Esq., Corporation Counsel
Mr. Aaron Brown, Westmoreland Lofts, LLC
Mr. Jared Starr, Westmoreland Lofts, LLC
Philip A. Fruchter, AIA

Communication from Director, Youth Bureau.

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

Mr. Brasch seconded the motion.

Carried.

October 23, 2018

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The City of White Plains Youth Bureau selects Louis Melendez as Youth of the Year 2018 for his outstanding leadership and community service. I am requesting that the Mayor be authorized to recognize Louis Melendez as Youth of the Year 2018.

Respectfully submitted,

Frank Williams, Jr.
Director Youth Bureau

Communication from Chairman, Historic Preservation Commission.

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

Mr. Brasch seconded the motion.

Carried.

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

Transmitted herewith is the Historic Preservation Commission's resolution initiating the proposed recommendation of the United States Civil War Monument located in Tibbits Park at Main Street and North Broadway as a potential local landmark in accordance with the White Plains Municipal Code Section 9-6-3(b). A public hearing has been scheduled for November 14, 2018 at 7:00 pm in the Common Council Chambers. During the public hearing, the Commission will take testimony from members of the public as well as accept evidence and written documentation during its ultimate consideration of whether to recommend to the Council that the United States Civil War Memorial Monument be designated a local landmark.

Respectfully submitted,

Robert Hoch
Chairperson

enc.

RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF WHITE PLAINS PROPOSING THE UNITED STATES CIVIL WAR REMEMBRANCE MEMORIAL MONUMENT LOCATED IN TIBBITS PARK AT MAIN STREET AND NORTH BROADWAY, WHITE PLAINS, NEW YORK 10601, APPLICATION NO. H-2018-2, 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 designate local landmarks or districts and is charged with maintaining an inventory of designated local landmarks or districts within the City; and

WHEREAS, Section 9-6-2(h) of the Municipal Code authorizes the Commission to promulgate Commission policies, procedures, or bylaws that may be necessary for the Commission to conduct its business; and

WHEREAS, pursuant to the Municipal Code Section 9-6, the Commission may initiate recommendations proposing properties for local landmark designation; and

WHEREAS, on September 12, 2018, the Commission held its regular meeting to discuss, in part, potential properties for designation as local landmarks including the Civil War Monument located in Tibbits Park, at North Broadway and Main Street, White Plains, New York 10601; and

WHEREAS, the Civil War Monument is owned by the City of White Plains; and

WHEREAS, the Commission reviewed a comprehensive research package regarding the history of the monument including factual data in the form of articles, photographs and historical documents noting the important history and creation of the monument; and

WHEREAS, at its regular meetings held on September 12, 2018, the Commission further discussed the possible designation of the Civil War monument as a local landmark;

WHEREAS, the Commission discussed and noted;

1. The monument was erected in the memory of the twenty-six soldiers and sailors from White Plains who lost their lives in the cause of the Union during the American Civil War (1861-1865).
2. The monument was created in 1872 by prominent sculptor Henry Jackson Ellicott, who was born in 1847 and was educated at Rock Hill College in Maryland and studied at the National Academy of Design from 1867 to 1870 under William Henry Powell, Emanuel Leutze and Constantino Brumidi. His selected works include an Abraham Lincoln plaster statue exhibited in the United States Capitol rotunda, 1866-1868, monuments at Calvary Cemetery in Woodside, NY, and Greenwood Cemetery in Brooklyn, NY. Ellicott was appointed Superintendent and Chief Modeler for the U.S. Treasury Department in 1889, responsible for all federal monuments.

3. The founder was Mortiz J. Seelig and Company. Mr. Seelig was born in Germany in 1809 and was trained in Europe to make cast zinc statutes with electrochemical finishes to appear bronze. He was awarded a medal for zinc casting in 1852.
4. The monument is of the 19th century classical style made from cast zinc and granite.
5. The monument appears in the same condition as it was on the date of its dedication on July 4, 1872, and is well maintained by the City of White Plains. The surface was refinished by the City of White Plains in 1987.
6. Funding for the monument was organized by the White Plains Veterans Association and \$1,600.00 was raised by the residents of White Plains to purchase the memorial.
7. The monument consists of an almost life sized cast zinc rendition of a Union infantry soldier standing at modified "parade rest". It sits on a 9 foot tall granite base. The statute has a faux bronze patina finish. The base is inscribed with 26 names of the soldiers from White Plains who died in the service of their county in the Civil War.
8. The base of the monument's front (west) is inscribed: "TO THE SOLDIERS OF WHITE PLAINS WHO DIED IN THE SERVICE OF THEIR COUNTRY IN THE CIVIL WAR 1862 - 1865."
9. The base of the monument's rear (east) is inscribed: "ERECTED BY THEIR LATE COMRADES AND THE TOWN OF WHITE PLAINS, JULY 4, 1872".
10. The left (north) side of the base has inscribed the following names of the soldiers from White Plains who died in the Civil War: 2nd Lieut. George R. Rysdyk Co. K. 67th NYI; Cor. Richard Champnois Co. M. 7 NYHA; William Dibble Co. A 27 NYI; Jessi Hoyt Co. A 27 NYI; Azariah Horton Co. B 48 NYI; Michael Donovan Co. F 164 NYI; Abijah Wilcox Co. I 95 NYI; Frederick Y. Fountain Co. E NYSY; George Weeks Co. C 1 MR^s; Christopher Pausch Co. F 9 NYI; Henry Alexander Co. K 95 NYI; Samuel Lyons, Co. K 95 NYI."
11. The right (south) side of the base has inscribed the names of the White Plains soldiers serving in the 6th New York Heavy Artillery who also lost their lives in the Civil War: 1st Lieut. Horton R. Platt Co. C; Sergt. Andrew M. Bogart Co. B; Corpl. Francis Breckles Co. B; Frank Bleakley Co. B6; Joseph T. Hatfield Co. B; Daniel O. Greeno Co. B6; Abraham S. Dobbs Co. B; Simeon See Co. B; Victor M. Collins Co. B; Thomas G. S. Yerks Co. B; Patrick Burns Co. B; Stephen Odell Co. B; William O'Brian Co. B; Adam Fowler Co. K.

WHEREAS, at the September 12, 2018 meeting, the Commission based on the information contained herein, found that there was sufficient reason to propose the Civil war Monument as a potential landmark pursuant to subsections, "a," "b," "c," "g," and "h" of Section 9-6-3(b)(1) of the Municipal Code. Specifically, the Civil War Monument, 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; c. Identifies with persons or events significant in local, state, or national history; g. Is the work of a noted designer, architect, or builder; and h. The monument 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, after a review of the record and after having had due deliberation thereon, now, therefore, be it

RESOLVED, that pursuant to Municipal Code Section 9-6-3, the Commission hereby makes an application proposing the City Hall for designation as a local landmark: and

BE IT FURTHER RESOLVED, that the Historic Preservation Commission directs the Secretary to give due notice of the first public hearing scheduled for November 14, 2018 in the Common Council Chambers at 255 Main Street, White Plains, New York at 7:00 p.m., in accordance with law.

Dated: October 30, 2018

White Plains, New York

HISTORIC PRESERVATION
COMMISSION OF THE CITY OF
WHITE PLAINS

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

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

City Clerk