

**THE CITY OF WHITE PLAINS**

**Official Proceedings**

**of the Common Council**

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City of White Plains, N.Y., October 7, 2019

No. 21

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THE CITY OF WHITE PLAINS

OFFICERS

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

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COUNCIL MEMBERS:

Justin Brasch	John M. Martin
Nadine Hunt-Robinson	Victoria Presser
John Kirkpatrick	Jennifer Puja

A Regular Stated Meeting of the Common Council held Monday, October 7, 2019 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. Kirkpatrick, Mr. Krolian, Mrs. Lecuona and Mr. Martin.

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Council President Martin asked unanimous consent to offer the consent agenda of Items 3 - 54, 57 - 71, and 85-86, moving adoption of the ordinances and resolutions, moved to file and spread all communications, and refer those that are necessary to the appropriate City Departments, Boards and Commissions, approve any appointments, and file any attachments.

Mr. Kirkpatrick seconded the motion.

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

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The Mayor announced a public hearing in relation to the petition submitted on behalf of WP Development NB, Inc., to amend the Zoning Ordinance to create a new Planned Residential Development Zoning District and amend the Zoning Map classification from RM-1.5 to Planned Residential Development.

Mr. Martin moved that the hearing be opened.

Mr. Brasch seconded the motion.

Carried.

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

Mr. Martin moved that the hearing be adjourned to December 2, 2019.

Mr. Brasch seconded the motion.

Carried.

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The Mayor announced a public hearing on an application submitted on behalf of Southern Land Company LLC, for the redevelopment of 250 Mamaroneck Avenue, formerly the YMCA, to construct a multi-family project with retail.

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 Janet Geris, attorney for the applicant, Ben Crenshaw, designer for Southern Land, Dustin Downey of Southern Land, Tim Downey, CEO of Southern Land, Michael Junghans, P.E. of Kimley Horn, Cindy Delfino of the YMCA, Lisa (sp?) from Greenburgh, Cary Kisivat, resident, Lou Sanchez, union representative.

Mr. Brasch moved that the hearing be closed.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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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 a tax review proceeding. This proceedings was brought on behalf of the owner of the property located at 144 Orawampum Street, White Plains, NY.

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

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John G. Callahan  
Corporation Counsel

Dated: October 1, 2019

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Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the settlement of certain tax review proceedings."

Unanimous consent granted.

Mrs. 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 according to the following list in accord with the applicable tax rate for said years with no interest thereon:

**Gabmar Realty Corp.  
144 Orawampum Street  
SBL: 130.26-4-2**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2014/15	\$10,000	\$7,600	\$2,400	\$470.74
2015/16	\$8,250	\$7,275	\$975	\$195.72

2016/17	\$8,250	\$7,200	\$1,050	\$211.00
2017/18	\$8,250	\$7,300	\$950	\$195.10
2018/19	\$8,250	\$6,500	\$1,750	\$369.88
2019/20	\$8,250	\$6,500	\$1,750	\$379.87
<b>Total:</b>				<b><u>\$1,822.31</u></b>

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

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

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

§2. The Commissioner of Finance, under the direction of the Corporation Counsel, be and is hereby authorized and directed to pay the amount of the refunds stated above, without interest to the petitioners or persons paying such tax or other levy in the manner provided by Section 726 of the Real Property Tax Law. All payments for current year taxes shall be payable from budget code A021 - 01110 and all payments for prior year's taxes shall be payable from budget code A021 - 4.201. Payment of the refunds authorized herein with respect to any one of the aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

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

§4. This ordinance shall take effect immediately.

Mr. Kirkpatrick 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.

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Communication from the Mayor.

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

Mrs. Lecuona seconded the motion.

Carried.

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

It is in the best interests of the City of White Plains to encourage the use of solar photovoltaic development for commercial properties.

In an effort to expand the number of solar photovoltaic installations, the city has partnered with Sustainable Westchester and The City University of New York to identify sizeable potential sites. The City University of New York is willing to provide data about the solar potential of rooftops in the City of White Plains capable of generating 100kW of solar power to both the City of White Plains and Sustainable Westchester, Inc. for not-for-profit purposes. In order for CUNY to supply the data they require an indemnification agreement.

Sustainable Westchester, Inc. is willing to take the data provided by the City University of New York and determine which commercial rooftops, parking lots and other sites are capable of generating 100kW of solar power. Once the City of White Plains obtains the list it can encourage the owners of those properties to consider solar PV development. In addition, the effort will provide information to the building owners regarding available financial incentives highlighting the financial benefits of solar photovoltaic development.

Submitted herewith for your deliberation, is an ordinance to authorize the City to enter into an agreement with the City University of New York and Sustainable Westchester Inc, to obtain data for the purposes of determining solar readiness.

Respectfully submitted,

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Thomas M. Roach, Mayor

Dated: October 2, 2019

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into an agreement with the City University of New York and Sustainable Westchester, Inc., in relation to obtaining and utilizing data regarding the solar potential for rooftops in White Plains."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CITY UNIVERSITY OF NEW YORK AND SUSTAINABLE WESTCHESTER, INC. IN RELATION TO OBTAINING AND UTILIZING DATA REGARDING THE SOLAR POTENTIAL FOR ROOFTOPS IN WHITE PLAINS.

WHEREAS, the City of White Plains ("the City") would like to encourage the use of commercial rooftops, parking lots and other sites for solar PV development; and

WHEREAS, the City University of New York ("CUNY") is willing to provide data for the solar potential of rooftops in the City capable of generating 100kW of solar power to both Sustainable Westchester, Inc. and the City, for not-for-profit purposes, to determine which commercial rooftops, parking lots and other sites are capable of generating 100kW of solar power; and

WHEREAS, Sustainable Westchester, Inc. is willing to analyze the aforementioned data and provide the City with a list of the aforementioned sites; and

WHEREAS, CUNY has requested that the City indemnify CUNY in connection with the use of such data; and

WHEREAS obtaining this data regarding solar potential would appear to be in the best interests of the City; now, therefore

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

Section 1. The Mayor, or his designee, is hereby authorized to execute an agreement with the City University of New York and Sustainable Westchester, Inc. regarding the use of certain data related to the solar potential of rooftops in the City and the use of such data by Sustainable Westchester, Inc to develop a list of commercial rooftops, parking lots and other sites are capable of generating 100kW of solar power so that the City can encourage the owners of such areas to consider solar PV development which agreement shall include an indemnification of the City University of New York for the use of their data in a form to be approved by the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

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

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Communication from Chairman, Capital Projects Board.

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

Mr. Krolian seconded the motion.

Carried.

#### TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

The Capital Projects Board has recommended a capital project for security camera integration and expansion. The purpose of this project is to purchase equipment to present on a single platform all of the different City security cameras, including limited camera expansion. The project is in the FY 2019-2020 Capital Improvement Program at an estimated cost of \$89,000.

Submitted herewith is legislation which would authorize the Mayor to direct the Chief Information Officer and the Commissioner of Purchase to enter into

various contracts and purchase orders to undertake the project. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. **C5553**, entitled "**Security Camera Integration/Expansion**" as follows:

**REVENUES**

C5553-08810	Serial Bonds	<u>\$90,000</u>
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**EXPENDITURES**

C5553-4.005	Finance and Auditing	\$1,000
C5553-8.319	Technology Equipment	89,000
		<u>\$90,000</u>

It is further requested that issuance of \$90,000 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,

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Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

October 7, 2019

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Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5553 entitled Security Camera Integration/Expansion."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5553, ENTITLED "SECURITY CAMERA INTEGRATION/EXPANSION."

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

Section 1. The Capital Projects Board has recommended a project entitled "Security Camera Integration/Expansion" as part of the Capital Improvement

Program for fiscal year 2019-2020. This project will enable the purchase of equipment to present on a single platform all of the City's different security cameras, including limited camera expansion.

Section 2. The Mayor is hereby authorized to direct the Chief Information Officer and the Commissioner of Purchase to enter into various contracts and purchase orders, as necessary, to undertake the project. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. The Mayor is also hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5553, entitled "Security Camera Integration/Expansion," as follows:

**REVENUES:**

C5553-08810	Serial Bonds	<u>\$90,000</u>
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**EXPENDITURES:**

C5553-4.005	Finance and Auditing	\$1,000
C5553-8.319	Technology Equipment	89,000
		<u>\$90,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$90,000 and to advance funds for this project from the General Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Krolian seconded the motion.

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

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Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated October 7, 2019 authorizing the issuance of \$90,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York to finance the costs of the acquisition of equipment."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

BOND ORDINANCE, DATED OCTOBER 7, 2019 AUTHORIZING THE ISSUANCE OF \$90,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE ACQUISITION OF EQUIPMENT

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 of equipment, including security cameras, and including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$90,000, 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 \$90,000, 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 \$90,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will not be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is five (5) years. The serial bonds authorized herein shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial

bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions

hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond ordinance by the City. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

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

establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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

Mr. Krolian seconded the motion.

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

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Communication from Chairman, Capital Projects Board.

Mr. Krolian 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

The Capital Projects Board has recommended a project "Local Controller Upgrades" in the Capital Improvement Program for 2019-2020 at an estimated cost of \$70,000. This project includes the design and installation of replacement traffic signal controller units at various locations throughout the City. These traffic signal improvements will improve traffic safety and reliability throughout the City.

Submitted herein is legislation which would authorize the Mayor to direct the Commissioner of Purchase and the Deputy Commissioner of Parking to enter into various contracts, as necessary, to specify, purchase and install traffic signal controllers and cabinets for the second construction phase which would involve the installation of new controllers and communications hardware at some locations and entire controller cabinets at a select number of locations.

The attached legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project **C5554**, entitled "**Local Controller Upgrades FY20**" and to establish a project budget as follows:

#### REVENUES:

C5554-08810	Serial Bonds	<u>\$71,000</u>
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## EXPENDITURES

C5554-4.005	Finance and Auditing	\$1,000
C5554-8.209	Traffic Equipment/Fixtures	71,000
		<u>\$71,000</u>

It is also requested that the Mayor be authorized to direct the Commissioner of Finance to sell \$71,000 of serial bonds to finance the project, and that the Commissioner of Finance be authorized to advance funds from the General Fund, as necessary, pending the receipt of the bond proceeds.

Respectfully submitted,

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Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

October 7, 2019

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Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5554 entitled Local Controller Upgrades FY 2020."

Unanimous consent granted.

Mr. Krolian 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. C5554, ENTITLED "LOCAL CONTROLLER UPGRADES FY20."

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

Section 1. The Capital Projects Board has recommended a project "Local Controller Upgrade FY20" in the Capital Improvement Program for Fiscal Year 2019-2020. This project includes the design and installation of replacement traffic signal controller units at various locations throughout the City of White Plains. These traffic signal improvements will improve traffic safety and reliability throughout the City.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Purchase and the Deputy Commissioner of Parking to enter into various contracts, as necessary, to specify, purchase and install traffic signal controllers and cabinets for the installation of new controllers and communications hardware at some locations and entire controller cabinets at a select number of locations. Said contract(s) 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 also hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. **C5554**, entitled "**Local Controller Upgrades FY20**," with a budget as follows:

**REVENUES:**

C5554-08810	Serial Bonds	<u>\$71,000</u>
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**EXPENDITURES**

C5554-4.005	Finance and Auditing	\$1,000
C5554-8.209	Traffic/Equipment Fixtures	70,000
		<u>\$71,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$71,000 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, Mr. Krolian, Mrs. Lecuona, Mr. Martin and the Mayor.

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Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated October 7, 2019 authorizing the issuance of \$71,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York to finance the costs of the acquisition of equipment."

Unanimous consent granted.

Mr. Krolian moved adoption of the following ordinance.

BOND ORDINANCE, DATED OCTOBER 7, 2019, AUTHORIZING THE ISSUANCE OF \$71,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COST OF THE INSTALLATION AND REPLACEMENT OF TRAFFIC SIGNALS AND TRAFFIC SIGNAL SYSTEMS

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the cost of the installation and replacement of traffic signals and traffic signal systems, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$71,000, 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 \$71,000, 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 \$71,000, (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 cost 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 72(a) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. The serial bonds authorized herein shall have a maximum maturity of twenty (20) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

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

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

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

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

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

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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

Mr. Martin seconded the motion.

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

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Communication from Chairman, Capital Projects Board and Environmental Officer.

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

Mr. Brasch seconded the motion.

Carried.

#### TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

Included in the FY 2019-2020 Capital Improvement Program adopted by the Capital Projects Board is a project entitled "Gardella Park Basketball Courts" at an estimated cost of \$150,000. The project is the responsibility of the Commissioners of Planning and Public Works and includes installing a new surface, levelling and relining of basketball courts and the purchase of basketball stanchions and backboards with baskets. Submitted herewith is legislation which authorizes the Commissioners of Planning and Public Works to enter into various contracts, as required, to complete the project.

The legislation also authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5557, entitled "**Gardella Park Basketball Courts**," as follows:

#### REVENUES

C5557- 02203	Community Development	<u>\$150,000</u>
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#### EXPENDITURES

C5557-8.011	Site Improvements	<u>\$150,000</u>
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It is further requested 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 grant funds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

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Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

October 7, 2019

September 25, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5557  
GARDELLA PARK BASKETBALL COURTS

The proposed Capital Project No. C5557, entitled "Gardella Park Basketball Courts" ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves improvements to the basketball courts in Gardella Park such as installing a new surface, levelling and relining of the courts and the purchase of basketball stanchions and backboards with baskets.

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

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Mr. Martin moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING CAPITAL PROJECT NO. C5557, ENTITLED "GARDELLA PARK BASKETBALL COURTS."

WHEREAS, the proposed Capital Project No. C5557, entitled "Gardella Park Basketball Courts" ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves improvements to the basketball courts in Gardella Park such as installing a new surface, levelling and relining of the courts and the purchase of basketball stanchions and backboards with baskets; 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. Brasch seconded the motion.

Carried.

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5557 entitled Gardella Park Basketball Courts."

Unanimous consent granted.

Mr. Martin 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. C5557, ENTITLED "GARDELLA PARK BASKETBALL COURTS."

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

Section 1. Included in the Fiscal Year 2019-2020 Capital Improvement Program adopted by the Capital Projects Board is a project entitled "Gardella Park Basketball Courts." This project includes installing a new surface, leveling and relining of basketball courts and the purchase of stanchions and backboards with baskets.

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

Section 3. The Mayor is also hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project **No. C5557**, entitled "**Gardella Park Basketball Courts**," as follows:

**REVENUES:**

C5557-02203	Community Development	<u>\$150,000</u>
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**EXPENDITURES:**

C5557-8.011	Site Improvements	<u>\$150,000</u>
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Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to advance funds for this project from the General Fund, as necessary, pending receipt of the grant funds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Brasch seconded the motion.

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

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Communication from Chairman, Capital Projects Board and 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 MEMBERS OF THE COMMON COUNCIL**

The Capital Projects Board has recommended a Capital Project for Renovations to Fire Facilities to correct structural problems and lower maintenance costs as part of the FY 2019-2020 Capital Improvement Program at an estimated cost of \$100,000.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into contracts to undertake the renovations at the City's various fire stations. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5556 entitled "**Renovations to Fire Facilities FY 20,**" as follows:

**REVENUES**

C5556-08810	Serial Bonds	<u>\$101,000</u>
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**EXPENDITURES**

C5556-4.005	Finance and Auditing	\$1,000
C5556-8.106	Major Additions-Improvements	100,000

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\$101,000

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It is further requested that issuance of \$101,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds 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,

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Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

October 7, 2019

September 25, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5556  
RENOVATIONS TO FIRE FACILITIES FY 20

The proposed Capital Project No. C5556, entitled "Renovations to Fire Facilities FY 20," ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

The Proposed Action involves renovations at the City's various fire stations to correct structural problems and lower maintenance costs for those facilities.

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,

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Rod Johnson  
Environmental Officer

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Mr. Brasch moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING CAPITAL PROJECT NO. C5556 ENTITLED "RENOVATIONS TO FIRE FACILITIES FY 20,"

WHEREAS, the proposed C5556, entitled "Renovations to Fire Facilities FY 20" ("Proposed Action"), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the Proposed Action involves renovations at the City's various fire stations to correct structural problems and lower maintenance costs for those facilities; 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.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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Mr. Brasch asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Project Fund by establishing Capital Project No. C5556 entitled Renovations to Fire Facilities FY 20."

Unanimous consent granted.

Mr. Brasch 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. C5556, ENTITLED "RENOVATIONS TO FIRE FACILITIES FY 20."

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

Section 1. The Capital Projects Board has recommended a project entitled "Renovations to Fire Facilities FY 20" as part of the Fiscal Year 2019-2020 Capital Improvement Program.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to undertake the renovations at various City fire stations. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. The Mayor is also hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project **No. C5556**, entitled "**Renovations to Fire Facilities FY 20**," as follows:

**REVENUES:**

C5556-08810	Serial Bonds	<u>\$101,000</u>
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**EXPENDITURES:**

C5556-4.005	Finance and Auditing	\$1,000
C5556-8.106	Major Additions-Improvements	100,000
		<u>\$101,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$101,000 and to advance funds for this project from the General Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mrs. Hunt-Robinson 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.

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Mr. Brasch asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated October 7, 2019 authorizing the issuance of \$101,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York to finance the costs of the acquisition of equipment."

Unanimous consent granted.

Mr. Brasch moved adoption of the following ordinance.

BOND ORDINANCE, DATED OCTOBER 7, 2019, AUTHORIZING THE ISSUANCE OF \$101,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COST OF THE CONSTRUCTION OR RECONSTRUCTION OF CITY-OWNED BUILDINGS

WHEREAS, the Common Council of the City of White Plains (the "City"), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the cost of the construction or reconstruction of City-owned buildings, including the acquisition of any applicable equipment, machinery,

apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$101,000, 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 \$101,000, 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 \$101,000, (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 cost of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of "Class A" construction as that term is defined in the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

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

signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

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

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized issued herein upon the advice of bond counsel. Upon review of the environmental compliance record conducted in connection with the adoption by the Common Council of the Prior Ordinance, it is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the

City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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

Mrs. Hunt-Robinson 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.

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Communication from Chairman, Capital Projects Board and 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 MEMBERS OF THE COMMON COUNCIL

The Capital Projects Board has recommended capital projects to rehabilitate the Slater Center and to renovate the Youth Bureau Facility at Amherst Place in the 2019-2020 Capital Improvement Program. The Slater Center Building Rehabilitation work will correct structural problems throughout the building which include masonry work, door replacement, lighting and other related work and Youth Bureau renovations will include the replacing of furnishings, carpeting and other related work.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Public Works to enter into various contracts to undertake the renovations at various City facilities. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5555, entitled "Community Buildings Rehabilitation" as follows:

#### REVENUES

C5555-08810	Serial Bonds	<u>\$76,000</u>
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#### EXPENDITURES

C5555-4.005	Finance and Auditing	\$1,000
C5555-8.106	Major Additions-Improvements	37,500
C5555-8.011	Site Improvements	37,500
		<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 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,

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Thomas M. Roach, Mayor  
Chairman, Capital Projects Board

October 7, 2019

September 25, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5555  
COMMUNITY BUILDINGS REHABILITATION

Capital Project No. C5555, entitled "Community Buildings Rehabilitation" (hereinafter referred to as the Proposed Action), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations.

This project involves rehabilitation work at the City's Slater Center Building to correct structural problems throughout the building which include masonry work, door replacement, lighting and other related work and renovation of the Youth Bureau facilities replacing furnishings, carpeting and other related work.

This project represents a Type II Action under SEQR regulations in that it represents the routine maintenance, repair, or standard upgrading of existing municipal facilities. Type II actions are determined under SEQR not to have a significant effect on the environment.

It is recommended that the Common Council (a) designate itself to serve 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.

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING CAPITAL PROJECT NO. C5555, ENTITLED "COMMUNITY BUILDINGS REHABILITATION."

WHEREAS, Capital Project No. C5555, entitled "Community Buildings Rehabilitation" (hereinafter referred to as the Proposed Action), has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, this project involves rehabilitation work at the City's Slater Center Building to correct structural problems throughout the building which include masonry work, door replacement, lighting and other related work and renovation of the Youth Bureau facilities replacing furnishings, carpeting and other related work; and

WHEREAS, the Environmental Officer has recommended that the Common Council designate itself to serve as the Lead Agency for the environmental review of the Proposed Action; and

WHEREAS, the Environmental Officer has further recommended that the Common Council determine that the Proposed Action is a Type II Action under SEQR regulations at Section 617.5(c)(25) in that it involves the routine maintenance, repair, or standard upgrading of existing municipal facilities; and

WHEREAS, Type II Actions are determined under SEQR not to have a significant effect on the environment; 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 a Type II Action and that no additional SEQR review or finding is necessary.

Mr. Kirkpatrick seconded the motion.

Carried.

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Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5555 entitled Community Buildings Rehabilitation."

Unanimous consent granted.

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5555, ENTITLED "COMMUNITY BUILDINGS REHABILITATION."

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

Section 1. The Capital Projects Board has recommended capital projects to rehabilitate the Slater Center and to renovate the Youth Bureau facility at Amherst Place as part of the Capital Improvement Program for Fiscal Year 2019-2020.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to undertake the renovations at these City facilities. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. The Mayor is also hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. **C5555**, entitled "**Community Buildings Renovation**," as follows:

**REVENUES:**

C5555-08810	Serial Bonds	<u>\$76,000</u>
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**EXPENDITURES:**

C5555-4.005	Finance and Auditing	\$1,000
C5555-8.106	Major Additions-Improvements	37,500
C5555-8.011	Site Improvements	37,500
		<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 from the General Fund, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

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

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Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Bond Ordinance dated October 7, 2019 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 costs of the acquisition of equipment."

Unanimous consent granted.

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

BOND ORDINANCE, DATED OCTOBER 7, 2019, 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 COST OF (i) THE CONSTRUCTION OR RECONSTRUCTION OF CITY-OWNED BUILDINGS AND (ii) THE ACQUISITION OF EQUIPMENT, MACHINERY, APPARATUS AND FURNISHINGS.

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 (i) construction or reconstruction of city-owned buildings (Slater Center) (\$38,000) and the (ii) acquisition of equipment, machinery, apparatus and furnishings (Amherst Place - Youth Bureau) (\$38,000), including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$76,000, all in accordance with the Local Finance Law;

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 specific objects or purposes, or classes of objects or purposes, as set forth herein (collectively, the "Project").

Section 2. The respective estimated maximum costs of such specific objects or purposes, or class of objects or purposes, the principal amount of serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, or class of objects or purpose, and the period of probable usefulness of such specific objects or purposes, or class of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(i) The construction or reconstruction of City owned buildings (Slater Center), including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$38,000 for which \$38,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of twenty-five (25) years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such building being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law). Such serial bonds shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the

first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(ii) The acquisition of equipment, machinery, apparatus and furnishings, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$38,000 for which \$38,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

Section 3. 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 cost 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 in Section 2(i) hereof will be in excess of five (5) years, (e) the maturity of the obligations authorized in Section 2(ii) hereof will not be in excess of five (5) years, and (f) 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 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

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

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

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

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

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

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

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

Mr. Kirkpatrick seconded the motion.

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

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Communication from Commissioner of Public Works.

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

Subsequent to the May 6, 2019 Common Council approval, of the multi-family project located 1133 Westchester Avenue (Section 130.20, Block 1, Lot 1.1), the applicant filed a subdivision application before the Planning Board as was envisioned by the aforesaid Common Council approval. In reviewing the subdivision application, which has been approved, it became clear that a new sewer main, a new water main and portions of an existing sewer main traversing the property would need to be relocated. Therefore, existing easements should be extinguished and new easements must be created to allow the City to continue to maintain portions of the city's sewer main and a new water main located on private property. The extinguishment of the old easements and the creation of the new easements must be accepted by the City Council.

Submitted herewith for your deliberation, is an ordinance to authorize the City to accept the extinguishment of the aforementioned various existing utility easements in order to accept and enter into one new multiple-utility easement agreement and to authorize the Mayor to direct the Commissioner of Public Works to execute all necessary instruments to accomplish the same in a form to be approved by the Corporation Counsel.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: September 25, 2019

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance accepting sanitary sewer and main easements and the extinguishment of certain previous prior easements tendered by 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC, over a portion of 1133 Westchester Avenue, also known as Section 130.20, Block 1, Lot 1.1, on the Tax Assessment Maps of the City of White Plains."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE ACCEPTING SANITARY SEWER AND MAIN EASEMENTS AND THE EXTINGUISHMENT OF CERTAIN PREVIOUS PRIOR EASEMENT TENDERED BY 1133-300 WESTCHESTER AVENUE LLC AND 1133-399 WESTCHESTER AVENUE LLC OVER A PORTION OF 1133 WESTCHESTER AVENUE, ALSO KNOWN AS SECTION 130.20, BLOCK 1, LOT 1.1 ON THE TAX ASSESSMENT MAPS OF THE CITY OF WHITE PLAINS.

WHEREAS, subsequent to the Common Council approval May 6, 2019, of the multi-family project located at 1133 Westchester Avenue (Section 130.20, Block 1, Lot 1.1) the applicant filed a subdivision application before the Planning Board as was envisioned by the aforesaid Common Council approval; and

WHEREAS, in reviewing the subdivision application, which has been approved, it became clear that a new sewer main, a new water main and portions of an existing sewer main traversing the property would need to be relocated, requiring existing easements to be extinguished and new easements to be created to allow the City to continue to maintain portions of the city's sewer main and a new water main located on private property; and

WHEREAS, 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC ("the Grantors") have tendered an easement agreement granting three (3) ten foot wide utility (sanitary sewer main and water mains) easements agreement over a portion of their land known as 1133 Westchester Avenue, also known as Section 130.20, Block 1, Lot 1.1 on the tax assessment maps of the City of White Plains, said easement granting the City of White Plains water main and sanitary sewer main easement running generally through the Grantors' property ("the easement area") over said portion of Grantors' property which easement would grant the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a sanitary sewer mains and water mains within the easement and extinguishing that the prior easement for these purposes recorded at Liber 6999, Page 303 of Deeds in the Westchester County Clerk's Office, Division of Land Records which easement the Department of Public Works finds is no longer needed for 1133 Westchester Avenue; and

WHEREAS, 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC ("the Grantors") have also tendered an instrument to terminate a certain prior utility easement agreement recorded at in Liber 6670, Page 307 of Deeds in the Westchester County Clerk's Office, Division of Land Records which easement the Department of Public Works finds is no longer needed for 1133 Westchester Avenue;

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

Section 1. The City of White Plains hereby accepts the three (3) ten foot wide utility (water main and sanitary sewer main) easements tendered by 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC to the City of White Plains over the easement area granting the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a

municipal sanitary sewer main and extinguishing a prior easement recorded at Liber 6999, Page 303 of Deeds in the Westchester County Clerk's Office, Division of Land Records as well as accepting the extinguishment of a prior easement recorded at Liber 6670, Page 307 of Deeds in the Westchester County Clerk's Office, Division of Land Records.

§2. The Mayor is hereby directed to authorize the Commissioner of Public Works to execute the utility easement agreement being tendered to the City of White Plains by 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC for the purpose of maintaining three (3) ten foot wide water main and sanitary sewer main easements as well as extinguishing a prior easement recorded at 6999, Page 303 of Deeds in the Westchester County Clerk's Office, Division of Land Records and an instrument extinguishing a prior easement recorded at Liber 6670, Page 307 of Deeds in the Westchester County Clerk's Office, Division of Land Records, both instruments in a form to be approved by the Corporation Counsel.

§3. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

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

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Communication from Commissioner of Public Works.

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

Mr. Krolian seconded the motion.

Carried.

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

As a result of the Common Council approval March 5, 2018, of the multi-family project known as Brookfield Commons Phase II and located at 223-225 Reverend Dr. Martin Luther King Jr. Boulevard (Section 125.83, Block 7, Lot 1,) the applicant is required to interconnect a portion of an existing water main traversing the property to an existing water main on South Lexington Avenue. An easement must be created to allow the City to maintain the new water main interconnection, located on private property, and accepted by the City Council.

Submitted herewith for your deliberation, is an ordinance to authorize the City to accept the new water main easement and authorize the Mayor to direct the Commissioner of Public Works to accept and enter into an Utility Easement Agreement with the White Plains Housing Authority, who is the owner of the property, in a form to be approved by the Corporation Counsel.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: September 25, 2019

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Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance accepting a water main easement tendered by the White Plains Housing Authority over a portion of Brookfield Commons Phase II, located at 223-225 Rev. Dr. Martin Luther King Jr. Boulevard, also a part of Section 125.83, Block 7, Lot 1, on the Tax Assessment Maps of the City of White Plains."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE ACCEPTING A WATER MAIN EASEMENT TENDERED BY THE WHITE PLAINS HOUSING AUTHORITY OVER A PORTION OF BROOKFIELD COMMONS PHASE II, LOCATED AT 223-225 REVEREND DR. MARTIN LUTHER KING JR. BOULEVARD, ALSO A PART OF SECTION 125.83, BLOCK 7, LOT 1 ON THE TAX ASSESSMENT MAPS OF THE CITY OF WHITE PLAINS.

WHEREAS, the White Plains Housing Authority ("the Grantor") has tendered a water main easement agreement over a portion of their land known as Brookfield Commons II, located at 223-225 Reverend Dr. Martin Luther King Jr. Boulevard, also a part of Section 125.83, Block 7, Lot 1 on the tax assessment maps of the City of White Plains, said easement granting the City of White Plains a water main easement running generally through the Grantors' property ("the easement area") over said portion of Grantors' property which easement would grant the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a water main within the easement;

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

Section 1. The City of White Plains hereby accepts the sanitary sewer main easement tendered by the White Plains Housing Authority to the City of White Plains over the easement area granting the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a municipal water main.

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

§3. This ordinance shall take effect immediately.

Mr. Krolan seconded the motion.

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

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

Subsequent to the May 6, 2019 Common Council approval, of the multi-family project located 1133 Westchester Avenue (Section 130.20, Block 1, Lot 1.1), the applicant filed a subdivision application before the Planning Board as was envisioned by the aforesaid Common Council approval. In reviewing the subdivision application, which has been approved, it became clear that a new sewer main, a new water main and portions of an existing sewer main traversing the property would need to be relocated. Therefore, existing easements should be extinguished and new easements must be created to allow the City to continue to maintain portions of the city's sewer main and a new water main located on private property. The extinguishment of the old easements and the creation of the new easements must be accepted by the City Council.

Submitted herewith for your deliberation, is an ordinance to authorize the City to accept the extinguishment of the aforementioned various existing utility easements in order to accept and enter into one new multiple-utility easement agreement and to authorize the Mayor to direct the Commissioner of Public Works to execute all necessary instruments to accomplish the same in a form to be approved by the Corporation Counsel.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: September 25, 2019

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance accepting sanitary sewer and main easements and the extinguishment of certain previous prior easements tendered by 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC, over a portion of 1133 Westchester Avenue, also known as Section 130.20, Block 1, Lot 1.1, on the Tax Assessment Maps of the City of White Plains."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE ACCEPTING SANITARY SEWER AND MAIN EASEMENTS AND THE EXTINGUISHMENT OF CERTAIN PREVIOUS PRIOR EASEMENT TENDERED BY 1133-300 WESTCHESTER AVENUE LLC AND 1133-399 WESTCHESTER AVENUE LLC OVER A PORTION OF 1133 WESTCHESTER AVENUE, ALSO KNOWN AS SECTION 130.20, BLOCK 1, LOT 1.1 ON THE TAX ASSESSMENT MAPS OF THE CITY OF WHITE PLAINS.

WHEREAS, subsequent to the Common Council approval May 6, 2019, of the multi-family project located at 1133 Westchester Avenue (Section 130.20, Block 1, Lot 1.1) the applicant filed a subdivision application before the Planning Board as was envisioned by the aforesaid Common Council approval; and

WHEREAS, in reviewing the subdivision application, which has been approved, it became clear that a new sewer main, a new water main and portions of an existing sewer main traversing the property would need to be relocated, requiring existing easements to be extinguished and new easements to be created to allow the City to continue to maintain portions of the city's sewer main and a new water main located on private property; and

WHEREAS, 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC ("the Grantors") have tendered an easement agreement granting three (3) ten foot wide utility (sanitary sewer main and water mains) easements agreement over a portion of their land known as 1133 Westchester Avenue, also known as Section 130.20, Block 1, Lot 1.1 on the tax assessment maps of the City of White Plains, said easement granting the City of White Plains water main and sanitary sewer main easement running generally through the Grantors' property ("the easement area") over said portion of Grantors' property which easement would grant the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a sanitary sewer mains and water mains within the easement and extinguishing that the prior easement for these purposes recorded at Liber 6999, Page 303 of Deeds in the Westchester County Clerk's Office, Division of Land Records which easement the Department of Public Works finds is no longer needed for 1133 Westchester Avenue; and

WHEREAS, 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC ("the Grantors") have also tendered an instrument to terminate a certain prior utility easement agreement recorded at in Liber 6670, Page 307 of Deeds in the Westchester County Clerk's Office, Division of Land Records which easement the Department of Public Works finds is no longer needed for 1133 Westchester Avenue;

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

Section 1. The City of White Plains hereby accepts the three (3) ten foot wide utility (water main and sanitary sewer main) easements tendered by 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC to the City of White Plains over the easement area granting the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a municipal sanitary sewer main and extinguishing a prior easement recorded at Liber 6999, Page 303 of Deeds in the Westchester County Clerk's Office, Division

of Land Records as well as accepting the extinguishment of a prior easement recorded at Liber 6670, Page 307 of Deeds in the Westchester County Clerk's Office, Division of Land Records.

§2. The Mayor is hereby directed to authorize the Commissioner of Public Works to execute the utility easement agreement being tendered to the City of White Plains by 1133-300 Westchester Avenue LLC and 1133-399 Westchester Avenue LLC for the purpose of maintaining three (3) ten foot wide water main and sanitary sewer main easements as well as extinguishing a prior easement recorded at 6999, Page 303 of Deeds in the Westchester County Clerk's Office, Division of Land Records and an instrument extinguishing a prior easement recorded at Liber 6670, Page 307 of Deeds in the Westchester County Clerk's Office, Division of Land Records, both instruments in a form to be approved by the Corporation Counsel.

§3. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

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

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Communication from Commissioner of Public Works.

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

Mr. Krolian seconded the motion.

Carried.

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

As a result of the Common Council approval March 5, 2018, of the multi-family project known as Brookfield Commons Phase II and located at 223-225 Reverend Dr. Martin Luther King Jr. Boulevard (Section 125.83, Block 7, Lot 1,) the applicant is required to interconnect a portion of an existing water main traversing the property to an existing water main on South Lexington Avenue. An easement must be created to allow the City to maintain the new water main interconnection, located on private property, and accepted by the City Council.

Submitted herewith for your deliberation, is an ordinance to authorize the City to accept the new water main easement and authorize the Mayor to direct the Commissioner of Public Works to accept and enter into an Utility Easement Agreement with the White Plains Housing Authority, who is the owner of the property, in a form to be approved by the Corporation Counsel.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: September 25, 2019

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Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance accepting a water main easement tendered by the White Plains Housing Authority over a portion of Brookfield Commons Phase II, located at 223-225 Rev. Dr. Martin Luther King Jr. Boulevard, also a part of Section 125.83, Block 7, Lot 1, on the Tax Assessment Maps of the City of White Plains."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE ACCEPTING A WATER MAIN EASEMENT TENDERED BY THE WHITE PLAINS HOUSING AUTHORITY OVER A PORTION OF BROOKFIELD COMMONS PHASE II, LOCATED AT 223-225 REVEREND DR. MARTIN LUTHER KING JR. BOULEVARD, ALSO A PART OF SECTION 125.83, BLOCK 7, LOT 1 ON THE TAX ASSESSMENT MAPS OF THE CITY OF WHITE PLAINS.

WHEREAS, the White Plains Housing Authority ("the Grantor") has tendered a water main easement agreement over a portion of their land known as Brookfield Commons II, located at 223-225 Reverend Dr. Martin Luther King Jr. Boulevard, also a part of Section 125.83, Block 7, Lot 1 on the tax assessment maps of the City of White Plains, said easement granting the City of White Plains a water main easement running generally through the Grantors' property ("the easement area") over said portion of Grantors' property which easement would grant the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a water main within the easement;

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

Section 1. The City of White Plains hereby accepts the sanitary sewer main easement tendered by the White Plains Housing Authority to the City of White Plains over the easement area granting the City the right to lay, construct, maintain, operate, and from time to time, repair and replace a municipal water main.

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

§3. This ordinance shall take effect immediately.

Mr. Krolan seconded the motion.

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

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Communication from Commissioner of Planning.

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

Mr. Martin seconded the motion.

Carried.

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: APPROPRIATION OF FUND BALANCE IN THE RESTORE PROGRAM REVOLVING FUND

Since 1990, the City has received allocations of RESTORE funds from the New York State RESTORE program totaling approximately \$400,000. The RESTORE program has provided loans and deferred liens to homeowners in our community for emergency repairs to their homes. The City has been able to maximize the benefit of the RESTORE Program by recouping the disbursed RESTORE funds through repayment of the no interest loans and deferred liens. The deferred liens are repaid only upon sale of the home. There is a balance of approximately \$215,845 in fund balance which can again be appropriated to permit additional assistance to White Plains homeowners. It is requested that the Mayor be authorized to direct the Budget Director to amend the 2019-20 RESTORE Fund as follows:

Increase Sources of Funding:

0RST2-09999	Appropriation of Fund Balance	\$215,845
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Increase Appropriations:

0RST2-4.780	RESTORE Loans and Grants	\$215,845
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It is further requested that the Commissioner of Finance be authorized to receive and disburse funds accordingly.

Respectfully submitted,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: September 25, 2019

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Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance amending to the Restore Budget appropriating fund balance and allocating such increase to the Restore Fund."

Unanimous consent granted.

Mr. Krolian moved adoption of the following ordinance.

**ORDINANCE AMENDING THE RESTORE BUDGET BY APPROPRIATING FUND BALANCE AND ALLOCATING SUCH INCREASE TO THE RESTORE FUND.**

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

Section 1. Amendment of the RESTORE Fund Budget is hereby authorized to appropriate fund balance in the RESTORE Fund and to establish revenue and expenditure budgets accordingly.

Section 2. The Mayor is hereby authorized to direct the Budget Director to amend the RESTORE Fund as follows:

**Increase Revenues**

ORST2-09999	Appropriation of Fund Balance	\$215,845
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**Increase Appropriations**

ORST2-4.780	RESTORE Loans and Grants	\$215,845
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Section 3. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect as of October 8, 2019.

Mr. Martin seconded the motion.

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

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Communication from 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

Dear Mayor and Common Council Members:

The Department of Public Safety has been awarded a FY2018 Tactical Team grant in the amount of \$100,000 by the New York State Division of Homeland Security. The Department will use these funds to improve and develop Tactical Team capabilities through the purchase of equipment, training, exercise and planning projects that support counter terrorism missions in the City of White Plains.

Therefore, submitted for your consideration is an ordinance authorizing the Mayor to execute any and all documents to accept funds under grant documents for the FY2018 Tactical Team Grant Program, and to direct the Budget Director to amend the FY2019/2020 Public Safety Grants Fund to reflect the receipt and appropriation of this grant as follows,

INCREASE REVENUES:

HSG19-02261	NYS-DHSES Tactical Team Grant	<b><u>\$100,000</u></b>
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INCREASE EXPENDITURES

HSG19-1.301	Personnel Overtime Training Costs	<b><u>\$12,000</u></b>
HSG19-4.970	Grant Travel/Training Costs	<b><u>\$13,000</u></b>
HSG19-5.340	Protective Services Equipment	<b><u>\$75,000</u></b>
		<b><u>\$100,000</u></b>

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

Sincerely,

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David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: September 24, 2019

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to execute all documents required in connection with the acceptance of a FY 2018 Tactical Team Grant in the amount of \$100,000 from the New York State Division of Homeland Security, and to direct the Budget Director to amend the FY2019/2020 Public Safety Grant Fund to reflect the receipt and appropriation of the Grant Funds."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS REQUIRED IN CONNECTION WITH THE ACCEPTANCE OF A FY2018 TACTICAL TEAM GRANT IN THE AMOUNT OF \$100,000 FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND TO DIRECT THE BUDGET DIRECTOR TO AMEND THE FY 2019/2020 PUBLIC SAFETY GRANT FUND TO REFLECT THE RECEIPT AND APPROPRIATION OF THESE GRANT FUNDS.

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 all documents required in connection with the acceptance of a Fiscal Year 2018 Tactical Team Grant in the amount of \$100,000 in federal funding awarded by the New York State Division of Homeland Security. Said documents shall be in a form acceptable to the Corporation Counsel. The Department of Public Safety will use these funds to improve and develop Tactical Team capabilities through the purchase of equipment, training, exercise and planning projects that support counter terrorism missions in the City of White Plains. The performance period for the award is October 1, 2019 through August 31, 2021.

Section 2. In order to record the receipt and expenditure of these funds, the Mayor is also hereby authorized to direct the Budget Director to amend the Fiscal Year 2019-2020 Public Safety Grant Fund, as follows:

**INCREASE REVENUES:**

HSG19-02261	NYS-DHSES Grant	<u>\$100,000</u>
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**INCREASE EXPENDITURES:**

HSG19-1.301	Personnel Overtime Training Costs	<u>\$12,000</u>
HSG19-4.970	Grant Travel/Training Costs	13,000
HSG19-5.340	Protective Services Equipment	75,000
		<u>\$100,000</u>

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

Section 4. This ordinance shall take effect as of October 1, 2019.

Mr. Brasch seconded the motion.

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

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Communication from Commissioner of Recreation and Parks.

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Re: Donation of Picnic Tables and Benches

Ginsburg Development Companies has offered to donate ten picnic tables and 2 benches to the Department of Recreation and Parks. The tables will be used to enhance seating at special events such as the Father's Day Concert, Cherry Blossom Festival, Gardella Day and Independence Day. The benches will be placed at the Bark Park.

Submitted for your approval is an ordinance authorizing the Mayor to accept this donation on behalf of the City of White Plains.

Respectfully submitted,

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Wayne D. Bass  
Commissioner of Recreation and Parks

Dated: September 19, 2019

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Mr. Brasch asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor to accept, on behalf of the City of White Plains, a donation of ten picnic tables and two benches."

Unanimous consent granted.

Mr. Brasch moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS, AUTHORIZING THE MAYOR TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, A DONATION OF TEN PICNIC TABLES AND TWO BENCHES.

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

Section 1. The Mayor is hereby authorized to accept, on behalf of the City of White Plains, a donation of ten picnic tables and two benches, given by the Ginsburg Development Companies. The tables will be used to enhance seating at special events, benches will be placed at the Bark Park.

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, Mr. Krolan, Mrs. Lecuona, Mr. Martin and the Mayor.

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Communication from Commissioner of Recreation and Parks.

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

Mr. Kirkpatrick seconded the motion.

Carried.

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

Re: Agreement for New York State Amateur Hockey Association, Inc.

Submitted herewith for your consideration is a legislation authorizing the Mayor or his designee to enter into an agreement with New York State Amateur Hockey Association, Inc. (NYS Hockey) to enable the City of White Plains to continue to be a member of NYS Hockey and thereby continue its' association with NYS Hockey in the interest of developing and administering the sport of amateur ice hockey in the City of White Plains. The agreement requires the City of White Plains to indemnify NYS Hockey.

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Wayne D. Bass  
Commissioner, Recreation & Parks

Date: September 19, 2019

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Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to enter into an agreement with, and to indemnify the New York State Amateur Hockey Association, Inc. ("NYS Hockey"), to enable the City to continue to be a member of NYS Hockey."

Unanimous consent granted.

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH, AND TO INDEMNIFY, THE NEW YORK STATE AMATEUR HOCKEY ASSOCIATION, INC. ("NYS HOCKEY") TO ENABLE THE CITY TO CONTINUE TO BE A MEMBER OF NYS HOCKEY.

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

Section 1. The Mayor, or his designee, is hereby authorized to enter into an agreement with, and to indemnify, the New York State Amateur Hockey Association, Inc. ("NYS Hockey") to enable the City to continue to be a member of NYS Hockey. Said agreement shall be in a form approved by the Corporation Counsel.

Section 2. The term of the agreement shall be for an initial term of one year from September 1, 2019 through August 30, 2020, and thereafter renewed for successive one-year terms. The City retains the right at any time to terminate the agreement upon giving NYS Hockey 30 days' prior written notice.

Section 3. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

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

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Communication from Director, Youth Bureau.

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

Mrs. Lecuona seconded the motion.

Carried.

September 11, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Westchester Clubmen Foundation has awarded the City of White Plains Youth Bureau a funding in the amount of \$40,000 to continue the Clubmen Higher Aims Program at the Highlands Middle School and White Plains High School. The Clubmen Higher Aims Program will provide young men in the Highlands Middle School and White Plains High School with positive youth development after school services to strengthen their success and lead them on a path to college or work careers. The contract period is October 01, 2019 through June 30, 2020. I am requesting that the Mayor be authorized to receive these funds. It is also requested that the Mayor authorize the Budget Director to increase the estimated revenue and appropriations and amend the Fiscal Year 2019/20 Youth Development Fund as follows:

Increase Estimated Revenue:

HAIMS - 06275	Contributions - Higher Aims	<u>\$40,000</u>
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Increased Appropriations:

HAIMS - 1.800	Part Time Salaries	\$28,000
HAIMS - 2.001	FICA	\$2,142
HAIMS - 2.020	MTA PR Tax	\$96
HAIMS - 2.101	NYS Emp. Pension	\$420
HAIMS - 3.011	Program Supplies	\$4,000
HAIMS - 4.019	Bus Transportation	\$1,500
HAIMS - 4.023	Program Services	\$3,842
	TOTAL	<u>\$40,000</u>

Respectfully submitted,

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Frank Williams, Jr.  
Director, Youth Bureau

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City White Plains authorizing the Mayor, or his designee, to execute a contract to accept, on behalf of the Youth Bureau a \$40,000 award from the Westchester Clubmen Foundation to be used to continue to operate the Clubmen Higher Aims Program, and to authorize the Budget Director to amend the FY 2019/2020 Youth Development Fund to reflect this award."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A CONTRACT TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS (YOUTH BUREAU), A \$40,000 AWARD FROM THE WESTCHESTER CLUBMEN FOUNDATION TO BE USED TO CONTINUE TO OPERATE THE CLUBMEN HIGHER AIMS PROGRAM AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2019-2020 YOUTH DEVELOPMENT FUND TO REFLECT THIS AWARD.

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

Section 1. The Mayor, or his designee, is hereby authorized to accept, on behalf of the City of White Plains (Youth Bureau), an award in the amount of \$40,000 from the Westchester Clubmen Foundation and execute a contract in regard to same. Said award will be used to operate the Clubmen Higher Aims

Program at Highlands Middle School and White Plains High School to provide positive youth development after school services. The contract period is October 1, 2019 through June 30, 2020. The contract shall be in a form approved by the Corporation Counsel.

Section 2. In order to record the receipt and expenditures of this award, the Mayor is also hereby authorized to direct the Budget Director to amend the Fiscal Year 2019-2020 Youth Development Fund, as follows:

**INCREASE ESTIMATED REVENUE:**

HAIMS - 06275	Contributions - Higher Aims	<u>\$40,000</u>
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**INCREASE APPROPRIATIONS:**

HAIMS - 1.800	Part Time Salaries	\$28,000
HAIMS - 2.001	FICA	2,142
HAIMS - 2.020	MTA PR Tax	96
HAIMS - 2.101	NYS Emp. Pension	420
HAIMS - 3.011	Program Supplies	4,000
HAIMS - 4.019	Bus Transportation	1,500
HAIMS - 4.023	Program Services	3,842
		<u>\$40,000</u>

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

Section 4. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

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

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Communication from Director, Youth Bureau.

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

Mr. Krolan seconded the motion.

Carried.

September 25, 2019

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

The USTA/Eastern, Inc. has awarded the City of White Plains Youth Bureau a grant in the amount of \$5,680 to support the Youth Bureau's Tennis Program in the After School Programs. The grant period is through June 30, 2020. I am requesting that the Mayor be authorized to receive the grant.

The entire grant from USTA/Eastern, Inc. will be used to fund a \$5,680 contract with Backyard Sports, Inc. to provide tennis instructions in the After School Program's Elementary and Middle Schools through June 30, 2020. I am requesting that the Council authorize the Mayor or his designee to execute a contract with Backyard Sports, Inc. to provide these services and that the contract be in a form to be approved by the Corporation Counsel.

It is also requested that the Mayor authorize the Budget Director to increase the estimated revenue and appropriations and amend the Fiscal Year 2019-2020 Youth Development Fund as follows:

**Increased Estimated Revenue:**

TENNIS-06275	Contributions (USTA)	<u>\$5,680</u>
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**Increase Appropriations:**

TENNIS-4.004	Consultant	\$5,680
	<b>TOTAL</b>	<u><u>\$5,680</u></u>

Respectfully Submitted,

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Frank Williams, Jr.  
Director, Youth Bureau

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Mrs. Lecuona asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the Mayor to accept, on behalf of the City of White Plains, a grant from the USTA Eastern Section to support the Youth Bureau's Fiscal Year 2019-2020 Tennis Program in the After School Programs."

Unanimous consent granted.

Mrs. Lecuona moved adoption of the following ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT, ON BEHALF OF THE CITY OF WHITE PLAINS, A GRANT FROM THE USTA/EASTERN, INC. TO SUPPORT THE YOUTH BUREAU'S FISCAL YEAR 2019-2020 TENNIS PROGRAM IN THE AFTER SCHOOL PROGRAMS.

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

Section 1. The Mayor is hereby authorized to accept, on behalf of the City of White Plains, a grant in the amount of \$5,680 from USTA/Eastern, Inc. to be used to support the Youth Bureau's Tennis Program in the After School Programs. The grant period is September 1, 2019 to June 30, 2020.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor is also hereby authorized to direct the Budget Director to amend the Fiscal Year 2019-2020 Youth Development Fund, as follows:

**INCREASE ESTIMATED REVENUE:**

TENNIS-06275	Contributions (USTA)	<u>\$5,680</u>
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**INCREASE APPROPRIATIONS:**

TENNIS-4.004	Consultant	\$5,680
	<b>TOTAL</b>	<u><u>\$5,680</u></u>

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

Section 4. The entire grant from the USTA/Eastern, Inc. shall be used to fund a \$5,680 contract with Backyard Sports, Inc. to provide tennis instructions in the After School Program's Elementary and Middle Schools through June 30, 2020. The Mayor, or his designee, is hereby authorized to execute a contract with Backyard Sports, Inc. to provide these services, such contract to be in a form to be approved by the Corporation Counsel.

Section 5. This ordinance shall take effect as of September 1, 2019.

Mr. Krolian seconded the motion.

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

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Communication from Director, Youth Bureau.

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

Mr. Martin seconded the motion.

Carried.

September 18, 2019

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

The White Plains Youth Bureau would like to enter into a contract with Dr. Pauline Mosley, an individual to provide curriculum development and staff training services for 21<sup>st</sup> Century Community Learning Center STEAM Academy. The contract period will be August 1, 2019 to June 30, 2020 and the compensation for the performance of all such services shall not exceed fifteen thousand dollars (\$15,000). I am requesting that the Mayor be authorized to enter into a contract with Dr. Pauline Mosely to provide these services.

Respectfully Submitted,

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Frank Williams, Jr.  
Director Youth Bureau

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Mr. Krolian asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to execute on behalf of the City, a consultant contract with Dr. Pauline Mosley, to provide curriculum and staff training services for 21<sup>st</sup> Century Community Learning Center STEAM Academy."

Unanimous consent granted.

Mr. Krolian moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ON BEHALF OF THE CITY A CONSULTANT CONTRACT WITH DR. PAULINE MOSLEY, TO PROVIDE CURRICULUM AND STAFF TRAINING SERVICES FOR 21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTER STEAM ACADEMY.

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

Section 1. The Common Council of the City of White Plains hereby authorizes the Mayor, or his designee, to execute on behalf of the City, a consultant contract with Dr. Pauline Mosley, an individual, to provide curriculum and staff training services for 21<sup>st</sup> Century Community Learning Center STEAM Academy. The contract period shall be from August 1, 2019 to June 30, 2020.

Section 2. The compensation for the performance of all such services shall not exceed \$15,000.

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

Section 4. This ordinance shall take effect as of August 1, 2019.

Mr. Martin seconded the motion.

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

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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.

September 23, 2019

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

On August 5, 2019, the Common Council enacted an ordinance accepting funding from the Friends of the White Plains Youth Bureau in the amount of twenty thousand dollars (\$20,000) to continue the Youth Bureau's My Brother's Keeper (MBK) program for the period July 1, 2019 to June 30, 2020.

The Friends of the White Plains Youth Bureau will be funding an additional Ninety Thousand Dollars (\$90,000) to continue the High School and Elementary School Boys and Girls Saturday Academies, the Young Mentoring Program, Aviation Academy, Keeper of the Dream, Performing Arts Benefit and our new initiative Early College Program. The total funding from the Friends of the White Plains Youth Bureau for fiscal Year 2020 will be One Hundred Ten Thousand Dollars (\$110,000). I am requesting that the Mayor be authorized to accept these funds. It is also requested that the Mayor authorize the Budget Director to increase the estimated revenue and appropriations and amend the Fiscal Year 2019/20 Youth Development Fund as follows:

<b><u>Increased Estimated Revenue:</u></b>		<b><u>Current Budget</u></b>	<b><u>Revised Budget</u></b>
FWYB - 06275	Friends of the WPYB.	<u>\$20,000</u>	<u>\$110,000</u>
<b><u>Increase Appropriations:</u></b>			
FWYB - 1.800	Parttime Salary	\$11,200	\$19,544
FWYB - 2.001	FICA	\$860	\$1,495
FWYB - 2.020	MTA Pr. Tax	\$38	\$100
FWYB - 3.011	Program Supplies	\$3,102	\$25,650
FWYB - 4.004	Consultant	\$0	\$29,700
FWYB - 4.019	Bus Transportation	\$800	\$3,800
FWYB - 4.023	Program Services	\$4,000	\$29,711
<b>TOTAL</b>		<b><u>\$20,000</u></b>	<b><u>\$110,000</u></b>

Respectfully submitted,

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Frank Williams, Jr.  
Director, Youth Bureau

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Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the Mayor to accept \$90,000 from the Friends of the White Plains Youth Bureau to continue the High School and Elementary School Boys and Girls Saturday Academies, the Young Mentoring Program, Aviation Academy, Keeper of the Dream, Performing Arts Benefit and our new Initiative Early College Program, for the period July 1, 2019 to June 30, 2020, and authorizing the Mayor to direct the Budget Director to amend the Youth Development Fund accordingly."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO ACCEPT \$90,000 FROM THE FRIENDS OF THE WHITE PLAINS YOUTH BUREAU TO CONTINUE THE HIGH SCHOOL AND ELEMENTARY SCHOOL BOYS AND GIRLS SATURDAY ACADEMIES, THE YOUNG MENTORING PROGRAM, AVIATION ACADEMY, KEEPER OF THE DREAM, PERFORMING ARTS BENEFIT AND OUR NEW INITIATIVE EARLY COLLEGE PROGRAM, FOR THE PERIOD JULY 1, 2019 TO JUNE 30, 2020 AND AUTHORIZING THE MAYOR TO DIRECT THE BUDGET DIRECTOR TO AMEND THE YOUTH DEVELOPMENT FUND ACCORDINGLY.

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 receive \$90,000 from the Friends of the White Plains Youth Bureau to continue the High School and Elementary School Boys and Girls Saturday Academies, the Young Mentoring Program, Aviation Academy, Keeper of the Dream, Performing Arts Benefit and our new initiative Early College Program, for the period July 1, 2019 to June 30, 2020.

Section 2. The Mayor is also authorized to direct the Budget Director to amend the Youth Development Fund accordingly as follows:

**INCREASE ESTIMATED REVENUE:**

		<b><u>Current Budget</u></b>	<b><u>Revised Budget</u></b>
FWYB - 06275	Friends of the WPYB	\$20,000	\$110,000

**INCREASE APPROPRIATIONS:**

FWYB - 1.800	Part Time Salaries	\$11,200	\$19,544
FWYB - 2.001	FICA	860	1,495
FWYB - 2.020	MTA Payroll Tax	38	100
FWYB - 3.011	Program Supplies	3,102	25,650
FWYB - 4.004	Consultant	0	29,700
FWYB - 4.019	Bus Transportation	800	3,800
FWYB - 4.023	Program Services	4,000	29,711
	<b>Total</b>	<b><u>\$20,000</u></b>	<b><u>\$110,000</u></b>

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

Section 4. This ordinance shall take effect as of July 1, 2019.

Mr. Brasch seconded the motion.

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

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Communication from Director, Youth Bureau.

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

September 16, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The White Plains Youth Bureau would like to enter into a contract with Liesa Stamm, Ph.D. an individual to provide evaluation services for 21<sup>st</sup> Century Community Learning Center STEAM Academy. The contract period will be July 01, 2019 to June 30, 2020, and the compensation for the performance of all such services shall not exceed twenty five thousand dollars (\$25,000). I am requesting that the Mayor be authorized to enter into a contract with Liesa Stamm to provide these services.

Respectfully Submitted,

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Frank Williams, Jr.  
Director Youth Bureau

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Mr. Brasch asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to execute on behalf of the City, a consultant contract with Liesa Stamm, PhD., to provide evaluation services for 21<sup>st</sup> Century Community Learning Center STEAM Academy for the period July 1, 2019 through June 30, 2020."

Unanimous consent granted.

Mr. Brasch moved adoption of the following ordinance.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ON BEHALF OF THE CITY A CONSULTANT CONTRACT WITH LIESA STAMM, PHD., TO PROVIDE EVALUATION SERVICES FOR 21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTER STEAM ACADEMY FOR THE PERIOD JULY 1, 2019 THROUGH JUNE 30, 2020.

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

Section 1. The Common Council of the City of White Plains hereby authorizes the Mayor, or his designee, to execute on behalf of the City, a consultant contract with Liesa Stamm, Ph.D., an individual, to provide evaluation services for 21<sup>st</sup> Century Community Learning Center STEAM Academy. The contract period shall be from July 1, 2019 through June 30, 2020.

Section 2. The compensation for the performance of all such services shall not exceed \$25,000.

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

Section 4. This ordinance shall take effect as of July 1, 2020.

Mrs. Hunt-Robinson 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.

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Communication from Director, Youth Bureau.

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

Mr. Kirkpatrick seconded the motion.

Carried.

September 18, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The Liberty Partnerships Program at Purchase College has awarded the City of White Plains Youth Bureau \$11,500 a funding through the New York State Education Department to continue the Youth Bureau's Great Potential Program. The funds will be used to conduct weekly group meetings at White Plains High School and Highlands Middle School. The weekly meetings will include goal setting, academic counseling, tutoring, college prep, guest speakers and enrichment. The contract period is September 01, 2019 through August 31, 2020. I am requesting that the Mayor be authorized to receive these funds. It is also requested that the Mayor authorize the Budget Director to increase the estimated revenue and appropriations and amend the Fiscal Year 2019/20 Youth Development Fund as follows:

**Increase Estimated Revenue:**

GPT20 - 02235	SUNY Great Potential	<u>\$11,500</u>
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**Increase Appropriations:**

GPT20 - 4.910	Program Supplies	\$4,300
GPT20 - 4.940	Contracted Services	\$3,500
GPT20 - 4.970	Travel Expense	\$3,700
	<b>TOTAL</b>	<u><u>\$11,500</u></u>

Respectfully submitted,

---

Frank Williams, Jr.  
Director Youth Bureau

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Mrs. Hunt-Robinson asked unanimous consent to offer an ordinance entitled, "Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee, to enter into a contract with the SUNY Great Potential Program to received a grant in the amount of \$11,500, and to authorize the Budget Director to amend the FY 2019/2020 Youth Development Fund to reflect this grant."

Unanimous consent granted.

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH THE SUNY GREAT POTENTIAL PROGRAM TO RECEIVE A GRANT IN THE AMOUNT OF \$11,500 AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2019/20 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT.

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

Section 1. The Mayor, or his designee, is hereby authorized to enter into a contract with SUNY Great Potential Program, in order to receive a grant awarded to the City of White Plains (Youth Bureau) in the amount of \$11,500 to conduct weekly group meetings at White Plains High School and Highlands Middle School. The weekly meetings will include goal setting, academic counseling, tutoring, college preparation, guest speakers and enrichment. The contract period is September 1, 2019 through August 31, 2020. Said contract shall be in a form approved by the Corporation Counsel.

Section 2. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year 2018/19 Youth Development Fund as follows:

**Increase Estimated Revenue:**

GPT20-02235	SUNY Great Potential	<u>\$11,500</u>
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**Increase Appropriations:**

GPT20-4.910	Program Supplies	\$4,300
GPT20-4.940	Contracted Services	3,500
GPT20-4.970	Travel Expense	3,700
		<u>\$11,500</u>

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

Section 4. This ordinance shall take effect as of September 1, 2019.

Mr. Kirkpatrick seconded the motion.

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

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Communication from Director, White Plains Public Library.

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:

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

Submitted herewith for your consideration is an ordinance authorizing a license agreement between the City of White Plains and Service Corps of Retired Executives, Westchester Chapter ("SCORE") pursuant to which Score will occupy a room at the White Plains Public Library.

SCORE is a national non-profit organization that provides advisory and small business mentoring services for people looking to start or grow a small business. SCORE is a resource partner of the U.S. Small Business Administration and has been advising small businesses for more than 50 years. SCORE will complement the work the Library does in assisting small businesses.

SCORE will occupy a room on the Library's mezzanine level Monday through Friday, from 10 a.m. to 2 p.m., excepting City-wide holidays. At all other times the room will be available for the Library to use.

The license agreement will be for two years commencing October 1, 2019 and may be terminated on 30 days notice. Score will not be charged a license fee. SCORE will be responsible for installing a door on the room and providing its own furniture, technology and telecommunications.

The Board of Trustees of the Library has unanimously recommended approval of a license agreement with SCORE.

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Brian Kenney  
Director, White Plains Public Library

Dated: October 2, 2019

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Mr. Kirkpatrick asked unanimous consent to offer an ordinance entitled, "Ordinance authorizing the Mayor or his designee to sign a license agreement with SCORE pursuant to which SCORE will occupy a room at the White Plains Public Library."

Unanimous consent granted.

Mr. Kirkpatrick moved adoption of the following ordinance.

ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO SIGN A LICENSE AGREEMENT WITH SERVICE CORPS OF RETIRED EXECUTIVES, WESTCHESTER CHAPTER ("SCORE") PURSUANT TO WHICH SCORE WILL OCCUPY A ROOM AT THE WHITE PLAINS PUBLIC LIBRARY.

WHEREAS, Service Corps of Retired Executives, Westchester Chapter ("SCORE") is a national non-profit organization that provides advisory and small businesses mentoring services for people looking to start or grow a small business. SCORE is a resource partner of the U.S. Small Business Administration and has been advising small businesses for more than 50 years; and

WHEREAS, SCORE has proposed to provide such services at the Library, which services will complement the work the Library does in assisting small businesses.

NOW THEREFORE,

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 sign a License Agreement between the City and SCORE pursuant to which:

A. SCORE will occupy a room on the Library's mezzanine level Monday through Friday, from 10:00 a.m. to 2:00 p.m., excepting City-wide holidays. At all other times, the room will be available for the Library to use.

B. The license agreement will be for two years commencing October 1, 2019 and may be terminated on 30 days' notice. SCORE will be responsible for installing a door on the room and providing its own furniture, technology and telecommunications.

Section 2. The license agreement shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

Mrs. Lecuona seconded the motion.

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

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Communication from Personnel Officer.

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

Mr. Brasch seconded the motion.

Carried.

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

Dear Mayor and Council Members:

The following recommendations are made requiring amendments to the Compensation and Leave Plan:

Establish the Hourly title of Senior Recreation Leader P/T in Ranges E and F.

Delete the Hourly title of Recreation Leader P/T in Range F.

Establish a new title of Operations Assistant Grade 8.

Reallocate the title of Dispatcher-Public Works from Grade 10 to Grade 8.

Reallocate the title of Aging Services Aide from Grade 12 to Grade 4.

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

Respectfully submitted,

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Elisabeth Wallace  
Personnel Officer

Dated for: October 7, 2019

Mr. Martin asked unanimous consent to offer an ordinance entitled, "Ordinance amending Sections 2-5-80 and 2-5-81 of the White Plains Municipal Code by establishing, deleting and reallocating certain position titles."

Unanimous consent granted.

Mr. Martin moved adoption of the following ordinance.

AN ORDINANCE AMENDING SECTIONS 2-5-80 AND 2-5-81 OF THE WHITE PLAINS MUNICIPAL CODE BY ESTABLISHING, DELETING AND REALLOCATING CERTAIN POSITION TITLES.

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

Section 1. Section 2-5-80, Appendix 5a Hourly of the White Plains Municipal Code is hereby amended as follows:

**ESTABLISH**

<u>Position Title</u>	<u>Range</u>
Senior Recreation Leader P/T	E & F

**DELETE**

<u>Position Title</u>	<u>Range</u>
Recreation Leader P/T	F

§2. Section 2-5-81, Appendix 6a of the White Plains Municipal Code is hereby amended as follows:

**ESTABLISH**

<u>Position Title</u>	<u>Salary Group</u>
Operations Assistant	8

**REALLOCATE**

<u>Position Title</u>	<u>From Salary Group</u>	<u>To Salary Group</u>
Dispatcher-Public Works	Grade 10	Grade 8
Aging Services Aide	Grade 12	Grade 4

§3. The Mayor is hereby authorized to direct the Commissioner of Finance to amend the uniform system of accounts accordingly.

§4. This ordinance shall take effect October 7, 2019.

Mr. Brasch seconded the motion.

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

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Mr. Martin moved to table a communication and an ordinance entitled, "Ordinance amending the Traffic Ordinance of the City of White Plains in relation to On Street Parking Meter Zones, No Parking At Any Time, One Hour Parking and Three Hour Parking."

Mr. Brasch seconded the motion.

Carried.

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Communication from Personnel Officer in relation to the approval of a salary increase for the Deputy Director of the White Plains Housing Authority.

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

Dear Mayor and Council Members:

At the request of the Executive Director of the Housing Authority and based on Resolution #19-17 passed by the White Plains Housing Authority Board, I submit for your approval a Resolution for the approval of a salary increase for the following which is not represented by a union:

Deputy Director-WPHA   3%   Increase   \$137,284   Effective 4/1/19

Your Council's approval of this Resolution is required by the provisions of the New York State Public Housing Authority Law and the bylaws of the White Plains Housing Authority in order to implement these compensation levels.

Respectfully submitted,

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Elisabeth Wallace  
Personnel Officer

Dated for: October 7, 2019

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Mr. Martin moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS FOR THE APPROVAL OF THE COMPENSATION FOR A CERTAIN POSITION OF THE WHITE PLAINS HOUSING AUTHORITY

WHEREAS, the White Plains Housing Authority by adoption of its Resolution No. 19-17 on September 10, 2019 approved a 3% increase in the compensation of the Deputy Director-White Plains Housing Authority effective April 1, 2019; and

WHEREAS, in accordance with Section 32 of the Public Housing Law, the Common Council must approve the compensation for employees of the White Plains Housing Authority; now therefore, be it

RESOLVED that the annual salary of \$137,284 authorized by the Housing Authority for the Deputy Director-White Plains Housing Authority be and hereby is approved effective April 1, 2019.

Board Meeting Date  
September 10, 2019

Date Submitted  
September 10, 2019

**RESOLUTION**  
OF  
WHITE PLAINS HOUSING AUTHORITY  
Resolution **19-17**

TITLE: Approve salary increase for the Managerial Confidential Employee. The Board of Commissioners recommends that Denise Brooks receives 3% increase respectively. Following subsequent discussion, the Board approves the adjustments retroactive April 1, 2019.

Commissioner Stewart offered the motion:

Commissioner Wolff seconded the motion:

WHEREAS: the White Plains Housing Authority must annually prepare for submission to the United States Department of Housing & Urban Development an annual Operating Budget outlining projected income and expenditures; and

WHEREAS: the Executive Director and the Accounting firm of John G. Cruikshank has recommended a financial plan based on anticipated income and expenses including projected salary increases;

WHEREAS: the Board of Commissioners recommends the Managerial Confidential Employee yearly salary increases, if any; and

WHEREAS: the Board of Commissioners, after due deliberation of the issue, has recommended a 3% increase for the Deputy Director, now therefore be it

RESOLVED: that the salary of the Managerial Confidential Employee, Denise Brooks. The Board of Commissioners recommends that Denise

Brooks receives 3% increase respectively. Following subsequent discussion, the Board approves the adjustments effective April 1, 2019.

<u>NV-N VOTING</u>					<u>AB ABSENT</u>				
<u>RECORD OF COMMISSIONER VOTE ON PASSAGE</u>									
<u>Commissioners</u>					<u>Commissioners</u>				
	<u>Aye</u>	<u>Nay</u>	<u>NV</u>	<u>AB</u>		<u>Aye</u>	<u>Nay</u>	<u>NV</u>	<u>AB</u>
R. Boone	X				G. Smith	X			
E. Eller	X				I. Stewart	X			
J. Smith					N. Wolff	X			

Approved as to Form  
 Legality on Basis of Fact  
 Set Forth

\_\_\_\_\_  
 Counsel

I hereby certify that the above resolution was adopted at a meeting of the Board of Commissioners of the White Plains Housing Authority on 9/10/19

\_\_\_\_\_  
 Mack Carter

Mr. Brasch seconded the motion.

Carried.

\_\_\_\_\_  
 Communications from Commissioner of Building, Design Review Board, Commissioner of Planning, Planning Board, Commissioner of Public Safety, Commissioner of Public Works, Deputy Commissioner of Parking, Transportation Commission, Commissioner of Parking, Westchester County Planning Board and Environmental Officer

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

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

Per referral by the Common Council on September 4, 2019, the Department of Building has reviewed a request by OSG Mamaroneck, LLC for an extension of the Site Plan Approval for their proposed parking garage project at 1311 Mamaroneck Avenue.

Site Plan Approval was originally granted by the Common Council on September 4, 2018 that is associated with the construction of a five-level parking structure in an area already improved with surface parking.

This department has no objection to the extension being granted.

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Damon A. Amadio P.E.  
Commissioner of Building

Dated: September 25, 2019

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September 16, 2019

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 September 9, 2019, reviewed an application submitted on behalf of OSG Mamaroneck LLC dba Onyx Equities for an extension of a previously approved Site Plan for parking and landscaping upgrades located at 1311 Mamaroneck Ave, White Plains, NY.

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

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Norman DiChiara, Chairman  
Design Review Board

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TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON  
COUNCIL

SUBJECT: 1311 MAMARONECK AVENUE  
APPLICATION FOR EXTENSION OF SITE PLAN APPROVAL  
TO PERMIT CONSTRUCTION OF A FIVE LEVEL PARKING  
STRUCTURE

On August 13, 2019, Seth M. Mandelbaum, on behalf of OSG Mamaroneck, LLC (the "Applicant") submitted an application for extension of a Site Plan Approval that was granted by the Common Council on September 4, 2018. The 23-acre property located at 1311 Mamaroneck Avenue contains an existing three-story office building with 282,150 square feet of gross floor area, and at grade surface parking totaling 999 spaces within the City's C-O Campus Office Zoning District. The site is bounded by Mamaroneck Avenue to the west and West Street to the east with access via Purdy Avenue on the southern portion of the parcel. It is immediately adjacent to a Westchester County Public Works facility and sited directly across the street from the County's Saxon Woods Park.

Applicant proposes to construct a new, five-story, 451-space parking garage on an existing at-grade parking lot with 83 parking spaces. The new garage will provide a net increase of 368, bringing the total parking on the site to 1,367 spaces, amounting to a parking ratio of 4.84 spaces per 1,000 square feet of gross floor area. Although the existing number of parking spaces exceeds the parking requirement for the C-O district, the applicant has stated that additional parking is needed to both retain current and attract new tenants to the building, which is currently only 47 percent occupied. Applicant is in the process of finalizing construction plans and financing for this project, and therefore seeks a one-year extension to September 4, 2020.

#### **RECOMMENDATION**

Since there have been no material changes to the application, the Planning Department has no objection to granting a one-year extension of the Site Plan Approval from September 4, 2019 to September 4, 2020, subject to all conditions contained in the previous approval.

Sincerely,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: September 23, 2019

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September 24, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 1311 MAMARONECK AVENUE - SITE PLAN APPLICATION TO  
CONSTRUCT A FIVE LEVEL PARKING STRUCTURE

At its September 17, 2019 meeting, the Planning Board considered the request for a one year extension of the site plan approval that was granted by the Common Council on September 4, 2018 for a parking structure proposed to be built over an existing parking lot at the campus office site at 1311 Mamaroneck Avenue, which will provide 368 additional parking spaces.

No changes are proposed to the approved plan, and no changes to zoning have occurred which would cause the Planning Board to reconsider its previous recommendation to grant approval. Therefore, the Planning Board has no objection to a one year extension of the site plan approval.

Planning Board members voting in favor of the motion to send a letter to the Common Council stating no objection to approval of the extension: J. Ioris, A. Cabrera, L. Gruenfeld, L. Oliva, R. Payne, and S. Russell (6); Opposed: None (0); Absent: None (0). There is one vacancy on the Board.

Respectfully submitted,

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John Ioris, Chairman  
White Plains Planning Board

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

OSG Mamaroneck, LLC  
d/b/a Onyx Equities  
1311 Mamaroneck Avenue

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David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: September 13, 2019

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

We have reviewed a petition, dated August 13, 2019, submitted by McCullough, Goldberger & Staudt, LLP that represents OSG Mamaroneck, LLC ("Applicant,") requesting an extension of the Site Plan Approval for the project located at 1311 Mamaroneck Avenue.

We have no objection to the approval of this application for a one-year extension of the Site Plan Approval. The comments provided by the Department of Public Works on the previously approved Site Plan, which was approved September 4, 2018 by the City's Common Council will remain in effect.

Respectfully submitted,

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Richard G. Hope  
Commissioner of Public Works

Dated: September 30, 2019

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

The Department of Parking/ Traffic Division has reviewed the request for a site plan approval extension from OSG Mamaroneck, LLC d/b/a Onyx Equities for 1311 Mamaroneck Avenue which was referred by the Common Council on September 3, 2019 and has no objection to approving this extension.

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

Dated: September 24, 2019

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

The Transportation Commission, at its meeting held on September 18, 2019 reviewed a request for an extension to the site plan from OSG Mamaroneck LLC, 1311 Mamaroneck Avenue, as referred by the Common Council on September 3, 2019.

The Transportation Commission had no objections to the extension.

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Thomas J. Soyk, PE, PTOE  
Acting Chairman

Dated: September 25, 2019

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

Re: 1311 Mamaroneck Avenue OSG Mamaroneck, LLC d/b/a Onyx Equities  
Extension of the Site Plan Approval

The Department of Parking has received and reviewed the above noted letter petition for a one (1) year extension of the Site Plan Approval at 1311 Mamaroneck Avenue.

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

Respectfully submitted,

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John P. Larson, Commissioner  
CWP - Department of Parking

Dated: September 25, 2019

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September 13, 2019

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:       **OSG Mamaroneck LLC — WHP  
19-017**

Action:                               **One-Year Extension of Site Plan  
Approval**

Location:                           **1311 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 this existing approval is 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

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Norma V. Drummond  
Commissioner

NVD/LH

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September 25, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: OSG MAMARONECK LLC D/B/A ONYX EQUITIES  
1311 MAMARONECK AVENUE  
EXTENSION OF A SITE PLAN TO CONSTRUCT A PARKING  
STRUCTURE

The petition, dated August 13, 2019, regarding a one (1) year extension to the previously approved site plan for the property at 1311 Mamaroneck Avenue submitted on behalf of OSG Mamaroneck, LLC d/b/a Onyx Equities ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

The 23-acre property located at 1311 Mamaroneck Avenue is located in a C-O Campus Office Zoning District and contains an existing 282,150 sq. ft., three-story office building with at grade surface parking totaling 999 spaces

At its September 4, 2018 meeting, the Common Council approved an amendment to the site plan for construction of a five level parking structure within the surface parking area to increase the amount of parking spaces from 999 spaces by an additional 368 spaces for a total of 1,367 spaces ("2018 Site Plan Approval").

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.

As stated in the petition, dated August 13, 2019, the Applicant is still finalizing construction plans and project financing and has therefore requested a one-year extension of the site plan approval until September 4, 2020.

The Proposed Action includes the following approval actions:

- A. Common Council approval of a one (1) year extension to the Site Plan approved on September 4, 2018, in accordance with Section 4.4.25, Environmentally Sensitive Sites and Section 7, Site Plan Approval of the White Plains Zoning Ordinance.
- B. Zoning Board of Appeals (ZBA) approval of area variances for the proposed parking structure to increase total building coverage on the property and exceed the maximum height for an accessory structure:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
1. All Building Coverage	10%	-	13.1%	3.1%
2. Maximum Height of Accessory Structure	25'-0"	-	35'-0"	10'-0"

The ZBA previously granted these variances on June 6, 2018 which were extended on June 5, 2019.

The property represents an environmentally sensitive site due to the presence of steep slope areas within the overall property.

The White Plains Zoning Ordinance requires that any action that involves an environmentally sensitive site shall be designated as a Type I Action under SEQR regulations for the purpose of the environmental review.

The Environmental Officer recommends that the conditions included in the 2018 Site Plan Approval be continued and are herewith considered to be a part of the Proposed Action for purposes of the environmental review (hereinafter referred to as "Conditions").

The Environmental Officer recommends that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm that the Proposed Action is a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; (c) find that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 4, 2018; and (d) reconfirm that the Proposed Action, when compared to the SEQR criteria of environmental effect will not have a significant effect on the environment.

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

Respectfully submitted,

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Rod Johnson  
Environmental Officer

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Mr. Brasch moved adoption of the following resolution.

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN EXTENSION OF THE PREVIOUSLY APPROVED SITE PLAN TO CONSTRUCT AN ADDITIONAL PARKING STRUCTURE AT 1311 MAMARONECK AVENUE ON BEHALF OF OSG MAMARONECK LLC D/B/A ONYX EQUITIES.

WHEREAS, the petition, dated August 13, 2019, regarding an extension of the previously approved site plan for the property at 1311 Mamaroneck Avenue submitted on behalf of OSG Mamaroneck, LLC d/b/a Onyx Equities ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the 23-acre property located at 1311 Mamaroneck Avenue is located in a C-O Campus Office Zoning District and contains an existing 282,150 sq. ft., three-story office building with at grade surface parking totaling 999 spaces; and

WHEREAS, at its September 4, 2018 meeting, the Common Council approved an amendment to the site plan for construction of a five level parking structure within the surface parking area to increase the amount of parking spaces from 999 spaces by an additional 368 spaces for a total of 1,367 spaces ("2018 Site Plan Approval"); 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, as stated in the petition, dated August 13, 2019, the Applicant is still finalizing construction plans and project financing and has therefore requested a one-year extension of the site plan approval until September 4, 2020; and

WHEREAS, the Proposed Action includes the following approval actions:

- A. Common Council approval of a one (1) year extension to the Site Plan previously approved on September 4, 2018, in accordance with Section 4.4.25, Environmentally Sensitive Sites and Section 7, Site Plan Approval of the White Plains Zoning Ordinance.
- B. Zoning Board of Appeals (ZBA) approval of area variances for the proposed parking structure to increase total building coverage on the property and exceed the maximum height for an accessory structure:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
1. All Building Coverage	10%	-	13.1%	3.1%
2. Maximum Height of Accessory Structure	25'-0"	-	35'-0"	10'-0"

The ZBA previously granted these variances on June 6, 2018 which were extended on June 5, 2019.

WHEREAS, the property represents an environmentally sensitive site due to the presence of steep slope areas within the overall property; and

WHEREAS, the White Plains Zoning Ordinance requires that any action that involves an environmentally sensitive site shall be designated as a Type I Action under SEQR regulations for the purpose of the environmental review; and

WHEREAS, the Applicant has submitted the letter petition, dated August 13, 2019, prepared by McCullough, Goldberger and Staudt LLP in support of the application ("Application Materials"); and

WHEREAS, the Applicant has submitted the following documents in support of the 2018 Site Plan Approval application ("2018 Application Materials"):

- A. A cover letter prepared by Mr. Seth Mandelbaum dated June 18, 2018.
- B. A Full Environmental Assessment Form received June 18, 2018.
- C. A Short Form Building Permit Application, dated June 18, 2018.

- D. Drawings C-001, C-010, C-020, C-100, C-110, C-200, C-400, C-500, C-501, C-900, C-901, C-902, C-903 and C-904 dated April 3, 2018 as prepared by JMC Consulting; and
- E. Drawings A-101 and A-102, dated April 5, 2018 as prepared by Desman Design management; and

WHEREAS, the Environmental Officer has recommended that the conditions included in the 2018 Site Plan Approval be continued and are herewith considered to be a part of the Proposed Action for purposes of the environmental review (hereinafter referred to as "Conditions");

- A. Pursuant to correspondence from the Commissioner of Planning, dated August 20, 2018:

- 1. All landscaping shall continue to be maintained in a healthy growing condition throughout the duration of the "structure" or "use" which it is intended to serve. Any planting not so maintained shall be replaced with new plants at the beginning of the next growing season.
- 2. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction projects in the area, if any, including City projects which will be going on contemporaneously with this Project.

The Plan shall include strict controls on all aspects of construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of runoff 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 washdown water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

- 3. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.

- B. Pursuant to correspondence from the Deputy Commissioner of Parking for Transportation Engineering, dated July 25, 2018:
1. The exit driveway (south driveway at lower lot level) from the parking garage must have a stop line, stop sign and short double yellow line. The north driveway should have a short double yellow line through the curve.
  2. The accessible spaces must have the standard markings and sign with the new symbol. The loading area between accessible spaces must be signed as "No Parking".
- C. Pursuant to correspondence from the Transportation Commission, dated July 25, 2018:
1. The submitted plans do not show dimensions for parking spaces and aisle widths for the proposed parking garage.
  2. The applicant is proposing a parking garage which will result in up to an additional 368 vehicles. Capacity analysis at the intersection of Mamaroneck Avenue and Purdy Avenue should be provided to demonstrate the impact of the additional volume for this signal.
- D. Pursuant to correspondence from the Commissioner of Public Works, dated September 3, 2018:
1. The Stormwater Pollution Plan (SWPPP), dated 4/17/18 (revised 8/22/18,) 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,' may be required.
  2. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 stormwater permit prior to the issuance of a Building Department permit.
  3. All construction under the jurisdiction of the Department of Public Works must be in accordance with the department's standards, regardless of what may be shown or omitted on the plan.
  4. The construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, and an as-built must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State Licensed Land Surveyor. A required maintenance agreement for all on-site stormwater management measures must be executed along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow

account to perform maintenance work, should the owner fail to be responsive. The City through the Department of Public Works, shall receive 20% of all costs, if CWP-DPW must contract the work, as an administrative fee.

5. 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.
6. The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:
  - a. Construction Management Plan is required for the development of the proposed project and a coordination plan is necessary for any other construction in the area, if any, including City projects which will be going on contemporaneously with this project. The plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, Planning and the Environmental Officer.
  - b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted,) pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate

and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City Departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting. In developing the excavation and construction procedures, the applicant shall consult with residents within the construction impact area on their needs and concerns and provide an adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.

- c. The Construction Management Plan for the proposed project shall require that the applicant ensure through appropriate measures to be mutually agreed upon between the City and the applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the applicant shall submit a parking plan for construction workers, which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the applicant shall be required to provide all contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For core area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.
- d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- e. As to "fugitive dust", the applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.

- f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
  - The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
  - All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
  - "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
  - "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.
- g. Prior to the issuance of any building or excavation permits, the applicant and its construction management team, including principal contractors, must meet together with representatives of the City's Departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction

- Management Plan and to ensure that all responsible parties understand their responsibilities under that plan.
- h. The applicant shall equip all construction equipment with "back up" sound attenuation device
  - i. The applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the applicant for such damage as is not covered by the bond or insurance.
  - j. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the project applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions
  - k. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the applicant which is inconsistent with those standards.
  - l. The applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
  - m. The applicant shall submit to the Commissioner of Public Works for review and approval, a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The applicant shall provide coordinates in NAD 83 on the property survey.
  - n. Applicant shall provide to the Commissioner of Public Works for his review and approval, profiles of the proposed service utilities, depicting existing utility crossings.
  - o. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
  - p. The applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and

WHEREAS, the Environmental Officer has recommended that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm that the Proposed Action is a Type I Action under the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located within the property; (c) find that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 4, 2018; and (d) reconfirm that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

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

RESOLVED that the Common Council hereby reconfirms that the Proposed Action is a Type I Action under the White Plains Zoning Ordinance and SEQR regulations; and be it further

RESOLVED that the Common Council hereby finds that the Proposed Action has not changed in any significant way and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 4, 2018; 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:

- (a) The proposal is consistent with the 1997 Comprehensive Plan and 2006 Update and the White Plains Zoning Ordinance.

The Comprehensive Plan designated the premises for Campus Office land use. The Plan provides the following Vision Statement for the Out Area Neighborhoods:

"Like the vision for the Close-In neighborhoods, the vision for the Outer Area neighborhoods focuses on preservation — preservation of neighborhood 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 provides the following Strategies for the Outer Area Neighborhoods relating to Campus Office development:

- Do not expand or increase commercial development potential of existing campus office area.
- Develop land use regulations to permit adaptive reuse of campus office sites with uses that do not compete with Core Area uses and are compatible with surrounding uses.

The proposed site improvements do not constitute an expansion of office building floor area, or increase the commercial density of the site.

Construction of the proposed garage within the area graded and paved for surface parking does not represent any significant changes to the overall site layout.

The location and layout of the proposed five-level parking structure within the surface parking area to is not generally visible from and will not alter the character of the neighborhood for the nearest residential properties. The existing campus/office facility is screened to the surrounding residential neighborhood by the forested buffer areas which will not be impacted by the Proposed Action.

There will be no traffic impacts because all driveway access to the site connects to Mamaroneck Avenue. The garage will be screened toward the residential neighborhood due to conditions related to the terrain, separation distance and existing vegetation.

The Proposed Action conforms to the recommendations of the Comprehensive Plan.

#### Zoning

The 23-acre property located at 1311 Mamaroneck Avenue contains an existing 282,150 sq. ft. three-story office building with at grade surface parking totaling 948 spaces within the City's C-O Campus Office Zoning District. This project received site plan approval by the Common council on October 3, 1978.

Note: Floor Area Ratio (FAR) is the gross floor area of all buildings on a lot divided by the area of such lot. Gross floor area is the sum of the floor areas of all stories of a building, excluding any floor area housing mechanical or other equipment and floor area devoted to parking but including any basement or cellar used for the principal use or for a dwelling unit by other than a janitor or a watchman. Gross floor area provided on Drawings C-000, dated April 3, 2018 as prepared by JMC Consulting, is stated as 282,150 sq. ft. which is based on the Building Certificate of Occupancy issued 07/14/1982. The floor area incorporates certain permitted deductions for zoning purposes.

At its September 8, 2015 meeting, the Common Council granted a site plan amendment providing an additional 51 new parking spaces to the existing 948 spaces for a total of 999 spaces.

The existing office development provides the amount of parking required by the Zoning Ordinance at the time of the site plan approval in 1978. The proposed improvements are intended to provide a sufficient supply of parking to retain current and attract new tenants to the building.

The proposed parking structure will increase total building coverage on the property and exceed the maximum height for an accessory structure. The Zoning Board of Appeals (ZBA) granted the appropriate variances on June 6, 2018.

<u>CO District</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Granted</u>
1. All Building Coverage	10%	-	13.1%	3.1%
2. Maximum Height of Accessory Structure	25'-0"	-	35'-0"	10'-0"

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

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

This office complex and paved parking areas were constructed in 1981 with a storm water management system that includes three detention ponds which serve to delay runoff and avoid downstream flooding.

Because the Garage is proposed to be located in an existing parking area, the actual increase in impervious coverage is very minimal (only 1%).

The project includes new stormwater management features to retrofit the developed site. A new stormwater infiltration system is located just south of the garage. Plans include stormwater quality treatment for drainage from the roof of the garage structure. All changes to the site drainage to accommodate the new improvements will be subject to the approval by the Department of Public Works.

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

The Property qualifies as an "environmentally sensitive site" under the City of White Plains Zoning Ordinance, as there are steep slopes on the site. The steep slope areas were largely created by the original regrading to form the terraced parking lots. The only steep slopes impacted by the project are the minimal planter areas situated between two of the terraced parking lots. There will be no creation of unnatural shapes in the existing slopes on the Property, and all necessary measures will be taken to ensure erosion and sediment controls are put in place.

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

- (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.

This is a developed property and includes landscaping around the office building, throughout the parking areas and around the perimeter of the site. The Proposed Action will not result in any significant changes to the site landscaping.

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

The 23-acre property is located in a C-O Campus Office Zoning District and was developed in the 1980's with a three-story office building and an extensive, at-grade surface parking areas.

The Applicant is proposing to construct a five-level parking structure (grade plus four levels) (the "Garage") in an area that is currently improved with surface parking.

The five-level parking structure (grade plus four levels) will be recessed into the hillside which is terraced for the existing parking lots. The garage with a maximum height of 147 ft. is lower than the roof of the office building at 154 ft. On this terraced site, the top level of the garage is approximately 13 ft. above the ground level on the uphill side.

It is not anticipated that there will be any major impacts to the views of surrounding properties. The March of Dimes office facility is located to the north at 1275 Mamaroneck Avenue. The Hutchinson River Parkway lands are to the south on the opposite side of Purdy Avenue.

This office site is adjacent [to] the 9.58 acre West Street Open Space Park to the east at 237 West Street. The proposed project will not have any significant impact on this park. This parkland was dedicated as an open space and contains no access pathways for pedestrians. There is a landscaped buffer around the entire perimeter of the campus office site.

To the east, the residential properties along West Street are distant and screened by office building and the forested buffer. There is only one undeveloped, residential lot to the northeast at 221 West Street that abuts the garage-project site. As viewed from this property, the garage is only 13 ft. tall and will not be visible from this lot. It is approximately 350 feet distant and screened by the intervening topography and landscaping.

There will be no traffic impacts to the residential neighborhood because all driveway access to the site connects to Mamaroneck Avenue. The garage will be screened toward the residential neighborhood due to conditions related to the terrain, separation distance and existing vegetation.

The overall lighting on site remains unchanged.

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

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

There is no reason to expect any hazard to human health or safety resulting from this Proposed Action. All development is subject to the appropriate municipal safety codes and approved by the Departments of Building, Public Safety, Public Works and 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 reconfirms that the Proposed Action will not have a significant effect on the environment; and be it further

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

Mrs. Hunt-Robinson seconded the motion.

Carried.

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Mr. Brasch moved adoption of the following resolution.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF OGS MAMARONECK LLC. D/B/A/ONYX EQUITIES ("APPLICANT"), OWNER OF THE PROPERTY KNOWN AS 1311 MAMARONECK AVENUE, FOR AN EXTENSION OF AN AMENDMENT TO AN APPROVED SITE PLAN TO CONSTRUCT A NEW PARKING GARAGE AND OTHER SITE IMPROVEMENTS.

WHEREAS, the Common Council of the City of White Plains, at its meeting held on July 2, 2018, received a communication from the Commissioner of Building dated June 19, 2018, forwarding an application, submitted on behalf of OGS Mamaroneck LLC. d/b/a/ Onyx Equities ("Applicant"), owner of the

property known as 1311 Mamaroneck Avenue, (the "Premises"), for an amendment to an approved site plan ("Application"), in accordance with Section 7.7.2 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance"), to construct a new five level parking garage containing 451 parking spaces on an existing at-grade parking lot with 83 Parking Spaces for a net increase of 368 spaces; and

WHEREAS, the site had 999 on site parking spaces which the applicant proposed to increase to 1,367 parking spaces; and

WHEREAS, applicant stated that the additional parking is needed to both retain current and attract new tenants to the building which is currently 47 percent occupied; and

WHEREAS, the premises is an approximately 23 acre site that contains an existing three-story office building with 282,150 square feet of gross floor area and at-grade surface parking totaling 999 spaces; and

WHEREAS, the Premises is bounded by Mamaroneck Avenue to the west and West Street to the east with access via Purdy Avenue on the southern portion of the parcel. It is immediately adjacent to a Westchester County Public Works Facility and sited directly across the street from the County's Saxon Woods Park; and

WHEREAS, the Premises is known and designated on the Tax Assessment Map of the City of White Plains as Section 138.18, Block 1, Lot 3; and

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

WHEREAS, in connection with the Application for an amended site plan, the Common Council, at its September 4, 2018 meeting, adopted both appropriate environmental findings and an approval resolution containing 13 conditions; and

WHEREAS, the Common Council, at a meeting held on May 6, 2019, received a communication from the Commissioner of Building, dated April 24, 2019 forwarding a letter dated April 9, 2019, from Seth Mandelbaum, Esq. of McCullough, Goldberger and Staudt, counsel for the Applicant, requesting an additional one (1) year extension of the amended Site Plan approval of the project originally granted by the Common Council by resolution adopted on February 5, 2018, 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 amended Site Plan was referred by the Common Council at its May 6, 2019 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 amended site plan approval on September 4, 2018 that would affect the basis for the approval; and

WHEREAS, the Common Council, at a meeting held on October 7, 2019, in relation to the one (1) year extension of the amended Site Plan approval, received communications from the Commissioner of Building, dated September 25, 2019; the Commissioner of Planning, dated September 23, 2019; the Commissioner of Public Works, dated September 30, 2019; the Commissioner of Public Safety, dated September 13, 2019; the Commissioner of Parking, dated September 25, 2019; the Deputy Commissioner of Parking for Transportation Engineering, dated September 24, 2019; the Chair of the Planning Board, dated September 24, 2019; the Acting Chair of the Transportation Commission, dated September 25, 2019; the Chairman of the Design Review Board, dated September 16, 2019; the Environmental Officer, dated September 25, 2019; and the Westchester County Planning Board, dated September 13, 2019; 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 amended Site Plan extension application 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 and 7.5; and

WHEREAS, in connection with this instant application, the Common Council, at its meeting held on October 7, 2019, 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 Type I Action under SEQR regulations; (c) reconfirmed the SEQR findings adopted for the 2018 amended Site Plan Approval; and (d) reconfirmed that the Proposed Action, with the continued Conditions, will not have a significant effect on the environment; and, now, therefore be it

RESOLVED, that the Common Council hereby extends until September 4, 2020, the amended Site Plan to construct a new five level parking garage containing 451 parking spaces on an existing at-grade parking lot with 83 parking spaces for a net increase of 368 spaces at 1311 Mamaroneck Avenue, subject to the Applicant's compliance with all of the 13 applicable conditions contained in the September 4, 2018 approval resolution.

Mrs. Hunt-Robinson seconded the motion.

Carried.

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Communication from Commissioner of Building, Design Review Board, Commissioner of Planning, Planning Board, Commissioner of Public Safety, Commissioner of Public Works, Deputy Commissioner of Parking, Transportation Commission, Commissioner of Parking, Westchester County Planning Board and 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 on September 4, 2019, 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 associated with the redevelopment of an approximately 2.1 acre site that fronts on Mamaroneck Avenue, Mitchell Place and East Post Road.

This department has no objection to this extension being granted.

Respectfully Submitted,

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

Dated: September 23, 2019

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September 16, 2019

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 September 9, 2019, reviewed an application submitted on behalf of LMC/Lennar Multifamily Communities, LLC for an extension of a previously approved Site Plan for a residential and retail development fronting on Mamaroneck Ave, Mitchell Place and East Post Road, White Plains, NY.

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

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Norman DiChiara, Chairman  
Design Review Board

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TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

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

By letter dated August 9, 2019, 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 an additional one-year extension of a site plan approval that was originally 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 redevelop the site with a 453,312 square foot mixed-used development now branded as "The Mitchell" 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.

According to the Applicant, since the initial time extension in 2018, Applicant has achieved numerous milestones including:

- Applicant acquired the premises via Bargain and Sale Deed on September 26, 2018 from the previous owners.
- All existing structures were demolished beginning November 2018.
- Building permits secured as of April 2019 and project financing finalized as of June 2019.
- Excavation and foundation work began as of August 2019.

In addition, Applicant contends that foundation work will be fully complete between October and November 2019. Accordingly, Applicant seeks an additional one-year extension to September 5, 2020.

Since there have been no material 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, 2020, subject to all conditions contained in the previous approval.

Respectfully submitted,

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Christopher N. Gomez, AICP  
Commissioner of Planning

Dated: September 23, 2019

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September 24, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: LMC/LENNAR MULTIFAMILY COMMUNITIES (FORMERLY THE BROADSTONE) - 131 MAMARONECK AVENUE (SBL: 125.76-5-17.1) - 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 (FORMERLY KNOWN AS "THE BROADSTONE")

At its September 17, 2019 meeting, the Planning Board considered the application submitted on behalf of LMC/Lennar Multifamily Communities, for a one year extension of the site plan approval for development of a mixed use building at 131 Mamaroneck Avenue. This is the second request for a one year extension of the approval, which was originally granted by the Common Council on September 5, 2017.

No changes are proposed to the approved plan, and no changes to zoning have occurred which would cause the Planning Board to reconsider its previous recommendation to grant an extension. Therefore, the Planning Board has no objection to a one year extension of the site plan approval.

Planning Board members voting in favor of the motion to send a letter to the Common Council stating no objection to approval of the extension: J. Ioris, A. Cabrera, L. Gruenfeld, L. Oliva, R. Payne, and S. Russell (6); Opposed: None (0); Absent: None (0). There is one vacancy on the Board.

Respectfully submitted,

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John Ioris, Chairman  
White Plains Planning Board

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

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

LMC/Lennar Multifamily Communities  
Application for a Further Extension of Site Plan Approval  
131 Mamaroneck Avenue

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David E. Chong  
Commissioner of Public Safety

DEC:bn

Dated: September 13, 2019

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

We have reviewed a petition, dated August 9, 2019, 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,

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Richard G. Hope  
Commissioner of Public Works

Dated: September 25, 2019

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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 Mamaroneck Avenue, Mitchell Place and East

Post Road Development (LMC/Lennar Multifamily Communities) which was referred by the Common Council on September 3, 2019 and has no objection to granting this extension.

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

Dated: September 24, 2019

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

The Transportation Commission, at its meeting held on September 18, 2019 reviewed a request for an extension to the site plan from LMC/Lennar Multifamily Communities LLC, Mamaroneck Avenue, Mitchell Place and East Post Road, as referred by the Common Council on September 3, 2019.

The Transportation Commission had no objections to the extension.

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Thomas J. Soyk, PE, PTOE  
Acting Chairman

Dated: September 25, 2019

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

Re: 131 Mamaroneck Avenue LMC/Lennar Multifamily Communities  
Extension of the Site Plan Approval

The Department of Parking has received and reviewed the above noted letter petition for a one (1) year extension of the Site Plan Approval at 131 Mamaroneck Avenue.

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

Respectfully submitted,

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John P. Larson, Commissioner  
CWP - Department of Parking

Dated: September 25, 2019

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September 13, 2019

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 — WHP 19-016**

Action: **One-Year Extension of Site Plan Approval**

Location: **Mamaroneck Avenue, Mitchell Place & East Post Road**

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

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Norma V. Drummond  
Commissioner

NVD/LH

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September 25, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

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

The petition dated August 9, 2019 for a one year extension of the previously granted Site Plan Approval for development now branded as "The Mitchell"

("Proposed Action"), submitted on behalf of LMC/Lennar Multifamily Communities, LLC ("Applicant"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

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

On November 5, 2018, the Common Council granted a one year extension of the previously granted Site Plan Approval for development formerly known as "The Broadstone White Plains," on behalf of LMC/Lennar Multifamily Communities, LLC ("Applicant"), the successor to Alliance Realty Partners.

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 completed demolition of the buildings on the Premises and started installation of foundation work for the Project, 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 Mitchell" has the following components:

1. Two 15-story buildings 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 provided.

5. Approximately 8,000 square foot publicly accessible parklet off Mitchell Place.

The Proposed Action involves the following approval actions:

1. Approval of an extension to the previously approved 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

The plans for the proposed mixed-use residential and commercial development have not changed, and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 5, 2017. In addition, the various conditions stated in the 2017 and 2018 Site Plan Approval resolutions 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 adopted September 5, 2017 and November 5, 2018; (d) reconfirm

the SEQR findings adopted for the 2017 and 2018 Site Plan Approvals; 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,

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Rod Johnson  
Environmental Officer

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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 "THE MITCHELL" AT 131 MAMARONECK AVENUE AND 9 MITCHELL PLACE ON BEHALF OF LMC/LENNAR MULTIFAMILY COMMUNITIES, LLC.

WHEREAS, the petition dated August 9, 2019 for a one year extension of the previously granted Site Plan Approval for development now branded as "The Mitchell" ("Proposed Action"), submitted on behalf of LMC/Lennar Multifamily Communities, LLC ("Applicant"), has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, at its September 5, 2017 meeting, the Common Council granted Site Plan Approval for a multi-use commercial /residential development, formerly known as "The Broadstone White Plains," at 131 Mamaroneck Avenue and 9 Mitchell Place, on 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, at its November 5, 2018 meeting, the Common Council granted a one year extension of the previously granted Site Plan Approval for development formerly known as "The Broadstone White Plains," on behalf of LMC/Lennar Multifamily Communities, LLC, the successor to Alliance Realty Partners("2018 Site Plan Approval"); 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 completed demolition of the buildings on the Premises and started installation of foundation work for the Project, it has not achieved the substantial construction milestone; and

WHEREAS, the 2.1-acre development site is composed of three parcels: Section 125.84, Block 2, Lot 1, and Section 126.76, Block 5, Lots 2 and 17 (the "Project Site") and has street frontage on Mitchell Place to the north, Mamaroneck Avenue to the west, and Post Road to the south; and

WHEREAS, the project to be known as "The Mitchell" 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 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.;

No.	Sheet Title	Dated
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
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;

No.	Sheet Title	Dated
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

WHEREAS, the Applicant submitted the following materials in support of the proposed one year extension of the Proposed Action ("Application Materials"):

1. A petition letter prepared by Mr. Neil Alexander dated August 9, 2019.
2. Short Building Permit Application Form dated August 9, 2019.
3. Short Environmental Assessment Form dated August 6, 2019, and

Previously Approved Conditions

WHEREAS, the 2017 and 2018 Site Plan Approvals 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 Public Works dated September 4, 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 is not permitted. The existing curb line must be maintained.
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 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-down 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.
  30. The requirements for the White Plains Construction Management Protocol including a Construction Management Plan which shall be approved by the Commissioners of Building, Public Safety, Public Works, Traffic, Planning and the Environmental Officer.
- B. As per the communication of the Commissioner of Planning dated August 23, 2017:
1. The Common Council make the requisite finding 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, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities as presented in the Planning Commissioner's communication to the Common Council, dated January 4, 2016, regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
  2. The Common Council assess 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.
  3. 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.
  4. 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.
  5. 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.

6. The final design of the proposed parklet on Martine Avenue should be subject to the approval of the Commissioners of Planning and Building. The parklet should be open to the public during reasonable hours of day and signed accordingly.
7. 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.
8. 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.
9. A final landscaping plan should 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 West Post Road.
10. 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.
11. 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.
12. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Manage-

ment Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

13. 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.
  14. 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.
  15. Curb cuts no longer needed for access to parking should be restored as curbs.
- C. As per the communication of the Transportation Commission dated March 22, 2017:
1. The location of any parking control gates should 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. Specify surface treatment proposed drop off area on Mitchell Place.
  4. Provide a "Traffic Management Plan" for special events.
  5. Plan showing circulation of fire vehicles and ambulances.
  6. 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. There must be plans 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.

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 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, the plans for the proposed mixed-use residential and commercial development have not changed, and there are no other relevant changes in circumstances related to the project that would change the SEQR Findings last adopted September 5, 2017. In addition, the various conditions stated in the 2017 and 2018 Site Plan Approval resolutions 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 adopted September 5, 2017 and November 5, 2018; (d) reconfirm the SEQR findings adopted for the 2017 and 2018 Site Plan Approvals; 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 regulations; 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 November 5, 2018; 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 and 2018 Site Plan Approvals:

- (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 Mamaronock 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 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.

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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 AND NOVEMBER 5, 2018, FOR AN ADDITIONAL ONE YEAR EXPIRING ON SEPTEMBER 5, 2020 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 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
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 Site Plan approval granted on September 5, 2017, contained 56 conditions (the "Conditions"); and

WHEREAS, by letter dated August 21, 2018, the Applicant requested a one year extension of the approved site plan; and

WHEREAS, on November 5, 2018, the Common Council, after adopting environmental findings, granted a one year extension of the September 5, 2017 site plan approval until September 5, 2019; and

WHEREAS, the Common Council, at a meeting held on September 3, 2019, received a communication from the Commissioner of Building, dated August 16, 2019 forwarding a letter dated August 9, 2019, 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 September 3, 2019 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 October 7, 2019, in relation to the one (1) year extension of the Site Plan approval, received communications from the Commissioner of Building, dated September 23, 2019; the Commissioner of Planning, dated September 23, 2019; the Commissioner of Public Works, dated September 25, 2019; the Commissioner of Public Safety, dated September 13, 2019; the Commissioner of Parking, dated September 25, 2019; the Deputy Commissioner of Parking for Transportation Engineering, dated September 24, 2019; the Chair of the Planning Board, dated September 24, 2019; the Acting Chair of the Transportation Commission, dated September 25, 2019; the Design Review Board, dated September 16, 2019; the Environmental Officer, dated September 25, 2019; and the Westchester County Planning Board, dated September 13, 2019; 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 request for an extension, the Common Council, at its meeting held on October 9, 2019, 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) found 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 November 5, 2018; (d) reconfirmed the SEQR findings adopted for the 2017 and 2018 Site Plan Approvals; 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, 2020, the Site Plan Approval to establish a multi-use commercial/residential development with associated parking and amenities at 131 Mamaroneck Avenue and 9 Mitchell Place including 6% affordable housing component for families earning 60% of the Westchester County Area Median Income and an approximate 8,000 square foot publically accessible parklet off Mitchell Place, subject to the Applicant's compliance with all of the applicable conditions contained in the September 5, 2017 resolution.

The Mayor granted the privilege of the floor to Neal Alexander, of Cuddy & Feder.

Mr. Kirkpatrick seconded the motion.

Carried.

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Communication from Commissioner of Building.

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

Mrs. Lecuona seconded the motion.

Carried.

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is an application filed on September 19, 2019 on behalf of the White Plains Hospital Center for an amendment to the existing Site Plan and Special Permit Approval associated with the hospital's "Modernization IV Project" on the campus.

As you are aware the hospital has been modernizing the overall campus over the past several years. The modernization has been proceeding in phases. The current phase is designated as "Modernization IV Project" and is under construction.

The predominant aspect of the "Modernization IV Project" is a new 216,000 square foot Hospital Office Building ("HOB") at the northwest corner of Maple and Longview Avenues, which will include five (5) floors of diagnostic and testing services as well as four (4) floors of facilities for physicians' offices and associated clinical practices.

This amendment is associated with the location of a proposed pedestrian Sky Bridge. As part of the hospital's campus master plan, a Sky Bridge was conceived from an upper floor of the Dickstein Cancer Treatment Center ("Dickstein") that would connect to the City's Municipal Parking Garage. Hospital programmatic changes have driven a need to relocate the origin of the bridge from Dickstein to the new HOB, thus the reason for the request.

These premises are situated within an O-R (Office - Residential) Zoning District where "Hospital or Sanitarium" uses are a Special Permit "Use."

The Common Council is the approving agency for the following:

- 1.) Amended Site Plan / Special Permit Approval - Section 7

A Public Hearing may be scheduled at your pleasure and referrals can be made to various city departments and boards.

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

Date: October 3, 2019

Submission: Cover letter prepared by Mr. William Null of Cuddy and Feder, dated September 19, 2019; drawings as listed on page 3 of the aforementioned Null letter; a Short Environmental Assessment Form dated September 4, 2019; and a copy of a license agreement associated with the Davis Avenue pedestrian bridge.

09/19/2019

BY HAND

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

RE: White Plains Hospital (Longview Sky Bridge)

Dear Mayor Roach and Members of the Common Council:

On behalf of the White Plains Hospital (the "Hospital"), we respectfully submit an Amended Site Plan and Special Permit Application to construct the

Longview Sky Bridge connecting the new Hospital Office Building at the northwest corner of Maple and Longview Avenues to the Longview Municipal Parking Garage.

As you know, the Hospital's approximately 7.6-acre Campus is bounded on the north by East Post Road, on the south by Maple Avenue, on the east by Longview Avenue and on the west by South Lexington Avenue and Davis Avenue (between which lies the Hospital's parking structure). The Campus is classified in the OR (Office Residential) District and the "hospital" use is permitted.

Last year, the Common Council approved the Hospital's "Modernization IV Project" including the new Hospital Office Building currently under construction at the corner of Maple and Longview Avenues. When the Application for approval of that building was submitted to the Common Council, it was described as having:

... pedestrian entrances from both Longview and Maple Avenues, and bridge connections to the main Hospital buildings. It will also be physically connected to the Center for Cancer Care to the north, which will provide another opportunity for direct pedestrian connection for patients and staff between all facilities at White Plains Hospital campus.

As you may recall, the Hospital's proposed pedestrian bridge connection to the Longview Municipal Garage was shown on the 2009 Master Plan for White Plains Hospital, as well as on its 2013 Master Plan and 2018 Master Plan (albeit the location of the connection has been adjusted to meet the needs of the Hospital Office Building that now is being built).

In fact, the April 30, 2014 "License Agreement by and between The White Plains Hospital and the City of White Plains" for the Davis Avenue Sky Bridge connecting the Hospital's garage to the entry lobby (copy enclosed) describes the future construction of the Longview Sky Bridge, as follows:

9. In addition to the above-referenced improvements, the following aspects of the Hospital's improvements comprising its Master Plan are planned to be constructed with a possible longer term completion date than the next five (5) years:

\* \* \* \*

e) A connecting pedestrian bridge to the new Longview Municipal Parking Garage is planned to be constructed with an elevator and stairway tower situated on the Hospital's property to serve the Hospital building (the "Longview Bridge"), the Dickstein Cancer Center, and 71 East Post Road building (which building is planned to be modified or demolished and reconstructed to accommodate Hospital facilities).

The Longview Sky Bridge is proposed to connect the second floor of the Hospital Office Building to the third floor of the Longview Municipal Parking Garage. The single-story, steel spandrel bridge structure will be glass-enclosed and similar in design to the existing Davis Avenue Sky Bridge. An elevator and stairway will provide access from the Sky Bridge to both the Hospital Office Building and the Center for Cancer Care (i.e., the combined Dickstein Cancer

Center and newly constructed 71 East Post Road building). The Longview Sky Bridge will provide a safe, secure means for pedestrian circulation by visitors, hospital staff and professionals between the Longview Municipal Parking Garage and both the Hospital Office Building and the Center for Cancer Care without needing to navigate an at-grade crossing of Longview Avenue. The bridge structure is 18-feet, 4-inches in height set a minimum clearance above Longview Avenue of 16-feet, 6-inches. The lighting for the Longview Sky Bridge will be connected to the Hospital Office Building and will be controlled by timers so that night lighting will be minimized.

As noted, earlier, the Davis Avenue Sky Bridge and the other connecting pedestrian bridges serving the Hospital already have received Site Plan and Special Permit Approval from the Common Council. The Master Plan for the Hospital was updated and approved by the Common Council in 2018 and the construction of the Longview Sky Bridge does not require the Master Plan to be updated. However, while the Longview Sky Bridge has been approved in concept as part of the Hospital's Master Plan, the specifics of the design and implementation of the Longview Sky Bridge now are being presented for approval. We also respectfully request that the Common Council grant a License permitting the Longview Sky Bridge to span Longview Avenue (and the adjacent sidewalks) to connect to the Longview Municipal Parking Garage.

Accordingly, we respectfully submit thirty-five (35) sets of the following documents (10 full-sized and 26 half-sized) as the Hospital's Amended Site Plan and Special Permit Application:

1. Plans prepared by Perkins Eastman Architects (except as otherwise noted) entitled, "White Plains Hospital - Longview Sky Bridge", dated September 18, 2019 consisting of the following sheets:

a.		COVER SHEET
b.	G-001	OVERALL SITE PLAN
c.	A-001	KEY PLAN - 1st FLOOR
d.	A-002	KEY PLAN - 2ND FLOOR
e.	A-100	PEDESTRIAN BRIDGE 1ST & 2ND FLOOR AND ROOF PLAN
f.	A-400	EXTERIOR ELEVATIONS
g.	A-401	EXTERIOR SECTIONS
h.	A-402	CONNECTION DETAILS
i.	C-100	SITE PLAN
j.	C-400	GRADING, UTILITY & SOIL EROSION & SEDIMENT CONTROL PLAN
k.	C-501	DETAILS - 1
l.	C-502	DETAILS - 2
m.	V-001.0	PARTIAL BOUNDARY & TOPOGRAPHIC SURVEY <sup>1</sup>

2. In addition, we respectfully enclose a Short Environmental Assessment Form, together with an 11" x 17" color booklet with the following images, dated September 18, 2019, prepared by Perkins Eastman Architects:

- "Hospital Office Building Site Plan";

<sup>1</sup> Survey, dated August 14, 2019, prepared by Control Point Associates, Inc.

- "Hospital Office Building Program Stacking Diagram";
- "Longview Sky Bridge";
- "Davis Sky Bridge"; and
- "White Plains Hospital 2018 Facility Master Plan".

Please note that the Stormwater Pollution Prevention Plan and EAF have been provided to the Department of Public Works for its review.

We respectfully request that the Common Council schedule a Public Hearing for consideration of the Amended Special Permit described herein.

We look forward to appearing before you and thank you for your consideration.

Respectfully yours,

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William S. Null

WSN:yp  
Enclosures

Cc: John G. Callahan, Esq., Chief-of-Staff and Corporation Counsel; Mr. Christopher Gomez, Commissioner of Planning; Mr. Damon Amadio, Commissioner of Building; Mr. Rick Hope, Commissioner of Public Works; Ms. Susan Fox, President & CEO, White Plains Hospital; Mr. Laurence Smith, Chairman, White Plains Hospital; Mr. Joseph Mannino, Vice President, Facilities Management and Construction, White Plains Hospital; Mr. J. Michael Divney; Mr. L. Bradford Perkins and Ms. Renata Zednick, Perkins Eastman Architects; Mr. Luke Daur, P.E.; Dr. John Collins, P.E.; and Mr. Wajdi Atallah, SBI Consultants, Inc.

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Communication from the Budget Director.

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

Mrs. Lecuona seconded the motion.

Carried.

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

Submitted herewith is the Capital Improvement Program Status Report for the Fiscal Year ended June 30, 2019.

Respectfully submitted,

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James Arnett  
Budget Director

Dated: October 7, 2019

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On motion of Council President, seconded and duly carried, the Common Council adjourned the meeting in memory of Hon. Mary Ann Keenan, the first female member of the City of White Plains Common Council. Following is her memoriam which is filed and spread in full upon the minutes.

Whereas, Councilwoman Keenan's passing leaves the City of White Plains mourning the loss of a highly regarded member of the community. At this time, we pause to reflect upon her dedication to the White Plains community; and

Whereas, Mary Ann was born May 21, 1928 in Evanston, Illinois to John and Agnes (nee Mahony) Lizars. She graduated from Harvard University (Radcliff College) in 1949; and

Whereas, Mary Ann married William Keenan in 1950. Their union was blessed with five children: Christopher, Gregory, Leslie, Geoffrey and Joel; and

Whereas, Mary Ann believed government served a vital role and that elected officials had a sacred duty to see that the government they were chosen to lead was not hobbled by self-seekers or stupidity; and

Whereas, Mary Ann utilized her passion, education and experience for public service and the betterment of the community; and

Whereas, Mary Ann has the distinction of being the first woman elected to the White Plains Common Council; and

Whereas, Mary Ann served on the White Plains Common Council from 1974 through 1999. Common Council responsibilities include: adopting a budget, appropriating monies, enacting laws, granting franchises, selling or leasing properties, approving Council appointments to boards and commissions and other appointments as required by law; and

Whereas, White Plains Council members are elected at large and serve 4-year terms. Mary Ann won re-election and served with passion and purpose for more than six terms (25 years); and

Whereas, Mary Ann served on the White Plains Common Council during six Mayoral administrations, Hon. Carl Delfino, Hon. Michael Keating, Hon. Richie Maass, Hon. Alfred DelVecchio, Hon. Sy Schulman and the Hon. Joseph Delfino; and

Whereas, Mary Ann earned her reputation as fiercely principled, unusually practical, fair and always ethical; and

Whereas, Mary Ann was instrumental in the Urban Renewal and development of the White Plains Public Library, White Plains Galleria Mall, the Westchester Mall, the Westchester County Courthouse building, the Public Safety Building on Lexington Avenue and the White Plains TransCenter; and

Whereas, Mary Ann's exemplary life as a dedicated and selfless public servant epitomizes the true meaning of public service; and

Whereas, Mary Ann had a positive and uplifting impact in our community. Her legacy is inspirational to the community and a testament to her dedication to doing the most good for the residents of the City of White Plains. She will be missed by those who benefited by her vision, dedication, leadership and friendship; and now

Therefore, it is with heartfelt sympathy this official citation is bestowed to "MAK's" bereaved family and all those that hold the Honorable Mary Ann Keenan in high regard. May she rest in peace.

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City Clerk